



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 22 NOVEMBER 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

PRESENTATION OF CHEQUES TO COMMUNITY ORGANISATIONS BY THE MAYOR

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 8 November 2005

Minutes numbered 453 to 479

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Objection to Council's Outdoor Dining & Footpath Trading Policy - (Forty-Two [42] Signatures)** 1

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File: S03004

"We, the undersigned, would like to voice our disapproval regarding your footpath trading policy for retail shops at Roseville.

Please protect our village atmosphere."

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 **1151 to 1153 Pacific Highway & 4 to 8 Bobbin Head Road, Pymble - Demolition Of Existing Dwellings & Construction of Three Residential Flat Buildings Comprising 68 Residential Units, Basement Car Spaces, Landscaping & Swimming Pool** 2

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File: DA0661/05-2

Ward: Wahroonga

Applicant: Pymble Development Pty Ltd

Owner: Seo's Construction and Technology, S. & H. Suh, D. Leim

To determine development application No. 0661/05 which seeks consent for the demolition of existing dwellings and construction of three residential flat buildings comprising 68 residential units, basement car spaces, landscaping and swimming pool.

Recommendation:

Approval

GB.2 1215 Pacific Highway, Turramurra - Demolition of Two (2) Residential Dwelling Houses & Construction of One (1) x Five (5) Storey Residential Flat Building Comprising Thirty (30) Units & Basement Car Parking 96

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File: DA0680/05

Ward: Wahroonga
Applicant: PHT Pty Ltd
Owner: PHT Pty Ltd

To determine development application No. 0680/05, which seeks consent for the demolition of two (2) residential dwelling houses and construction of one five storey residential flat building, comprising thirty (30) units and basement parking.

Recommendation:

Approval.

GB.3 1219 to 1223 Pacific Highway, Turramurra - Demolition of Two (2) Residential Dwelling Houses & Construction of One (1) Residential Flat Building of 33 Units & Basement Car Parking. 169

.
File: DA0681/05

Ward: Wahroonga
Applicant: PHT Pty Ltd
Owner: PHT Pty Ltd

To determine development application No.0681/05, which seeks consent for demolition of two (2) residential dwelling houses and construction of one (1) x five (5) storey residential flat buildings comprising thirty-three units and basement car parking.

Recommendation:

Approval.

GB.4 19 Fairlawn Avenue, Turramurra 245

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File: DA0487/05

To determine Development Application No. 487/05, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy. The application was called to Council by Councillors Cross and Ebbeck.

Supplementary report to Council.

Recommendation:

Approval.

- GB.5 **2A & 2B Killara Avenue, Killara - Section 82A Review of Council's Refusal of the Demolition of Existing Houses & Construction of a Residential Flat Building Comprising Eighteen (18) Units, Thirty-Eight (38) Basement Car Spaces & Associated Landscaping** **307**

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File: DA1334/04-2

Ward: Gordon

Applicant: Red Sea Investments Pty Ltd

Owner: EJ & ME Anderson, P & C Blanden

To review the refusal of Development Application No.1334/04 under Section 82A of the EP&A Act, 1979, which sought consent for the demolition of existing dwellings on site and construction of a single residential flat building.

Recommendation:

Approval

- GB.6 **2005 to 2009 Management Plan First Quarter Review as at 30 September 2005** **414**

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File: S03096

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2005 - 2009 Management Plan.

Recommendation:

That the first quarter Management Plan review 2005 - 2009 be received and noted.

- GB.7 **Budget 2005/2006 1st Quarter Review as at end September 2005** **448**

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File: S03918

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2005.

Recommendation:

That Council approve the budget transfers as outlined in this report.

GB.8 Investment Cash Flow & Loan Liability as at 31 October 2005 533

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File: S02722

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

Recommendation:

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

GB.9 2004 to 2005 Annual Report 542

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File: S02015

To present to Council the Statutory Annual Report for 2004/2005 in accordance with Section 428 of the Local Government Act 1993.

Recommendation:

That the Annual Report for the period, 1 July 2004 to 30 June 2005, be received and noted.

GB.10 Analysis of Land & Environment Court Costs 1st Quarter 2005/2006 545

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File: S02466

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the First Quarter ended 30 September 2005, including appeals commenced, costs incurred by Council and outcomes.

Recommendation:

That the analysis of Land And Environment Court costs for the quarter ended September 2005, be received and noted.

GB.11 Carlotta Avenue Depot Site - Plan of Subdivision 553

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File: S04550

To advise Council on the process to excise a portion of land from the property 1-7 Carlotta Avenue, Gordon, to ensure the requirements of the Depot Site Masterplan are observed.

Recommendation:

That Council approves the subdivision of Lots as outlined in this report, and that a public positive covenant on Lots 1, 2 & 3 will be registered in accordance with the previous resolution of Council.

GB.12 Licence Agreements - Performing Arts Resource Centre 572

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File: P64486

To consider the granting of licence agreements to a number of organisations, and to adopt a Management Plan for the Performing Arts Resource Centre.

Recommendation:

That Council adopt the new Management Plan as presented in this report in place of the current 377 Committee for the Performing Arts Resource Centre, and that licence formalised agreements be negotiated with interested organisations.

GB.13 Ku-ring-gai Access Advisory Committee 581

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 20 October 2005.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 20 October 2005 be received and noted.

GB.14 Revised Draft Ku-ring-gai Community Plan 2005 to 2009 586

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File: S03313

To present to Council the revised draft Ku-ring-gai Community Plan 2005-2009.

Recommendation:

That the revised draft Community Plan 2005-2009 be placed on public exhibition for a period of 28 days then reported back to Council.

GB.15 **Testing of Treated Pine at Child Care Centres**

684

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File: S04278

The purpose of this report is to advise Council of the test results carried out on the treated pine play equipment and soils at various child care centres.

Recommendation:

That the report be received and noted and that the two child care centres be advised of Council's offer of up to \$500 from the Building Maintenance budget for replacement material.

GB.16 **2 to 8 Burleigh Street, Lindfield - Demolition of Existing Structures & Construction of a Residential Flat Building Comprising 31 Units, Basement Car Parking & Landscaping - Supplementary Report**

713

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File: DA62/05

To respond to issues raised at the Council site inspection and seek Council's determination of the development application.

Recommendation:

Approval.

GB.17 **Traffic & Parking Management for Canoon Road Netball Courts**

818

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File: S02268

For Council to consider the proposal presented in this report regarding parking and traffic management at Canoon Road Recreation Area during the winter netball season and relocation of some fixtures to Lofberg Road netball courts.

Recommendation:

That the four courts identified be converted into additional parking spaces and the extra games be moved to Lofberg netball courts. Canoon Road signage installed stating "No Parking" along one side for its full length. The exact configuration to be determined following a review by the Traffic Committee.

GB.18 Calling of an Extraordinary Meeting

847

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File: S04019

To set a meeting date for an Extraordinary Meeting of Council.

Recommendation:

That an Extraordinary Meeting of Council be held on Thursday, 15 December 2005, commencing at 7.00pm to deal with the St Ives Centre Planning - Exhibition of Draft LEP and DCP.

GB.19 Options for Council Ward Changes, Councillor Numbers & Method of Mayoral Election

849

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File: S03733 S03662

In response to Council resolutions of 27 April 2004 and 4 May 2004, the General Manager presented a report to Council on 12 October 2004, in relation to Ward systems, methods of election of Mayor and Councillor numbers. The report was referred to the Policy Review Committee for consideration..

Recommendation:

Should Council wish to proceed with any of the options in this report -

- A. That Council use the constitutional referendum process as outlined in Part 3 of the Local Government Act 1993 (Sections 15 – 20), and Sections 224 and 228
- B. That Council conduct any constitutional referendum during the latter half of 2006
- C. That a further report be brought to Council in 2006 with recommendations for appropriate wording of referendum questions
- D. That for this purpose, extra funds of \$20,000 per year, be programmed into Council's Long Term Financial Model for the financial years 2006–07, 2007–08 and 2008-09.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 **Release of 2002 Council Reports & Plans, Marked Confidential in the Public Interest** 916

File: S02036

Notice of Motion from Councillor T Hall dated 10 November 2005.

I move:

"That the General Manager be directed to release to press and public without any delay, Council's staff and consultant reports and plans tabled in the Closed Meetings under Minute no. EMC18 of 26 September 2002, and under Minute No.517 of 15 October 2002, entitled variously 'Pockley Avenue Roseville-Special Area No.1-Ku-ring-gai Residential Development Strategy' on the basis that this area has now been rezoned pursuant to the Minister's gazette notice of 28 May 2004 and the reason for non-disclosure namely,- S.10A(2)(c)-'Information that would confer a commercial advantage,' no longer applies.

I further move:

That these reports/plans and minutes referred to, be included in the Information Papers of the next Council meeting."

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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Environmental Planning & Assessment Act 1979
(as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

PETITION

OBJECTION TO COUNCIL'S OUTDOOR DINING & FOOTPATH TRADING POLICY - (FORTY-TWO [42] SIGNATURES)

"We, the undersigned, would like to voice our disapproval regarding your footpath trading policy for retail shops at Roseville.

Please protect our village atmosphere."

RECOMMENDATION

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

Item 1

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1151 TO 1153 PACIFIC HIGHWAY AND 4 TO 8 BOBBIN HEAD ROAD, PYMBLE - DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF THREE RESIDENTIAL FLAT BUILDINGS COMPRISING 68 RESIDENTIAL UNITS, BASEMENT CAR SPACES, LANDSCAPING AND SWIMMING POOL
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	DA0661/05
SUBJECT LAND:	1151 to 1153 Pacific Highway and 4-8 Bobbin Head Road, Pymble DA0661/05-2DA0661/05
APPLICANT:	Pymble Development Pty Ltd
OWNER:	Seo's Construction and Technology, S. & H. Suh, D. Leim
DESIGNER:	Robertson & Marks Architects
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPS0 - LEP194, DCP31 - Access, DCP40 - Waste Management, DCP43 - Car Parking, DCP47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP65, SEPP55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	27 June 2005
40 DAY PERIOD EXPIRED:	6 August 2005
PROPOSAL:	Demolition of existing dwellings and construction of three residential flat buildings comprising 68 residential units, basement car spaces, landscaping and swimming pool.
RECOMMENDATION:	Approval

Item 1

DEVELOPMENT APPLICATION N^o
PREMISES:
PROPOSAL:
APPLICANT:
OWNER:
DESIGNER

DA0661/05
1151-1153 PACIFIC HIGHWAY AND 4-8
BOBBIN HEAD ROAD, PYMBLE
DEMOLITION OF EXISTING DWELLINGS AND
CONSTRUCTION OF THREE RESIDENTIAL
FLAT BUILDINGS COMPRISING 68
RESIDENTIAL UNITS, BASEMENT CAR
SPACES, LANDSCAPING AND SWIMMING
POOL
PYMBLE DEVELOPMENT PTY LTD
SEO'S CONSTRUCTION AND TECHNOLOGY,
S. & H. SUH, D. LEIM
ROBERTSON & MARKS ARCHITECTS

PURPOSE FOR REPORT

To determine development application No. 0661/05 which seeks consent for the demolition of existing dwellings and construction of three residential flat buildings comprising 68 residential units, basement car spaces, landscaping and swimming pool.

EXECUTIVE SUMMARY

Issues:

- Consolidated deep soil area
- Setback of ground floor courtyard to Pacific Highway
- Wall plane area to Pacific Highway
- Outdoor living provision
- Single aspect units over 10 metres in depth

Submissions: Four submissions received.

Land & Environment Court Not applicable.

Appeal:

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 0661/04

4 May 2005 Pre-DA meeting. Issues raised:

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- Building separation
- Fencing to the frontages

The above matters were addressed and resolved in the submitted development application plans and with the submissions of revised landscape plans.

27 June 2004 Application lodged.

15 September 2005 Letter to applicant requiring the submission of additional traffic details regarding the neighbouring Sacred Heart Catholic School and the provision of additional planning information.

28 September 2005 Letter from applicant providing supplementary planning information and details regarding the traffic impact upon the school.

29 September 2005 Letter to applicant requesting revised landscape details.

11 October 2005 Meeting between Council Officers and applicant to discuss revised landscape drawings required.

26 October 2005 Submission of revised landscape and architectural plans.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(d3)	
Visual character study category:	1920-1945	
Legal Descriptions:	1151 Pacific Highway	Lot 4 DP548745
	1153 Pacific Highway	Lot 3 DP548745
	4 Bobbin Head Road	Lot 7 DP14540
	6 Bobbin Head Road	Lot A and B DP318181
	8 Bobbin Head Road	Lot 1 DP950990
Heritage affected:	Heritage dwellings within the vicinity at:	
	9 Bobbin Head Road	
	1228 Pacific Highway	
Bush fire prone land:	No	
Endangered species:	Yes – Blue Gum High Forest	
Urban bushland:	No	
Contaminated land:	No	

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Dimensions and topography

The land is of an irregular 'L' shape and has a total area of 6002.5m². Frontages to Bobbin Head Road and the Pacific Highway measure 57.5m and 50m, respectively. The northern boundary has a total length of 91.55 metres. The western boundary measures approximately 76 + 25 metres. The southern boundary adjoining No. 2 Bobbin Head Road measures 55m, whilst the eastern boundary adjoining No. 2 Bobbin Head Road and No. 1149 Pacific Highway measures 58m.

The western portion of the land (comprising 1151-1153 Pacific Highway) is relatively flat, while the land fronting Bobbin Head Road has a slope towards the rear of 10%.

Improvements

Number 1151-1153 Pacific Highway is occupied by a two storey dwelling, attached carport and garage, driveway and tennis court.

Number 4 Bobbin Head Road consists of a part one and two storey dwelling house.

Number 6 Bobbin Head Road is occupied by a part one and two storey dwelling house.

Number 8 Bobbin Head Road is occupied by a single storey timber cottage.

Vegetation

The existing vegetation on the site consists of predominantly exotic species. Of the ninety-two (92) trees on the site, three are endemic species. The understorey is predominantly exotic plantings and weed species. Ground cover species consists of horticultural specimens, turf and weed species.

Easements

The site is the subject of two easements. A road widening easement affects the frontage to the Pacific Highway and a further easement is provided to drain sewerage over the existing line of the pipes.

Zoning and surrounding land uses

A zoning map is attached to this report. The site is zoned Residential 2(d3). Properties to the east and west of the site are zoned similarly. The properties directly to the north are zoned Residential 2(c2).

Item 1



Development proposals in the vicinity of the site

There are no known development proposals within the vicinity of the site.

Surrounding development:

Surrounding development primarily consists of single residential dwellings houses, and the Sacred Heart Catholic School located immediately opposite Bobbin Head Road.

The properties to the immediate south-east and west of the development site are zoned Residential 2(d3). No applications for residential apartment buildings pursuant to LEP194 have been submitted for these sites. The properties to the immediate north are zoned Residential 2(c2).

THE PROPOSAL

The application proposes the following:

- Demolition of the existing dwellings and structures on site;
- Construction of three five-storey residential flat buildings of 68 units, comprising 2 x 1 bedroom apartments, 48 x 2 bedroom apartments and 18 x 3 bedroom apartments;
- A total of 146 parking spaces, consisting of 120 resident spaces, 16 visitor spaces, 9 disabled resident spaces, and 1 disabled visitor space over 3 basement levels;
- Vehicular access from Bobbin Head Road on the eastern side of the site;

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- Stormwater to be disposed to Bobbin Head Road.
- Associated landscaping works and installation of a swimming pool.

Amended plans dated 26 October 2005

The application was amended at this time to provide for improved landscaping.

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:

Original scheme dated 27 June 2005

1. *Geoffrey and Sharon Herkes, 12 A Bobbin Head Road*
2. *Edward and Donna Chan, 3 Warrangi Street*
3. *Mr M.E. Campbell and Mrs S.L. Campbell, 12 Bobbin Head Road*
4. *Sacred Heart Catholic School, 4 Richard Porter Way.*

The submissions raised the following issues:

Impact upon privacy to No. 12A Bobbin Head Road, in particular the loss of privacy to the living and bedroom areas at the south side of the dwelling, and loss of privacy to the rear yard. No provision of landscaping details along the 12A Bobbin Head Road boundary to the development.

The windows located in the southern elevation of 12A Bobbin Head Road are situated 19 metres distant from the common boundary and 28 metres distant from the proposed Block B. Planting along the development site boundary consists of trees and shrubs to provide for several layers of vegetation, including 6 x *Lagerstroemia indica* (Crepe Myrtle), to a height of 8 metres. Additionally, the neighbouring site occupants at No. 12A Bobbin Head Road have planted a number of trees along their southern boundary which will provide some screening.

Impact to privacy of neighbours at No. 3 Warrangi Street and 12A Bobbin Head Road, in particular resulting from the top floor of the north-east corner of Building B.

Block B (the block closest to 12A Bobbin Head Road) is set back 9.0 metres from this northern zone interface boundary. LEP194 requires that only the third floor and above should be subject to a 9 metres setback, however, the entire block is set back to 9 metres. The development therefore provides for a set back distance which is well in accordance with the standard.

The setback of 9.0 metres will provide for a good degree of landscaping and will ensure that views into the neighbouring properties 12A Bobbin Head Road and 3 Warrangi Street are limited.

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No plans were submitted for public display regarding the removal or retention of vegetation. If replacement vegetation is required, then mature plants of substantial height should be planted initially, with no deciduous plants.

Landscape plans were available during the notification period for neighbours to view. A substantial amount of vegetation is proposed and is considered acceptable by Council's Landscape Development Officer.

The entertaining areas at fourth and fifth floor will present noise issues for the neighbouring property 12A Bobbin Head Road. An independent acoustic report must be presented to demonstrate that sound insulation provisions and standards of the Building Code of Australia have been satisfied.

The application provides for a total of 12 balconies facing No.12A Bobbin Head Road, plus two balconies at fifth floor level. As noted above, these will be set back a minimum distance of 9 metres from the boundary of No. 12 A Bobbin Head Road. Furthermore, there will be a number of trees planted along this boundary.

It also needs to be considered that the neighbouring dwelling, No. 12A Bobbin Head Road, has its primary outdoor living areas (including swimming pool) to the north of the dwelling, away from the development site. This is far removed from the development site (at 32 metres from the boundary) and will not be visually or acoustically adversely impacted by the proposed development.

With regard to acoustic reports, the applicant has submitted an acoustic report with respect to the Pacific Highway. The application will be required to meet the sound insulation provisions of the Building Code of Australia.

In order to have no impact upon 12A Bobbin head Road, the height of the Building B should be limited to three storeys.

The Residential 2(d3) zoning which applies to the site provides for development to a height of five storeys.

The increased traffic flow is of concern to the Sacred Heart Catholic School because:

- a. The safety of the primary school children will be jeopardised.*
- b. The traffic existing from the units is able to move across the road into the left lane to enter the Pacific Highway. This means that the traffic could move in front of existing buses without appropriate vision of other traffic and children.*
- c. Exiting traffic from the school also crosses over the road to travel down Bobbin Head Road and thus avoiding the heavy traffic flow on the Pacific Highway. This could create a situation where cars move in opposite directions with a bus load of children between them.*
- d. There is limited signaling for the 40km zone, no flashing lights to signal the School complex and increased traffic already evident as cars try to avoid the Pacific Highway.*

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It is imperative that the safety of the children at the Sacred Heart School and their families using Bobbin Head Road that a traffic report be submitted before any decision is made.

The application has been carefully considered by Council's Development Engineer, who considers that the traffic impact will be satisfactory.

Amended plans dated 26 October 2005

Only minor revision of the plans occurred and the amended plans were not notified as the revisions only provided for increased landscaping and corresponding drainage arrangements.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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

Principle 1: Context

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

This site addresses Bobbin Head Road and Pacific Highway, in an L-shaped site. It is zoned 2(d3), and is the corner site. It is adjoined to the north by a lower density residential zone, and zoning transition controls apply along the northern boundary. The proposed development is set back sufficiently from Bobbin Head Road and Pacific Highway to relate to the future context of the 2 (d3) developments on the corner and along Pacific Highway.

Principle 2: Scale

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

The scale is acceptable, as the development complies with the LEP 194 and DCP 55 building height and building length controls.

Principle 3: Built form

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

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The development has been broken into 3 buildings, to create relatively short, object-like buildings within a landscape setting. This complies with the objectives of LEP 194 and DCP 55 in this respect.

The front, side and rear setbacks comply with LEP 194 and DCP 55. The separation distances between the buildings, of a minimum of 12m, comply with SEPP 65 guidelines and DCP 55.

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 site coverage by building and the deep soil area comply with LEP 194.

Principle 5: Resource, energy and water efficiency

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

Greater than 70 % of the apartments achieve 3 hours sunlight to living areas. Greater than 60% of apartments have natural cross ventilation. The lift lobby is naturally lit and ventilated on each floor. A water retention / detention tank is provided.

The building depths range from 22m to 30m deep, which exceed the recommended building depth of 18m in the SEPP 65 Residential Flat Design Code. The objective of this guideline is to achieve natural ventilation and sunlight to building interiors. The buildings in this development are able to meet the other standards regarding percentage of cross ventilated apartments and sunlit living areas / balconies, as the buildings are not excessively long. Therefore, while the building depth exceeds the guideline, and the buildings do not excel at natural ventilation and solar access, they meet the minimum standards for percentages of naturally lit and ventilated apartments.

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 design has a range of plant and tree sizes and species in sufficiently dense plantings to provide a landscaped setting for the buildings.

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

Item 1

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 reasonable as access to sunlight and natural ventilation meets SEPP 65 guidelines and there are no issues of visual or acoustic privacy.

Principle 8: Safety and security

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

There are no apparent safety and security issues.

Principle 9: Social dimensions

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

The mix of apartment sizes is acceptable within this area.

Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of 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 buildings exhibit a range of materials, textures and colours to visually articulate the otherwise square and block-like buildings. Adjustable sunscreens provide environmental benefits and visually articulate the facades. The façade compositions are acceptable.

Conclusion and recommendations

It is recommended that this development be approved based on SEPP 65 design criteria.

Consultation within Council was not considered necessary.

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Landscaping

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

Deep Soil Zone (DSZ)

The amended deep soil plan by Knox & Partners, Drawing no. LO – 7 Revision D, dated 24/10/05 is considered satisfactory in relation to the areas nominated for DSZ. The DSZ has been indicated at 50.22% of the site which complies with DCP55. The applicant has relocated sections of the proposed retaining walls to allow for the establishment of tree planting.

Landscape Proposal

The amended planting plan by Knox & Partners, Drawing no. LO-5 Revision C, dated 20/10/05 is not satisfactory and will require the following amendments.

- *To provide sufficient screening of the development from Pacific Hwy 3 x Syzygium paniculatum (Brush Cherry) shall be planted along the western boundary starting from the south western corner at 7 metre centres.*
- *Additional shrub planting that attains a height of 2 to 6 metres is required along the Pacific Hwy and Bobbin Head Road frontages.*
- *To provide a visual screen an additional Eucalyptus saligna (Sydney Blue Gum) shall be planted on the Bobbin Head Road frontage.*
- *To provide visual screening all year round the proposed planting of 2 Koelreutaria paniculata (Golden Rain Tree) located on the eastern side of Block A shall be replaced with 2 Syncarpia glomulifera (Turpentine).*
- *The proposed planting of 2 Eucalyptus saligna (Sydney Blue Gum) and 1 Eucalyptus pilularis (Blackbutt) located on the western boundary between Blocks B & C shall be replaced with 2 x Syncarpia glomulifera (Turpentine).*
- *The proposed planting of 1 Koelreutaria paniculata (Golden Rain Tree) on the western boundary adjacent to Block B shall be replaced with 1 x Syncarpia glomulifera (Turpentine).*
- *To provide visual screening of the development all year round the proposed planting of 9 Lagerstroemia indica (Crepe Myrtle) shall be replaced with evergreen species.*
- *The proposed planting of Ginkgo biloba (Maiden-hair Tree) on the southern boundary adjacent to Block A shall be replaced by 1 Syncarpia glomulifera (Turpentine).*

Stormwater Proposal

*The stormwater plan by Australian Consulting Engineers, Drawing no. D02, Revision C, dated 24/10/05 is not satisfactory and will require the following amendments.
To preserve the following trees the stormwater pit located in the north eastern corner of the site shall be dug by hand no roots > 50mm in diameter removed or severed*

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within the specified radius of the trees trunks. These details shall be indicated on the amended plan.

<i>Tree No. /Species /Location</i>	<i>Radius From Trunk</i>
<i>Tree 432 / Acer palmatum (Japanese Maple) / North eastern corner</i>	<i>3 metres</i>

<i>Tree 382 / Liquidambar styraciflua (Liquidambar) / Bobbin Head Rd nature strip</i>	<i>6 metres</i>
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Setbacks

The setbacks comply with DCP 55 and are considered satisfactory in relation to landscape issues. Proposed retaining walls have been relocated along the western and southern boundaries to make the DSZ more viable in relation to tree planting.

Tree Removal

No objection is raised to the removal of the following trees. Only mature/significant trees in relation to height are listed.

Tree No. / Species / Height & Condition
Tree 100 / Liquidambar styraciflua (Liquidambar) / 14 metres high in good condition
Tree 101 / Brachychiton acerifolius (Flame Tree) / 12 metres high in poor condition
Tree 108 / Eucalyptus scoparia (Willow Gum) / 14 metres high in fair condition
Tree 329 / Ulmus sp. (Elm) / 18 metres high in good condition
Tree 402 / Jacaranda mimosifolia (Jacaranda) / 12 metres high in good condition
Tree 593 / Brachychiton acerifolius (Flame Tree) / 14 metres high in poor condition
Tree 594 / Syzygium sp. (Lillypilly) / 20 metres high, unstable due to poor pruning
Tree 597 / Liquidambar styraciflua (Liquidambar) / 18 metres high, unstable due to poor pruning

There is very little vegetation on the site that is worth preserving except for Tree 203 a Eucalyptus saligna (Sydney Blue Gum) located on the Pacific Hwy frontage.

The Landscape Section finds the proposal acceptable in relation to landscape issues subject to conditions.'

Engineering

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

'The application is supported subject to conditions.

Stormwater management

The stormwater drainage plans submitted demonstrate compliance with Council's Water Management DCP47:

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- On site **retention** of stormwater for domestic re-use within the buildings for toilet, cold laundry and landscape irrigation (total volume of 69 m³).
- On-site **detention** of 112 m³
- Discharging of site runoff to Bobbin Head Rd.

Amendments which may be required by Council's Landscape Development Officer include:

*Deletion or relocation of the grass swales along the boundary;
Relocation of the lines from the retention tank to the detention tank and from the detention tank to the street drainage pit to avoid significant trees;*

Subject to these amendments, the proposed stormwater management is satisfactory.

Traffic generation and vehicle access and accommodation arrangements

The traffic report contains a couple of anomalies – the total number of parking spaces required is 103, not 88, and the entry/ exit driveway scales off the architectural plans as over 6 metres wide, despite the statement on page 9 “The single driveway will widen at the property boundary”.

The total number of parking spaces provided is given as 146, which is well in excess of the number required. The dimensions and grades of the basement carpark are in accordance with the recommendations of AS2890.1:2004. The entry/exit driveway will give adequate access to the carpark. It appears that some regrading of the nature strip area may be required to achieve the driveway levels proposed, but this work is not likely to be extensive.

With regard to the traffic generation potential of the development, this is expected to be 25-30 vehicle trips per peak hour, with a 70%/30% split in favour of the peak hour direction. That is, approximately one vehicle every three minutes would leave the site in the morning peak and the same would enter the site in the afternoon peak.

The proposed development has been assessed in view of the Sacred Heart Catholic School opposite. The applicant's traffic consultant has also contributed to this assessment, in their letter of 28 September.

Contrary to the second page of the letter, [“there is currently no identified or signposted school bus zone on Bobbin Head Road, adjacent to the school.”], a site inspection indicates that the signposted bus zone is to the south of the entrance to the school car park and is approximately 40 metres long. It is at least 30 metres from the proposed site entry/ exit. The remainder of the school frontage to Bobbin Head Road is No Parking, Mail Zone and No Stopping.

I inspected the site this afternoon (Monday) and noted that the buses collected the children in the No Parking area opposite the proposed location for the entry/exit to the

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development. I have requested Council's Traffic Section to write to the school and Shorelink and advise them of the correct bus stop location.

Given the location of the parking restrictions opposite the site, southbound traffic leaving the site should be some 30 metres south of the bus stop, and the exit from the school car park is some 15 metres south again. A vehicle leaving the development site southbound should not be moving in front of an exiting bus, but giving way to it.

Similarly, there is no need for cars leaving the two driveways at the same time to have a bus in between them, unless it has moved away from the bus zone, in which case both should be giving way to it.

Because of the off-street pick-up/drop-off zone inside the school grounds, the only children I observed outside the school grounds were in the care of a parent or teacher. I do not consider that the location of the entry/exit driveway is inappropriate.

Waste collection

The waste storage area is located just inside the entry. A roller shutter is shown at the main entrance, however this is not approved as unimpeded access is required for the waste collection vehicle and also for the visitor parking. It appears that there are two suitable locations for security doors which are past these areas, and would allow adequate turning area for the small waste collection vehicle. The recommended conditions require no doors or gates to obstruct the waste area, and also an easement for waste collection to be created upon completion of the development.

Construction management

The traffic report contains a short discussion of likely construction stage considerations. It is likely that a Works Zone will be required along part of the Bobbin Head Road frontage, and the procedures for obtaining approval are given in the recommended conditions.

A detailed construction traffic management plan must be submitted for review by Council Engineers prior to the commencement of any works on site. This has been conditioned. In this case, a prohibition on truck movements in Bobbin Head Road during school drop off/pick up hours is considered to be warranted, and has been included.

Geotechnical investigation

Two boreholes were drilled to 12-13 metres depth. The site is underlain by a thin layer of fill, silty and shaley clays, then laminate, (interbedded sandstone and siltstone) below about 1 to 3 metres depth. The rock was of variable strength, and generally highly fractured.

Excavation of these materials may require some rock hammering, and may also encounter difficulties due to the potential for unfavourable joints to be exposed.

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Vibration monitoring may be required, however this will not be known until the excavation reaches rock level. Dilapidation surveys are recommended for all adjoining structures, and this is included in the recommended conditions.

Rock anchors will most likely be required, and the need to obtain neighbours' approval as well as RTA and/or Council approval for anchors extending into the road reserve is included in the recommended conditions.

A groundwater table is not expected above excavation level, however the report contains the usual recommendations for dealing with the seepage which may occur.

STATUTORY PROVISIONS

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

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

Part 2 sets out design principles against which design review panels and consent authorities may evaluate the merits of a design. This section is to be considered in connection with the comment of Council's *Urban Design Consultant* above. The proposal is assessed against the heads of consideration as follows:

Principle 1: Context:

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

This site addresses Bobbin Head Road and Pacific Highway, in an L-shaped site. It is zoned 2(d3). It is adjoined to the north by a lower density residential zone and zoning transition controls apply along the northern boundary. The proposed development is set back sufficiently from Bobbin Head Road and the Pacific Highway to relate to the future context of the 2 (d3) developments on the corner and along the Pacific Highway.

Principle 2: Scale:

The development meets the prescribed building envelope requirements of LEP194, including building height, deep soil landscaping, site coverage and setbacks. The scale is acceptable.

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.

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

The design, alignment, proportions and elements are consistent with applicable guidelines.

Principle 4 - Density:

The proposed building density is appropriate to the site, having regard to development guidelines contained in LEP194 and DCP55 and the envisaged future character of the area.

Further, the development is compliant with the floor space control and can be adequately serviced by existing infrastructure. The proposed density is therefore acceptable.

Principle 5 - Resource, Energy and Water Efficiency:

The development achieves acceptable results in terms of energy efficiency and cross flow ventilation, with 93% of apartments being cross ventilated and 91% of apartments (62/68) achieving a 4.5 star energy rating. There are ten single aspect units within the development, none of which only have a southern aspect. Seventy-two percent (49/68) of the units will receive three hours or more of sunlight within mid-winter. Sufficient deep soil landscape areas and water retention have been provided.

Principle 6 - Landscape:

The proposal provides for over 50% of the site being a deep soil zone and complies with the prescribed control of LEP 194.

The proposed landscaping is consistent with the desired future character of the area, which seeks large canopy trees to soften the buildings and contribute to the streetscape. Overall, the proposed landscape scheme is appropriate to the physical context of the site and will create a pleasant environment. The proposed landscaping is practical, will not present any difficulty for long term management and is to the satisfaction of Council's Landscape Assessment Officer.

Principle 7 - Amenity:

The proposed units provide for good solar access, cross ventilation and visual and acoustic privacy. Terraces and balconies are well sized, and located, with larger balconies to the penthouses. Each individual unit has its own entry lobby and secure internal access to the basement car park by lift or stairs.

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.

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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:

The external appearance and composition of building elements, textures, materials and colours satisfactorily reflects the use, internal design and structure of the development.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use, and, as such, is unlikely to contain any contamination such that further investigation is not warranted in this case.

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

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

The development has the potential to impact on water quality and volumes to the catchment. Appropriate conditions can be imposed in relation to stormwater management to ensure limited impact upon water courses.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	6002.5m ²	YES
Deep landscaping (min): 50%	50.3% or 3020m ²	YES
Street frontage (min): 30m	57.5m (Bobbin Head Road) 50m (Pacific Highway)	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Storeys and ceiling height (max): 5 storeys and 13.4m	5 storeys Building A: Level 4: 12.65m Building B: Level 4: 11.4m Building C: Level 4: 10.4m	YES
Site coverage (max): 35%	34.96% or 2098.56m ²	YES
Top floor area (max): 60% of level below	Building A: 60% Building B: 59% Building C: 58%	YES
Car parking spaces (min): <ul style="list-style-type: none"> 17 (visitors) 86 (residents) 103 (total) 	17 (+ 1 disabled space) 121 (+ 8 disabled) 147 total	YES
Zone interface setback (min): 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	9m from Zone 2(c2) on northern boundary to buildings A and B	YES
Manageable housing (min): 10% (6.8 units minimum)	10% (7 units are proposed to be adaptable)	YES
Lift access: required if greater than three storeys	Lifts are provided to each building	YES

Residential zone objectives and impact on heritage:

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item: <ul style="list-style-type: none"> 10m setback (1st & 2nd storeys) 15m setback (3rd & 4th storeys) No closer than heritage item from front boundary 	Complies – no adjoining heritage item Complies – no adjoining heritage item Complies – no adjoining heritage item	YES YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 900m² 	500m ²	NO
No. of tall trees required (min): 20 trees	20 trees	YES
Part 4.2 Density:		
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.25:1 (7506m ²)	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 	13-15m from Bobbin Head Road (<40%) 10-12m Pacific Highway(<40%)	YES
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	6m	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 9m (interface zone to northern boundary) 	Side = 6 metres 9 metres provided to zone interface (10 & 12A Bobbin Head Road)	YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	7m setback on Pacific Highway frontage 13m minimum setback on Bobbin Head Road frontage	NO YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	9% to Pacific Highway frontage	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	All elevations facing Bobbin Head Road and Pacific Highway >600mm 109.2m ² to Pacific Highway	YES NO
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	Elevation facing Bobbin Head Road is 30m Elevation facing Pacific Highway is 24.5m All <1.2m	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.5 Residential amenity		
Solar access:		
<ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	72% (49/68) receive 3 hours plus	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	>50%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	13% (9 single aspect units, of which 1 unit (A105) is single aspect with western orientation)	YES
Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		
Storeys 1 to 4		
<ul style="list-style-type: none"> 12m b/w habitable rooms 	12.6m separation between A & B	YES
<ul style="list-style-type: none"> 9m b/w habitable and non-habitable rooms 	12.3m separation between B & C	YES
<ul style="list-style-type: none"> 6m b/w non-habitable rooms 	Minimum separation of 18.8m between windows of closest dwelling No.10 Bobbin Head Road and Building A	YES
5th Storey		
<ul style="list-style-type: none"> 18m b/w habitable rooms 	19m separation between A & B	YES
<ul style="list-style-type: none"> 13m b/w habitable and non-habitable rooms 	18.4m separation between B & C	YES
<ul style="list-style-type: none"> 9m b/w non-habitable rooms 		YES
Internal amenity:		
<ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	2.7m	YES
<ul style="list-style-type: none"> Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	2.7m	YES
<ul style="list-style-type: none"> 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	All bedrooms >3m	YES
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	All bedrooms >3m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	8 units max within Building A All >1.5m or 1.5m All >1.8m or 1.8m	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 Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit primary outdoor space has a minimum dimension of 2.4m 	Unit A102 (1 b/r) 16.67m ² Unit A105 (1 b/r) 19.62m ² A105: 16.67m ² B402: 11.73m ² A304: 14.07 A404: 13.96 C304: 14.00m ² C404: 14.00m ² All > 2.4m	NO YES NO NO YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	76%	YES
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 remainder achieving a 3.5 star rating 	79% cross-ventilated Ten single aspects; A107: 14m deep, A206: 14m deep, A306: 14m, A406: 14m. 62% 4.5 star rating and above = 91% of apartments (62/68) Minimum 3.5 star rating achieved	YES NO YES YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 5 Parking and vehicular access:		
Car parking (min):		
• 86 resident spaces	121 (+ 8 disabled)	YES
• 17 visitor spaces	17 (+ 1 disabled space)	YES
• 103 total spaces	147 total	YES

Part 4.1 Landscape Design:

DCP55 requires that a minimum of 900m² of the deep soil area quantum be consolidated into one area. The development proposes several areas of deep soil zones, the largest area being 500m² adjacent to the Pacific Highway.

The application proposes good side, front and rear setbacks, complies with the site coverage and deep soil zone areas and has the ability to provide for a large number of canopy trees. The size and location of the deep soil zones will provide for good trees around the perimeters of the site and sufficiently integrate the development into the surrounding landscape. The landscape design principles of DCP55 have therefore been satisfied.

Part 4.3 Setbacks:

A setback of 7 metres has been provided to the ground level courtyards on the Pacific Highway frontage, as opposed to the required setback of 8 metres. The extent of infringement is minor, resulting in 10m² within the 7-8m zone. Further, the Pacific Highway frontage will only have a total of 9% as private courtyard area and will accommodate a satisfactory amount of landscaping. The location of the courtyard area is therefore satisfactory.

Part 4.4 Built form and articulation:

A wall plane of 109.2m² has been provided to the Pacific Highway frontage, as opposed to the maximum permissible wall plane area of 81m². The façade treatment at this point is acceptable, due to the oblique presentation to Pacific Highway; the retention of trees #203 (Sydney Blue Gum to 20 metres in height) at this location; the provision of significant additional landscaping in this wedge-shaped area of the site; and finally the introduction of privacy and noise reduction screens on this elevation which will reduce the appearance of bulk.

Generally, as mentioned by the Urban Design consultant 'the buildings exhibit a range of materials, textures and colours to visually articulate the otherwise square and block-like buildings. Adjustable sunscreens provide environmental benefits and visually articulate the facades. The façade compositions are acceptable'.

This non-compliance is therefore acceptable.

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Part 4.5 Residential amenity:

The outdoor living areas of the development present several non-compliances.

Units A102 and A105 at ground floor have been provided with 16.167m² and 19.62m² of outdoor living space respectively, in the form of terrace areas. These are the only one bedroom units within the development. Given that the terraces are provided to one-bedroom areas only, that the terraces will be useable areas with solar access and that the terrace areas meet with the minimum of 2.4 metres in depth, the reduced areas are acceptable. These two units are both of single aspect, with no cross ventilation, however, they do provide for one bedroom units to be accommodated into the development and thus provide for housing mix and affordability.

Unit B402 has been provided with a balcony of 11.73m² in size, as opposed to the required 12m². Given the minor infringement and the dimensions of the balcony at 3m x 4m, the balcony provided is acceptable. Further, the balcony meets with the recommendations of the Residential Flat Design Code, which suggests a depth of 2.4 metres for a table and four chairs.

Units A304, A404, C304 and C404 have been provided with balconies of between 13.96m² and 14.07m² in size, as opposed to the required 15m². The balconies provided measure a minimum dimension of 2.4m in depth, and all gain excellent solar access. The balconies are therefore acceptable.

Five of the units have been provided with two balconies, neither of which meet the minimum dimension of 10m². These non-compliances are all located in Block A, which has been provided with generous articulation and variation. It is this articulation and broken form (particularly on the zone interface) which has resulted in the balconies being 'split'. The balconies still provide for minimum dimensions of 2.4 metres, and will still provide for a table and chairs as required within the Residential Flat Design Code. It is therefore considered that these balconies are acceptable and provide for reasonable levels of residential amenity.

Part 4.8 Resource, energy and water efficiency:

Eleven units are of single aspect, of which five units are of depths greater than the recommended 10 metres. These are units A107 (14 metres) A206 (14 metres), A306 (14 metres) and A406 (14 metres), which are all located above one another on Block A. Each of these units still provide for a NaTHERS rating of 4.5 stars. Additionally, this depth is as measured from the bedroom through to the innermost wall. When measured from the balcony door it will measure a total depth of 11 metres. The unit depths are therefore acceptable.

Part 6 Isolated sites:

The development will still provide for the development of the corner properties 1147 and 1149 Pacific Highway and No. 2 Bobbin Head Road, which will easily meet the area threshold of 2400m² for development pursuant to LEP194.

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Development Control Plan 31 – Access

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

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$1,149,638.20, which is required to be paid by **Condition No.71**.

This figure is calculated on the following basis, utilizing Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

1 x small dwelling (< 75m ²) at \$11,796.40	\$ 11,796.40
45 x medium dwelling (75-110m ²) at \$16,533.54	\$744,009.30
22 x large dwellings (110m ² – 150m ²) at \$23,778.57	\$523,128.54
	Total \$1,278,934.20
Less 4 x very large dwellings (150m ²) at \$32,324.00	\$129,296.00
	Total \$1,149,638.20.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

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ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application 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

THAT the Council, as the consent authority grant development consent to DA 0661/05 for the demolition of existing structures on site and construction of three (3) five storey residential flat buildings comprising sixty-eight (68) units, basement car parking, landscaping and swimming pool on land at 1151-1153 Pacific Highway and 4-8 Bobbin head Road, Pymble, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development shall be carried out in accordance with plans as follows

AR00B1	Rev C	Basement 1 Plan	Dated 25 October 2005
AR00B2	Rev A	Basement 2 Plan	Dated 2 June 2005
AR00B3	Rev A	Basement 3 Plan	Dated 2 June 2005
AR001	Rev B	Level 1 Plan	Dated 25 October 2005
AR002	Rev A	Level 2 Plan	Dated 2 June 2005
AR003	Rev A	Level 3 Plan	Dated 2 June 2005
AR004	Rev A	Level 4 Plan	Dated 2 June 2005
AR005	Rev A	Level 5 Plan	Dated 2 June 2005
AR006	Rev A	Roof Plan	Dated 2 June 2005
AR007	Rev A	Elevations 1	Dated 2 June 2005
AR008	Rev A	Elevations 2	Dated 2 June 2005
AR010	Rev A	Sections 1	Dated 2 June 2005
A DA-101	Rev A	Level 1 Plan	Dated 2 June 2005
A DA-102	Rev A	Level 2 Plan	Dated 2 June 2005
A DA-103	Rev A	Level 3 Plan	Dated 2 June 2005
A DA-104	Rev A	Level 4 Plan	Dated 2 June 2005
A DA-105	Rev A	Level 5 Plan	Dated 2 June 2005
A DA-106	Rev A	Roof Plan	Dated 2 June 2005

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A DA-107	Rev A	Elevations	Dated 2 June 2005
A DA-108	Rev A	Elevations	Dated 2 June 2005
A DA-109	Rev A	Sections	Dated 2 June 2005
A DA A 120	Rev A	Adaptable Unit Layouts	Dated 2 June 2005
B DA-101	Rev A	Level 1	Dated 2 June 2005
B DA-102	Rev A	Level 2	Dated 2 June 2005
B DA-103	Rev A	Level 3 Plan	Dated 2 June 2005
B DA-104	Rev A	Level 4 Plan	Dated 2 June 2005
B DA-105	Rev A	Level 5 Plan	Dated 2 June 2005
B DA-106	Rev A	Roof Plan	Dated 2 June 2005
B DA-107	Rev A	Elevations	Dated 2 June 2005
B DA-108	Rev A	Elevations	Dated 2 June 2005
B DA-109	Rev A	Sections	Dated 2 June 2005
B DA-120	Rev A	Adaptable Unit Layouts	Dated 2 June 2005
C DA-101	Rev A	Level 1 Plan	Dated 2 June 2005
C DA-102	Rev A	Level 2 Plan	Dated 2 June 2005
C DA-103	Rev A	Level 3 Plan	Dated 2 June 2005
C DA-104	Rev A	Level 4 Plan	Dated 2 June 2005
C DA-105	Rev A	Level 5 Plan	Dated 2 June 2005
C DA-106	Rev A	Roof Plan	Dated 2 June 2005
C DA-107	Rev A	Elevations	Dated 2 June 2005
C DA-108	Rev A	Elevations	Dated 2 June 2005
C DA-109	Rev A	Sections	Dated 2 June 2005
C DA-120	Rev A	Adaptable Unit Layouts	Dated 2 June 2005

drawn by Robertson and Marks Architects, and endorsed with Council's approval stamp, except where amended by the following conditions:

- The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
- All building works shall comply with the Building Code of Australia.
- 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.
- The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
- 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.
- 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

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building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.

- d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
19. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.
20. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.
22. If the work involved in the erection or demolition of a building:

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- 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.

23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
28. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
29. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
30. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
31. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

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32. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
33. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
34. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
35. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
36. Fire hoses are to be maintained on site during the course of demolition.
37. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
38. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
39. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- 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.

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40. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
41. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
42. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
43. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
44. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
45. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

46. 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 No. /Species /Location	Radius From Trunk
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres

Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	5 metres
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47. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree No. /Species /Location	Radius From Trunk
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres

Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	5 metres
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48. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
49. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system in Bobbin Head Road, via the stormwater management system on site. The Applicant's attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
50. 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 68m³, 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).
51. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system is to be 118m³, as required by chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47). The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
52. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
53. 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.
54. 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.
55. 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

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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.

56. The adjustment or inclusion of any utility service facilities (including relocation of the power and light pole to make way for the new driveway crossing) must be carried out by the applicant in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services, at the appropriate stage of the development (including power, water, phone, gas and the like). It is assumed that the Applicant has considered such matters in the design and 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.
57. 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.**
58. 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.
59. 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"*.
60. 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.

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61. 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 fixed devices are to be provided in the access driveways to the basement carpark preventing this service. If an alternative system such as a sensor operated door is proposed, details are to be approved by Council's Manager Waste Services.
 62. 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:
 - Excavation methods and techniques appropriate to founding conditions,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,
- Must be undertaken in accordance with the recommendations of the "Report on Geotechnical Investigation – Proposed Residential Development Corner of Bobbin Head Rd & Pacific Hwy. Pymble" by Douglas Partners, project 37892, dated 31st March 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.
63. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the "Report on Geotechnical Investigation – Proposed Residential Development Corner of Bobbin Head Rd & Pacific Hwy. Pymble" by Douglas Partners, project 37892, dated 31st March 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.
 64. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
 65. One hundred and three (103) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
 - 86 - Residential
 - 17 - Visitors/Service Vehicles

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Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. *(Reason: To ensure that adequate parking facilities to service the development are provided on site).*

66. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.

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

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

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

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

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of making good or maintaining "Council property" (as defined) during the course of this project.

70. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
71. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY **\$1,149,638.20**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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72. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

73. The stormwater plan by Australian Consulting Engineers, Drawing no. D02, Revision C, dated 24/10/05 is not approved and will require the following amendments. An amended plan shall be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

To preserve the following trees the stormwater pit located in the north eastern corner of the site shall be dug by hand no roots > 50mm in diameter removed or severed within the specified radius of the trees trunks. These details shall be indicated on the amended plan.

Tree No. /Species /Location	Radius From Trunk
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres

Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	6 metres
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74. The submitted landscape plan Drawing No. LO -5, Revision C prepared by Knox and Partners and dated 20/10/05 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Kuring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- To provide sufficient screening of the development from Pacific Hwy, 3 x *Syzygium paniculatum* (Brush Cherry) shall be planted along the western boundary starting from the south western corner 7 metre centres.
- Additional shrub planting that attains a height of 2 to 6 metres is required along the Pacific Hwy and Bobbin Head Road frontages.
- To provide a visual screen an additional *Eucalyptus saligna* (Sydney Blue Gum) shall be planted on the Bobbin Head Road frontage.
- To provide visual screening all year round the proposed planting of 2 *Koelreutaria paniculata* (Golden Rain Tree) located on the eastern side of lock A shall be replaced with 2 *Syncarpia glomulifera* (Turpentine).

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- The proposed planting of 2 *Eucalyptus saligna* (Sydney Blue Gum) and 1 *Eucalyptus pilularis* (Blackbutt) located on the western boundary between Blocks B & C shall be replaced with 2 x *Syncarpia glomulifera* (Turpentine).
- The proposed planting of 1 *Koelreutaria paniculata* (Golden Rain Tree) shall be replaced with 1 x *Syncarpia glomulifera* (Turpentine).
- To provide visual screening of the development all year round the proposed planting of 9 *Lagerstroemia indica* (Crepe Myrtle) shall be replaced with evergreen species.
- The proposed planting of *Ginkgo biloba* (Maiden-hair Tree) on the southern boundary adjacent to Block A shall be replaced by 1 *Syncarpia glomulifera* (Turpentine).

75. The property shall support a minimum number of 20 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 and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
76. The 19 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
77. A cash bond/bank guarantee of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the Occupation Certificate , 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.

78. A cash bond/bank guarantee of \$19,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

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Tree No. / Species / Bond / Location

Tree 203 / *Eucalyptus saligna* (Sydney Blue Gum) / \$6,000.00 / Pacific Hwy frontage
Tree 382 / *Liquidambar styraciflua* (Liquidambar) / \$3,000.00 / Bobbin Head Rd nature strip
Tree 400 / *Liquidambar styraciflua* (Liquidambar) / \$4,000.00 / Bobbin Head Rd nature strip
Tree 784 / *Liquidambar styraciflua* (Liquidambar) / \$4,000.00 / Bobbin Head Rd nature strip
Tree 432 / *Acer palmatum* (Japanese Maple) / \$1,000.00 / North eastern corner
Tree 429.2 / *Loropetalum chinense* (Chinese Fringe Flower) / \$1,000.00
/ Eastern boundary, adjacent to Block A

79. 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 structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
80. 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 the Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings 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 and RTA 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.

81. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified construction issue 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".

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- 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. Or that the approval of Council's Manager Waste Services has been obtained to the proposed means of access.

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

82. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
83. 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, 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 the Stormwater Drainage

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Plans prepared by Australian Consulting Engineers, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

84. 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, power pole relocation, 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.
85. 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

86. 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. These are:

- 1155 Pacific Highway;
- 2 Bobbin Head Road;
- 1149 Pacific Highway;
- 10 Bobbin Head Road (residence and swimming pool).

The report must be completed by a consulting structural/geotechnical engineer. The dilapidation report 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.

87. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

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

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Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
Location of any proposed crane standing areas,
A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

Traffic Control Plan(s) for the site

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

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.

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.

For traffic and pedestrian amenity, no construction vehicle movements are to occur in Bobbin Head Road during school drop-off and pick-up hours, 8.00 to 9.30am and 2.30 to 4.00pm.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written

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acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

88. 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.

89. 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:

Bobbin Head Road including footpath and kerb and gutter for the full frontage of the development site, extending to the Pacific Highway intersection.

Pacific Highway southbound lane including footpath and kerb and gutter for the full frontage of the development site and extending to the Bobbin Head Road intersection; and

All driveways in Bobbin Head Road opposite the development site.

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.

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.

90. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

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- RTA concurrence to the proposed temporary rock anchors;
 - How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road;
 - That the locations of the rock anchors are registered with Dial Before You Dig;
 - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
 - Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
 - All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.
91. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.
92. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
93. To preserve the following tree/s, no demolition, tree removal or building works shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.
- | | |
|--|-------------------|
| Tree No. /Species /Location | Radius From Trunk |
| Tree 203 / <i>Eucalyptus saligna</i> (Sydney Blue Gum)
/ Pacific Hwy frontage | 5 metres |
| Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar)
/ Bobbin Head Rd nature strip | 2 metres |
| Tree 400 / <i>Liquidambar styraciflua</i> (Liquidambar)
/ Bobbin Head Rd nature strip | 2 metres |

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Tree 784 / *Liquidambar styraciflua* (Liquidambar) 2 metres
/ Bobbin Head Rd nature strip

Tree 432 / *Acer palmatum* (Japanese Maple) 3 metres
/ North eastern corner

Tree 429.2 / *Loropetalum chinense* (Chinese Fringe Flower) 3 metres
/ Eastern boundary, adjacent to Block A

94. 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.
95. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

96. The landscape works, screen planting, canopy replenishment, tree planting shall be installed in accordance with the approved plans and/ or conditions of consent, be completed prior to issue of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
97. The Principal Certifying Authority shall ensure that the landscape works, screen planting, canopy replenishment, tree planting have been installed correctly, faithful to the approved landscape plan(s), specification and the conditions of consent prior to issue of the Occupation Certificate.
98. 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 and layback in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
 - All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public

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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.

99. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

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

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

100. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
101. 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 driveway crossing has a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment.

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.

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102. 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.
 - 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.
103. 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.

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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.

104. 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.
105. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
106. 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.
107. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the "Report on Geotechnical Investigation – Proposed Residential Development Corner of Bobbin Head Rd & Pacific Hwy. Pymble" by Douglas Partners, project 37892, dated 31st March 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.
108. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
 - 1155 Pacific Highway;
 - 2 Bobbin Head Road;
 - 1149 Pacific Highway;
 - 10 Bobbin Head Road (residence and swimming pool).
 - Bobbin Head Road including footpath and kerb and gutter for the full frontage of the development site, extending to the Pacific Highway intersection

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- Pacific Highway southbound lane including footpath and kerb and gutter for the full frontage of the development site and extending to the Bobbin Head Road intersection; and
- All driveways in Bobbin Head Road opposite the development site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime in accordance with a separate consent, then no follow-up report is required.

BUILDING CONDITIONS

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

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

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

110. 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 1

Kerrin Lithgow
Executive Assessment Officer

Mark Leotta
Team Leader
Assessment Team – North

Matthew Prendergast
Manager
Development and Regulation

Michael Miocic
Director
Development and Regulation

Attachments

- Location sketch - 553790
- Zoning extract - 553791
- Site plans - 553792
- Basement and roof plans – 553793
- Elevations and sections – 553794
- Shadow diagrams – 553795
- Roof plan Building A – 553796
- Elevations and sections Building A – 553797
- Roof plan Building B – 553798
- Elevations and sections Building B – 553799
- Roof plan Building C – 553800
- Elevations and sections Building C - 553802
- Landscape plans - 553804

LOCATION SKETCH

1151-1153 Pacific Highway and 4-8 Bobbin Head Road, PYMBLE .

DEVELOPMENT APPLICATION No 0661/05



Scale : 1:2500

02-11-2005



AGREEMENT

OBJECTION

SUBJECT LAND



PETITION

SUBMISSION

CIRCULATED AREA



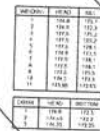
1151-1153 Pacific Hwy & 4-8 Bobbin head Rd Pymble
DA 00C1/05



02-11-2005

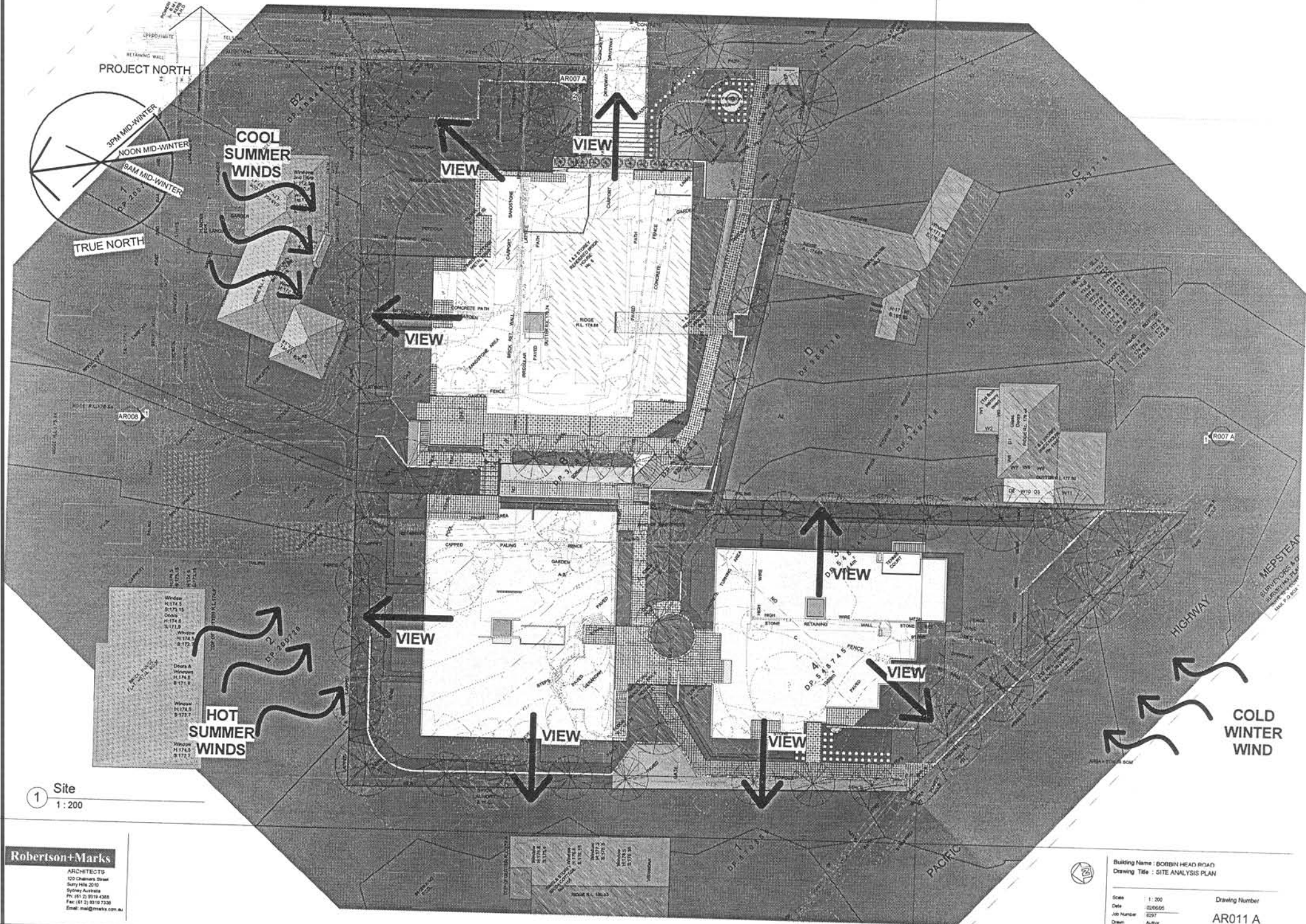
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#	NOVEMBER 2014, ADD	K.S.	18.03.00
A	No. 10 BROAD ROAD ADD		
No.	METHOD DESCRIPTION	WT	DATE

Project:	B & H DRN	Proj. No.	00000001
Subject:	PLAN OF DETAIL, OVER	Amount Paid	0.00
Drawn By:	LOTTI IN DP 000000, A & B IN DP 000000 & C & D IN DP 000000	Per Unit	34.00
Check By:	AT BOBBY HENDRICKS & PACIFIC INSURANCE, TULSA, OKLA.		



1 Site
1 : 200

Robertson+Marks

ARCHITECTS
120 Chalmers Street
Surrey Hills 2010
Sydney Australia
Ph: (61 2) 9318 4388
Fax: (61 2) 9318 7336
Email: rm@robertsonmarks.com.au

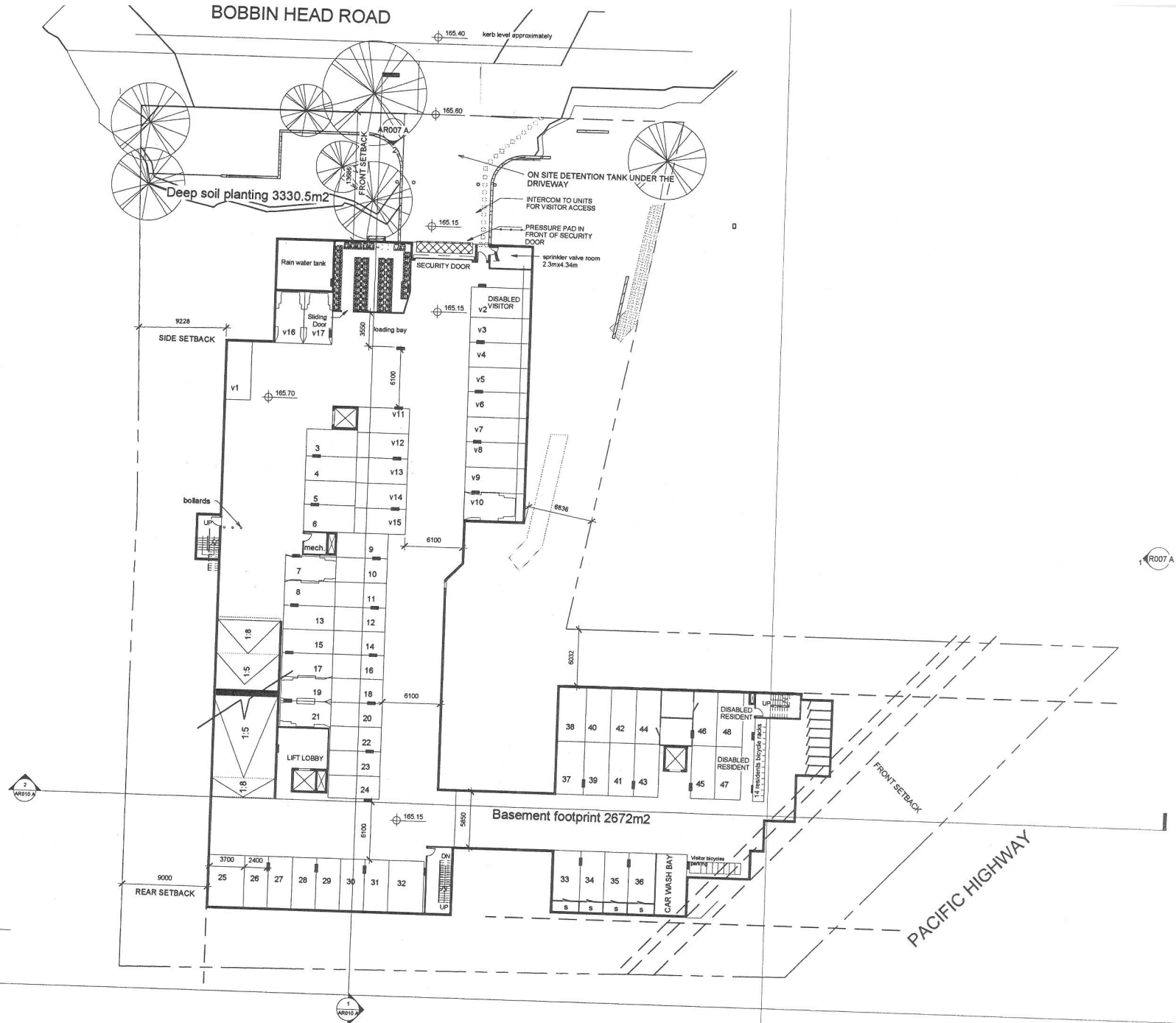


Building Name : BOBBIN HEAD ROAD
Drawing Title : SITE ANALYSIS PLAN

Scale : 1 : 200
Date : 02/05/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR011 A

BOBBIN HEAD ROAD



1 Basement 2
1 : 200

Robertson+Marks

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120 Chalmers Street
Surry Hills 2010
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Ph: (61 2) 9219 4368
Fax: (61 2) 9219 7338
Email: rm@robertson+marks.com.au

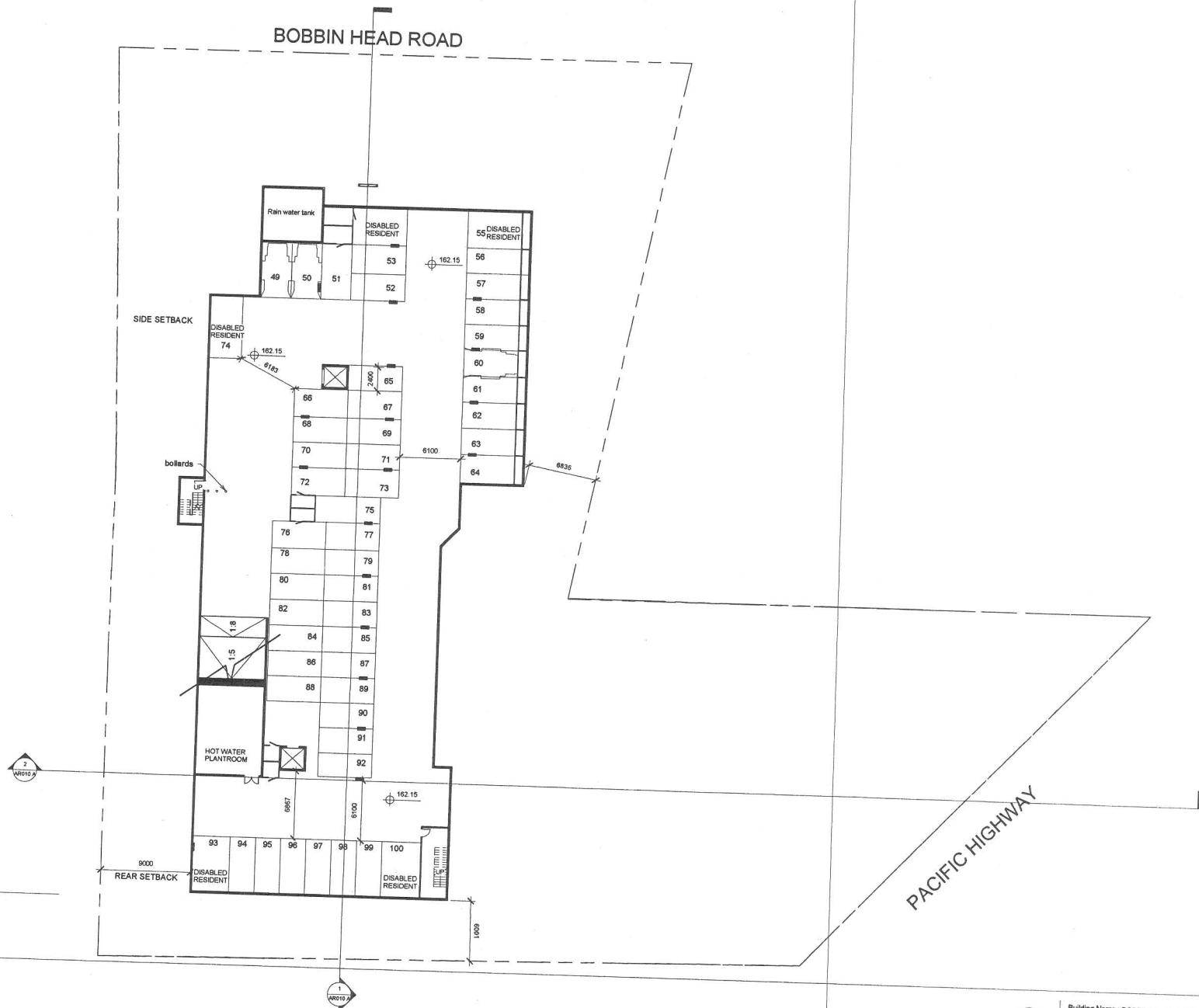


Building Name : BOBBIN HEAD ROAD
Drawing Title : BASEMENT 2 PLAN

Scale : 1 : 200
Date : 02/06/05
Job Number : 6297
Drawn : JS
CAD File :
Authorised by : Approver

Drawing Number
AR00B2 A

BOBBIN HEAD ROAD



1 Basement 3
1:200

Robertson+Marks

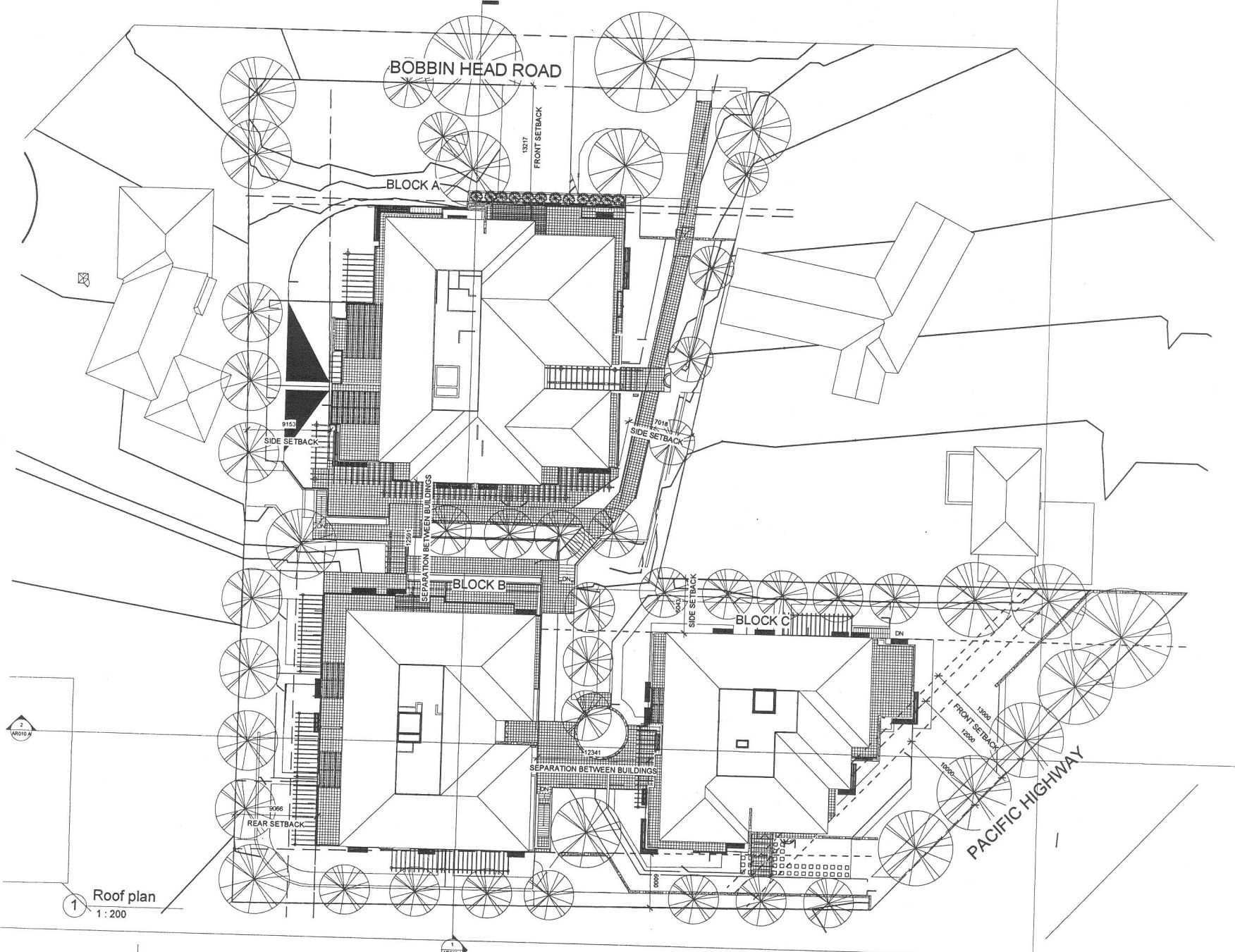
ARCHITECTS
120 Chalmers Street
Surry Hills 2010
Sydney Australia
Ph: (61 2) 9319 4388
Fax: (61 2) 9319 7336
Email: rnm@rmks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : BASEMENT 3 PLAN


Scale : 1:200
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR00B3 A



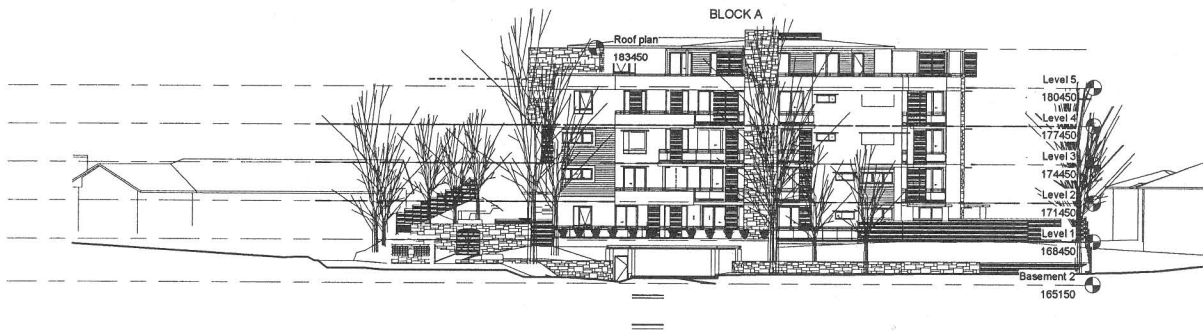
1 Roof plan
1 : 200

Robertson+Marks
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 Surry Hills 2010
 Sydney Australia
 Ph: (61 2) 9319 4388
 Fax: (61 2) 9319 7338
 Email: mail@rmarks.com.au

		Building Name : BOBBIN HEAD ROAD Drawing Title : ROOF PLAN	
Scale	: 1 : 200	Drawing Number	
Date	: 03/06/05	AR006 A	
Job Number	: 6257		
Drawn	: JS		
CAD File			
Authorised by	: Approver		

MATERIALS LEGEND

- RENDER / PAINT
- TIMBER WEATHERBOARD CLADDING
- SELECTED STONE
- TIMBER PERGOLAS
- TIMBER SCREEN LOUVRES



2 BOBBIN HEAD ROAD
1 : 200



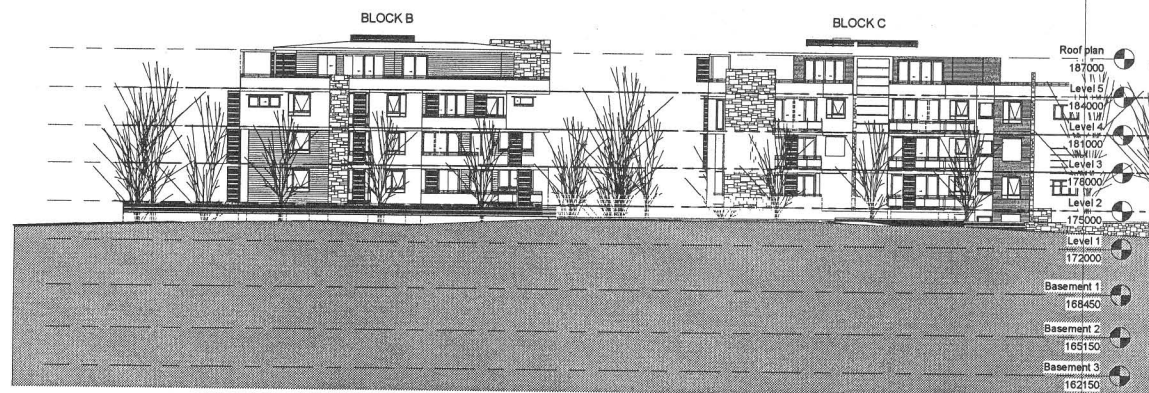
1 SOUTH ELEVATION
1 : 200

MATERIALS LEGEND

-  RENDER / PAINT
-  TIMBER WEATHERBOARD CLADDING
-  SELECTED STONE
-  TIMBER PERGOLAS
-  TIMBER SCREEN LOUVRES



1 NORTH ELEVATION
1 : 200



2 WEST ELEVATION
1 : 200

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





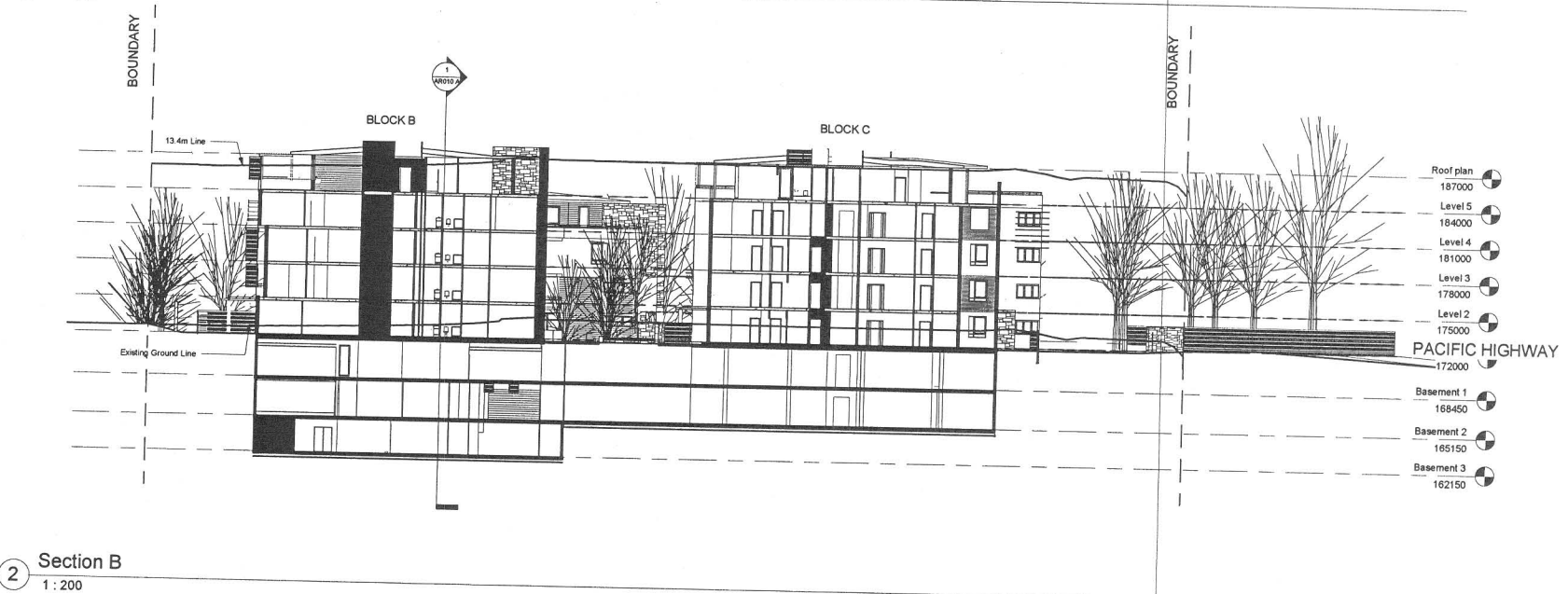
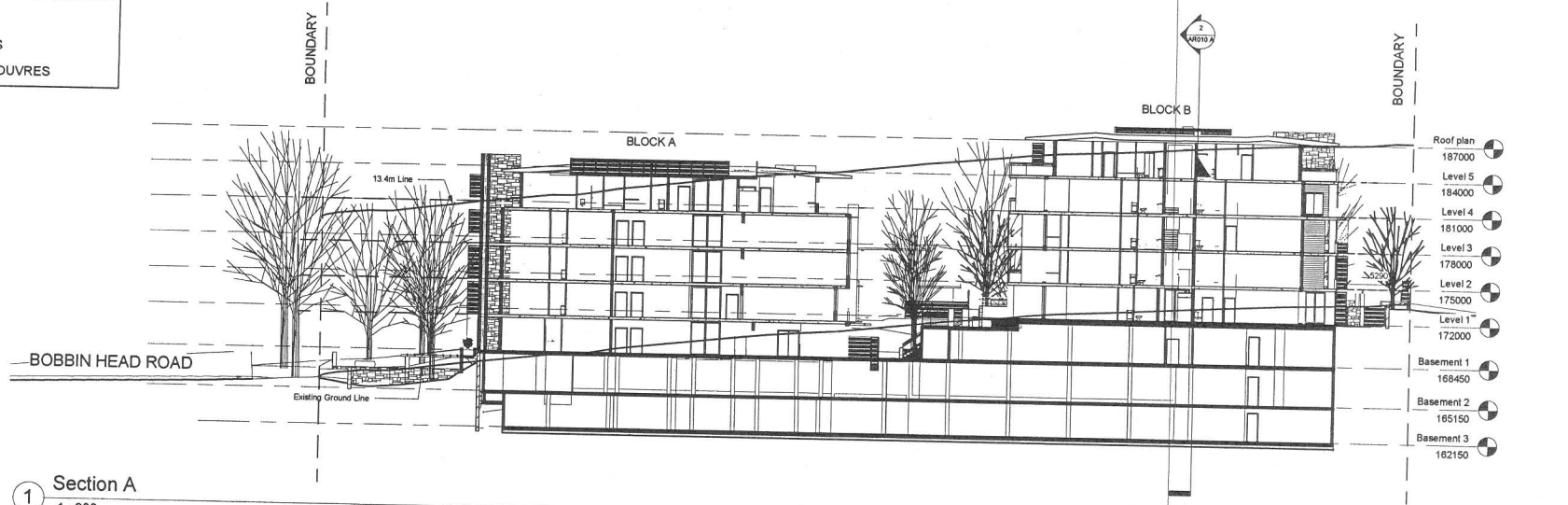
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Drawing Title : ELEVATIONS 2

Scale : 1 : 200
Date : 02/06/05
Job Number : 6297
Drawn : JS
CAD File
Authorised by : Approver

Drawing Number
AR008 A

MATERIALS LEGEND

-  RENDER / PAINT
-  TIMBER WEATHERBOARD CLADDING
-  SELECTED STONE
-  TIMBER PERGOLAS
-  TIMBER SCREEN LOUVRES



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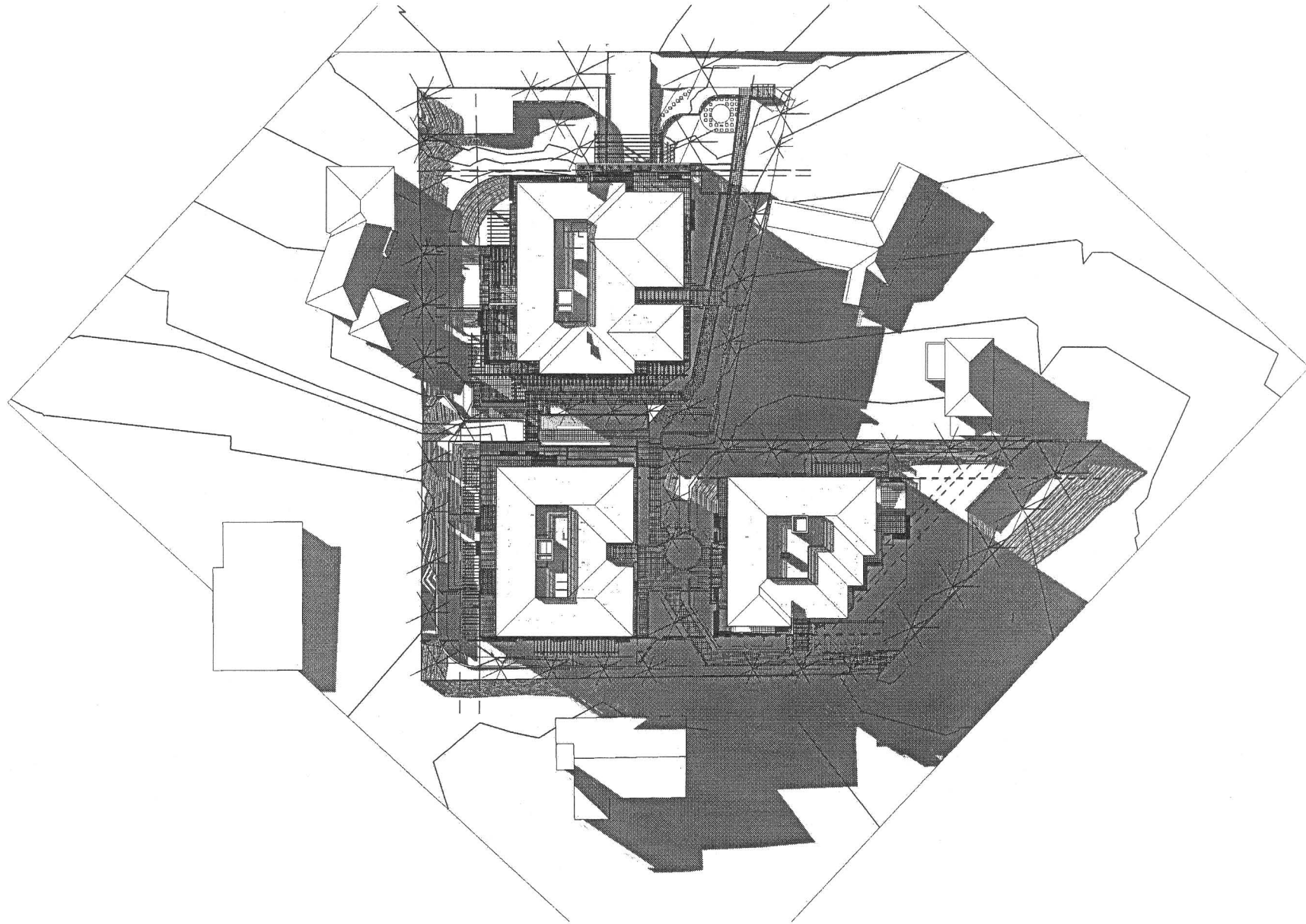
ARCHITECTS
120 Chalmers Street
Surry Hills, 2010
Sydney Australia
Ph: (61 2) 9219 4385
Fax: (61 2) 9219 7338
Email: mail@marks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SECTIONS 1

Scale : 1 : 200
Date : 02/06/05
Job Number : 6287
Drawn : JS
CAD File :
Authorised by : Approver

Drawing Number
AR010 A



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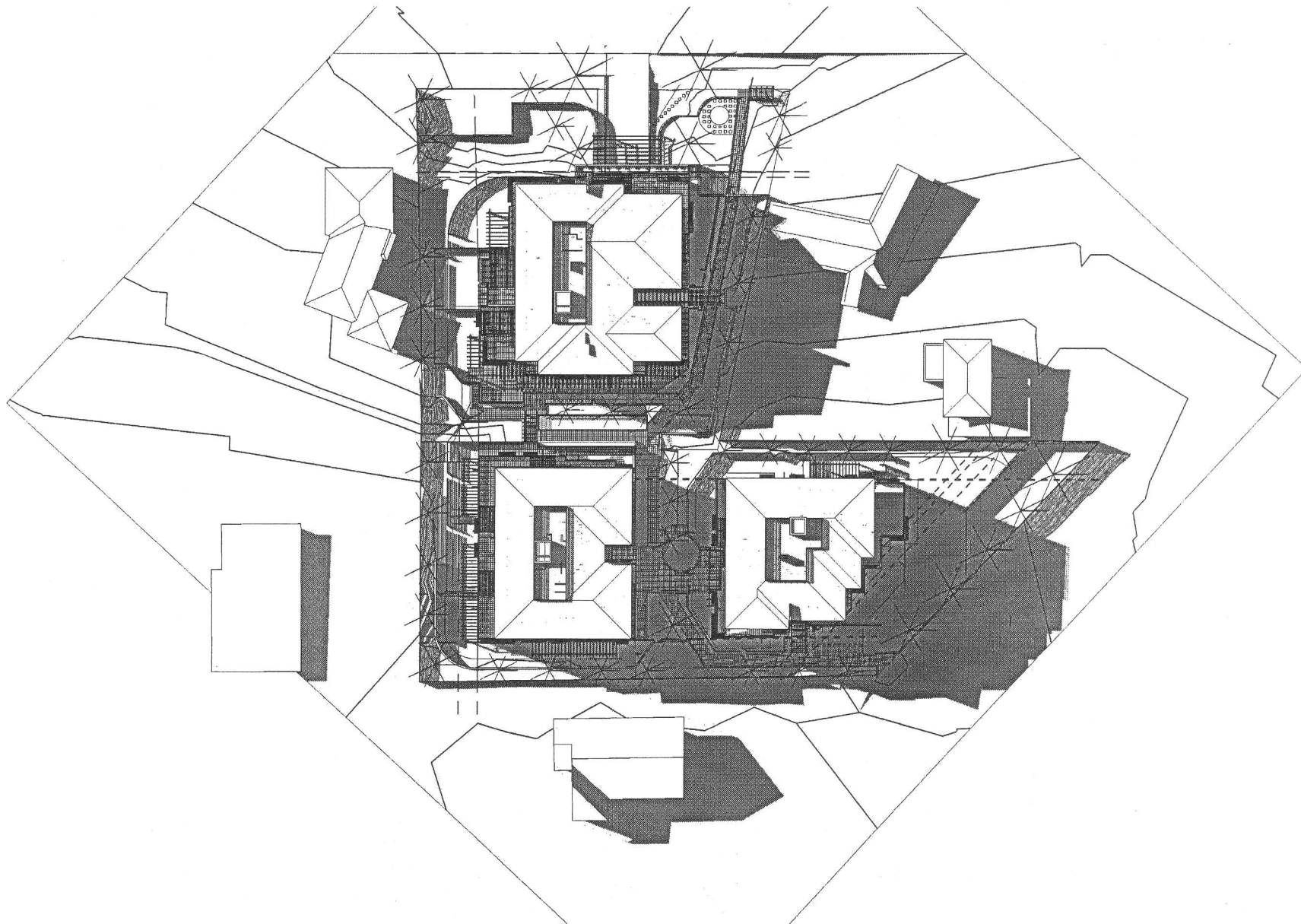
ARCHITECTS
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Surry Hills 2010
Sydney Australia
Ph (61 2) 9319 4368
Fax (61 2) 9319 7338
Email: rm@robertsonmarks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 9AM JUNE 21ST

Scale :
Date : 09/06/05
Job Number : 6267
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR013 A



1 Shadows_10am 21st June

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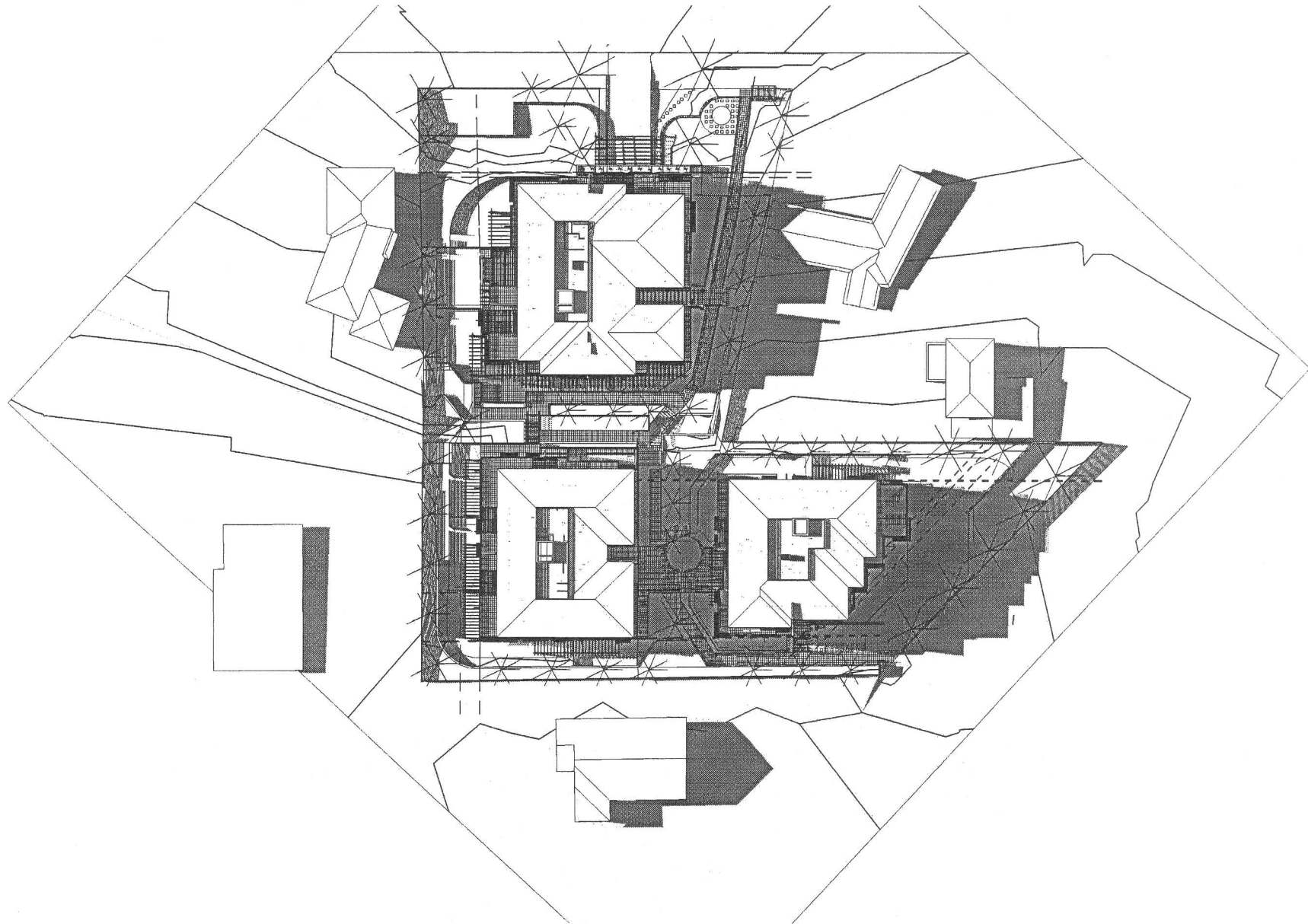
ARCHITECTS
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Sydney Australia
Ph: (61 2) 9019 4388
Fax: (61 2) 9019 7338
Email: mail@marks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 10AM JUNE 21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File
Authorised by : Approver

Drawing Number
AR014 A



1 Shadows_11am 21st June

Robertson+Marks

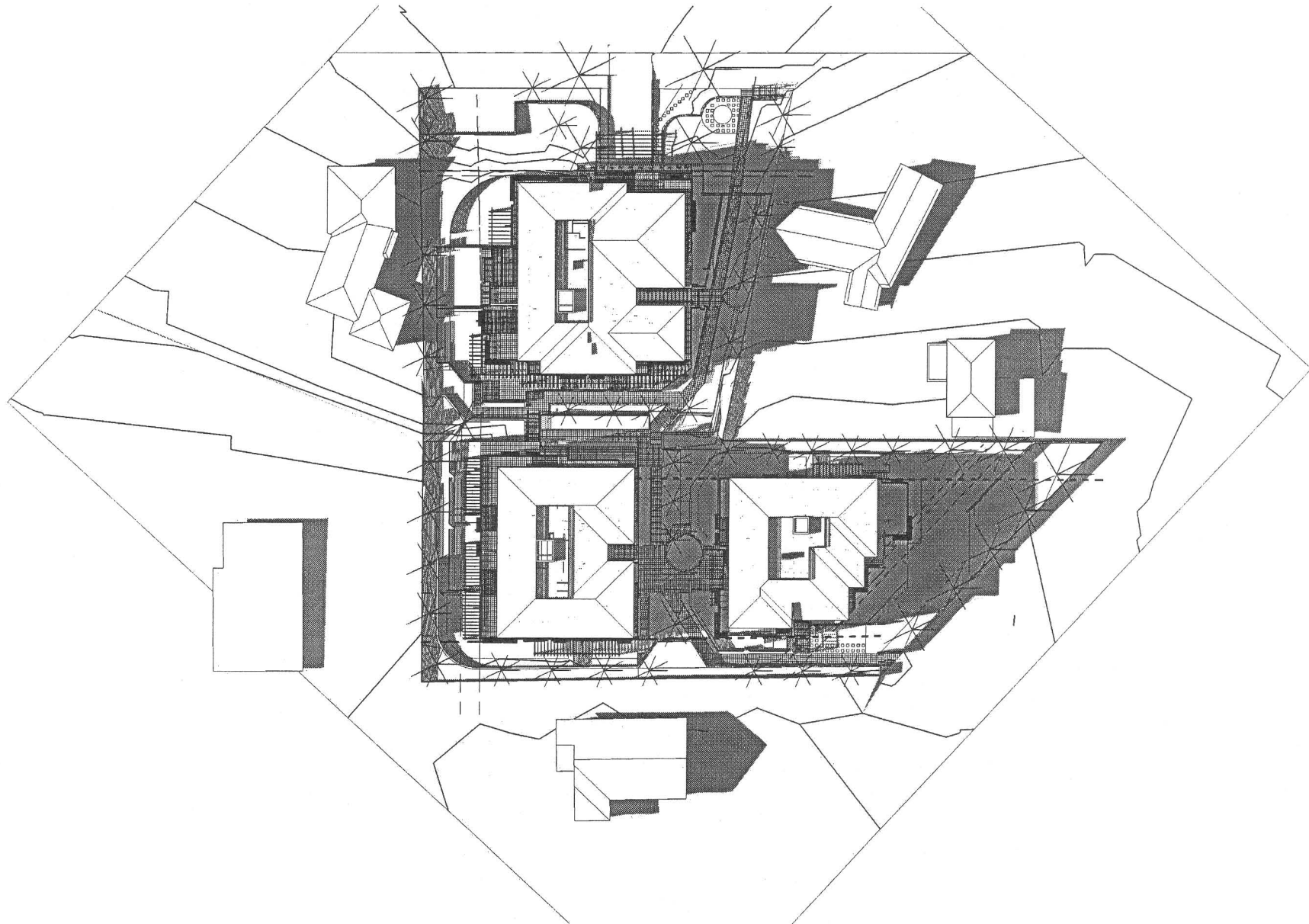
ARCHITECTS
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Ph: (61 2) 9319 4366
Fax: (61 2) 9319 7235
Email: mail@rmarks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 11AM JUNE 21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR015 A



1 Shadows_12pm 21st June

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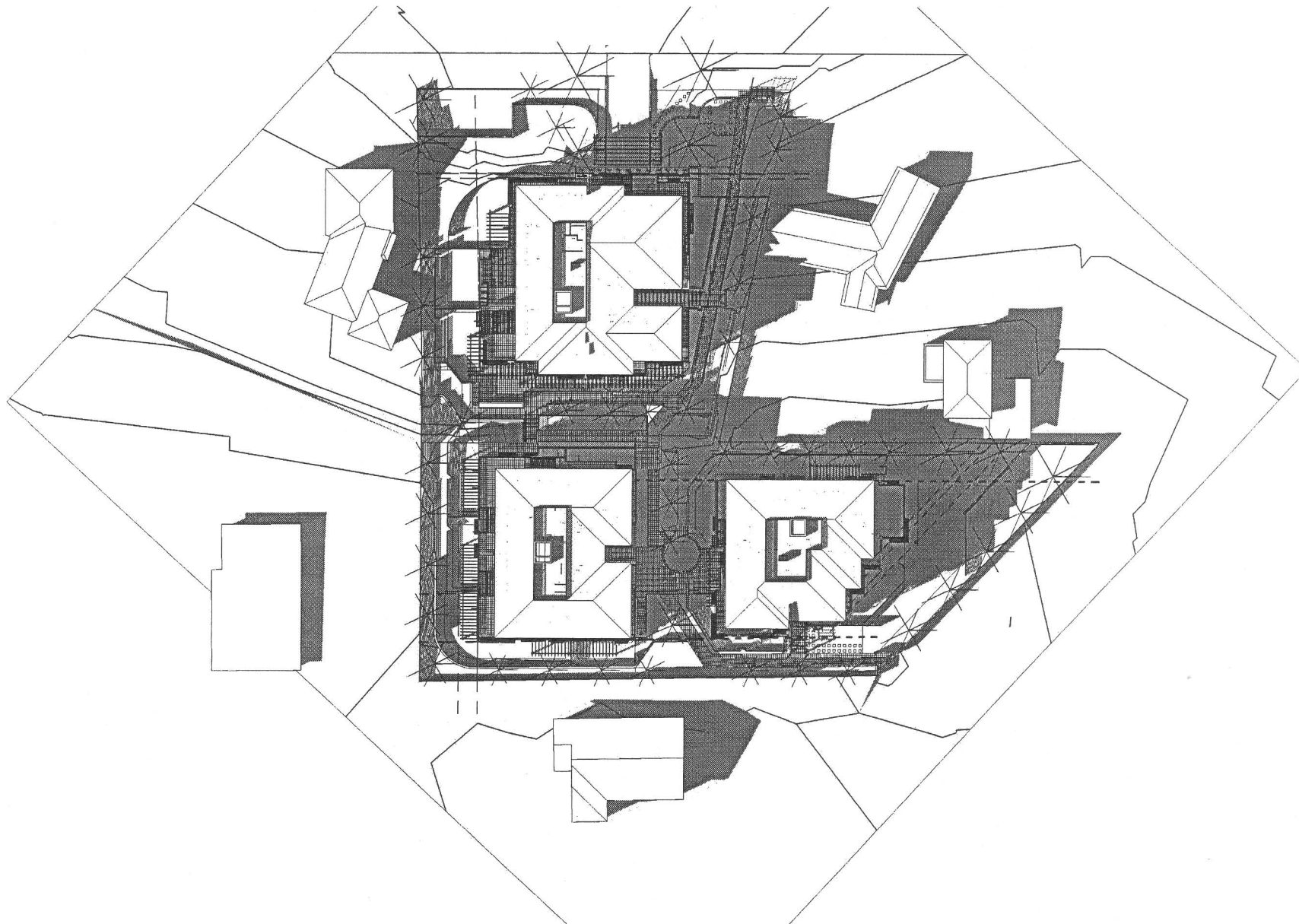
ARCHITECTS
120 Chalmers Street
Surry Hills 2010
Sydney Australia
Ph: (61 2) 9319 4388
Fax: (61 2) 9319 7338
Email: mail@marks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 12PM JUNE 21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR016 A



1 Shadows_01pm 21st June

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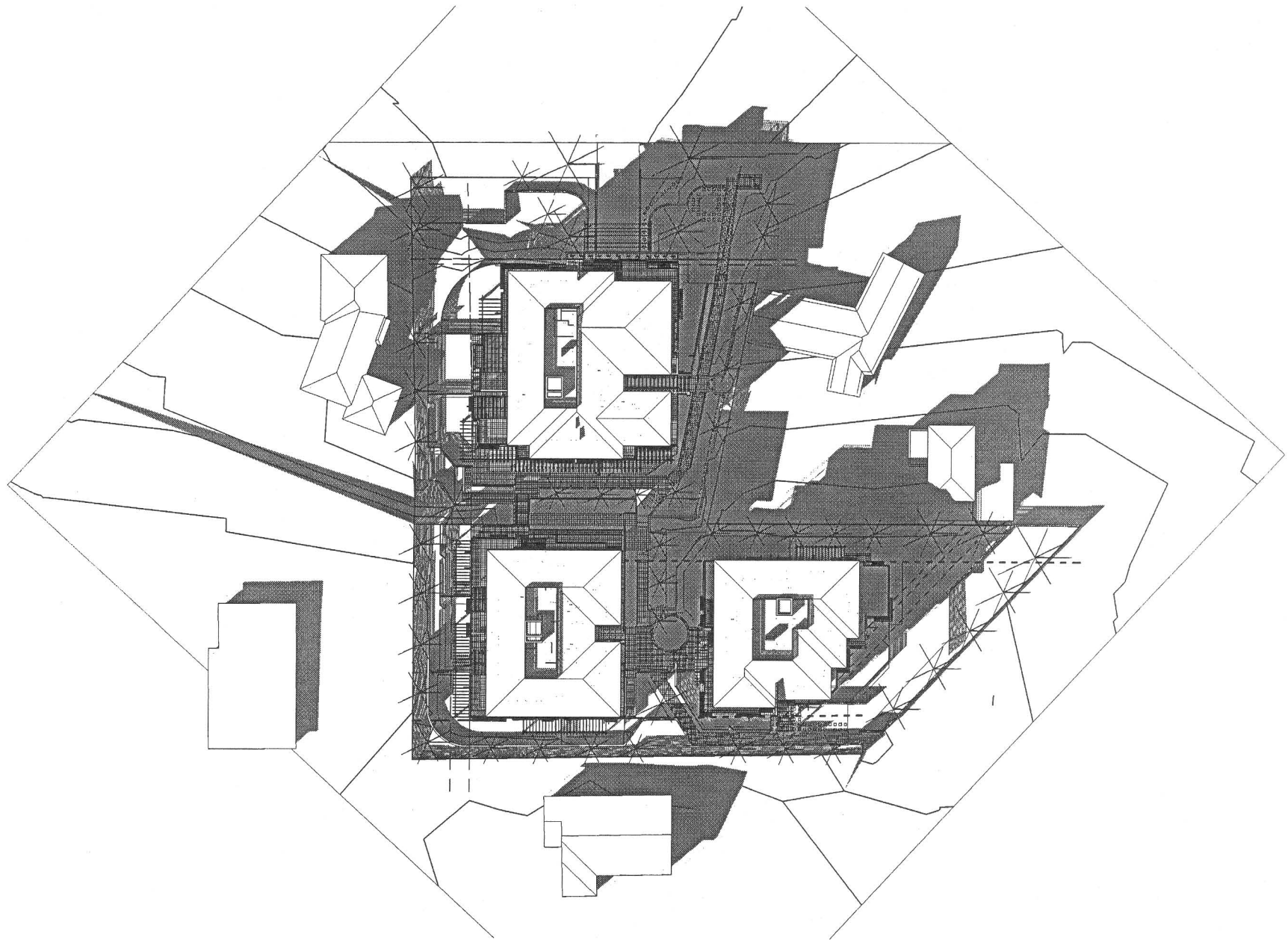
ARCHITECTS
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Sydney Australia
Ph: (61 2) 9319 6388
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Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 01PM JUNE 21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR017 A



1 Shadows_2pm 21st June

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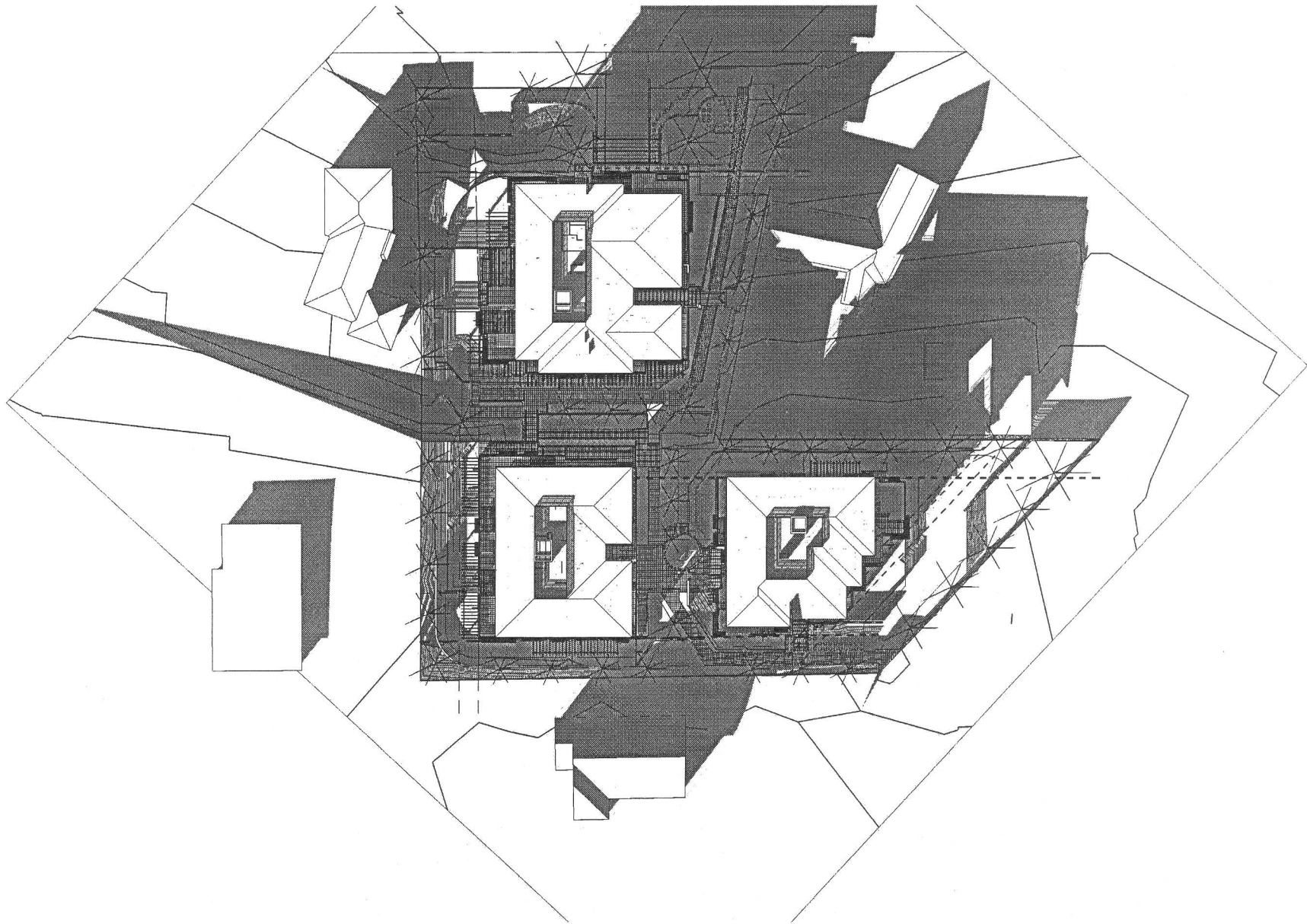
ARCHITECTS
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Fax: (61 2) 9319 7330
Email: rm@marks.com.au



Building Name : ROBBIN HEAD ROAD
Drawing Title : SHADOWS 2PM JUNE 21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR018 A



1 Shadows_3pm 21st June

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Email: mail@marks.com.au

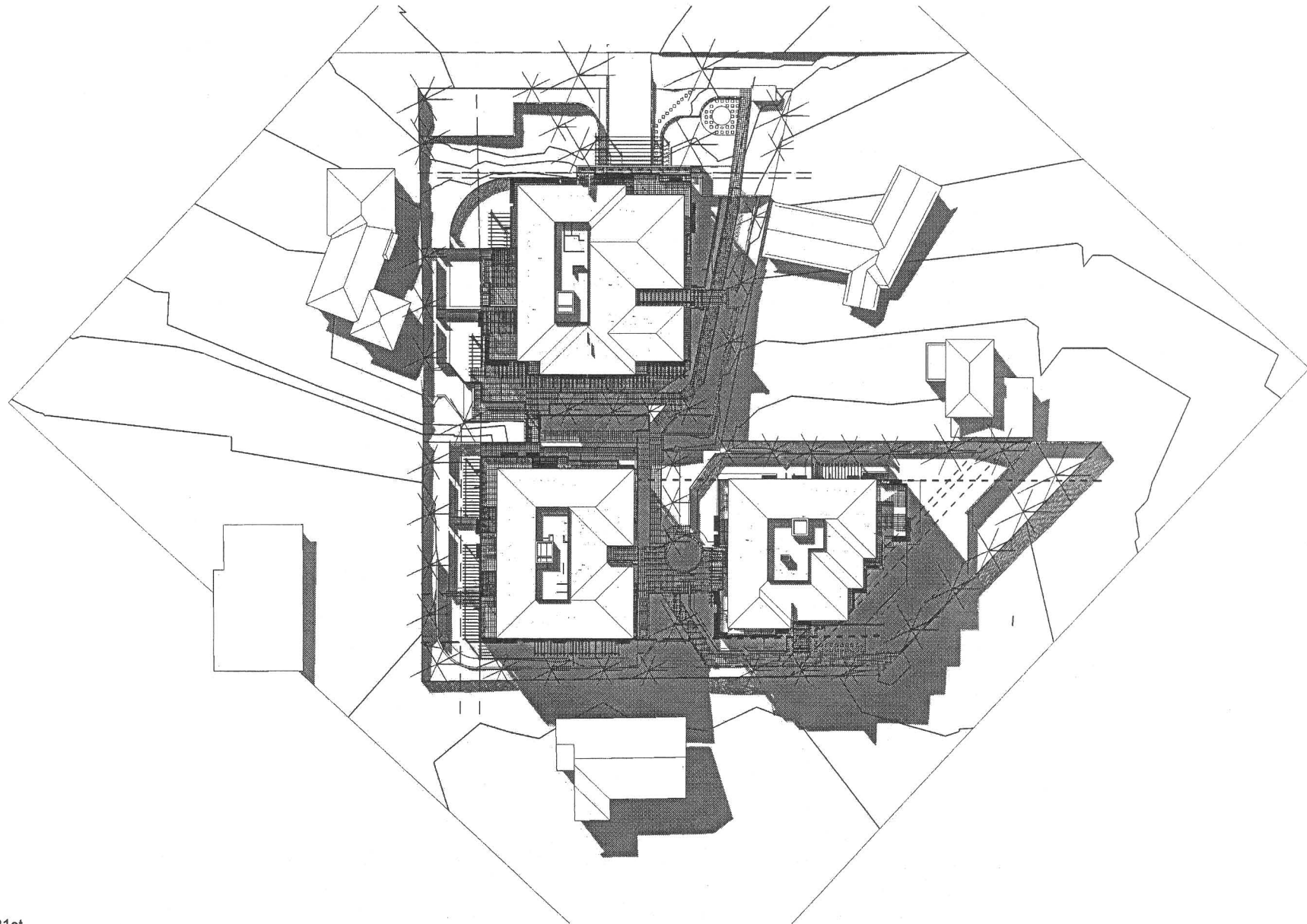


Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 3PM JUNE 21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number

AR019 A



Shadows_9am 21st
 1 March/September

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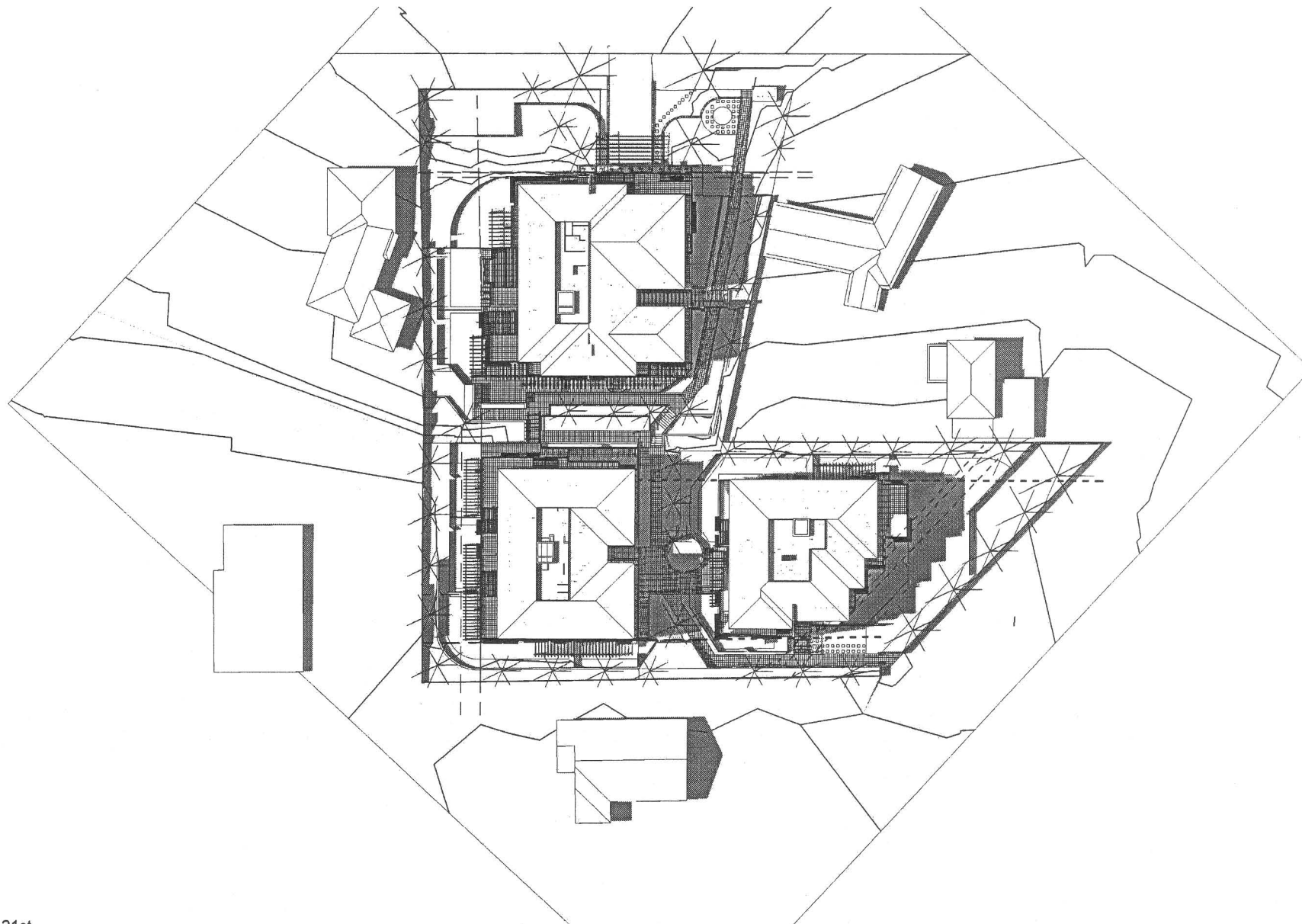
ARCHITECTS
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 Sydney Australia
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 Email: rm@marks.com.au



Building Name : BOBBIN HEAD ROAD
 Drawing Title : SHADOWS SAM 21ST
 MARCH/SEPTEMBER

Scale :
 Date : 03/06/05
 Job Number : 6297
 Drawn : Author
 CAD File :
 Authorised by : Approver

Drawing Number
AR022 A



Shadows_12pm 21st
March/September

Robertson+Marks

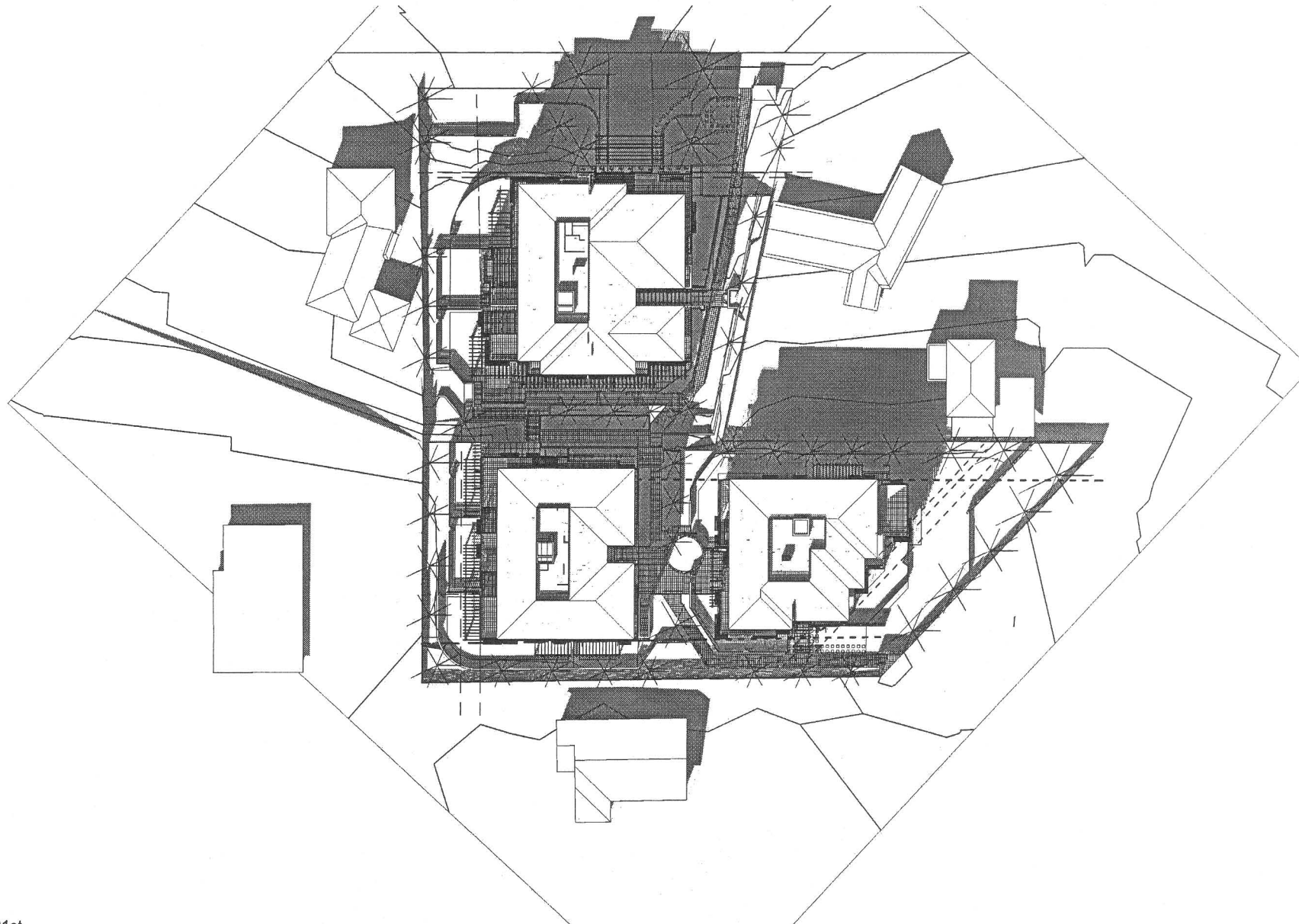
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Sydney Australia
Ph (61 2) 9319 4388
Fax (61 2) 9319 7338
Email: rm@marks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 12PM 21ST
MARCH/SEPTEMBER

Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR023 A



1 Shadows_3pm 21st
March/September

Robertson+Marks

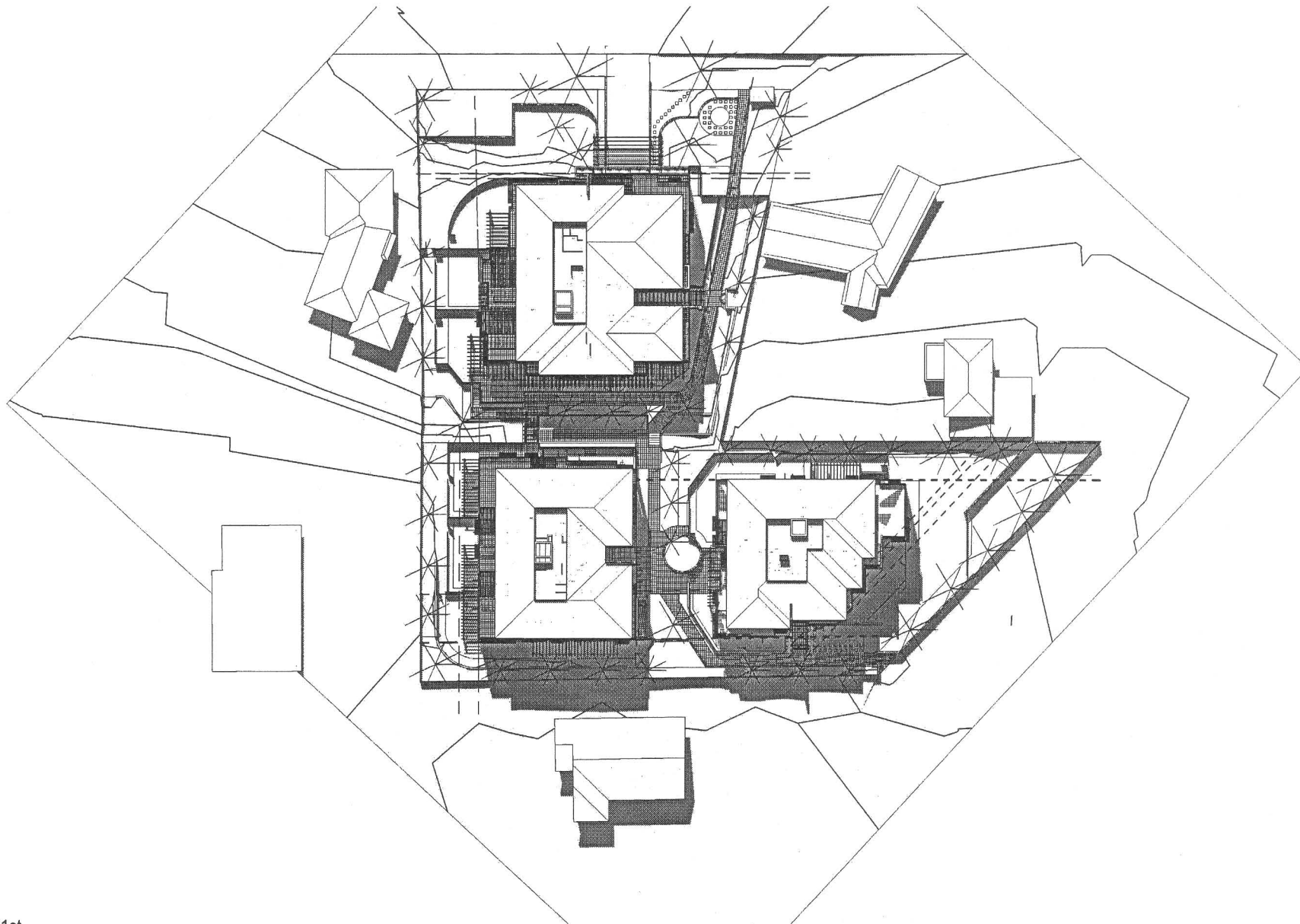
ARCHITECTS
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Sydney Australia
Ph: (61 2) 9319 4388
Fax: (61 2) 9319 7336
Email: rma@marks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 3PM 21ST
MARCH/SEPTEMBER

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File
Authorised by : Approver

Drawing Number
AR024 A



Shadows_9am 21st
December

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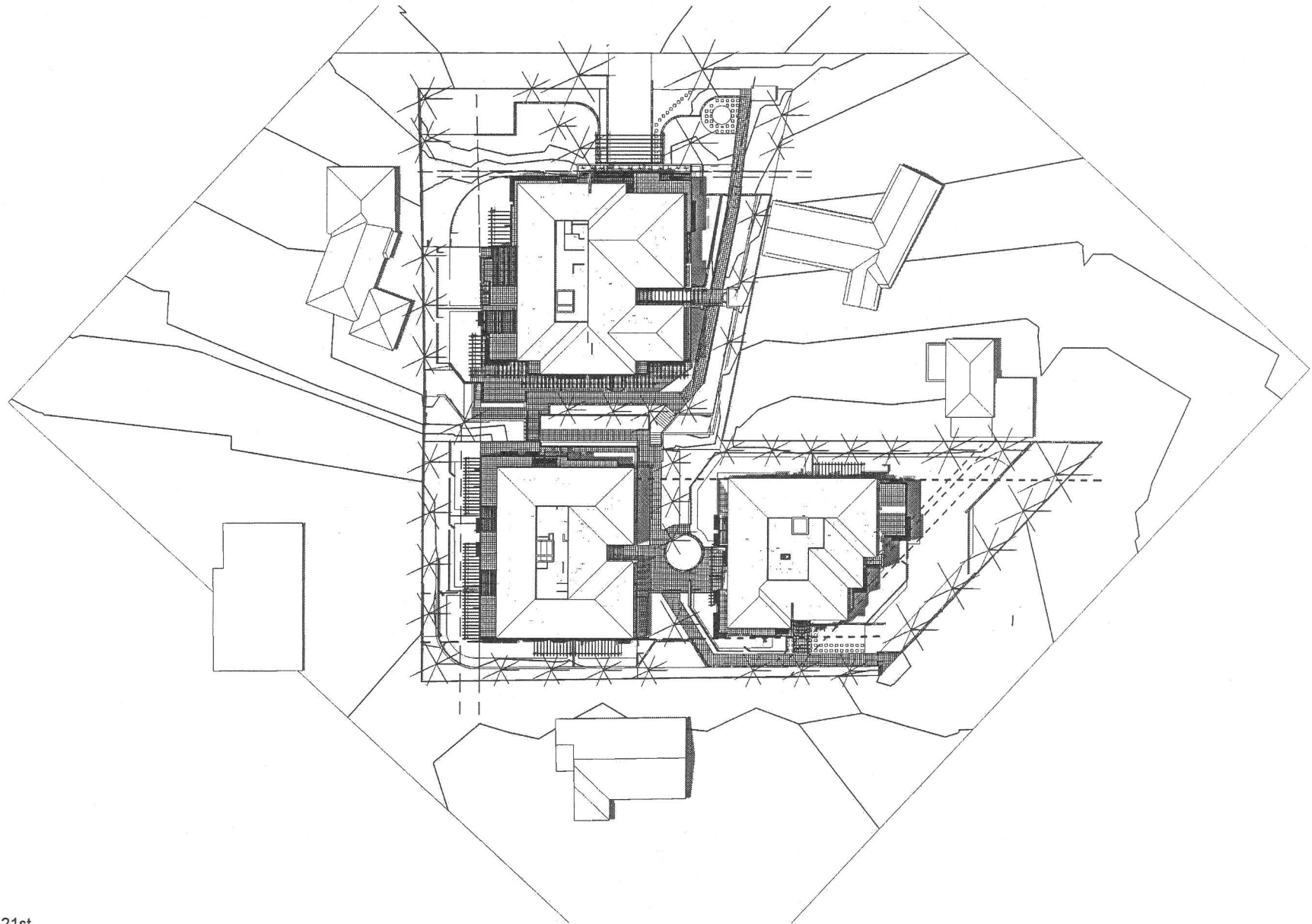
ARCHITECTS
130 Chalmers Street
Surry Hills 2010
Sydney Australia
Ph: (61 2) 9319 4388
Fax: (61 2) 9319 7336
Email: rnm@rnm.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 9AM DECEMBER
21ST

Scale :
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR025 A



Shadows_12pm 21st
December

Robertson+Marks

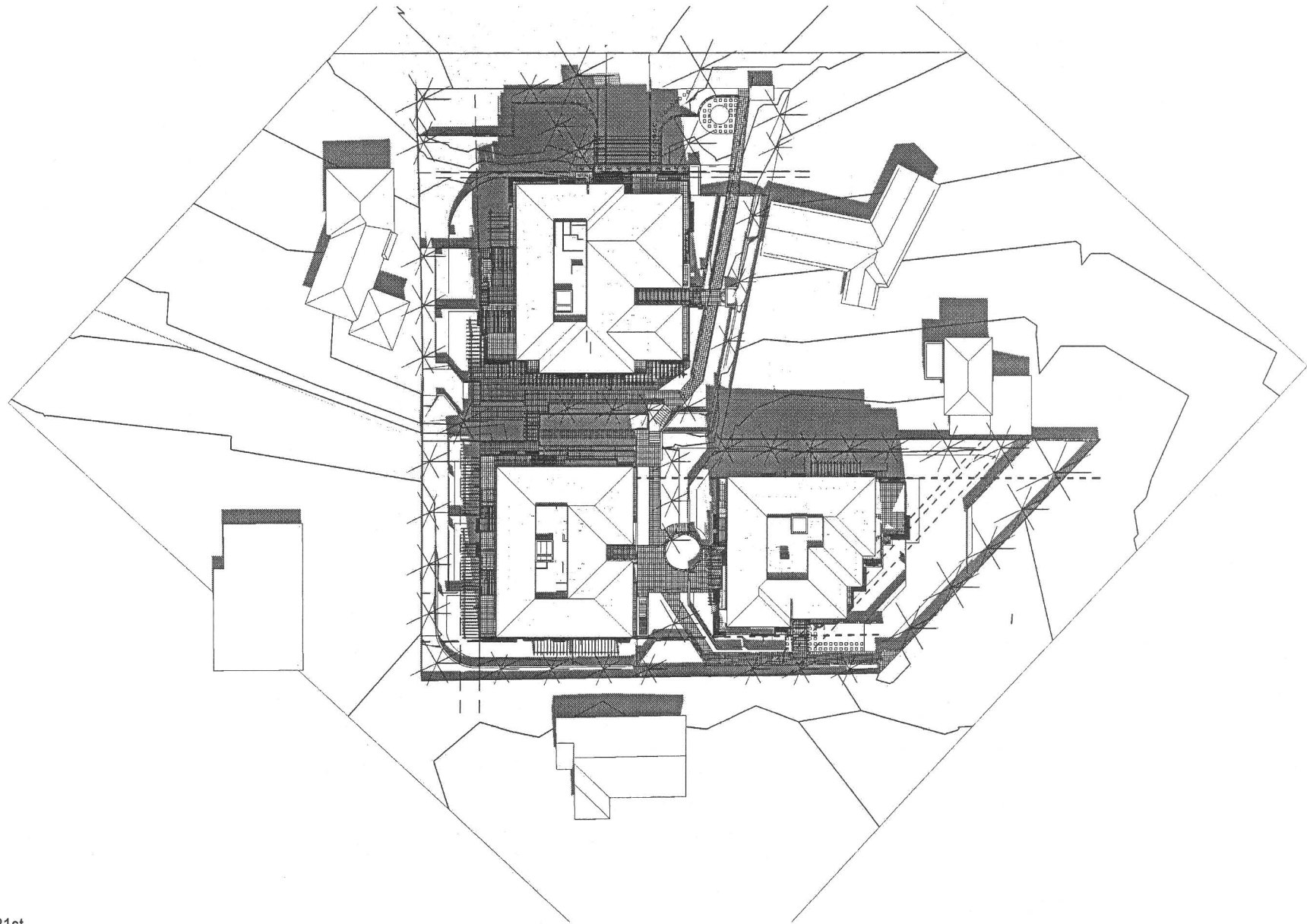
ARCHITECTS
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Sydney Australia
Ph: (61 2) 9319 4365
Fax: (61 2) 9319 7338
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Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 12PM
DECEMBER 21ST

Scale :
Date : 03/06/06
Job Number : 6297
Drawn : Author
CAD File
Authorised by : Approver

Drawing Number
AR026 A



Shadows_3pm 21st
December

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Building Name : BOBBIN HEAD ROAD
Drawing Title : SHADOWS 3PM DECEMBER
21ST

Scale
Date : 02/06/05
No Number : 6297
Drawn : Author
CAD File
Authorised by : Approver

Drawing Number
AR027 A



① Building C North
Elevation_12pm 21st June
1:100

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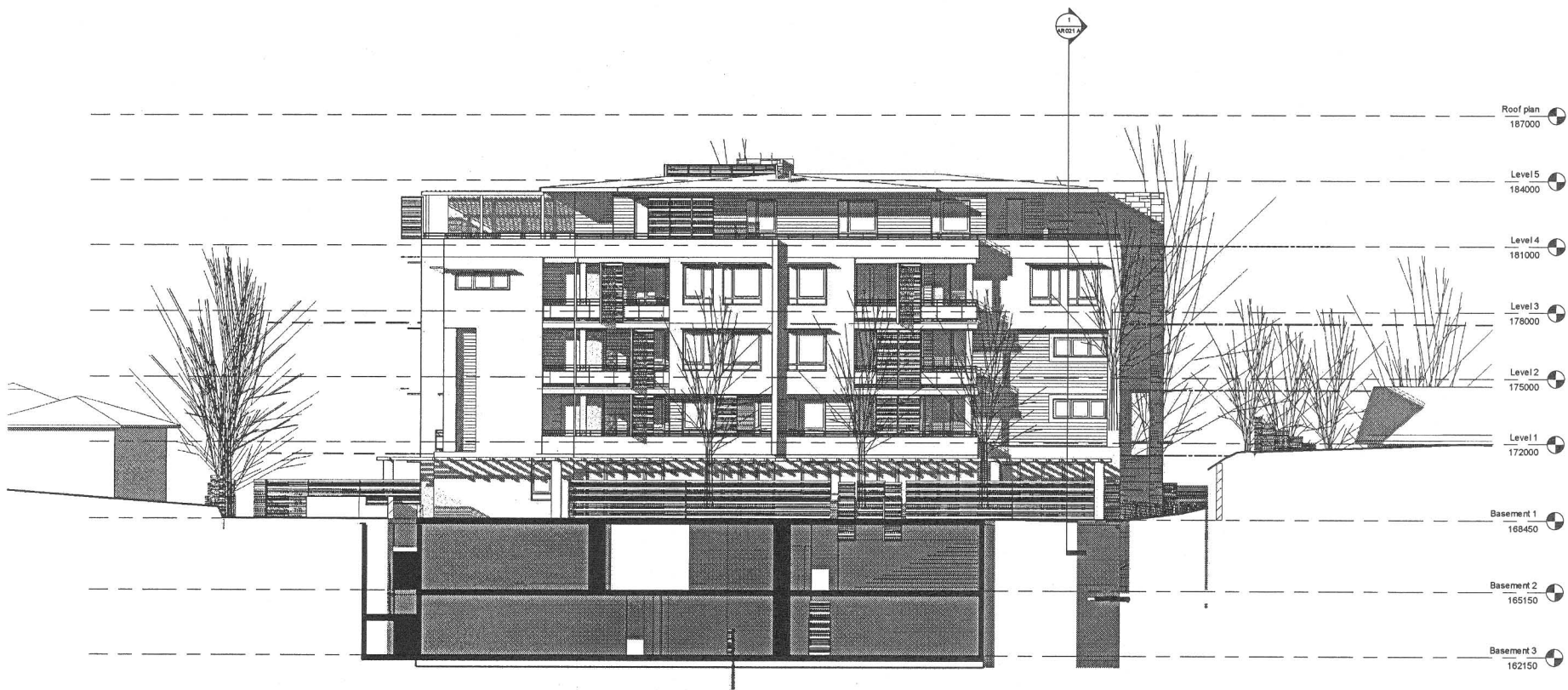


Building Name : BOBBIN HEAD ROAD
Drawing Title : SOLAR ANALYSIS BUILDING
C NORTH ELEVATION AT
12PM JUNE 21ST

Scale : 1:100
Date : 06/09/05
Job Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number

AR021 A



Roof plan
187000

Level 15
184000

Level 4
181000

Level 3
178000

Level 2
175000

Level 1
172000

Basement 1
168450

Basement 2
165150

Basement 3
162150

Building A West
Elevation_3pm 21st June
1 : 100

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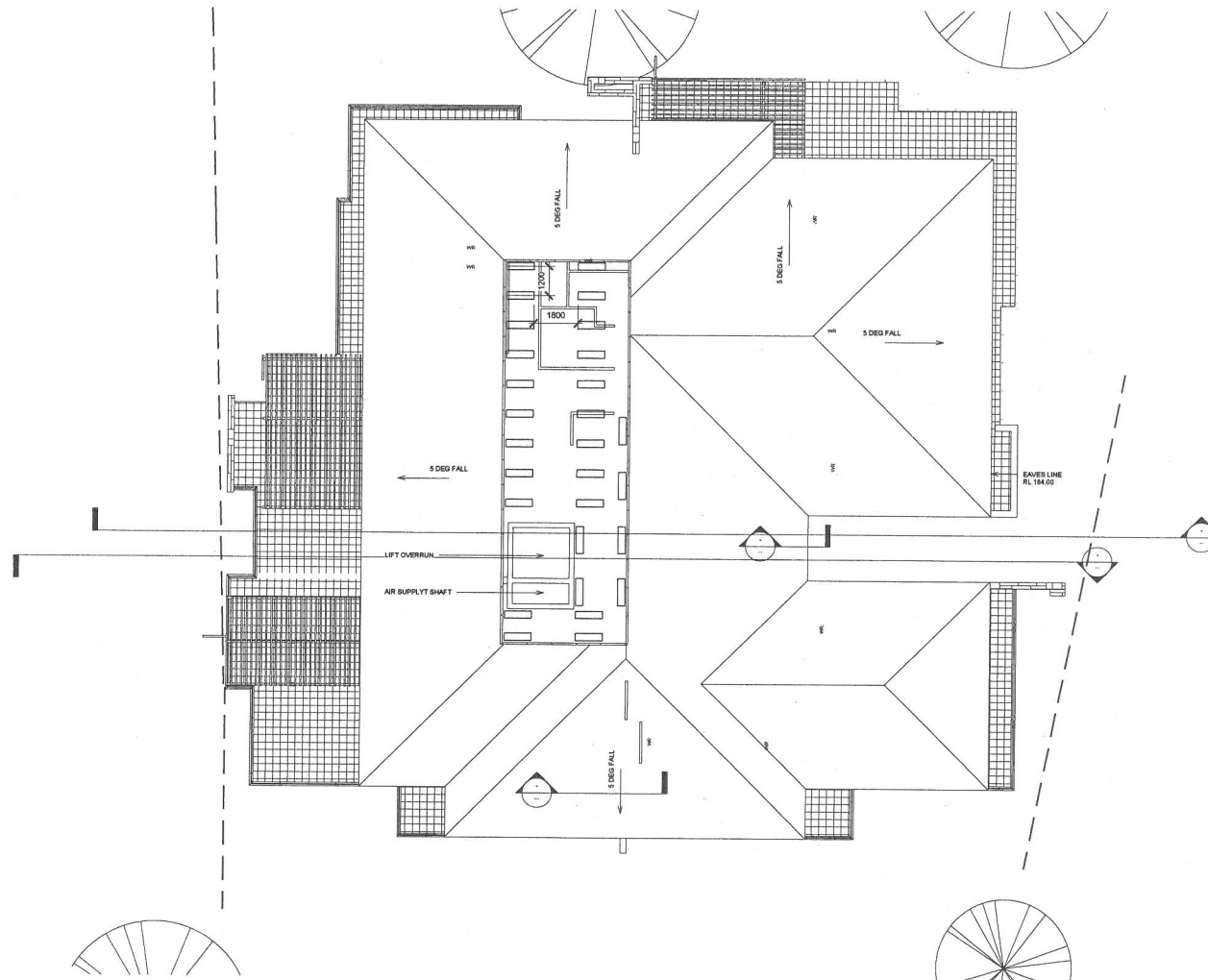
ARCHITECTS
100 Chalmers Street
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Sydney Australia
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Fax: (61 2) 9319 7338
Email: rm@marks.com.au



Building Name : BOBBIN HEAD ROAD
Drawing Title : SOLAR ANALYSIS BUILDING
A WEST ELEVATION 3PM
JUNE 21ST

Scale : 1 : 100
Date : 02/06/05
J20 Number : 6297
Drawn : Author
CAD File :
Authorised by : Approver

Drawing Number
AR020 A



1 Roof plan
1 : 100

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Building Name : Building A, Bobbin Head Road
Drawing Title : ROOF PLAN

Scale : 1 : 100
Date : 03/06/05
Job Number : 6297
Drawn : NH
CAD File :
Authorised by : Approver

Drawing Number

A DA-106 A



1 Bobbin Head Road Elevation
1 : 100



2 North Elevation
1 : 100

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Fax: (61 2) 9519 7338
Email: rm@rmks.com.au



Building Name : Building A, Bobbin Head Road
Drawing Title : ELEVATIONS

Scale	: 1 : 100	Drawing Number	
Date	: 02/06/05		
Job Number	: 6297		
Drawn	: JS		
CAD File			
Authorised by	: Approver		

A DA-107 A

1 South Elevation
1:100



2 West Elevation
1:100

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Fax: (61 2) 9319 7338
Email: mail@rmarks.com.au

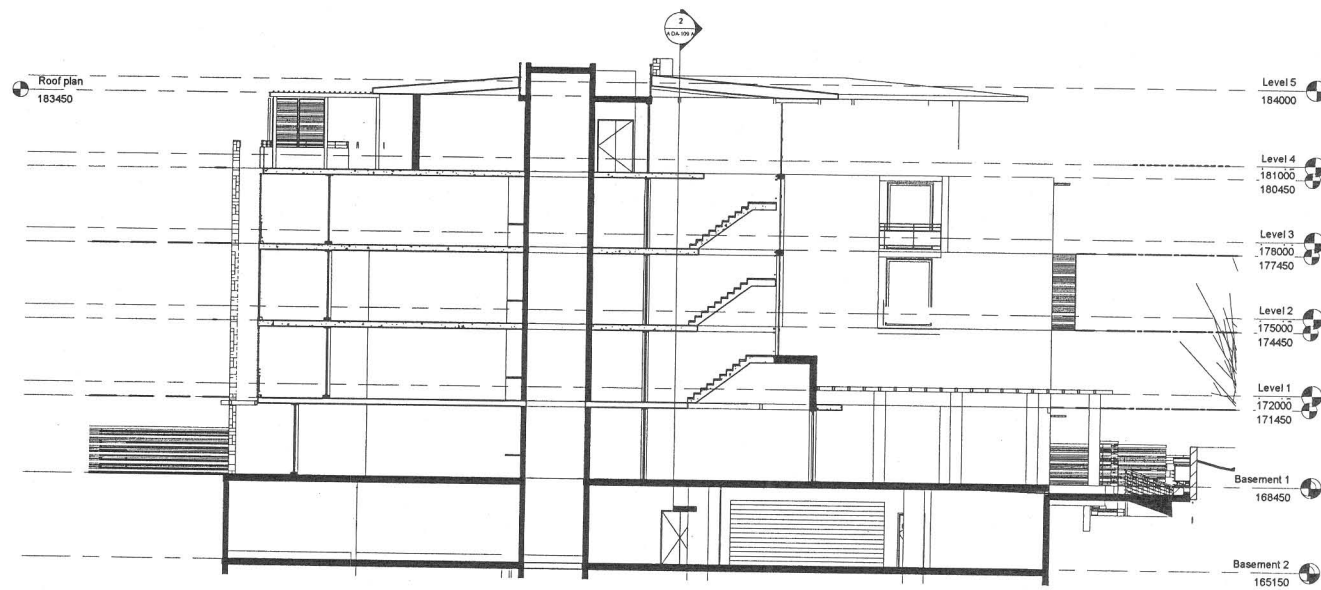


Building Name : Building A, Bobbin Head Road
Drawing Title : ELEVATIONS

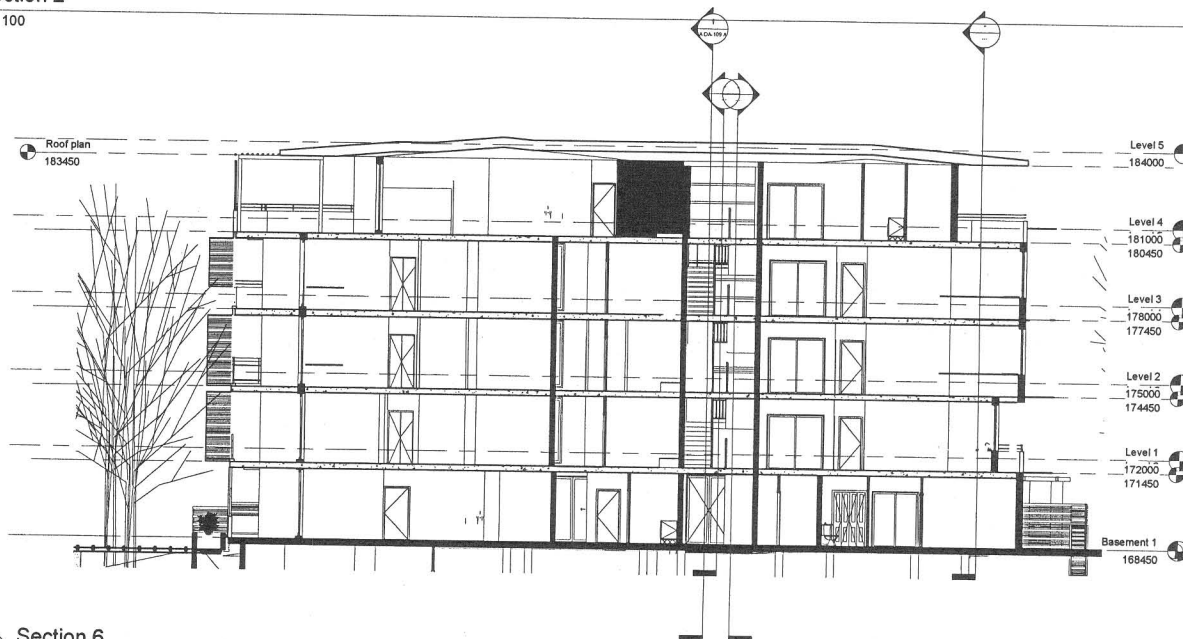
Scale : 1:100
Date : 02/06/05
Job Number : 6297
Drawn : JS
CAD File :
Authorised by : Approver

Drawing Number

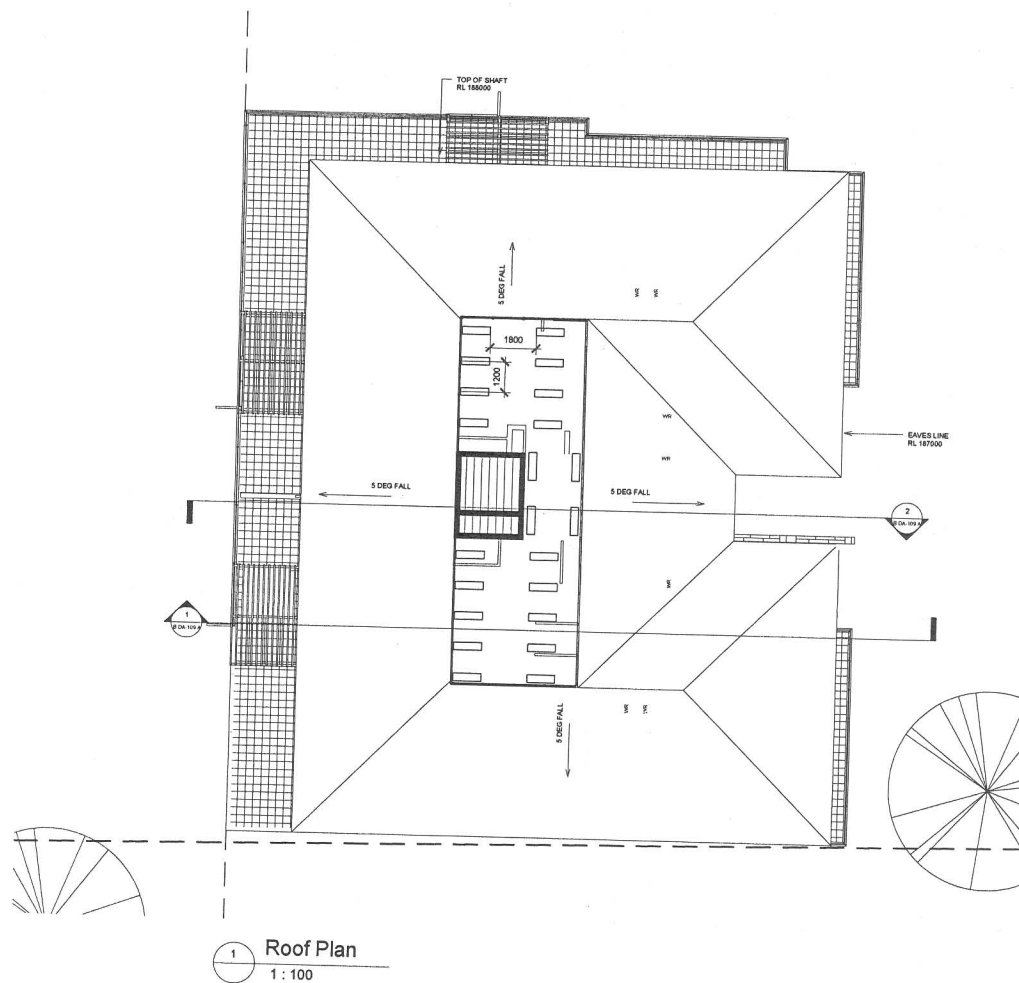
A DA-108 A



Section 2
1:100



Section 6
1:100



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Building Name : Building B, Bobbin Head Road
Drawing Title : ROOF PLAN

Scale : 1:100
Date : 02/06/08
Job Number : 6297
Drawn : NH
CAD File :
Authorised by : Approver

Drawing Number

B DA-106 A



1 East Elevation
1 : 100



2 North Elevation
1 : 100

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120 Chalmers Street
Surrey Hills 2015
Sydney Australia
Ph: (61 2) 9519 4385
Fax: (61 2) 9519 7338
Email: rm@rmks.com.au



Building Name : Building B, Robbin Head Road
Drawing Title : ELEVATIONS

Scale : 1 : 100
Date : 02/06/05
Job Number : 6297
Drawn : JS
CAD File :
Authorised by : Approver

Drawing Number

B DA-107 A



1 South Elevation
1 : 100



2 West Elevation
1 : 100

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Surry Hills 2010
Sydney Australia
Ph: (61 2) 9519 4388
Fax: (61 2) 9519 7338
Email: rm@rmarks.com.au

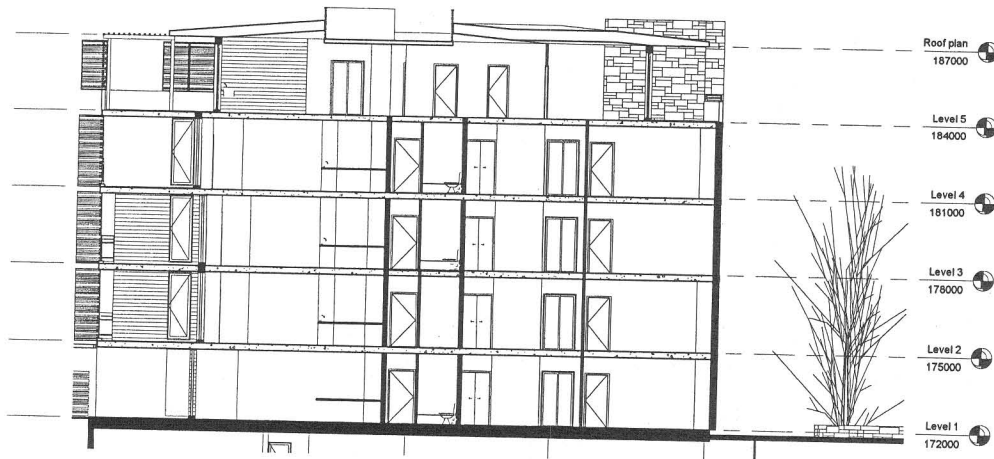


Building Name : Building B, Bobbin Head Road
Drawing Title : ELEVATIONS

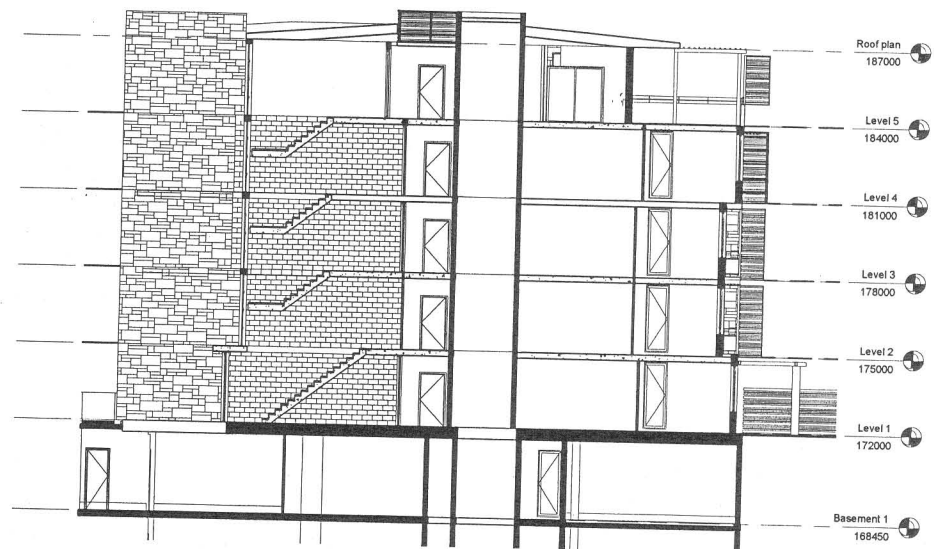
Scale : 1 : 100
Date : 02/06/05
Job Number : 6297
Drawn : JS
CAD File
Authorised by : Approver

Drawing Number

B DA-108 A

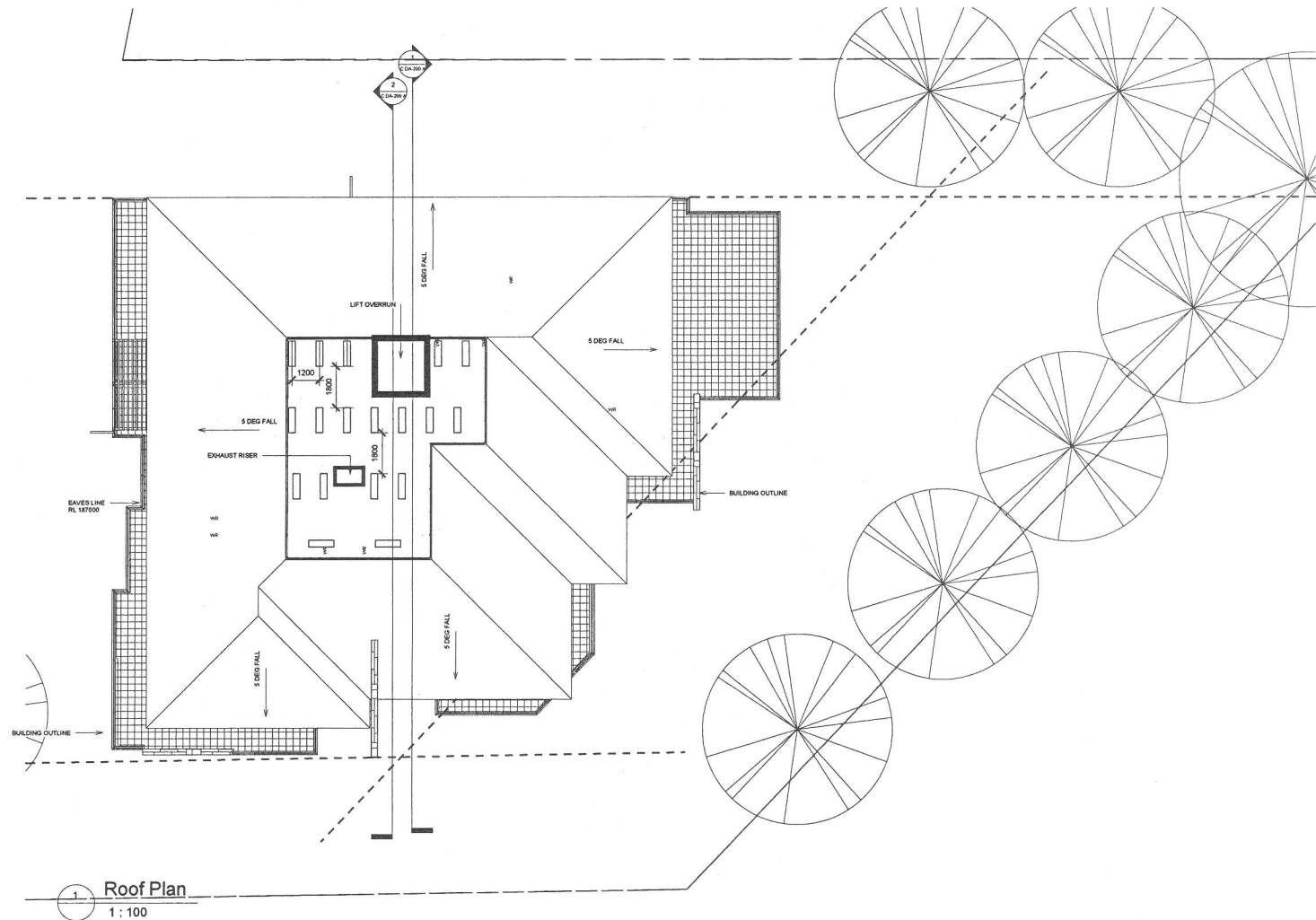


Section 1
1:100



Section 2
1:100





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Building Name : BOBBIN HEAD ROAD
Drawing Title : ROOF PLAN

Scale : 1 : 100
Date : 02/06/05
Job Number : 6297
Drawn : NH
CAD File :
Authorised by : Approver

Drawing Number

C DA-106 A



1 West Elevation
1 : 100



2 Pacific Highway Elevation
1 : 100

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Email: r+m@rmarks.com.au



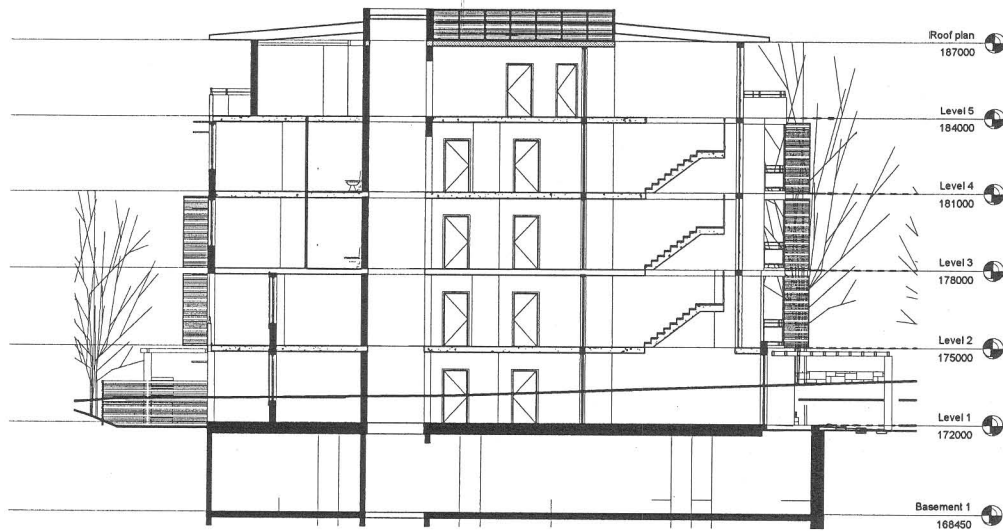
Building Name : BOBBIN HEAD ROAD
Drawing Title : ELEVATIONS

Scale : 1 : 100
Date : 02/06/05
Job Number : 6297
Drawn : JS
CAD File
Authorised by : Approver

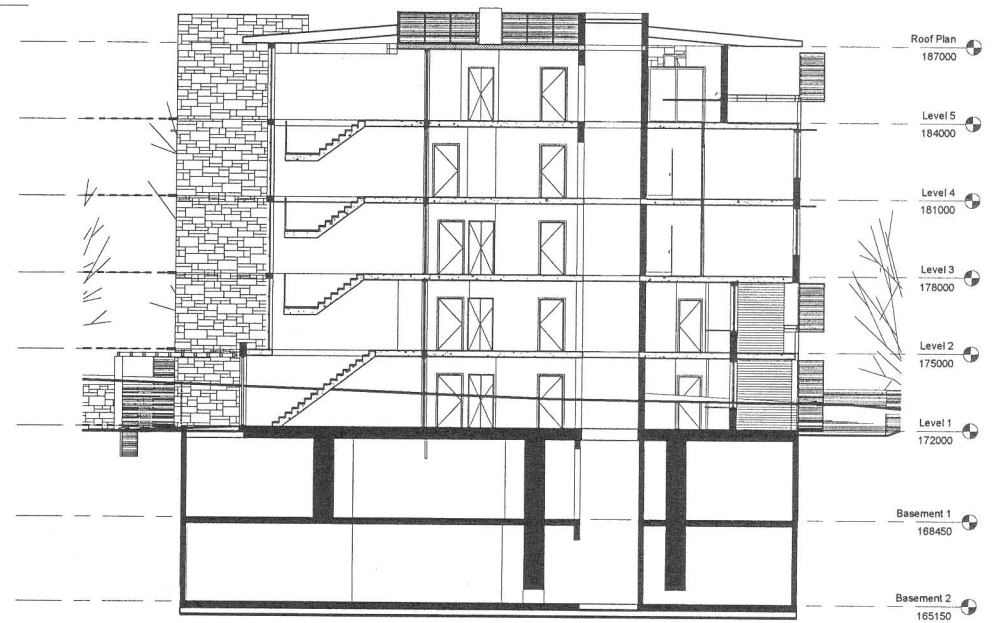
Drawing Number

C DA-107 A





Section 1
1 : 100



Section 2
1 : 100

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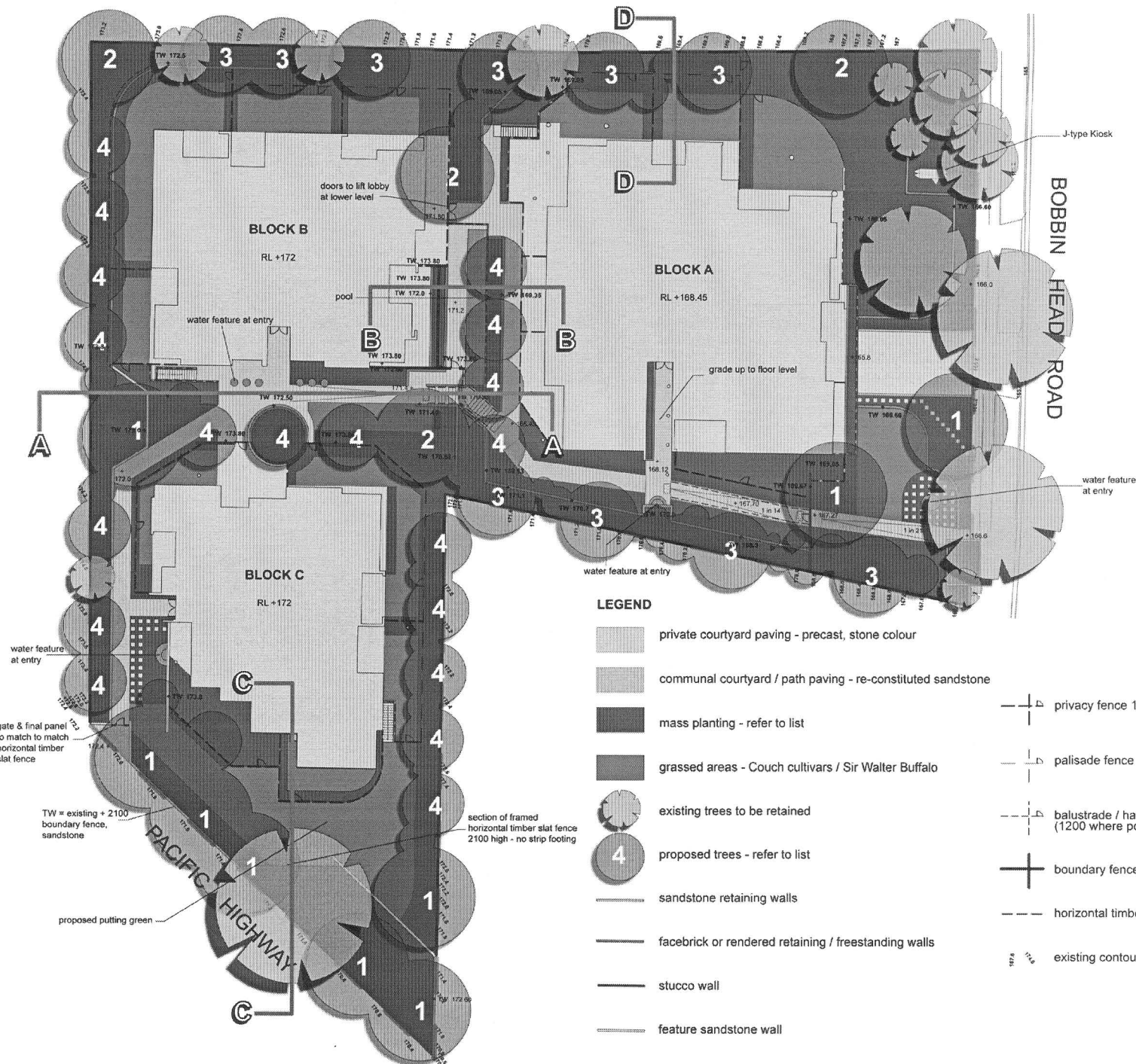
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Surry Hills 2010
Sydney Australia
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Fax: (61 2) 9219 7336
Email: r+m@r+m.com.au



Building Name : BOBIN HEAD ROAD
Drawing Title : SECTIONS

Scale : 1 : 100
Date : 02/06/05
Job Number : 6297
Drawn : Author
CAD File
Authorised by : Approver

Drawing Number
C DA-109 A



Plant Lists - Final Species Selection from within this range

PROPOSED TREES

1. Large Evergreen

Eucalyptus saligna - Blue Gum
Eucalyptus pilularis - Blackbutt
Acmena smithii - Lilli Pilli
Syncarpia glomulifera - Turpentine

2. Large Deciduous

Koelreuteria bipinnata - Golden Rain Tree
Nyssa sylvatica - Tupelo
Ginkgo biloba - Ginkgo

3. Smaller Deciduous

Lagerstroemia indica - Crepe Myrtle
Acer palmatum - Japanese Maple
Magnolia soulangeana - Magnolia
Koelreuteria paniculata - Golden Rain Tree

4. Smaller Evergreen

Elaeocarpus reticulatus - Blueberry Ash
Michelia champaca - Champaca
Magnolia grandiflora cv's - Bull Bay
Podocarpus elatus - Plum yew
Syzygium paniculatum - Brush Cherry
Waterhousia floribunda - Waterhousia
Arecastrum romanzoffianum - Cocos Palm
Livistona australis - Fan palm
Howea belmoreana - Curly palm

MASS PLANTING

Camellia sasanqua - Sasanqua
Syzygium cv's - Syzygium
Strelitzia nicolai - Bird of Paradise
Glochidion ferdinandi - Cheese Tree
Murraya paniculata - Murraya
Viburnum odoratissima - Viburnum

OTHER

Parthenocissus tricuspidata
Trachelospermum varianides
Clivea miniata
Agapanthus orientalis
Azalea cv's
Cycas spp
Cordyline stricta
Grevillea cv's
Penstemon spp
Lavandula spp

LEGEND

- private courtyard paving - precast, stone colour
- communal courtyard / path paving - re-constituted sandstone
- mass planting - refer to list
- grassed areas - Couch cultivars / Sir Walter Buffalo
- existing trees to be retained
- proposed trees - refer to list
- sandstone retaining walls
- facebrick or rendered retaining / freestanding walls
- stucco wall
- feature sandstone wall

- privacy fence 1800mm high
- palisade fence 1800mm high
- balustrade / handrail 1000mm high (1200 where pool enclosure)
- boundary fence - lapped & capped
- horizontal timber slat fence
- existing contours on boundary

C:\FOR DA		20/06/08	20/06/08	20/06/08
1" PAPER 1" = 10m		20/06/08	20/06/08	20/06/08
A. PRELIMINARY NOT FOR CONSTRUCTION		12/04/08	20/06/08	20/06/08
REV. 001.00 AMENDMENTS		DATE	BY	CHK
<div style="text-align: right;"> </div>				
<div style="text-align: right;"> 30/06/08 11:00 AM 30/06/08 11:00 AM 30/06/08 11:00 AM 30/06/08 11:00 AM </div>				
PROJECT				
BOBBIN HEAD ROAD PYBBLE				
DRAWING				
LANDSCAPE PLAN				
KAT/08/08		0507	SCALE	1:200 @ A1
PROJECT ARCHIT		PK	DATE	20/06/08
DRAWN BY		08/06/08	LO - 1	REV C
CHECKED BY		08/06/08	LO - 1	REV C
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SCHEDULE OF PLANTS

Symbol	Botanical Name	Common Name	Height	Spread
	<i>Eucalyptus saligna</i>	Blue Gum	25-35m	10m
	<i>Eucalyptus plicatus</i>	Blackbutt	25-40m	10m
	<i>Acmena smithii</i>	Lili Pilli	9-12m	6m
	<i>Syncarpia glomulifera</i>	Turpentine	12m	8m
	<i>Koeberlinia bipinnata</i>	Golden Rain Tree	9-12m	4.5-6m
	<i>Nyssa sylvatica</i>	Tupelo	9-15m	6-8m
	<i>Ginkgo biloba</i>	Ginkgo	15-24m	9-12m
	<i>Lagerstroemia indica</i>	Crape Myrtle	4-6m	2-4m
	<i>Acer palmatum</i>	Japanese Maple	4.5-6m	3-4.5m
	<i>Magnolia soulangeana</i>	Magnolia	4-7.5m	4.5-5m
	<i>Koeberlinia paniculata</i>	Golden Rain Tree	10m	5m
	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	5-8m	3-5m
	<i>Michelia champaca</i>	Champaca	4.5-6m	6m
	<i>Magnolia grandiflora</i> cv's	Bull Bay	16m	15m
	<i>Podocarpus elastics</i>	Plum yew	10m	8m
	<i>Syzygium paniculatum</i>	Braun Cherry	15-16m	10m
	<i>Waterhousea floribunda</i>	Waterhousea	4-5m	2-3m

GROUNDCOVERS, SHRUBS & CLIMBERS

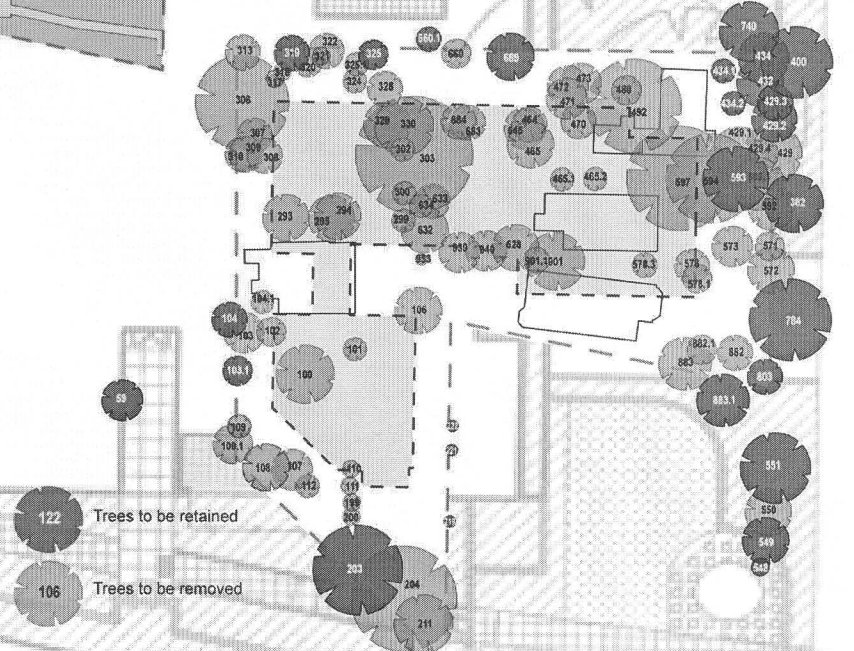
Symbol	Botanical Name	Common Name
	<i>Camellia sasanqua</i>	Sassaqua
	<i>Syzygium</i> cv's	Lili Pilli
	<i>Strelitzia reginae</i>	Bird of Paradise
	<i>Glochidion ferdinandii</i>	Cheese Tree
	<i>Murraya paniculata</i>	Murraya
	<i>Viburnum odoratissimum</i>	Viburnum
	<i>Trachelospermum jasminoides</i>	Star Jasmine
	<i>Clivia miniata</i>	Clivia
	<i>Agapanthus orientalis</i>	Agapanthus
	<i>Azalea</i> cv's	Azalea
	<i>Cycas</i> spp.	Cycas
	<i>Cordyline stricta</i>	Cordyline
	<i>Gravillea</i> cv's	Gravillea
	<i>Penstemon</i> spp.	Penstemon
	<i>Lavandula</i> spp.	Lavandula

Planting
Hard surface
Boundary

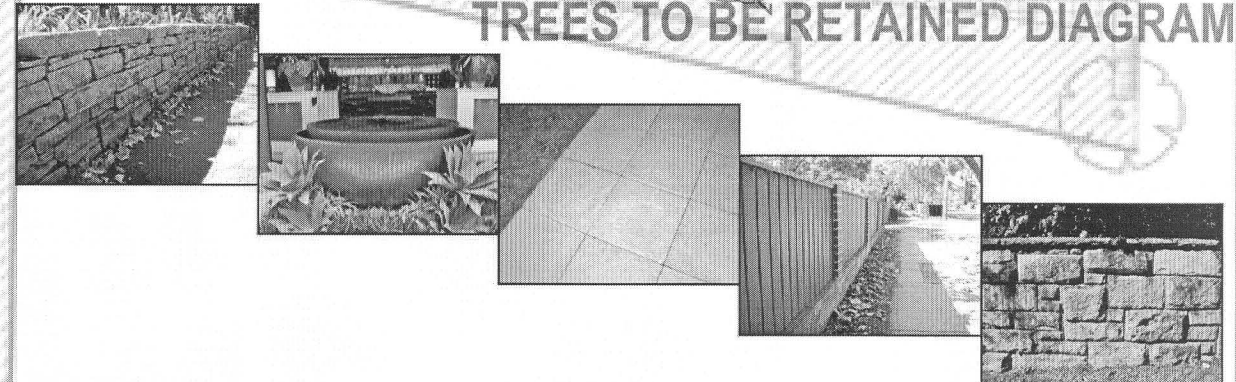
area of site = 6003m²
area of basement = 2598m²
DSP = 3020m²
= 50% of site

296m² of Knox hardscape over deep soil
384m² all hardscape over deep soil

DEEP SOIL DIAGRAM



TREES TO BE RETAINED DIAGRAM



MATERIALS

REV	REVISIONS	DATE	DRAWN	CHECKED	APPROVED
A	PRELIMINARY - NOT FOR CONSTRUCTION				
B	FOR DEVELOPMENT APPLICATION				

DESIGN DEVELOPMENT AND DOCUMENTATION ARCHITECTS
Robertson + Marks
ARCHITECTS
120 Chavasse Street
Burrumbidgee NSW
Sydney Australia
Ph: 02 9219 1800
Fax: 02 9219 7300
Email: info@robertsonmarks.com.au



PROJECT
**BOBBIN HEAD ROAD
TURRAMURRA**

DRAWING			
PLANT LIST AND IMAGES			
DRAWING CREATED:	24/04/05	PROJ. LAND. ARCH:	PK
R & P JOB NO:	0507	CAD FILE NO:	-
REV:		REV:	A

A detailed cross-section diagram of a planter wall assembly, enclosed within a dashed circular border. The diagram illustrates the construction of a wall adjacent to a 'POOL' area. The wall assembly consists of several layers: a 'mulch' layer at the top, followed by a 'planter wall top level FFI + 900 (approx)' line, a 'soil mix' layer, a 'waterproof membrane to garden wall' (indicated by a cross-hatched pattern), and a 'washed sand primary filter, 75 thick' layer. Below the wall, a 'cast-in inlet' is shown, leading into a 'drainage cell' which is lined with 'geotech filter fabric' and a 'waterproof membrane'. The entire assembly sits on a 'concrete base slab'.

POOL

mulch

planter wall top level FFI + 900 (approx)

soil mix

waterproof membrane to garden wall

washed sand primary filter, 75 thick

cast-in inlet

geotech filter fabric

drainage cell

waterproof membrane

concrete base slab



BLOCK B

BLOCK A

retaining wall 1000 high with timber slats
for combined height of 1800

balustrade - taut stainless
steel wire in stainless frame

Planter over slab -
Mulch
Soil mix
Sand
Filter membrane
Drainage layer
Membrane protection
Waterproof membrane

privacy fence 1800 high - f.c. sheeting
on steel frame, painted with surface
battens and capping

A	FOR D.A.			06/08/05	UBB PK				
REV	ISSUES / AMENDMENTS			DATE	DRAWN	CHECK			
REVISIONS									
5645 HARRIS STREET ULTIMO NSW 2007 TEL: 02 9281 7999 FAX: 02 9212 7031 EMAIL: desk@knoxlandarch.com.au									
PROJECT									
BOBBIN HEAD ROAD PYMBLE									
DRAWING									
SECTION A & B									
K & P JOB No:	0507			SCALE		1:100 @ A1			
PLOT LAND ARCH	PK								
CAD FILE No:	Bobbins Head\Autocad\Files			DWG No		REV			
				LO - 3		A			
COPYRIGHT ENVOY & PARTNERS				ARCH 2005 473 733					

Item 2

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1215 PACIFIC HIGHWAY, TURRAMURRA - DEMOLITION OF 2 RESIDENTIAL DWELLING HOUSES & CONSTRUCTION OF 1x5-STOREY RESIDENTIAL FLAT BUILDING COMPRISING 30 UNITS & BASEMENT CAR PARKING.
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	DA0680/05
SUBJECT LAND:	1215 Pacific Highway, Turramurra
APPLICANT:	PHT Pty Ltd
OWNER:	PHT Pty Ltd
DESIGNER:	Futurespace
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP194, DCP31 - Access, DCP40 - Waste Management, DCP43 - Car Parking, DCP47 Water Management.
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP55, SEPP65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	29 June 2005
40 DAY PERIOD EXPIRED:	8 August 2005
PROPOSAL:	Demolition of two (2) residential dwelling houses and construction of one (1) x five (5) storey residential flat building comprising thirty (30) units and basement car parking.
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o
PREMISES:
PROPOSAL:

DA0680/05
1215 PACIFIC HIGHWAY
DEMOLITION OF TWO (2) RESIDENTIAL
DWELLING HOUSES AND CONSTRUCTION OF
ONE (1) X FIVE (5) STOREY RESIDENTIAL
FLAT BUILDING COMPRISING THIRTY (30)
UNITS AND BASEMENT CAR PARKING.

APPLICANT:
OWNER:
DESIGNER

PHT PTY LTD
PHT PTY LTD
FUTURESPACE

PURPOSE FOR REPORT

To determine development application No. 0680/05, which seeks consent for the demolition of two (2) residential dwelling houses and construction of one five storey residential flat building, comprising thirty (30) units and basement parking.

EXECUTIVE SUMMARY

Issues:	Wall plane depth; wall plane area; balcony projection; single aspect units with depth greater than 10 metres.
Submissions:	Six submissions received.
Pre-DA:	3 February 2005.
Land & Environment Court Appeal:	Not applicable.
Recommendation:	Approval.

HISTORY

Site history:

The site is used for residential purposes. The following previous applications relate to the subject site:

DA1408/02	Development application for the demolition of all dwellings at 1215-1223 Pacific Highway. Application approved 05/12/2002.
01/2002	Rezoning application to multi-unit residential housing. Application withdrawn 07/04/2003.
DA0466/03	Development application for the demolition and construction of three buildings comprising 28 units plus parking pursuant to SEPP5 at 1215-1223 Pacific Highway. Application refused 09/12/2003.

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DA0679/05 Development application for the demolition of the dwelling at No.1219 Pacific Highway, boundary adjustment, and creation of a drainage easement. Application approved 17/10/2005.

Development application history:

DA0680/05

3 February 2005 Pre-DA meeting held. Issues raised:

- Height – proposed design appears to exceed requirements as stipulated in LEP194.
- Setbacks – access positioned within the side boundary does not allow for Deep Soil Zone.
- Single aspect south facing dwellings need to be removed wherever possible.

29 June 2005 Application lodged.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	Pre 1920
Legal Description:	Part No. 1219 Pacific Highway Lot 7 DP8442 1217 Pacific Highway Lot 8 DP8442 1215 Pacific Highway Lot 9 DP8442
Heritage Affected:	No – Two items within vicinity at 1 Ku-ring-gai Avenue and 1312 Pacific Highway
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is comprised of Nos 1215 and 1217 Pacific Highway, and part No. 1219 Pacific Highway. The subject site is an irregular shaped parcel of land located on the eastern side of the Pacific Highway, between Womerah Street and Ku-ring-gai Avenue. The site has frontage of 42.8 metres to the Pacific Highway, a maximum depth of 58.73 metres and a total area of 2421m².

A number of trees occupy the subject site, primarily located to the rear (the south-eastern boundary) and on the property No. 1215 Pacific Highway.

No 1215 Pacific Highway is occupied by a single storey brick residence with two detached garages and rear brick shed.

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No. 1217 Pacific Highway is occupied by a single storey brick residence with detached brick garage.

No. 1219 Pacific Highway is occupied by a single storey brick residence with a brick garage and brick shed to the rear.

The property falls away to the rear with a change in level from RL171.93 to RL163.30 from the Pacific Highway to the south-eastern corner adjoining No. 2 Womerah Street.

Vehicular access to the properties is currently obtained from the Pacific Highway.



Left to Right: 1219, 1217 and 1215 Pacific Highway

Surrounding development:

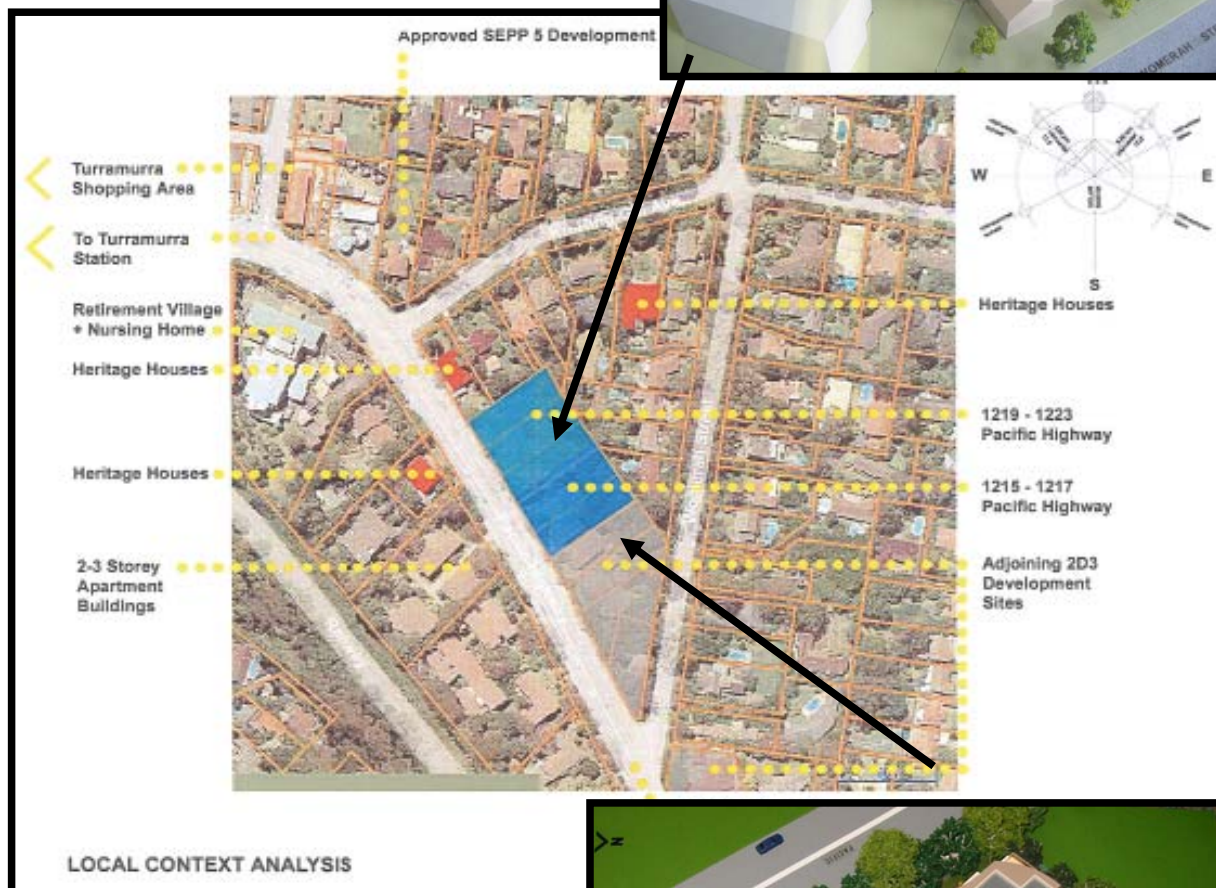
The surrounding area is generally residential and partly undergoing transition to medium density residential flat development.

The site is bounded to the north and east by Residential 2(c) and 2(c2) zoning, which does not provide for multi-unit housing. To the south-east the site is bounded by a further development site pursuant to LEP194, known as 1203-1209 Pacific Highway (DA0113/05). This site was the subject of a Land and Environment Court appeal in October this year, where the appeal was upheld.

There are two heritage dwellings within the vicinity of the property. They are located at 1 Ku-ring-gai Avenue and 1312 Pacific Highway.

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Proposed
development



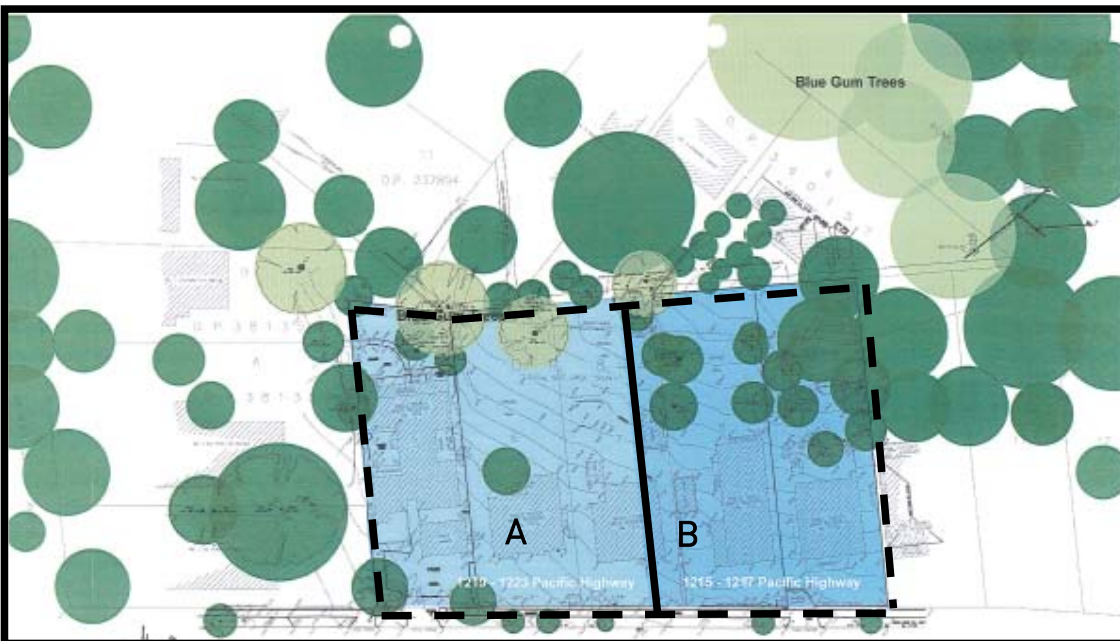
Item 2

THE PROPOSAL

Three separate applications have been submitted by PHT Pty Ltd regarding properties 1215-1223 Pacific Highway Turrumurra.

DA0679/05 sought a boundary adjustment through 1219 Pacific Highway to create two separate sites A and B, with areas of 2,613m² and 2421m²; respectively. This application was approved in October 2005.

Development application 0681/05 for 1219-1223 Pacific Highway seeks the construction of 33 units (Site A). This report for 1215-1217 Pacific Highway seeks the construction of 30 units (Site B).



The proposal is for the demolition of two existing residential dwellings and construction of one (1) x five (5) storey residential flat building, comprising thirty (30) units with basement car parking on two (2) levels for forty-nine (49) vehicles. The thirty units, ranging in size from 59m² to 149m², are comprised of the following:

- 7 x 1 bedroom units
- 4 x 1 bedroom plus study
- 8 x 2 bedroom units
- 11 x 3 bedroom units plus study

The application also proposes the strata subdivision of the development upon completion.

Private open space to the apartments is provided by way of private courtyard areas for ground floor units and balconies or terrace areas to the upper floors. Private open space ranges in size from

Item 2

10m²-75m². Twenty-three (23) of the units have two aspects or more. One communal area of open space has been provided to the front of the site.

Vehicle access to the site is provided on the southern side of the property, where the existing No.1215 Pacific Highway is located. The drive will curve in to the southern façade of the dwelling. A total of forty-one resident parking spaces (three of which are disabled spaces) and eight (8) visitor parking spaces are to be provided on two basement levels. Bicycle racks and storage areas have also been provided at basement levels.

One centralised lift is provided for the units, next to the internal stairwell. The lift provides access to all levels and will service a maximum of seven (7) units at each floor.

The building will have setback of 10-12 metres from the Pacific Highway.

CONSULTATION - COMMUNITY

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

1. *Trevor and Deborah Naylor, 2 Womerah Street, Turrumurra.*
2. *Geoff Thomson, 4 Womerah Street, Turrumurra.*
3. *Lea and Paul Martin, 6 Womerah Street, Turrumurra.*
4. *Glenys and Harold Norrie, 10 Womerah Street, Turrumurra.*
5. *Lorenzo Petrucci, 2 Ku-ring-gai Avenue, Turrumurra.*
6. *Andrew and Jenny Ryerson, 12/1292 Pacific Highway.*

The submissions raised the following issues:

The proposed development does not conform to the heritage conservation aims of the Council.

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

The development complies with the prescribed controls of LEP194. In particular, maximum height, number of storeys, site coverage, floor space ratio, density and deep soil landscaping and large tree planting consistent with the established landscaped character has been achieved.

The application has also been considered in relation to its context near two heritage items (No.1 Ku-ring-gai Avenue and No.1312 Pacific Highway). It is considered that these two heritage items are well-removed from the subject site and, consequently, the development will have no impact upon the heritage values of the buildings.

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The proposed zoning accepted by Council in October 2002 was for 2d2 Type 3 - 3 storey + attic developments, which specifically rejected a proposal to rezone for 2d3, 4 storey type 5 apartment blocks. The proposal is excessive over-development, is too high and appears to contravene a number of Council policies.

LEP194 was gazetted by Minister Diane Beamer on 28 May 2004 and confers a development potential of five (5) storeys upon land zoned as Residential 2(d3). Previous intentions by Council for a smaller development potential are not relevant.

The privacy impact to No. 2 Womerah Street and other properties will be unacceptable. The balconies will be 6 metres from the side/rear garden fence of 2 Womerah Street and 12 metres from the swimming pool. The four further levels will dominate the skyline. No amount of landscaping will shield neighbouring rear properties.

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

It is acknowledged that there will be some impact on privacy to No. 2 Womerah Street, however, the combination of complying setbacks and landscape planting will be sufficient to ensure an appropriate interrelationship with No.2 Womerah Street in a manner envisaged by the planning controls.

LEP 194 requires that the third and fourth storey of any building on land zoned Residential 2(d3) shall be set back 9m from any boundary shared with land not within Zone 2(d3). In this case, all levels of the building – including the ground and first floor - have been set back to 9m, 3m in excess of the 6m requirement. Given that the intention of the zone interface control is to provide a transition in scale of buildings between certain zones, the development responds to the control appropriately and provides acceptable levels of transition to adjoining development.

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

Afternoon sunlight will be largely blocked from properties to the East of the development. Properties to the south-east will be in shadow after 2pm.

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

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Shadow diagrams have been submitted with the application which indicates that all properties surrounding the subject site will obtain the minimum necessary 3 hours of sunlight. In particular, the properties to the direct East (Nos 1203-1209 Pacific Highway) will receive sunlight until at least 1:00pm, and the property at 2 Womerah Street will not be impacted by overshadowing due to its location north-east of the subject site.

Increased noise resulting from the balconies provided to the rear of the site.

Balconies to 12 units within the development will be provided to the rear. It is expected that the noise emanating from the balconies will be greater than what is currently experienced by the neighbouring properties. However, the development meets all height and interface setback controls as stipulated within the LEP194 and DCP55 and it is additionally expected that every unit will be accompanied by a decent sized area of open space or terrace. The noise which would result is residential in nature and to be expected from such a development.

The stormwater drainage of the site is a major issue of concern, particularly during construction.

The stormwater drainage aspects of the application have been considered by Council's Development Engineer, who considers that the stormwater drainage of the site is acceptable. The separate application DA0679/05 sought the provision of a drainage easement as well as boundary adjustment. The easement is provided along the rear of the properties and through Nos 1203 and 1209 to the east. The drainage will therefore not impact on any other neighbouring site.

With regard to construction, various conditions of consent are recommended to ensure no adverse impact arising from sedimentation and drainage flow.

No details of deep root planting are obvious on the drawings. Council should insist on mature trees being planted and not seedlings which would take some 20 years to attain a reasonable height.

The application provides for a deep soil area of 51.7% primarily to the rear and sides of the development. The application provides for both the retention and replenishment of trees on site, as detailed within the landscape plans.

To the rear of the site, along 2 Womerah Street, the application will provide for a number of trees. The application will retain one Rough Tree Fern (at 10 metres in height) and one Sydney Blue Gum (at 25 metres in height). The application will also provide for the planting of one Sydney Blue Gum (to 25m in height), three Coachwood (to 13m) a Blackbutt (to 25m) as well as a number of other shrubs and trees to 2.5-5 metres. The neighbouring site 2 Womerah Street also has a large amount of vegetation on site (a Sydney Blue Gum, Silky Oak, Jacaranda and Cape Chestnut, which will also aid in providing privacy between the two sites.

Additional potentially dangerous traffic flow will be generated up Womerah Street and along Kuring-gai Avenue from the development.

The application has also been accompanied by a traffic report, which has been assessed by Council's Development Engineers. The proposed access arrangements and traffic generation is acceptable.

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As the Pacific highway is a clearway for four hours and no parking is allowed at the bus stop, it is anticipated that heavy construction vehicles would both travel in and park in Womerah Street and Ku-ring-gai Avenue. This will interfere with existing residential traffic and increase the likelihood of damage to the road surface, particularly at the northern end of Womerah Street, where there is no kerb and guttering.

A Construction and Traffic Management Plan and dilapidation report of neighbouring properties and public property are required as recommended conditions of consent (see Conditions 91 and 92).

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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

'1.0 Design Review

Principle 1: Context

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

Comment:

This site is within 400m of Turrumurra railway station, and has been re-zoned for 2(d3) development, as have adjoining properties to the north-east and southwest. The adjoining 2(d3) sites are likely to be developed at a similar scale to this development, and there is currently a development application for a 4 storey development on the corner of Womerah Avenue and the Pacific Highway.

The LEP 194 and DCP 55 objectives are to create buildings which are placed within a landscaped setting. On the southern side of the Pacific Highway opposite the site, there is the Northaven Retirement Village, which is comprised of 2-3 storey buildings set back approximately 10-12m from the Pacific Highway frontage. The opportunity is to create a similar sized setback on the northern side of the road, and a symmetrical, well landscaped frontage on both sides of the road.

Principle 2: Scale

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

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Comment:

The scale of this proposal will relate to the scale of the future 2(d3) developments on adjoining sites. The scale of the building is acceptable.

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.....

Comment:

The sites to the north-east are zoned 2(c). Zoning transition development controls apply to the north-eastern boundary of the site. The proposed development is set back 9m from the boundary, and complies with these controls.

The front and side boundary setbacks are acceptable in terms of privacy and creating sufficient space and landscape to provide a landscaped setting for the building.

This development is one of a pair of adjoining developments, made by the same developer/architect/consultant team. This approach is acceptable, as it makes two buildings within a landscape setting, and maintains the building length to less than 36m. The potential drawbacks of this approach, such as creating relatively wide and square building forms with relatively poor environmental performance, has been overcome by the apartment layouts and the articulated walls (to create naturally lit and ventilated lift lobbies) – see Principle 5 below.

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 site cover by building is 35% and the area of deep soil is 51.7% of the site. The development density complies with LEP 194.

Principle 5: Resource, energy and water efficiency

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

Greater than 70 % of the apartments achieve 3 hours sunlight to living areas. Greater than 60% of apartments have natural cross ventilation. The lift lobby is naturally lit and ventilated on each floor. A water retention/detention tank is provided.

The building is 26m deep, which exceeds the recommended building depth of 18m in the SEPP 65 Residential Flat Design Code. The objective of this guideline is to achieve natural ventilation and sunlight to building interiors. This building is able to meet the

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other standards regarding percentage of cross ventilated apartments and sunlit living areas / balconies, as the building is not excessively long. Therefore, while the building depth exceeds the guideline, and the building does not excel at natural ventilation and solar access, it meets the minimum standards for percentages of naturally lit and ventilated apartments.

Principle 6: Landscape

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

The landscape is sufficiently well planted with a range of vegetation species and sizes to provide an acceptable landscape setting for the building.

Principle 7: Amenity

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

The amenity of the apartments is reasonable as access to sunlight and natural ventilation meets SEPP 65 guidelines and there are no issues of visual or acoustic privacy.

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.

No issues of safety and security are perceived.

Principle 9: Social Dimensions

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

The apartment size and mix is acceptable in this area.

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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 relatively square and block-like building plan has been broken down by its architectural expression. The façade articulation of the building is emphasized by changes in materials and colours. The stepped building form and projecting lightweight steel fascia create a variegated roof line. These are acceptable architectural compositions.

2.0 Recommendations

It is recommended that this development should be approved, based on SEPP 65 design criteria.'

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures and construct a five storey residential flat building with basement car parking on the amalgamated site area of 2421sqm with vehicular access from the Pacific Highway. The site is characterised by an established, but neglected, landscape setting with mature trees and shrubs within formal garden beds and grassed areas. The site is dominated by mature native endemic tree species located off site on adjoining properties located at the rear.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development will result in the clearing of the site of all existing trees and vegetation, with the exception of one tree, #29 Chamaecyparis obtusa (Hinoki Cypress). Landscape Services raises no objections to the proposed tree removal as the existing trees on site are not significant within the broader landscape, and are of poor form or in poor condition. Other trees located off site on adjoining properties have adequate setbacks resulting in no perceived adverse impacts. Although the site is to be cleared, due to the poor condition of the landscape due to neglect, the landscape character can be restored and improved in the short term with the proposed landscape works. The presence of the mature endemic tree species on adjoining properties at the rear of the site will maintain the treed horizon line with additional tree planting enhancing the tree canopy around the proposed development.

As proposed, the landscape works will result in an additional twenty (20) trees being planted on site, which exceeds Council's minimum replenishment requirements. Tree

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species selected are a mix of both native endemic and exotic species which reflect the existing landscape character of Turrumurra. To expedite tree establishment it will be required that exotic trees to be planted within the front setback be planted 'super advanced' with a minimum pot size of 100 Litres. This can be conditioned.

Deep soil

By the applicant's calculations, the proposed development will result in a deep soil landscape area of 51.7% or 1252sqm of the site area, which is compliant with the LEP194 minimum requirements. Landscape Services agrees with the areas included as deep soil.

Setbacks

It is noted that the proposed vehicular access is located within the southern side setback and will result in a minimum setback to the southern site boundary of 3.0m forward of the building line, which is not in strict compliance with Council's DCP55 setback requirements. From a landscape viewpoint the three metres setback alone is not sufficient for the establishment of 'tall' canopy trees. However, the area in question is forward of the building line and the setback can accommodate medium sized trees and understory shrub planting which will maintain site and neighbour amenity. Landscape Services is in agreement with the landscape proposal, that indicates that a 'tall' canopy tree will be planted adjacent to the site frontage in the southern corner along with other tall canopy trees where the deep soil area increases. Landscape Services agrees that the intent of the LEP for the establishment of tall trees within viable deep soil areas between buildings within setback areas has been satisfied.

Landscape Plan

Overall the landscape plan by Ian Jackson, Landscape Architects can be supported. As proposed the landscape works will enhance the treed canopy of the immediate area, is consistent with Council's landscape policies and over time as it matures will maintain and enhance neighbour amenity. The treed character of the rear of the site will be further enhanced through additional native endemic tree planting. No issues are raised with regard to the proposed landscape works.

Drainage Plan

Landscape services raises no objections to the proposed drainage works, subject to the proposed drainage easement being thrust bored beneath the canopy drip line of any existing trees.

Landscape Services can support the application, subject to conditions.

Engineering

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

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The application is supported subject to conditions.

Stormwater management

The applicant has submitted letters of approval from the downstream neighbours to grant a drainage easement. The easement will be created and piped in conjunction with DA679/05, so no additional conditions are required.

The concept stormwater management plan demonstrates that retention and re-use as well as on site detention can be provided in accordance with DCP 47. This is satisfactory. Water quality measures will also be required as outlined in Chapter 8 of DCP 47. This is included in the recommended conditions.

Traffic generation

The proposed 30 units are expected to generate a net 13 vehicle trips per peak hour. Given that access is directly to and from the Pacific Highway, this is not considered to be a significant increase.

Vehicle access and accommodation

The proposed driveway entry to this development is by a curved ramp, single lane but controlled by a traffic light.

The traffic engineer supports this arrangement based on the expected traffic generation, the likely direction of traffic entering, provision of 2 queuing spaces and their analysis of the likelihood of the queuing space being entirely occupied (0.03%).

The report contains some recommendations regarding mirrors which are included in the recommended conditions. The traffic light for the one way entry ramp does not seem to be shown on the architectural plans. It will need to be shown on the Construction Certificate plans and endorsed by the traffic engineer. Conditions are included accordingly.

The proposed vehicular crossing will most likely have to be an Extreme Low Level No. 3 crossing, because of the fall away from the road and the low level footpath. The levels shown at the site boundary may need to be lowered. This can be achieved as it would make the driveway less steep. A longitudinal section should be prepared to confirm that access can be achieved without scraping. This is included in the recommended conditions.

Geotechnical investigation

The investigation was carried out over the two adjoining sites, with Boreholes 1 and 2 most applicable to the subject development. The site is underlain by residual clays to between 2.2 and 4.5 metres depth, then deeply weathered shale to well below basement excavation depths.

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Excavation is not expected to require unusual effort, unless stronger bands of rock are encountered, and the report contains recommendations regarding vibration monitoring and dilapidation surveys. The residence 1213 Pacific Highway will be within the zone of influence of the excavation, however this property is also zoned 2(d3). Whilst dilapidation reporting is recommended, there is the chance that the residence will be demolished in the meantime. The residence at 2 Womerah Street appears to be outside the zone of influence. However, given that there are two garages requiring demolition closer to the boundary, a dilapidation survey is recommended, unless expressly discounted by the geotechnical engineer.

Groundwater seepage was noted at about 5 metres depth. The report states "we do not consider that there is a likelihood of the construction of the basement causing significant interference to the groundwater flow....nor it being untowardly affected by the groundwater..."

The report contains recommendations for batter slopes and shoring systems. It is possible that rock anchors may extend beneath neighbouring properties and into the road reserve. Conditions are recommended which describe the procedure for obtaining approval for temporary anchors.

STATUTORY PROVISIONS

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

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

Part 2 sets out design principles against which design review panels and consent authorities may evaluate the merits of a design. This section is to be considered in connection with the comment of Council's *Urban Design Consultant* above. The proposal is assessed against the heads of consideration as follows:

Principle 1: Context:

The site is within 400 metres of Turramurra railway station and has been re-zoned for 2(d3) development as have adjoining properties to the north-east and south-west. The adjoining 2(d3) sites are likely to be developed at a similar scale to this development and there is currently a development application for a 4 storey development on the corner of Womerah Avenue and the Pacific Highway.

The LEP 194 and DCP 55 objectives are to create buildings which are placed within a landscaped setting. On the southern side of the Pacific Highway opposite the site, there is the Northaven Retirement Village, which is comprised of 2-3 storey buildings set back approximately 10-12m from the Pacific Highway. The opportunity is to create a similar sized setback on the northern side of the road and a symmetrical, well landscaped, frontage on both sides of the road.

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Principle 2: Scale:

The development meets the prescribed building envelope requirements of LEP194, including building height, deep soil landscaping, site coverage and setbacks. The scale is acceptable.

Principle 3: Built form:

The sites to the north-east are zoned 2(c). Zoning transition development controls apply to the north-eastern boundary of the site. The proposed development is set back 9 metres from the boundary and complies with these controls.

The front and side boundary setbacks are acceptable in terms of privacy and creating sufficient space and landscape to provide a landscaped setting for the building.

This development is one of a pair of adjoining developments, made by the same developer/architect/consultant team. This approach is acceptable, as it makes two buildings within a landscape setting, and maintains the building length to less than 36m. The potential drawbacks of this approach, such as creating relatively wide and square building forms with relatively poor environmental performance, have been overcome by the apartment layouts and the articulated walls.

Principle 4: Density:

The proposed building density is appropriate to the site, having regard to development guidelines contained in LEP 194 and DCP 55 and the envisaged future character of the area.

Further, the development itself is compliant with the floor space control and can be adequately serviced by existing infrastructure. The proposed density is therefore acceptable.

Principle 5: Resource, energy and water efficiency:

Greater than 70% of the apartments achieve 3 hours sunlight to living areas. Greater than 60% of apartments have natural cross ventilation. The lift lobby is naturally lit and ventilated on each floor. A water retention/detention tank is provided.

The building is 26m deep, which exceeds the recommended building depth of 18m in the SEPP 65 Residential Flat Design Code. The objective of this guideline is to achieve natural ventilation and sunlight to building interiors. This building is able to meet the other standards regarding percentage of cross ventilated apartments and sunlit living areas / balconies, as the building is not excessively long. Therefore, while the building depth exceeds the guideline and the building does not excel at natural ventilation and solar access, it meets the minimum standards for percentages of naturally lit and ventilated apartments.

Principle 6: Landscape:

The proposal provides for 51.7% of the site being a deep soil zone and complies with the prescribed control of LEP 194.

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The proposed landscaping is consistent with the desired future character of the area, which seeks large canopy trees to soften the buildings and contribute to the streetscape.

Principle 7: Amenity:

The proposed units provide for good solar access, and visual and acoustic privacy. Terrace and balconies are well sized, ranging from 10m² to 75m² with larger balconies to the penthouses. Each individual unit has its own entry lobby and secure internal access to the basement car park by lift or stairs.

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:

The relatively square and block-like building plan has been broken down by its architectural expression. The façade articulation of the building is emphasized by changes in materials and colours. The stepped building form and projecting lightweight steel fascia create a variegated roof line. These are acceptable architectural compositions.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use, and, as such, is unlikely to contain any contamination such that further investigation is not warranted in this case.

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

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

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The development has the potential to impact on water quality and volumes to the catchment. Appropriate conditions can be imposed in relation to stormwater management to ensure limited impact upon water courses.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	2421m ²	YES
Deep landscaping (min): 50%	51.7% or 1252m ²	YES
Street frontage (min): 30m	42.7m	YES
Number of storeys (max): Five (5)	Five	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	57.8%	YES
Storeys and ceiling height (max): 5 storeys and 13.4m	5 Storeys 13.4m	YES
Car parking spaces (min): • 8 (visitors) • 41 (residents) • 49 total	8 visitor spaces 41 resident spaces 49 total	YES YES YES
Zone interface setback (min): 9m	9m provided to zone interface	YES
Manageable housing (min): 10% or 3 units	3 units - 10% 7, 13, 20	YES
Lift access: required if greater than three storeys	Provided. All lifts service all floors including basement levels.	YES

Residential zone objectives and impact on heritage:

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) • 150m ² per 1000m ² of site area = 450m ²	380 m ² provided to the rear of the block	NO
No. of tall trees required (min): 9 trees	20 trees	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	35%	YES
Floor space ratio (max): • 1.3:1	1.28:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): • 10-12 metres (<40% of the zone occupied by building footprint)	10m-12m <40%	YES
Rear boundary setback (min): • 6m • 9m to zone interface	9m to 12m 9m to 12m	YES YES
Side boundary setback (min): • 6m	6m	YES
Setback of ground floor courtyards to street boundary (min): • 8m/11m	8.5m	YES
% 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	One plane less than 600mm on Pacific Highway frontage	NO
• Wall plane area <81m ²	South-East elevation two areas of 139m ² and 92m ² , North-East elevation 89m ² and 98m ² ; North-West elevation two areas of 134m ²	NO
Built form: • Building width < 36m • Balcony projection < 1.2m	29m to Pacific Highway South-West elevation: 2.6m balcony projection South-East: 2.5m balcony projection North-East elevation: 2.8m balcony projection North-West elevation: 3.0m balcony projection	YES NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.5 Residential amenity		
Solar access:		
<ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	76%	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	>50%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	Seven of the units have a north-west aspect. None of the units have a direct western aspect	YES
Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		
Storeys 1 to 4		
<ul style="list-style-type: none"> 12m b/w habitable rooms 	13.6 minimum to neighbouring development at 1203 Pacific Highway	YES
<ul style="list-style-type: none"> 9m b/w habitable and non-habitable rooms 	13.6m minimum between sites A and B	YES
<ul style="list-style-type: none"> 6m b/w non-habitable rooms 	19.4m minimum between rear living room windows and rear window of 2 Bobbin Head Road	YES
5 th Storey		
<ul style="list-style-type: none"> 18m b/w habitable rooms 	22m minimum between sites A and B,	YES
<ul style="list-style-type: none"> 13m b/w habitable and non-habitable rooms 	No direct windows to neighbouring development 1203-1209 Pacific Highway.	YES
<ul style="list-style-type: none"> 9m b/w non-habitable rooms 		YES
Internal amenity:		
<ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	2.7m	YES
<ul style="list-style-type: none"> Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	2.7m	YES
<ul style="list-style-type: none"> 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	>3m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	>3m	YES
<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 	Maximum 7 units 1.6m 2.4m	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 Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m ² <ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	>25m ² (all ground level units provided with balconies 26.5m ² , or with combination of terrace and lawn). Minimum 10m ² Minimum 12m ² Minimum 16m ² >2.4m	YES YES YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	73%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1, 2 & 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	76% Seven single aspect units, all of which have maximum depths of 10.2m or 11m 20% 4.5 star rating = 90% 3.5 star rating = 10%	YES NO NO YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 5 Parking and vehicular access:		
Car parking (min):		
• 41 resident spaces	41 resident spaces	YES
• 8 visitor spaces	8 spaces	YES
• 49 total spaces	49 spaces	YES

Part 4.1 Landscape design:

In terms of the distribution of deep soil area, DCP55 requires that a minimum of 450m² of the total quantum of deep soil area be consolidated in one area on the site. The application provides for some 380m² to the rear of the site as deep soil landscape area.

The application provides for sufficient trees to be retained and replenished on site. It also provides for a total of 51.7% as Deep Soil Landscape area. As such, the objectives of the DCP55 and LEP194 to integrate the building into the landscape, and to ensure sufficient deep soil zones, has been achieved.

It should be further noted that the development has been provided with setbacks at ground and first floor in excess of what is required, at 9 metres as opposed to 6 metres.

Part 4.4 Built form and articulation:

The application provides for several areas where the wall plane depth, wall plane area, and balcony projections have been numerically exceeded.

The built form and articulation of the building needs to be considered as a whole, with particular reference to the model and material details.

The wall plane depths on three of the facades (South-East, North-East, and North-West) have been exceeded. On each elevation the façade has been broken down through the introduction of canopies above windows, and through the use of varying materials, including smooth and textured masonry of varying colours, including darker tones to the base level (a dark brown) and lighter colours above (cream). The south-west, south-east and north-west elevations of the proposed building have also been provided with brick elements, visually breaking up the expanses of façade.

In the context of the elements above, the balcony elements are not obtrusive. The balconies are solid structures in themselves, are not simply 'tacked on' and serve to add interest and provide articulation to the facades. They do not produce any adverse visual or amenity impact nor do they disrupt the form of the façades.

Further, the proposal has been reviewed by Council's Urban Design Consultant, Mr Russell Olssen, against the considerations of SEPP65, who raises no issues in relation to built form and articulation of the development.

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Part 4.8 Resource energy and water efficiency

Of the seven single aspect units, all either have a maximum dimension of 10.2 metres or 11.0 metres as measured from the door to the balconies. Additionally, only 20% of the units have kitchens with external walls (6/30) as opposed to the required 25%.

These two controls are required to ensure maximum thermal comfort within buildings, and to ensure minimal energy required for construction, heating, cooling and lighting. The application attains a high NatHERS score of at least 3.5 stars per unit, and 90% attain a 4.5 star rating. The application therefore provides for high levels of energy efficiency and is considered to provide for high resource energy efficiency.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 by Councils Engineering Assessment Team Leader, who raises no objection to the proposal, subject to conditions.

Section 94 Plan

The development attracts a section 94 contribution of \$458,944.99 which is required to be paid by *Condition No. 77*.

This figure is calculated on the following basis, utilising the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

11 x small dwellings (< 75m ²) at \$11,796.40	\$129,760.40
8 x medium dwellings (75-110m ²) at \$16,533.54	\$132,268.32
11 x large dwellings (110m ² – 150m ²) at \$23,778.57	\$261,564.27
	Total \$523,592.99
Less 2 x very large dwellings (150m ²) at \$32,324.00	\$64,648.00

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Total \$458,944.99

Likely Impacts

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

Suitability of the Site

The site is suitable for the proposed development.

Any Submissions

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

Public Interest

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

UNAUTHORISED WORKS

Not applicable

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority grant development consent to DA 0680/05 for the demolition of existing structures on site and construction of one (1) five (5) storey residential flat buildings comprising thirty (30) units, basement car parking and associated landscaping on land at 1215-1217 Pacific Highway, for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

Schedule A

1. The applicant is to submit documentary evidence to Council that the boundary adjustment under DA679/05 has been registered and that all works associated with that approval have been completed. Such evidence is to be approved by Council prior to the operation of the consent.

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Schedule B

GENERAL CONDITIONS

1. The development shall be carried out in accordance with plans as follows

B01	Issue A	Location Plan Building B	Dated 22 June 2005
B02	Issue H	Level 1 Plan	Dated 4 April 2005
B03	Issue H	Level 2 Plan	Dated 4 April 2005
B04	Issue H	Level 3 Plan	Dated 4 April 2005
B05	Issue H	Level 4 Plan	Dated 4 April 2005
B06	Issue F	Level 5 Plan	Dated 4 April 2005
B07	Issue F	Level 6 Plan	Dated 4 April 2005
B08	Issue F	Level 7 Plan	Dated 4 April 2005
B09	Issue F	Level 8 Plan	Dated 4 April 2005
B10	Issue C	Roof Plan	Dated 4 April 2005
B11	Issue E	West Elevation	Dated 4 April 2005
B12	Issue E	South Elevation	Dated 4 April 2004
B13	Issue E	East Elevation	Dated 4 April 2004
B14	Issue E	North Elevation	Dated 4 April 2004
B15	Issue D	Section A-A	Dated 4 April 2004
B16	Issue D	Section B-B	Dated 4 April 2004

drawn by *Futurespace*, and endorsed with Council's approval stamp, except where amended by the following conditions:

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. All building works shall comply with the Building Code of Australia.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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- d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
- 16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
- 17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 19. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

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- 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.

- 23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 24. The fence and footings shall be constructed entirely within the boundaries of the property.
- 25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
- 28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 29. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
- 30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:

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- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
32. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
33. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
34. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
35. Fire hoses are to be maintained on site during the course of demolition.
36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
37. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- Any such sign is to be removed when the work has been completed.
- This clause does not apply to:
- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.

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41. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
42. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
43. 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.
44. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.
45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the interallotment drainage system benefiting the subject site.
46. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
47. 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.
48. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
49. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
50. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

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51. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*. **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
52. 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.
53. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.
54. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
55. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

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58. Geotechnical aspects of the development works, particularly excavation, vibration monitoring, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas Ref 19362Vrpt.
59. Approval is to be obtained from Ku-ring-gai Council Traffic Committee and RTA for any temporary public road closures and/or placement of cranes on public land.
60. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
61. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
62. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
63. 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.
64. Landscape works shall be carried out in accordance with Landscape Drawing No 19.05/053 prepared by Ian Jackson, Landscape Architects and dated April 2005 submitted with the Development Application, except as amended by the following:
 - * The proposed planting of *Nyssa sylvatica* (Tupelo) centrally located in the front setback are to be increased in pot size from 25 litre to 100 litre.
 - * The proposed planting of a *Eucalyptus saligna* (Bluegum) adjacent to the western site corner in the front setback is to be located so that it has a minimum setback of 6.0m from the proposed energy substation kiosk.
65. REMOVAL/PRUNING of the existing tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location
Tristanopsis laurina (Water Gum)
Pacific Hwy nature strip
66. 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

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agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

67. 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
#29 Chamaecyparis obtusa (Hinoki Cypress)	3.0m
Adjacent to the south east (side) site boundary	

68. 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.

69. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along the Pacific Hwy as an evenly spaced avenue. The tree/s used shall be 25 litre container size specimen/s:

Tree Species
Eucalyptus saligna (Bluegum) x 7

70. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
Any existing tree protected by Council's TPO	Beneath the canopy drip line
On site, within proposed drainage easement or adjoining properties	

71. Following removal of the Tristania laurina (Water Gum) x 2 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
72. 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.
73. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
74. Forty nine (49) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
- 41 - Residential
 - 8 - Visitors/Service Vehicles

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Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. *(Reason: To ensure that adequate parking facilities to service the development are provided on site)*

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

75. 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.

76. 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).
77. 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.
78. 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:

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY **\$458,944.99**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

80. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).

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81. Prior to issue of the Construction Certificate, a qualified civil/traffic engineer must endorse the drawings and certify that:
- * Mirrors are shown as recommended in the report prepared by Masson Wilson Twiney;
 - * Traffic lights are shown in the correct location at each end of one way car park ramps, including the entry ramp from the Pacific Highway;
 - * Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2 004 "Off-Street car parking".
82. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
83. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.
84. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

The longitudinal section through the driveway prepared to satisfy another condition of this consent is to be submitted with the application.

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85. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the outer lane of the Pacific Highway and extending 10 metres inside the property boundary. The driveway profiles must demonstrate that vehicular access to the development can be obtained without scraping of vehicles. Council's Extreme Low Level No. 3 profile (Plan No. 94-030-VC7) is to be used unless otherwise approved. The design levels at the boundary may need to be lowered slightly to accommodate the profile.
86. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be generally in accordance with the Stormwater Drainage plans prepared by AFCE Environment + Infrastructure, submitted with the development application, and advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.

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90. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

91. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the southbound road pavement of Pacific Highway, including kerb and gutter, over the site frontage.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

92. Prior to the commencement of *any* works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- * Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
- * Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- * The locations of any Work Zones in the frontage roadways,
- * Location of proposed crane standing areas
- * A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- * Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

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- * The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible

Traffic Control Plan(s) for the site:

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

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

- * Light traffic roads and those subject to a load or height limit must be avoided at all times.
- * A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- * In addition, the plan must address:
- * A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- * Minimising construction related traffic movements during school peak periods.
- * For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area. Basement parking is to be made available to employees as soon as possible.
- * The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

93. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring buildings within the 'zone of influence' of the excavation. Dilapidation surveys of 2 Womerah Street and 1213 Pacific Highway are required unless written advice is received from the geotechnical engineer that no such surveys are necessary. If submitted, reports must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works

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and be submitted to Council. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.

94. 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.
95. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered and the works are not to commence until approval has been granted. The designs are to include details of the following:
- * RTA concurrence to the proposed temporary rock anchors
 - * How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - * That the locations of the rock anchors are registered with Dial Before You Dig
 - * That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - * That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - * That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
 - * Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
 - * All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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96. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

97. 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
#29 Chamaecyparis obtusa (Hinoki Cypress)	3.0m
Adjacent to the south east (side) site boundary	

98. 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.
99. 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.

100. 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.
101. 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.
102. 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 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.

Item 2

103. 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.
104. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

105. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
106. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
107. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
108. 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.
109. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the

Item 2

consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:

- a. The endorsement fee current at the time of lodgment.
- b. The 88B Instruments plus six (6) copies,
- c. A copy of the Occupation Certificate,
- d. The Consulting Engineer's certification of the on-site stormwater detention facility.
This must be on the standard Council on-site detention certification sheet, available from Councils customer services.
- e. A copy of all works-as-executed plans required under the consent,
- f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- g. The Section 73 (Sydney Water) Compliance Certificate.

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

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

110. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
111. 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).
112. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report prepared by Jeffery and

Item 2

Katauskas and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

114. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

- * Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
- * Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- * 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.

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

115. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
116. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
117. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
- * That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
 - * That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
 - * That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
 - * The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
 - * The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.

Item 2

118. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:

- * As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
- * As built locations of all access pits and grates in the retention systems, including dimensions.
- * The achieved capacity of the retention storages and derivative calculations.
- * Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- * As built surface and invert levels for all drainage pits and junction points.
- * Gradients of drainage lines, materials and sizes.
- * As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

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

- * A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
- * A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- * All Engineer's certifications specified in this consent.

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

120. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

121. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their

Item 2

vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

122. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- * Mirrors are provided as recommended in the report prepared by Masson Wilson Twiney;
- * Traffic lights are provided as required at each end of one way carpark ramps;
- * Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
- * No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.

123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:

- * Pacific Highway southbound lane for the full frontage of the site;
- * Residences at 2 Womerah Street and 1213 Pacific Highway, if originally assessed.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate approval, no follow-up survey is required.

124. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
125. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

126. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or

Item 2

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

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

127. 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.

Kerrin Lithgow
Executive Assessment Officer

Mark Leotta
Team Leader
Development Assessment - North

Matthew Prendergast
Manager
Development Assessment Services

Michael Miocic
Director
Development & Regulation

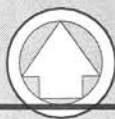
Attachments:

- Locality Map - 553646**
- Zoning Extract - 553647**
- Site Plan - 553649**
- Architectural drawings – 553651**
- Elevations – 553652**
- Sections - 553654**
- Shadow Diagrams - 553655**
- Landscape Plan – 553656**
- Stormwater & Environmental Site Management Concept - 553657**

LOCATION SKETCH

1215 - 1217 Pacific Highway TURRAMURRA N.S.W.

DEVELOPMENT APPLICATION No 0680/05



Scale : 1:2500

09-11-2005



AGREEMENT

OBJECTION

SUBJECT LAND



PETITION

SUBMISSION

CIRCULATED AREA



Zoning Extract

1215-1217 Pacific Hwy DA 0680/05

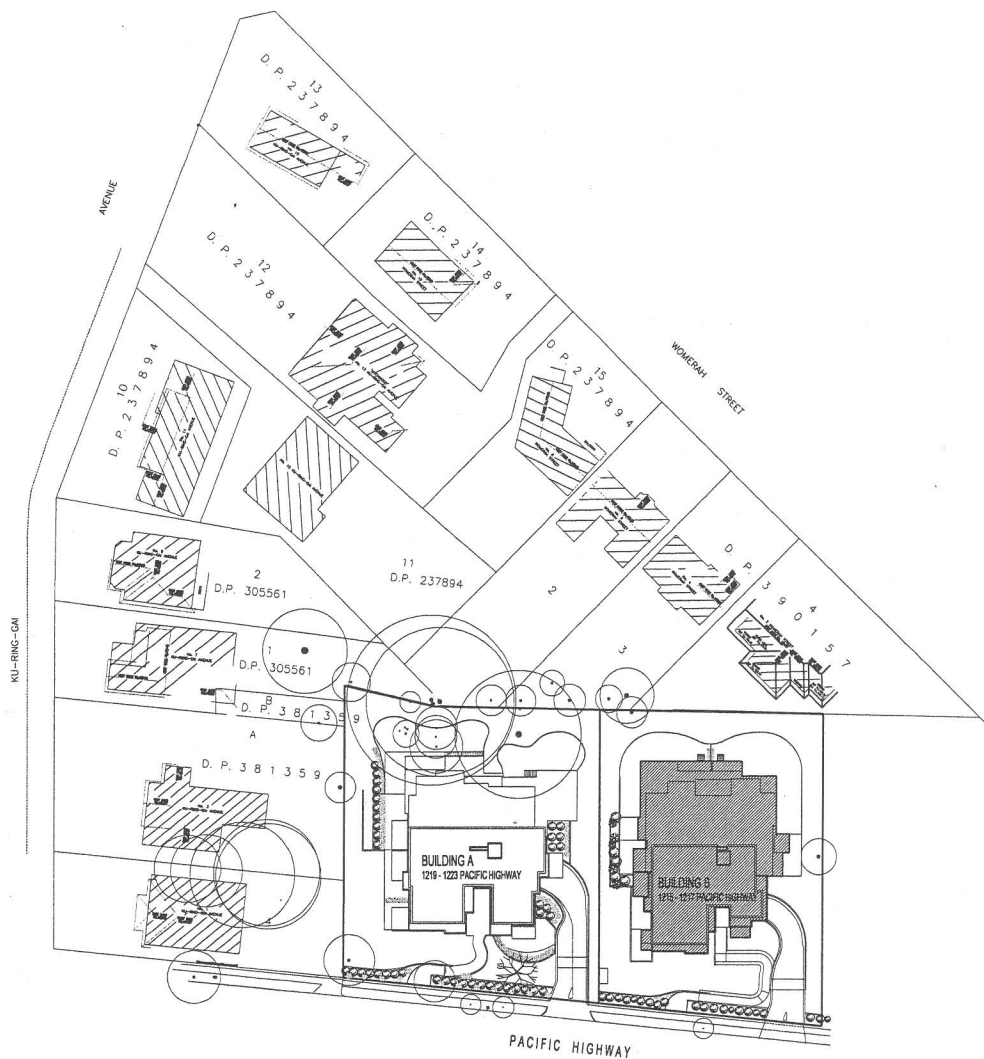


09-11-2005

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)	





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PROJECT & SITE ADDRESS

Proposed Multi-Unit Apartments
1215-1217 Pacific Highway
Turrumurra NSW 2074

CLIENT

PHT Pty Ltd

DRAWING

LOCATION-PLAN-BUILDING-B

SCALE

1:500

PROJECT NO.

031211

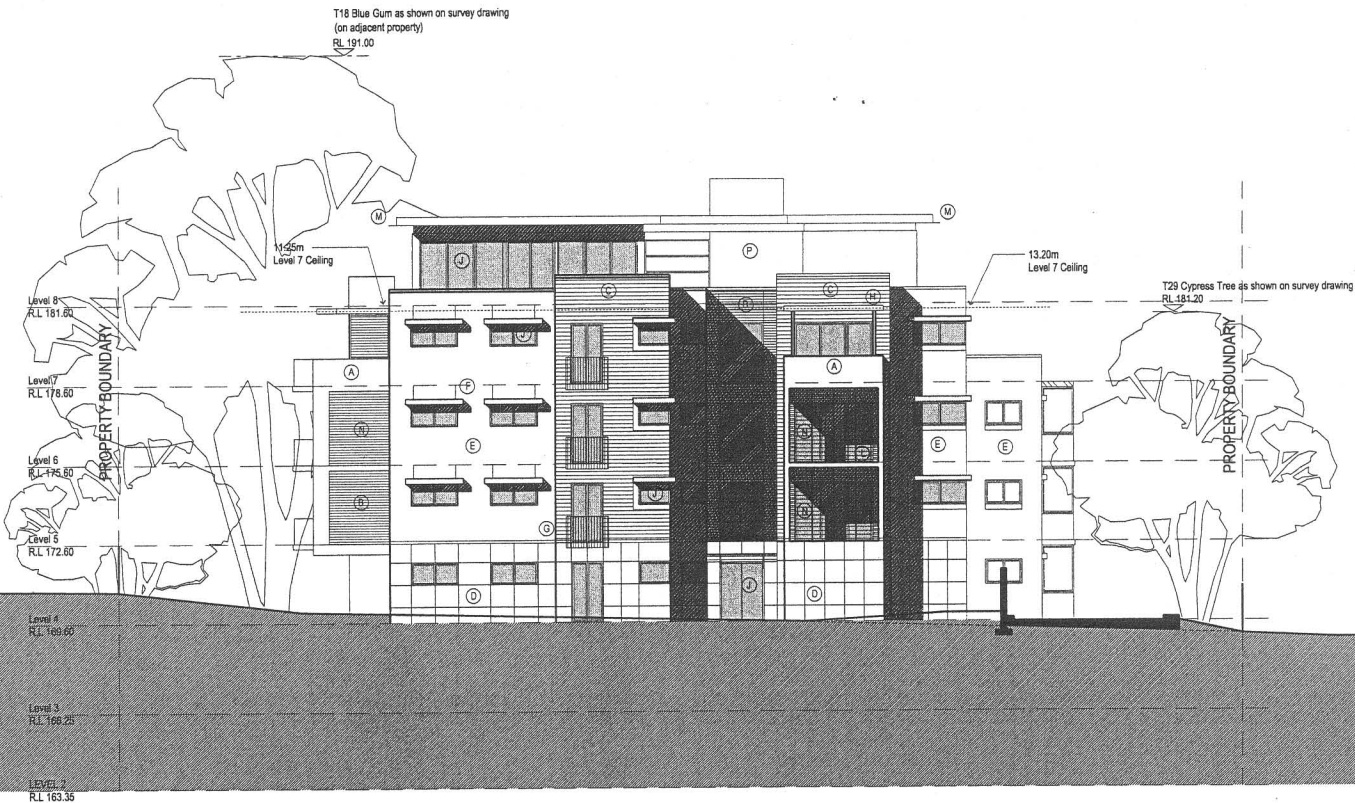
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B

D V

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WEST ELEVATION

- (A) Smooth rendered masonry with paint finish (Dulux Rinaldo)
- (B) Slatted timber privacy screen
- (C) Fairface brickwork with raked joints
- (D) Smooth rendered masonry with expressed joints and paint finish (Dulux Deep Leather)
- (E) Textured rendered masonry with paint finish (Dulux Light and Low)

- (F) Lightweight canopy with powdercoat finish (Dulux Charcoal)
- (G) Lightweight balustrade with powdercoat finish (Dulux Charcoal)
- (H) Steel frame pergola with paint finish (Dulux Rinaldo)
- (J) Aluminium framed glazed windows and doors powdercoat finish (Dulux Charcoal)
- (K) Aluminium framed glazed canopy powdercoat finish (Dulux Charcoal)

- (L) Glazed balustrade
- (M) Lightweight fascia with powdercoat finish (Dulux Charcoal)
- (N) Glass louvre screen
- (P) Textured rendered masonry with paint finish (Dulux Ploughed Earth)

Colour references are as shown or nearest equivalent

E	DA ISSUE	22-06-05
D	ISSUE TO CLIENT	16-06-05
C	ISSUE TO HERITAGE CONSULTANTS	03-05-05
B	ISSUE TO LANDSCAPE CONSULTANTS	18-04-05
A	ISSUE TO CONSULTANTS	13-04-05
ISSUE	AMENDMENT	DATE

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

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CLIENT

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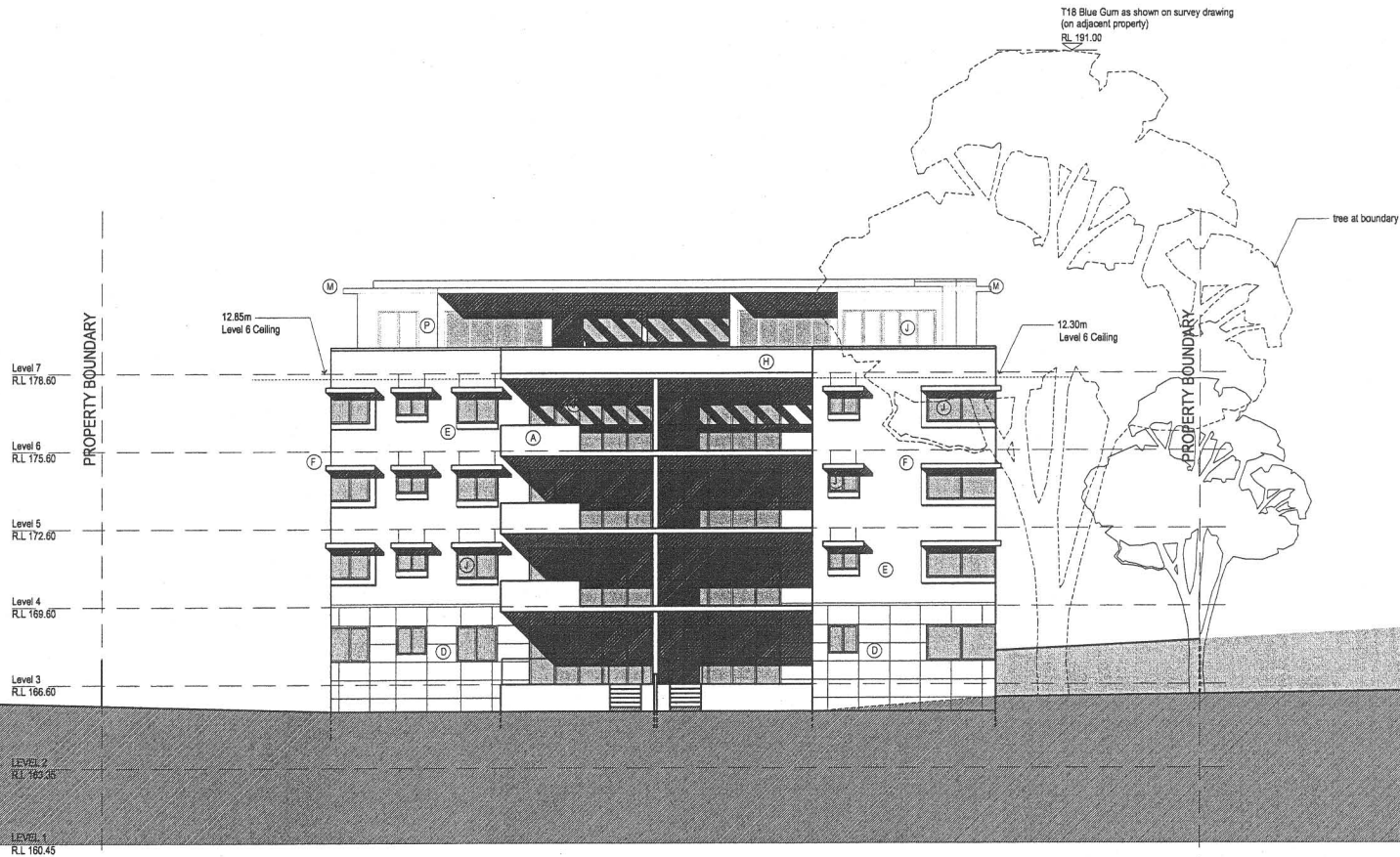
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WEST-ELEVATION

SCALE

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PROJECT NO	DRAWN
031211	MR
DRAWING NO	DATE
	04-04-05
	ISSUE
B11	E



EAST ELEVATION

- | | | |
|---|--|--|
| (A) Smooth rendered masonry with paint finish (Dulux Rimaldo) | (F) Lightweight canopy with powdercoat finish (Dulux Charcoal) | (L) Glazed balustrade |
| (B) Slatted timber privacy screen | (G) Lightweight balustrade with powdercoat finish (Dulux Charcoal) | (M) Lightweight fascia with powdercoat finish (Dulux Charcoal) |
| (C) Fairface brickwork with raked joints | (H) Steel frame pergola with paint finish (Dulux Rimaldo) | (N) Glass louvre screen |
| (D) Smooth rendered masonry with expressed joints and paint finish (Dulux Deep Leather) | (J) Aluminium framed glazed windows and doors powdercoat finish (Dulux Charcoal) | (P) Textured rendered masonry with paint finish (Dulux Ploughed Earth) |
| (E) Textured rendered masonry with paint finish (Dulux Light and Low) | (K) Aluminium framed glazed canopy powdercoat finish (Dulux Charcoal) | |

Colour references are as shown or nearest equivalent

E	DA ISSUE	22-06-95
D	ISSUE TO CLIENT	18-06-95
C	ISSUE TO HERITAGE CONSULTANTS	03-05-95
B	ISSUE TO LANDSCAPE CONSULTANTS	18-04-95
A	ISSUE TO CONSULTANTS	13-04-95

ISSUE	REVISION	DATE

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PROJECT & SITE ADDRESS

Proposed Multi-Unit Apartments
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 Turramurra NSW 2074

CLIENT

PHT Pty Ltd

DRAWING

EAST-ELEVATION

SCALE

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PROJECT NO

031211

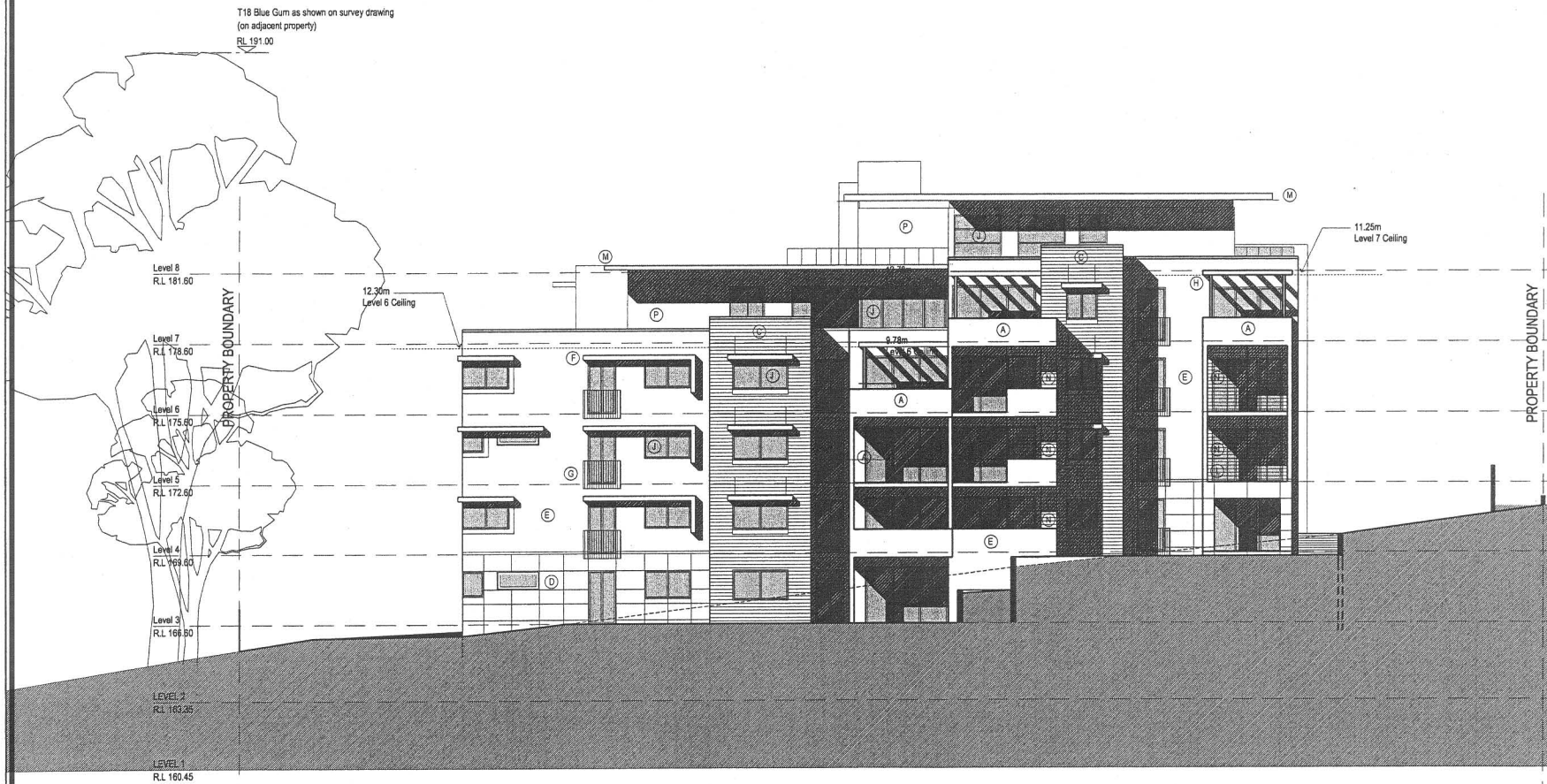
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ISSUE

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NORTH ELEVATION

- | | | |
|---|--|--|
| (A) Smooth rendered masonry with paint finish (Dulux Rinaldo) | (F) Lightweight canopy with powdercoat finish (Dulux Charcoal) | (L) Glazed balustrade |
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Colour references are as shown or nearest equivalent

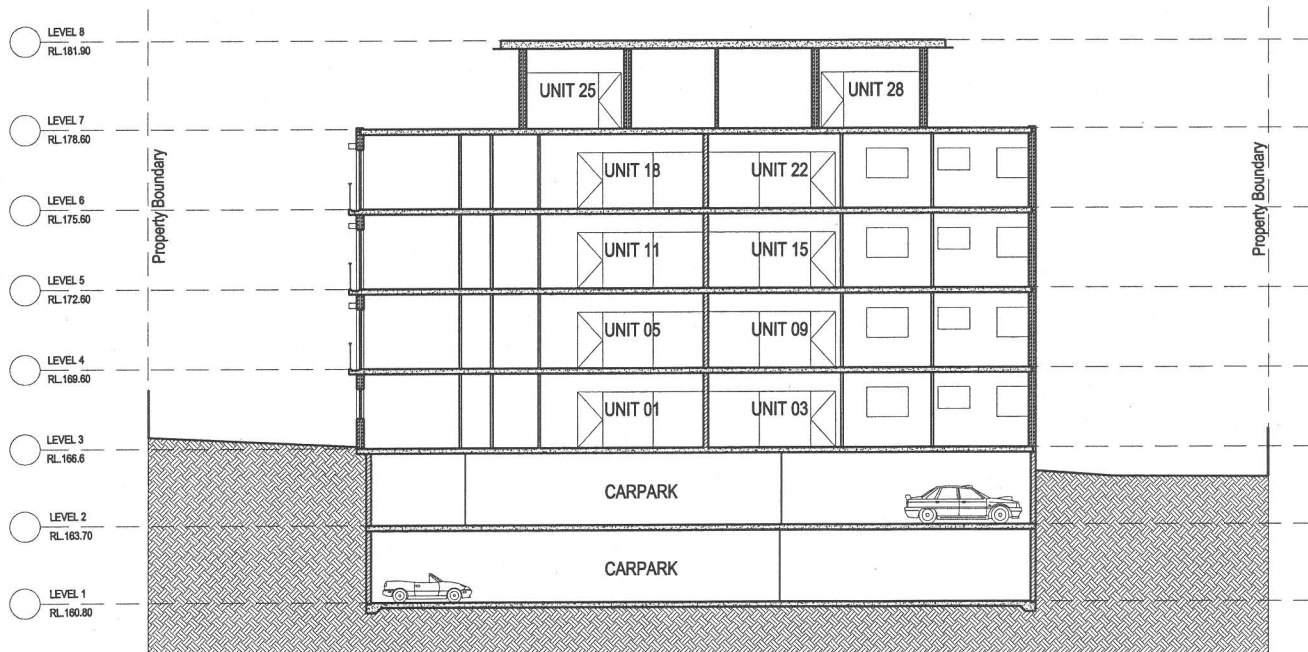
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D	ISSUE TO CLIENT	18-06-05
C	ISSUE TO HERITAGE CONSULTANTS	03-05-05
B	ISSUE TO LANDSCAPE CONSULTANTS	18-04-05
A	ISSUE TO CONSULTANTS	15-04-05
ISSUE	AMENDMENT	DATE

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PROJECT & SITE ADDRESS	
Proposed Multi-Unit Apartments 1215-1217 Pacific Highway Turramurra NSW 2074	
CLIENT	
PHT Pty Ltd	
DRAWING	
NORTH-ELEVATION	
SCALE	
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PROJECT NO.	DRAWN
031211	MR
DRAWING NO.	DATE
	04-04-05
	ISSUE
B14	E



SECTION A-A

D	BA ISSUE	27-01-05
C	ISSUE TO CLIENT	09-06-05
B	ISSUE TO LANDSCAPE CONSULTANTS	18-01-05
A	ISSUE TO CONSULTANTS	13-01-05
ISSUE	AMENDMENT	DATE

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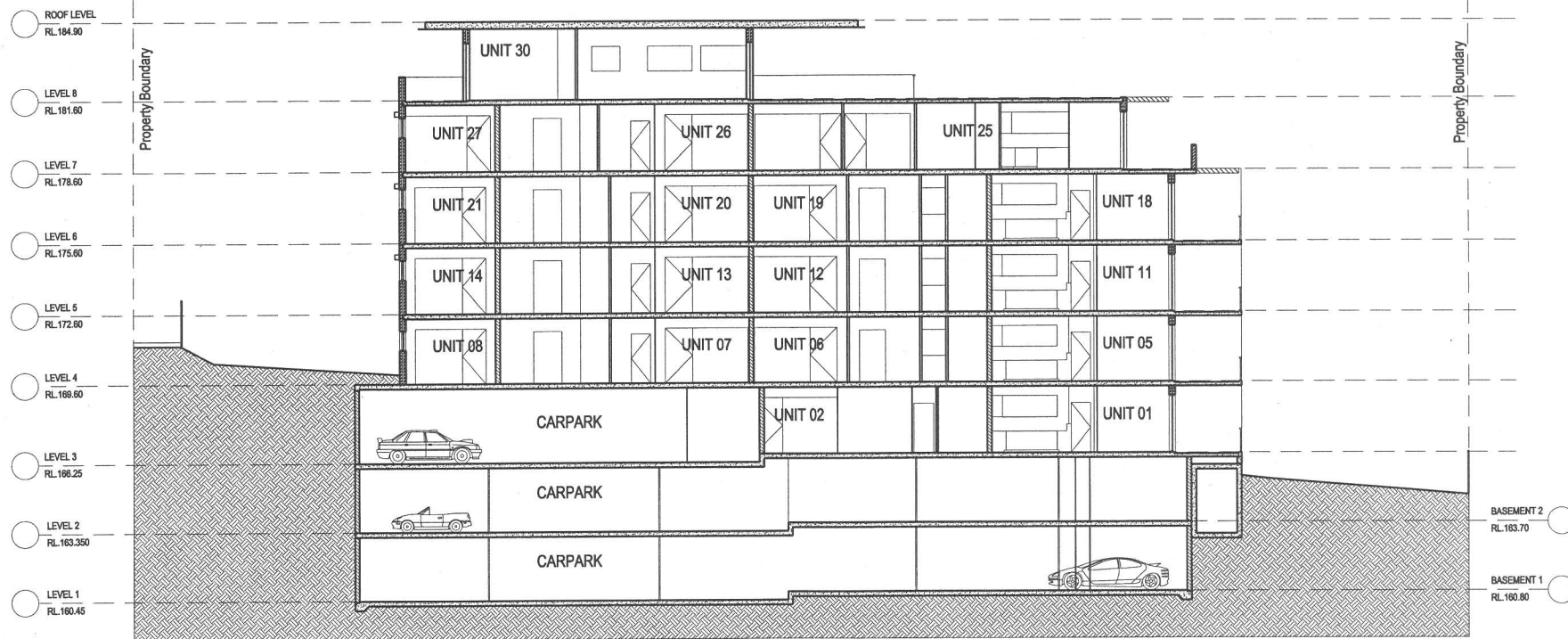
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SECTION A-A

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PROJECT NO	DRAWN
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	ISSUE
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B	DA ISSUE	22-04-05
C	ISSUE TO CLIENT	09-04-05
D	ISSUE TO LANDSCAPE CONSULTANTS	18-04-05
A	ISSUE TO CONSULTANTS	13-04-05
ISSUE	AMENDMENT	DATE

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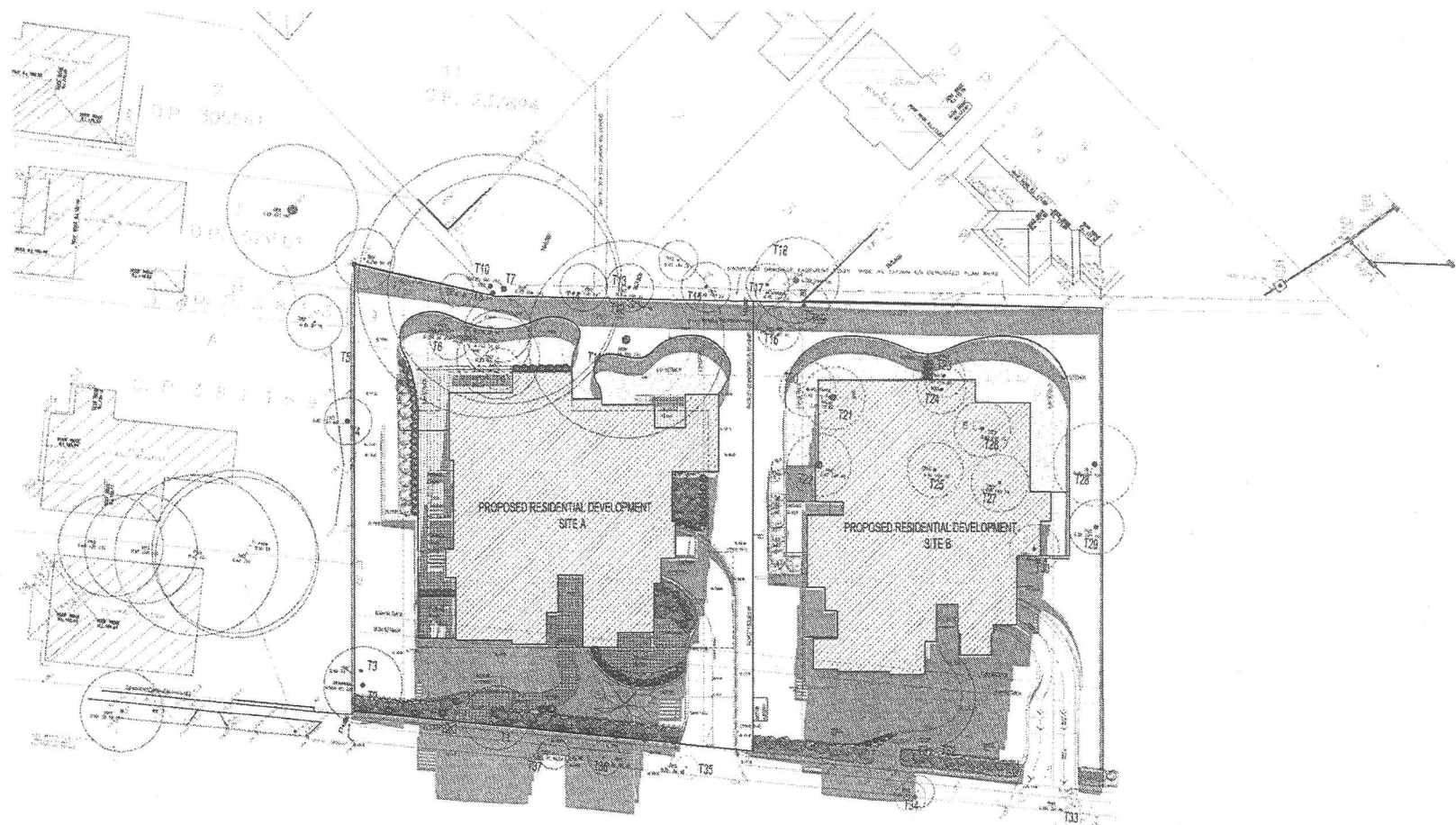
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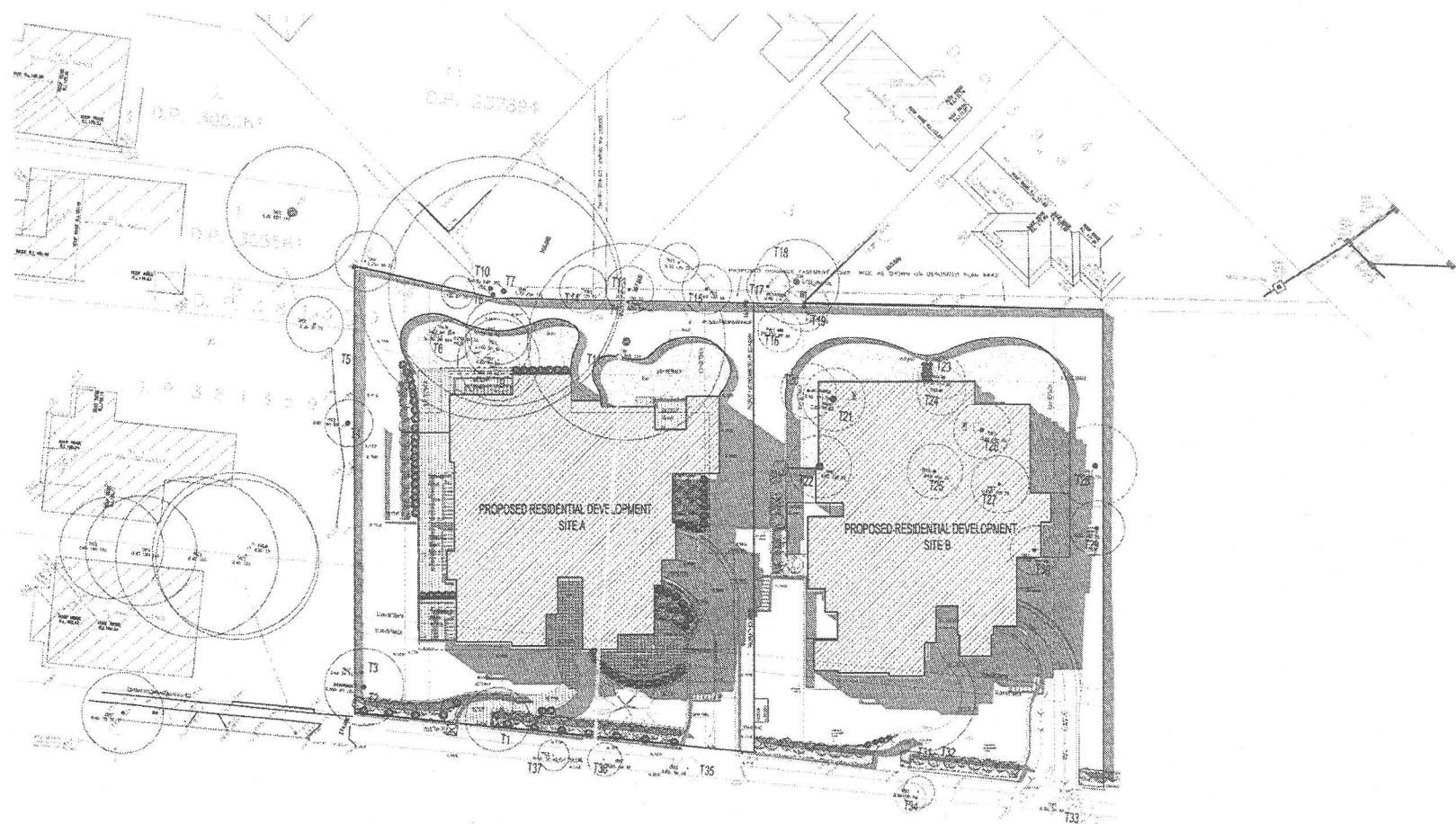
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	ISSUE
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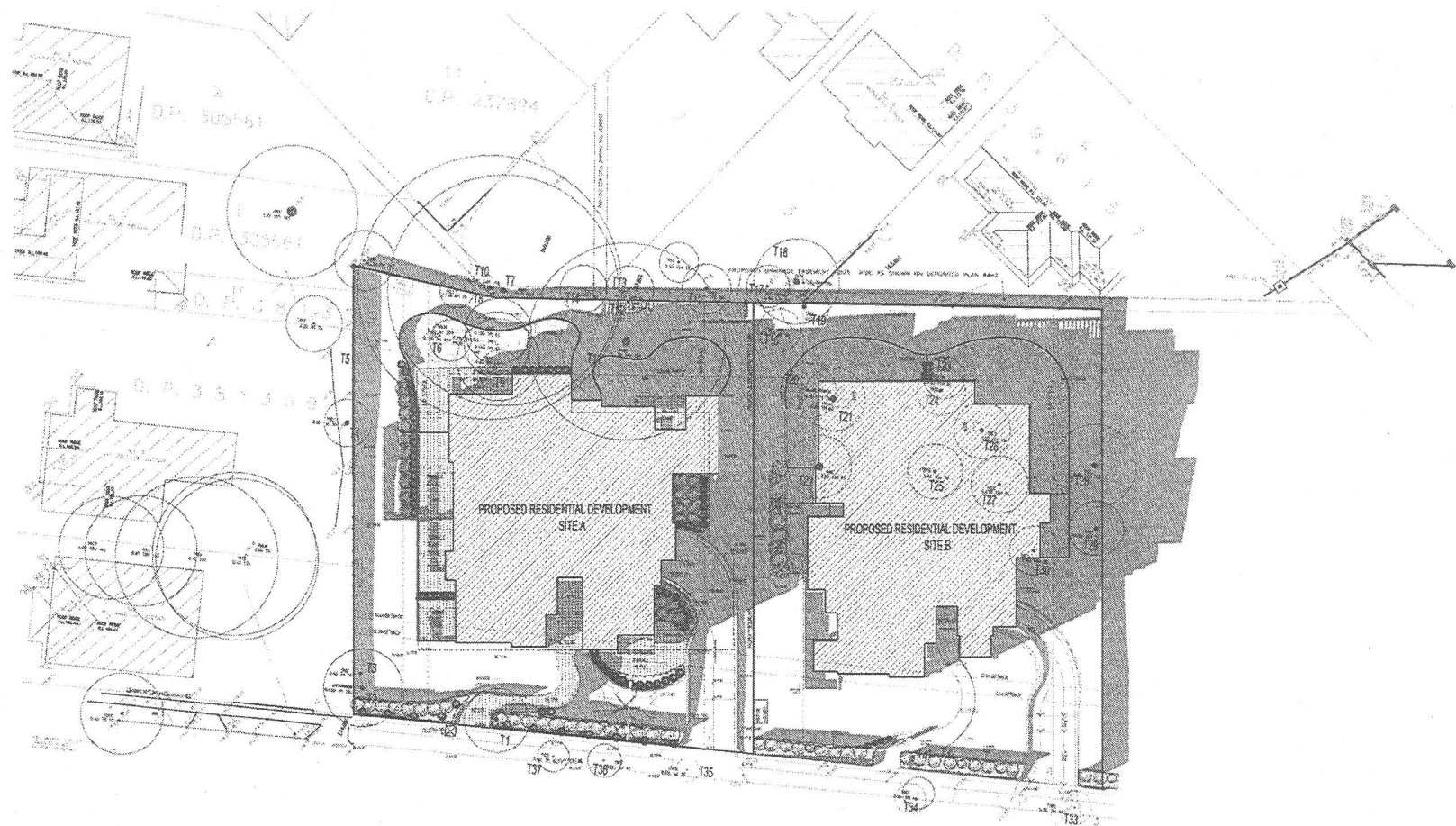
Shadow Diagram
Equinox 9am

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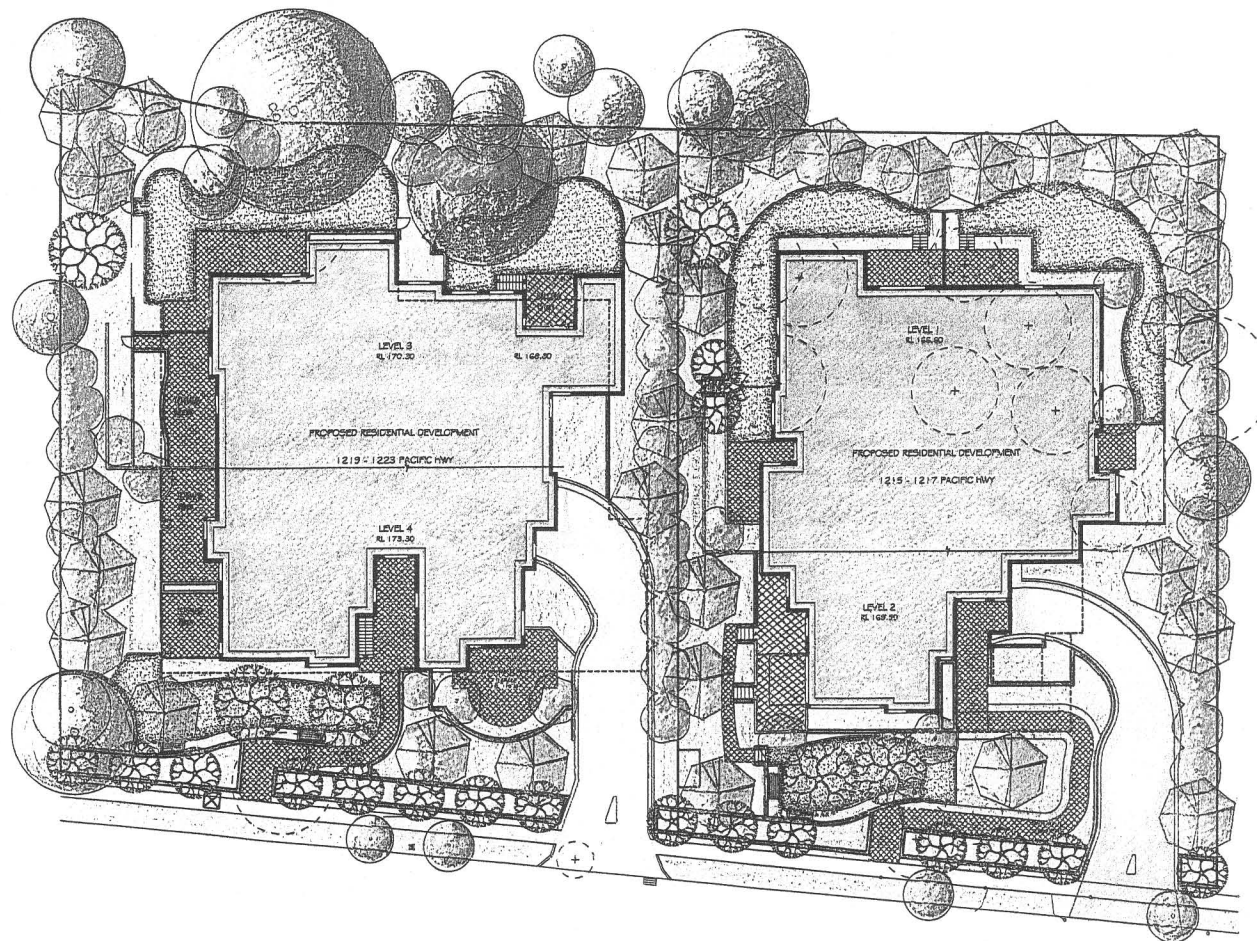
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Equinox 12pm

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








Shadow Diagram
Equinox 3pm

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LEGEND

-  EVERGREEN TREES
-  DECIDUOUS TREES
-  FEATURE TREES
-  EXISTING TREES TO BE RETAINED
-  EXISTING TREES TO BE REMOVED
-  NEW TURF AREAS, SOFT LEAF BUFFALO
-  UNIT PAVING
-  MASONRY WALLS
-  SANDSTONE GARDEN WALLS
-  BRICK GARDEN EDGING
-  STEPPING STONES

NOTES

This plan is to be read in conjunction with all the documentation prepared by Futurespace Pty Ltd.

Also refer to the Landscape Specification.

 **Ian Jackson**
LANDSCAPE ARCHITECTS PTY LTD

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project
Residential Development
1215-1223 Pacific Hwy,
Turramurra

drawing
Landscape Master Plan

client
PHT Pty Ltd

date April 2005 **scale** 1:200 @ A1

job.dwg no. 19.05/051 **no. in set** ONE/TWO

designed by IJ **drawn by** GM

0 2 4 6 8 10 20

SCHEDULE OF EXISTING TREES

KEY	BOTANICAL NAME	COMMON NAME	HEIGHT X SPREAD
16	Morus nigra	Mulberry	9 x 5m
17	Acacia mimosifolia	Jacaranda	12 x 5m
18	Eucalyptus saepia	Sydney Blue Gum	25 x 10m
19	Liquidambar styraciflua	Broad Leaf Sweetgum	8 x 6m
20	Acacia mimosifolia	Jacaranda	11 x 7m
21	Phoenix caroliniana	Canary Island Palm	7 x 6m
22	Cupressus macrocarpa 'Aurea'	Golden Cypress	13 x 6m
23	Brachydonon acerifolia	Illawarra Flame Tree	9 x 4m
24	Magnolia grandiflora	Bull Bay Magnolia	11 x 5m
25	Brachydonon acerifolia	Illawarra Flame Tree	9 x 4m
26	Acacia mimosifolia	Jacaranda	10 x 7m
27	Acacia mimosifolia	Jacaranda	12 x 10m
28	Chamaecyparis obtusa	Hinoki Cypress	15 x 7m
29	Ceratopetalum gummiatum	NSW Christmas Bush	10 x 5m
30	Camellia sasanqua	Camellia	8 x 5m
31	Lagerstroemia indica	Crape Myrtle	9 x 8m
32	Tristanopsis laurina	Water Gum	5 x 3m
33	Tristanopsis laurina	Water Gum	5 x 3m

Existing trees identified as trees that will attain a minimum height of 13m on shale derived soils.

SCHEDULE OF PLANT MATERIAL

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT	POT SIZE	STAKES
ACU	Archontophoenix cunninghamiana	Bangalow Palm	3	13m	75 litre	-
AN	Asplenium nidus	Bird Nest Fern	3	1.5m	5 litre	-
AP	Acer palmatum	Japanese Maple	3	7m	25 litre	-
BO	Breynia oblongifolia	Breytia	6	2.5m	5 litre	-
BR	Bauera rubioides	Dog Rose	7	1.5m	5 litre	-
BS	Banksia spinulosa	Harpin Banksia	4	1.5m	5 litre	-
CA	Ceratopetalum apetalum	Coachwood	5	1.3m	5 litre	-
CAN	Cissus antarctica	Kangaroo Vine	6	prostrate	140mm pot	-
CC	Cyathus cooperi	Rough Tree Fern	36	2.5m	5 litre	-
CG	Ceratopetalum gummiatum	NSW Xmas Bush	3	3m	5 litre	-
CS	Callitriche serratifolia	Black Wattle	5	6m	5 litre	-
CSA	Camellia sasanqua	Sasanqua Camellia	19	2.5m	5 litre	-
CSL	Cordyline stricta	Narrow Leaf Palm Lily	9	2.5m	5 litre	-
CT	Clerodendrum tomentosum	Hairy Clerodendrum	12	2m	5 litre	-
DC	Dianella caerulea	Paroo Lily	112	0.4m	140mm pot	-
DE	Doryanthes azevda	Gymea Lily	3	1.5m	5 litre	-
DI	Dianella revoluta	Flax Lily	55	0.4m	140mm pot	-
DT	Dodonaea triquetra	Hop Bush	12	2m	5 litre	-
DR	Dianella 'Tas Red'	Tas Red Dianella	56	0.4m	140mm pot	-
EP	Eucalyptus pilularis %	Blackbutt	5	25m	25 litre	2
ER	Elaeocarpus reticulatus	Blueberry Ash	14	5m	25 litre	2
ES	Eucalyptus saligna %	Sydney Blue Gum	10	25m	25 litre	2
EP	Gardenia 'Florida'	Gardenia	27	1m	140mm pot	-
HS	Hibbertia scandens	Guinea Flower	32	0.4m	140mm pot	-
LI	Lagerstroemia indica	Crape Myrtle	8	10m	25 litre	2
LL	Lomandra longifolia	Mat Rush	60	1m	140mm pot	-
LL	Lomandra longifolia 'Tanika'	Tanika Mat Rush	34	0.4m	140mm pot	-
LM	Liriodendron munitum	Liriodendron	69	0.4m	140mm pot	-
MP	Murphya paniculata	Orange Jessamine	22	3m	5 litre	-
NL	Nelotaea longifolia	Mock Olive	5	3m	5 litre	-
NS	Nyssa sylvatica %	Tupelo	2	18m	25 litre	2
PR	Pittosporum revolutum	Yellow Pittosporum	39	3m	5 litre	-
RV	Rapanea variabilis	Pygmy Date Palm	8	2.5m	5 litre	-
SG	Syncarpia glomulifera %	Turpentine	3	20m	25 litre	2
SPG	Syzygium paniculatum	Dwarf Lilly Pill	63	3m	5 litre	-
TC	Toona ciliata	Red Cedar	1	18m	100 litre	-

% 20 trees to attain a minimum height of 13m on shale derived soils.

The majority of the plants in this schedule have been selected from a list of indigenous Blue Gum High Forest species and also in Kuring-gai Council's indigenous plant list within the BASIX Specification.

Dense screen planting of trees and shrubs along side boundary. When combined with the proposed planting for the adjoining development (refer to Drawing No. 19.05/052) it will provide a thick vegetation screen between the buildings.

Maximum 1000mm wide paths to comply with deep soil zone requirements.

1800mm high masonry wall set back to enable 2000mm wide garden bed for along front boundary.

Low masonry wall to retain garden. Refer to Architects details.

Communal open space comprising of open lawn area, deciduous shade trees and seating.

Planting of traditional species along front boundary to complement the garden character of Turramurra.

ADJOINING PROPOSED DEVELOPMENT
ALSO REFER TO LANDSCAPE MASTER PLAN 19.05/051

19.05/051

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LEGEND

- EXISTING LEVELS
- +172.20 PROPOSED DESIGN LEVELS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- NEW TURF AREAS: SOFT LEAF BUFFALO
- UNIT PAVING
- MASONRY WALLS
- SANDSTONE GARDEN WALLS
- BRICK GARDEN EDGING
- STEPPING STONES
- 12m HIGH BLACK 'POOL STYLE' METAL FENCE
- RAISED GARDEN BEDS

The landscape scheme is a preliminary design based on Sydney Blue Gum High Forest species with some wet soil tolerant species to reflect the existing gully morphology.

- Courtyard Paving
- Masonry Walling, By others
- Automatic dripper watering system to ensure successful plant growth
- 100mm mulch layer to retain moisture and suppress weed growth
- Minimum 500mm deep high quality imported garden soil mix
- 30mm drainage cells installed according to manufacturer's directions
- Topsoil layer to drain to stormwater system, By others
- Waterproofing to wall and slab, By others
- Concrete slab, By others

1 PLANTER BOX
SCALE 1:20
TYPICAL SECTION

NOTES

This plan is to be read in conjunction with all the documentation prepared by Futurespace Pty Ltd.

Also refer to the Landscape Specification.

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project
Residential Development
1215-1217 Pacific Hwy,
Turramurra

drawing
Landscape Plan

client
PHT Pty Ltd

date
April 2005

scale
1:100 @ B1

job.dwg no.
19.05/053

no. in set
TWO/TWO

designed by
IJ

drawn by
GM

PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 1215 - 1217 PACIFIC HIGHWAY TURRAMURRA

STORMWATER MANAGEMENT & ENVIRONMENTAL SITE MANAGEMENT CONCEPT PLANS

SHEET INDEX	
SHEET No.	DESCRIPTION
B1	COVER SHEET AND NOTES
B2	CONCEPT STORMWATER MANAGEMENT PLAN
B3	CONCEPT STORMWATER MANAGEMENT PLAN BASEMENT DRAINAGE
B4	CONCEPT ENVIRONMENTAL SITE MANAGEMENT NOTES
B5	CONCEPT ENVIRONMENTAL SITE MANAGEMENT PLAN

PROPOSED DEVELOPMENT : TYPE 5 - MULTI-UNIT DEVELOPMENT				
	DCP 47 REQUIREMENT	CLAUSE	PROPOSAL AND CALCULATIONS	DCP 47 COMPLIANCE
STORMWATER DISPOSAL	HIGH LEVEL PROPERTY - MAY DISCHARGE TO STREET GUTTER : MAX. 25 L/s - MAY DISCHARGE TO STREET DRAINAGE PIPE	5.4.1 5.4.2	DRAINAGE BY GRAVITY TO COUNCIL DRAINAGE SYSTEM IN WOMERAH ST. VIA. EASEMENT TO BE OBTAINED AS REQUIRED	YES
	LOW LEVEL PROPERTY - PIPE MAY NOT EXTEND ACROSS NEIGHBOURS STREET FRONTAGE - ON-SITE ABSORPTION/DISPERSION NOT PERMITTED - FOR DISCHARGE TO BUSHLAND, NO RUNOFF DAYS TO NOT INCREASE AND BUA RESTRICTED TO 35% - CHARGED SYSTEMS NOT PERMITTED - EASEMENT REQUIRED WATERCOURSE/EASEMENT AVAILABLE - MAY DISCHARGE TO NATURAL W/C OR APPURTENANT EASEMENT	5.4.1 5.7.7 5.6, 4.4.1 5.7.8 6.7(1)		
STORMWATER MANAGEMENT	- RAINWATER TANK : 1000 L PER UNIT TO TOILETS & LAUNDRY - OSD REQUIRED. STORAGE MAY BE REDUCED BY CORRESPONDING PROVISION OF ON-SITE RETENTION VOLUME. - WHERE BACKING ONTO BUSHLAND: - OSD NOT PERMITTED - ADDITIONAL ON-SITE RETENTION REQUIRED + GREATER OF: ROOF AREA x 20mm OR 5000 L - WHERE DISCHARGE IS DIRECT TO AN INTERALLOTMENT EASEMENT OSD MAY BE MANDATORY.	6.4 6.7 6.8 6.9	DETERMINE RAINWATER TANK PROVISION NO UNITS = 30 RAINWATER TANK PROVISION : SINGLE TANK SERVICING ALL UNITS RAINWATER TANK STORAGE : = No UNITS x 1000 L = 30 m ³ DETERMINE OSD REQUIREMENT SITE AREA = 2421 m ² COUNCIL CATCHMENT CODE : BC REQUIRED STORAGE VOLUME = 414 m ³ /ha = 0.2421 x 50% x 414 x 75% = 38m ³ PERMISSIBLE SITE DISCHARGE = 96 L/s/ha = 0.2421 x 50% x 96 = 11.6 L/s CONCLUSION PROVIDE 30 m ³ RAINWATER RE-USE TANK PROVIDE 38 m ³ ON-SITE DETENTION TANK	YES

GENERAL NOTES

- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 1508.3.2-1998 AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICES AND CODES.
- THE MINIMUM SIZE OF STORMWATER DRAINS SHALL NOT BE LESS THAN DN90 FOR CLASS 1 BUILDINGS AND DN100 FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY THE REGULATORY AUTHORITY.
- THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE AS GIVEN IN THE TABLE BELOW:

NOMINAL SIZE	%
DN 90	1.00
DN 100	1.00
DN 150	1.00
DN 225	0.5
DN 300	0.3
DN 375	0.35
- COUNCIL'S TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO. NO TREES SHALL BE REMOVED UNTIL PERMIT IS OBTAINED.
- PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CONTRACTORS EXPENSE.
- ALL PITS TO BE BENCHED AND STREAMLINED. PROVIDE STEP IRONS FOR ALL PITS OVER 1.2m DEEP.
- CATCH DRAINS ARE TO BE CONSTRUCTED AS REQUIRED BY COUNCIL'S ENGINEER.
- MAKE SMOOTH JUNCTION WITH ALL EXISTING WORK.
- VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION.
- SUITABLE EASEMENTS TO DRAIN WATER TO BE PROVIDED OVER DRAINAGE LINES THROUGH ALLOTMENTS AND SUBSEQUENT PIPE TO BE CENTRALLY LOCATED WHERE REQUIRED BY DESIGN.
- ALL RUBBISH, SHEDS, BUILDINGS AND FENCES TO BE REMOVED. SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND FIELD INVESTIGATIONS AND ARE NOT GUARANTEED COMPLETE OR CORRECT AND ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- ADAPTED PROVISION TO BE MADE FOR SCOURING AND SEDIMENTATION TO ALL DRAINAGE WORKS AS DIRECTED.
- ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS ARE TO BE CONFIRMED BY THE DESIGN ENGINEER PRIOR TO THEIR COMMENCEMENT.

	EXISTING	PROPOSED
KERB AND GUTTER	-----	-----
ROAD CENTRELINE	-----	-----
DRAINAGE PIPELINE (ROAD)	-----	-----
DRAINAGE PIPELINE (PROPERTY)	-----	-----
INLET PIT (ROAD)	-----	-----
INLET PIT (PROPERTY)	-----	-----
JUNCTION PIT (ROAD)	-----	-----
SURFACE LEVEL	-672.0	-672.0
SURFACE CONTOUR	-672-	-672-
WATERMAIN	-W-	-W-
UNDERGROUND POWER CABLES	-P-	-P-
GAS MAIN	-G-	-G-
UNDERGROUND PHONE CABLES	-T-	-T-
POWER POLES	o	o
SEWER	-S-	-S-
INDICATES PIPE RISERS	-----	-----
INDICATES SERVICE TYPE	-----	-----
INDICATES SERVICE SIZE	-----	-----
INDICATES SERVICE DROPPERS	-----	-----

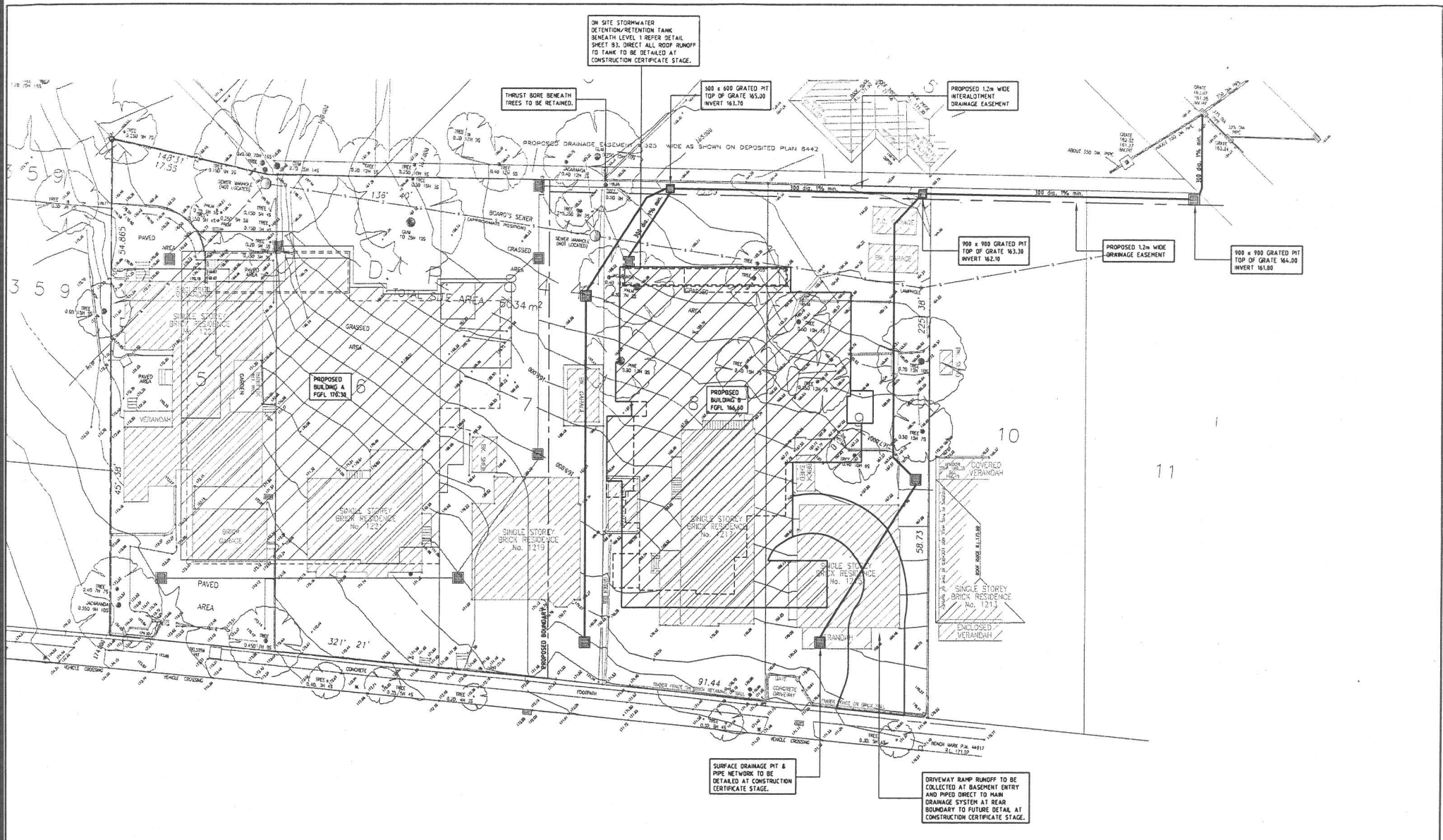
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BASE SCALE
FOR A1 PLAN

PRINT ISSUED

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APPLICATION PURPOSES ONLY AND IS NOT
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				AFCE Environment + Building				DESIGNED	MOT	PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT - BUILDING B 1215 - 1217 PACIFIC HIGHWAY TURRAMURRA				DRAWING	COVER SHEET AND NOTES			
				AFCE				DRAWN	VB					CLIENT	PHT PTY LTD			
				A DIVISION OF APLEYARD FORREST CONSULTING ENGINEERS PTY LTD ABN: 46 193 475 686				CHECKED		DIRECTOR				No. OF SHEETS	SCALE	JOB No.	SHEET No.	REVISION
MAY, 05				10 HILLS STREET, GOSFORD NSW 2250 1001 26, 7 WHEELA AVENUE, CASTLE HILL NSW 2154 SUITE 1, 487-489 BOND ROAD STREET, BONDURUM NSW 2264				DATE	MAY, 05	L.D. APLEYARD M.E. (AUST. NPER-3) (CIVIL AND STRUCTURAL)				1 of 5	NTS	353060	B1	0



CONCEPT STORMWATER MANAGEMENT PLAN - BUILDING B
SCALE 1:200

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BASE SCALE
FOR A1 PLAN

PRINT ISSUED

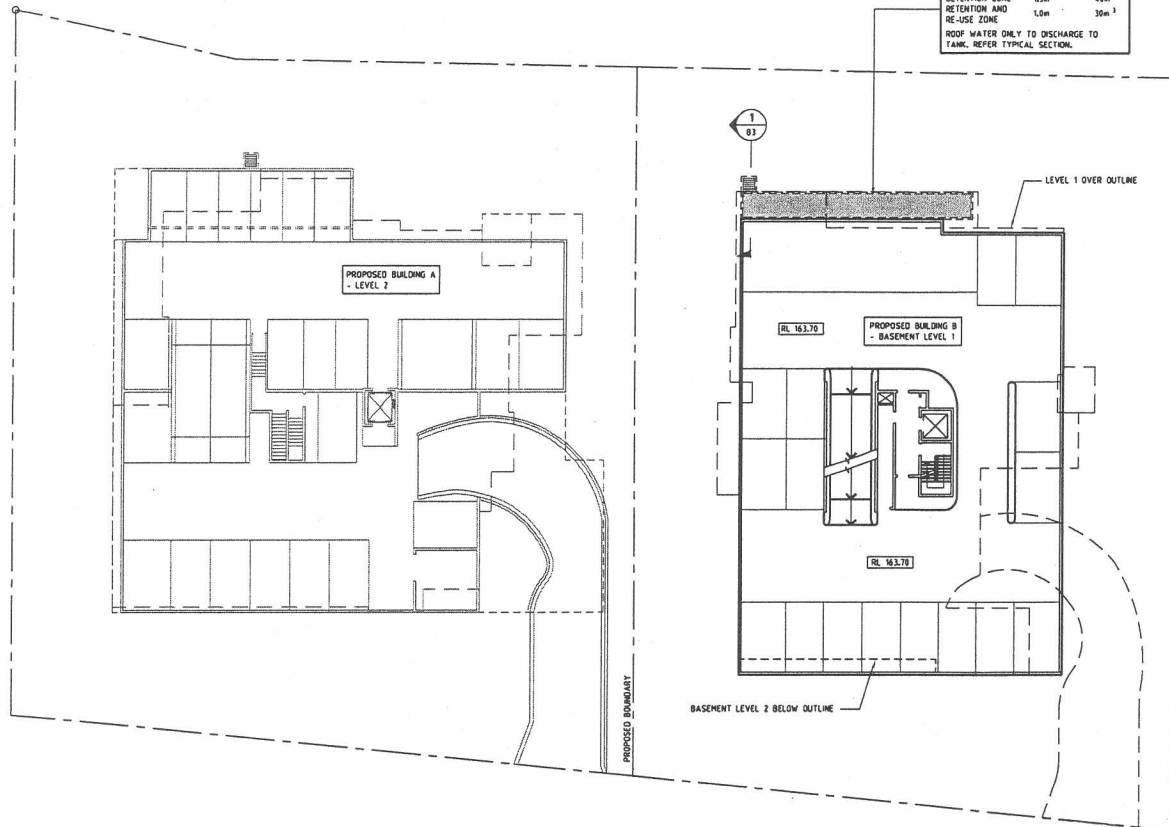
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AFCE Environment + Building				DESIGNED				PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT - BUILDING B				DRAWING			
A DIVISION OF APPEYARD FOREST CONSULTING ENGINEERS PTY LTD ABN 46 93 475 686				DRAWN				1215 - 1217 PACIFIC HIGHWAY TURRAMURRA				CLIENT			
58 HILLS STREET, GOSFORD NSW 2250 PH: 02 4321 1234 FAX: 02 4321 1235 121 HILLS STREET, GOSFORD NSW 2250 PH: 02 4321 1234 FAX: 02 4321 1235				CHECKED				DIRECTOR				No. OF SHEETS			
DATE				DATE				L.D. APPEYARD H.E. AUSTRALIA (E.C. AND STRUCTURAL)				2 of 5			
MAY, 05				MAY, 05				SCALE				JOB No.			
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ISSUED FOR DEVELOPMENT APPLICATION								SHEET NO.				B2			
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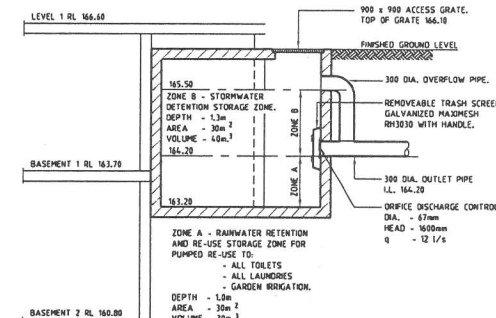
ON-SITE STORMWATER DETENTION/
RETENTION TANK BENEATH LEVEL 1.
INTERNAL PLAN AREA 30m².

	STORAGE DEPTH	VOLUME
DETENTION ZONE	1.3m	40m ³
RETENTION AND RE-USE ZONE	1.0m	30m ³

ROOF WATER ONLY TO DISCHARGE TO TANK. REFER TYPICAL SECTION.



BASEMENT DRAINAGE PLAN - BUILDING B
SCALE 1:200



SECTION 1
BUILDING B ON-SITE STORMWATER
DETENTION/ RETENTION TANK
SCALE 1:50

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BASE SCALE
FOR A1 PLAN

PRINT ISSUED

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						<div><div><div><div></div><div>AFCE</div><div>Environment + Building</div><div>A DIVISION OF APPLEYARD FORREST CONSULTING ENGINEERS PTY LTD</div><div>ADN 44 193 475 686</div></div><div><div>CONTRACT NO.</div><div>150001</div></div></div></div>						DESIGNED MDT		PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT - BUILDING B 1215 - 1217 PACIFIC HIGHWAY TURRAMURRA		DRAWING		CONCEPT STORMWATER MANAGEMENT BASEMENT DRAINAGE PLAN			
						DRAWN VB				CLIENT		PHT PTY LTD									
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DATE		No.		REVISION		DATE		No.		REVISION		No. OF SHEETS		SCALE		JOB No.		SHEET NO.		REVISION	
												3 of 5		1:200, 1:50		353060		83		0	

SITE CONSTRAINTS AND CHARACTERISTICS

SITE LOCATION	1215 - 1217 PACIFIC HIGHWAY, TURRAMURRA
PROJECT	PROPOSED RESIDENTIAL DEVELOPMENT
CONSENT AUTHORITY	KU-RING-GAI COUNCIL
SITE AREA (ha)	0.2421
CATCHMENT AREA (ha)	0.2421
DISTURBED AREA (ha)	0.2421
LANDFORM	HILL CREST
PRESSENCE OF SENSITIVE DOWNSLOPE AREAS	NO
SOIL LANDSCAPE (vide SCS of NSW, 1989)	
SOIL LANDSCAPE MAP	SYDNEY
SOIL LANDSCAPE	99 - GLENORIE
COMMON CONSTRAINTS	HIGH SOIL EROSION HAZARD LOCALISED IMPERMEABLE HIGHLY PLASTIC SUBSOILS, MODERATELY EXPANSIVE
SOIL TYPE	F, D
EFFECT OF CONSTRAINTS ON EARTHWORKS FOR URBAN DEVELOPMENT	LOW

REVISED UNIVERSAL SOIL LOSS EQUATION (RUSLE) PARAMETERS

RAINFALL erosivity (R-factor)	4.000
SOIL erodibility (K-factor)	0.040
LENGTH/GRADE (LS-factor)	0.52
LENGTH (m) x 10	5.0
SLOPE (%) x 10	1.3
EROSION CONTROL PRACTICE (P-factor)	1.0
GROUND COVER (C-factor)	1.0

COMPUTED SOIL LOSS

A = RUSLE	
x 100 tonnes/ha/yr	
x 83 cubic metres/year	

SOIL LOSS CLASS: 1, VERY LOW EROSION HAZARD

TYPE OF SEDIMENT RETENTION BASIN REQUIRED: TYPE D - PRESENCE DISPERSIVE SOIL ASSUMED.

TYPE D SEDIMENT RETENTION BASIN CALCULATIONS

BASIN VOLUME = SETTLING ZONE VOLUME + SEDIMENT STORAGE ZONE VOLUME

SETTLING ZONE VOLUME

$$V = 10 \times C_p \times A \times R$$

35.5 CUBIC METRES

$$C_p = \text{VOLUMETRIC RUNOFF COEFFICIENT}$$

x 0.5

$$R = 75th \text{ PERCENTILE 5-DAY RAINFALL DEPTH}$$

x 25 mm

$$A = \text{CATCHMENT AREA}$$

x 0.12 (mead) ha

V = 15 cubic metres

SEDIMENT STORAGE ZONE VOLUME

DETERMINED BY RUSLE:

FROM SITE CONSTRAINTS, A = 108 tonnes/ha/yr

ASSUME 2 MONTH PERIOD

SEDIMENT ZONE VOLUME = 0.17 x 108 x 0.12 = 2.5

BASIN VOLUME

$$\text{BASIN VOLUME} = \text{SETTLING ZONE VOLUME} + \text{SEDIMENT STORAGE ZONE VOLUME}$$

x 2.5 = 15 cubic metres

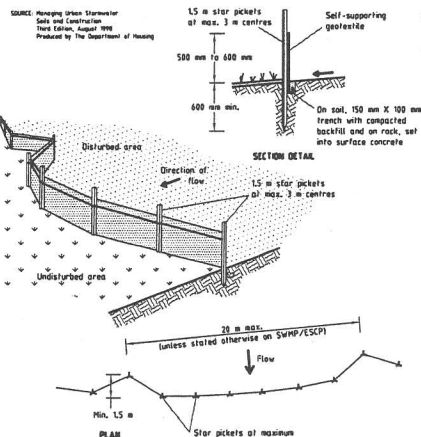
x 18 cubic metres

GENERAL INSTRUCTIONS

- THIS SOIL AND WATER MANAGEMENT PLAN IS TO BE READ IN CONJUNCTION WITH OTHER ENGINEERING PLANS RELATING TO THIS DEVELOPMENT.
- CONTRACTORS WILL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE UNDERTAKEN AS INSTRUCTED IN THIS SPECIFICATION AND CONSTRUCTED FOLLOWING THE GUIDELINES OF "MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION", VOL. 1, LANDCOM, 2004 (BLUE BOOK).
- ALL SUBCONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN REDUCING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWNSLOPE AREAS.

STAGING AND LAND DISTURBANCE INSTRUCTIONS

- DISTURBANCE TO BE NO FURTHER THAN 5 (PREFERABLY 2) METRES FROM THE EDGE OF ANY ESSENTIAL ENGINEERING ACTIVITY AS SHOWN ON APPROVED PLANS. ALL SITE WORKERS WILL CLEARLY RECOGNISE THESE ZONES THAT, WHERE APPROPRIATE, ARE IDENTIFIED WITH BARRIER FENCING (UPSLOPE) AND SEDIMENT FENCING (DOWNSLOPE) OR SIMILAR MATERIALS.
- ACCESS AREAS ARE TO BE LIMITED TO A MAXIMUM WIDTH OF 10 METRES. THE SITE MANAGER WILL DETERMINE AND MARK THE LOCATION OF THESE ZONES ON-SITE. ALL SITE WORKERS WILL CLEARLY RECOGNISE THESE BOUNDARIES THAT, WHERE APPROPRIATE, ARE IDENTIFIED WITH BARRIER FENCING (UPSLOPE) AND SEDIMENT FENCING (DOWNSLOPE) OR SIMILAR MATERIALS.
- ENTRY TO LANDS NOT REQUIRED FOR CONSTRUCTION OR ACCESS IS PROHIBITED EXCEPT FOR ESSENTIAL THINNING OF PLANT GROWTH.
- WORKS ARE TO PROCEED IN THE FOLLOWING SEQUENCE:
 - INSTALL ALL BARRIER AND SEDIMENT FENCING WHERE SHOWN ON THE PLAN.
 - CONSTRUCT THE STABILISED SITE ACCESS.
 - CONSTRUCT DIVERSION DRAINS AS REQUIRED.
 - INSTALL MESH AND GRAVEL INLETS FOR ANY ADJACENT KERB INLETS.
 - INSTALL GEOTEXTILE INLET FILTERS AROUND ANY ON-SITE DRAIN INLET PITS.
 - CLEAR SITE AND STRIP AND STOCKPILE TOPSOIL IN LOCATIONS SHOWN ON THE PLAN.
 - UNDERTAKE ALL ESSENTIAL CONSTRUCTION WORKS ENSURING THAT ROOF AND/OR PAVED AREA STORMWATER SYSTEMS ARE CONNECTED TO PERMANENT DRAINAGE AS SOON AS PRACTICABLE.
 - GRADE LOT AREAS TO FINAL GRADES AND APPLY PERMANENT STABILISATION (LANDSCAPING) WITHIN 20 DAYS OF COMPLETION OF CONSTRUCTION WORKS.
 - REMOVE TEMPORARY EROSION CONTROL MEASURES AFTER THE PERMANENT LANDSCAPING HAS BEEN COMPLETED.
 - ENSURE THAT SLOPE LENGTHS DO NOT EXCEED 80 METRES WHERE PRACTICABLE. SLOPE LENGTHS ARE DETERMINED BY SILTATION FENCING AND CATCH DRAIN SPACING.
 - ON COMPLETION OF MAJOR WORKS LEAVE DISTURBED LANDS WITH A SCARIFIED SURFACE TO ENCOURAGE WATER INFILTRATION AND ASSIST WITH KEYING TOPSOIL LATER.



- Construction Notes
- Construct sediment fence as close as possible to parallel to the contours of the site.
 - Drive 1.5 metre long star pickets into ground, 3 metres apart.
 - Dig a 150 mm deep trench along the upslope line of the fence for the bottom of the fabric to be entrenched.
 - Backfill trench over base of fabric.
 - Fix self-supporting geotextile to upslope side of posts with wire ties or as recommended by geotextile manufacturer.
 - Join sections of fabric at a support post with a 150 mm overlap.

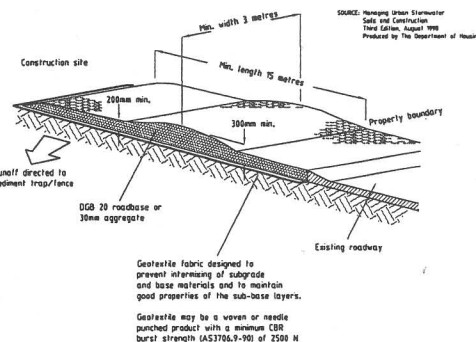
TYPICAL SEDIMENT FENCE DETAIL

SEDIMENT CONTROL INSTRUCTIONS

- SEDIMENT FENCES WILL BE INSTALLED AS SHOWN ON THE PLAN AND ELSEWHERE AT THE DISCRETION OF THE SITE SUPERINTENDENT TO CONTAIN SOIL AS NEAR AS POSSIBLE TO THEIR SOURCE.
- SEDIMENT FENCES WILL NOT HAVE CATCHMENT AREAS EXCEEDING 100 SQUARE METRES AND HAVE A DISPOSAL DEPTH OF AT LEAST 0.6 METRES.
- SEDIMENT REMOVED FROM ANY TRAPPING DEVICES WILL BE RELOCATED WHERE FURTHER POLLUTION TO DOWNSLOPE LANDS AND WATERWAYS CANNOT OCCUR.
- STOCKPILES ARE NOT TO BE LOCATED WITHIN 5 METRES OF HAZARD AREAS INCLUDING AREAS OF HIGH VELOCITY FLOWS SUCH AS WATERWAYS, PAVED AREAS AND DRIVEWAYS.
- WATER WILL BE PREVENTED FROM DIRECTLY ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR WATER HAS BEEN TREATED BY AN APPROVED DEVICE.
- TEMPORARY SEDIMENT TRAPS WILL REMAIN IN PLACE UNTIL AFTER THE LANDS THEY ARE PROTECTING ARE COMPLETELY REHABILITATED.
- ACCESS TO SITES SHOULD BE STABILISED TO REDUCE THE LIKELIHOOD OF VEHICLES TRACKING SOIL MATERIALS ONTO PUBLIC ROADS AND ENSURE ALL-WEATHER ENTRY/EXIT.

SOIL EROSION CONTROL AND REHABILITATION INSTRUCTIONS

- EARTH BATTERS WILL BE CONSTRUCTED WITH AS LOW A GRADIENT AS PRACTICABLE BUT NO STEEPER, UNLESS OTHERWISE NOTED, THAN:
 - 2:1H:1V WHERE SLOPE LENGTH LESS THAN 12 METRES
 - 2.5:1H:1V WHERE SLOPE LENGTH BETWEEN 12 AND 16 METRES
 - 3:1H:1V WHERE SLOPE LENGTH BETWEEN 16 AND 20 METRES
 - 4:1H:1V WHERE SLOPE LENGTH GREATER THAN 20 METRES
- ALL WATERWAYS, DRAINS, SPILLWAYS AND THEIR OUTLETS WILL BE CONSTRUCTED TO BE STABLE IN AT LEAST THE 120 YEAR ARI, TIME OF CONCENTRATION STORM EVENT.
- WATERWAYS AND OTHER AREAS SUBJECT TO CONCENTRATED FLOWS AFTER CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.05 (10% GROUND COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF FORMATION. FLOW VELOCITIES ARE TO BE LIMITED TO THOSE SHOWN IN TABLE S-1 OF "MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION", DEPT OF HOUSING 1998 (BLUE BOOK). FOOT AND VEHICULAR TRAFFIC WILL BE PROHIBITED IN THESE AREAS.
- STOCKPILES AFTER CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.1 (60% GROUND-COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF FORMATION.
- ALL LANDS, INCLUDING WATERWAYS AND STOCKPILES, DURING CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.15 (50% GROUND COVER) WITHIN 20 WORKING DAYS FROM INACTIVITY EVEN THOUGH WORKS MAY CONTINUE LATER.
- FOR AREAS OF SHEET FLOW USE THE FOLLOWING GROUND COVER PLANT SPECIES FOR TEMPORARY COVER: JAPANESE MILLET 20 KG/HA AND DATS 20 KG/HA.
- PERMANENT REHABILITATION OF LANDS AFTER CONSTRUCTION WILL ACHIEVE A GROUND-COVER C-FACTOR OF LESS THAN 0.1 AND LESS THAN 0.05 WITHIN 60 DAYS. NEWLY PLANTED LANDS WILL BE WATERED REGULARLY UNTIL AN EFFECTIVE COVER IS ESTABLISHED AND PLANTS ARE GROWING VIGOROUSLY. FOLLOW-UP SEED AND FERTILISER WILL BE APPLIED AS NECESSARY.
- REVEGETATION SHOULD BE AIMED AT RE-ESTABLISHING NATURAL SPECIES. NATURAL SURFACE SOILS SHOULD BE REPLACED AND NON-PERSISTANT ANNUAL COVER CROPS SHOULD BE USED.



- Construction Notes
- Strip topsoil and level site
 - Compact subgrade.
 - Cover area with needle-punched geotextile.
 - Construct 200mm thick pad over geotextile using roadbase or 30mm aggregate. Minimum length 15m or to building alignment. Minimum width 3 metres.
 - Construct ramp immediately within boundary to divert water to a sediment fence or other sediment trap.

TYPICAL SITE ACCESS DETAIL

WASTE CONTROL INSTRUCTIONS

- ACCEPTABLE BINS WILL BE PROVIDED FOR ANY CONCRETE AND MORTAR SURRES, PAINTS, ACID WASHING, LIGHTWEIGHT WASTE MATERIALS AND LITTER. CLEARANCE SERVICES WILL BE PROVIDED AT LEAST WEEKLY. DISPOSAL OF WASTE WILL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.
- ALL POSSIBLE POLLUTANT MATERIALS ARE TO BE STORED WELL CLEAR OF ANY POORLY DRAINED AREAS, FLOOD PRONE AREAS, STREAMBANKS, CHANNELS AND STORMWATER DRAINAGE AREAS. STORE SUCH MATERIALS IN A DESIGNATED AREA UNDER COVER WHERE POSSIBLE AND WITHIN CONTAINMENT BUND.
- ALL SITE STAFF AND SUB-CONTRACTORS ARE TO BE INFORMED OF THEIR OBLIGATION TO USE WASTE CONTROL FACILITIES PROVIDED.
- ANY DE-WATERING ACTIVITIES ARE TO BE CLOSELY MONITORED TO ENSURE THAT WATER IS NOT POLLUTED BY SEDIMENT, TOXIC MATERIALS OR PETROLEUM PRODUCTS.
- PROVIDE DESIGNATED VEHICULAR WASHDOWN AND MAINTENANCE AREAS WHICH ARE TO HAVE CONTAINMENT BUND.

SITE INSPECTION AND MAINTENANCE PROGRAM INSTRUCTIONS

- THE SITE SUPERINTENDENT WILL INSPECT THE SITE AT LEAST WEEKLY AND AT THE CONCLUSION OF EVERY STORM EVENT TO:
 - ENSURE THAT DRAINS OPERATE PROPERLY AND TO EFFECT ANY NECESSARY REPAIRS.
 - REMOVE SPILLED SAND OR OTHER MATERIALS FROM HAZARD AREAS, INCLUDING LANDS CLOSER THAN 5 METRES FROM AREAS OF LIKELY CONCENTRATED OR HIGH VELOCITY FLOWS ESPECIALLY WATERWAYS AND PAVED AREAS.
 - REMOVE TRAPPED SEDIMENT WHENEVER THE DESIGN CAPACITY OF THAT STRUCTURE HAS BEEN EXCEEDED.
 - ENSURE REHABILITATED LANDS HAVE EFFECTIVELY REDUCED THE EROSION HAZARD AND TO INITIATE UPGRADING OR REPAIR AS NECESSARY.
 - CONSTRUCT ADDITIONAL EROSION AND/OR SEDIMENT CONTROL WORKS AS MIGHT BECOME NECESSARY TO ENSURE THE DESIRED PROTECTION IS GIVEN TO DOWNSLOPE LANDS AND WATERWAYS, MAKE ONGOING CHANGES TO THE PLAN WHERE IT PROVES INADEQUATE IN PRACTICE OR IS SUBJECT TO CHANGES IN CONDITIONS ON THE WORK-SITE OR ELSEWHERE IN THE CATCHMENT.
 - MAINTAIN EROSION AND SEDIMENT CONTROL STRUCTURES IN A FULLY FUNCTIONING CONDITION UNTIL ALL EARTHWORK ACTIVITIES ARE COMPLETED AND THE SITE IS REHABILITATED.
- THE SITE SUPERINTENDENT WILL KEEP A LOGBOOK MAKING ENTRIES AT LEAST WEEKLY, IMMEDIATELY BEFORE FORECAST RAIN AND AFTER RAINFALL. ENTRIES WILL INCLUDE:
 - THE VOLUME AND INTENSITY OF ANY RAINFALL EVENTS.
 - THE CONDITION OF ANY SOIL AND WATER MANAGEMENT WORKS.
 - THE CONDITION OF VEGETATION AND ANY NEED TO IRRIGATE.
 - THE NEED FOR DUST PREVENTION STRATEGIES.
 - ANY REMEDIAL WORKS TO BE UNDERTAKEN.

THE LOGBOOK WILL BE KEPT ON-SITE AND MADE AVAILABLE TO ANY AUTHORISED PERSON UPON REQUEST. IT WILL BE GIVEN TO THE PROJECT MANAGER AT THE CONCLUSION OF THE WORKS.

TYPE D SEDIMENT RETENTION BASIN NOTES

CONSTRUCTION NOTES

- REMOVE ALL VEGETATION AND TOPSOIL FROM UNDER THE DAM WALL AND FROM WITHIN THE STORAGE AREA.
- CONSTRUCT A CUT-OFF TRENCH 500 MM DEEP AND 1200 MM WIDE ALONG THE CENTRELINE OF THE EMBANKMENT EXTENDING TO A POINT ON THE GULLY WALL LEVEL WITH RISER CREST.
- MAINTAIN THE TRENCH FREE OF WATER AND RECOMPACT THE MATERIALS TO 95% STANDARD PROCTOR DENSITY.
- SELECT SUITABLE FILL MATERIAL THAT IS FREE OF ROOTS, WOOD, ROCK, LARGE STONE OR FOREIGN MATERIAL.
- PREPARE THE SITE UNDER THE EMBANKMENT BY RIPPING AT LEAST 100 MM DEEP TO HELP BOND COMPACTED FILL TO EXISTING SUBSTRATE.
- SPREAD FILL IN 100 MM TO 150 MM LAYERS AND COMPACT AT OPTIMUM MOISTURE CONTENT.
- CONSTRUCT EMERGENCY SPILLWAY.
- REHABILITATE THE STRUCTURE BY OBSERVING OTHER INSTRUCTIONS IN THIS PLAN.
- PLACE A "FULL OF SEDIMENT" PEG MARKER AT THE TOP OF THE SEDIMENT STORAGE ZONE TO INDICATE WHEN SEDIMENT REMOVAL IS REQUIRED.

MAINTENANCE NOTES

- THE CAPTURED STORMWATER IN THE SETTLING ZONE SHOULD BE DRAINED OR PUMPED OUT WITHIN THE 5 DAY PERIOD FOLLOWING RAINFALL PROVIDED THAT AN ACCEPTABLE WATER QUALITY (up to 50 mg/litre NON-FILTRABLE RESIDUES INPH) HAS BEEN ACHIEVED. FLOCCULATION SHOULD BE EMPLOYED WHERE EXTENDED SETTLING HAS FAILED TO MEET THIS OBJECTIVE.
- FLOCCULATION SHOULD OCCUR WITHIN 24 HOURS OF THE CONCLUSION OF EACH STORM EVENT. THE SETTLING ZONE SHOULD THEN BE DRAINED OR PUMPED 36 TO 72 HOURS LATER PROVIDED THE REQUIRED WATER QUALITY HAS BEEN ACHIEVED. DRAIN OR PUMP TO THE PEG MARKER PREVIOUSLY PLACED AT THE UPPER LEVEL OF THE SEDIMENT STORAGE ZONE.
- FLOCCULATE BY USING GYPSUM (CALCIUM SULPHATE) AT THE RATE OF 32 kg PER 100 cubic metres OF STORED WATER. IN LARGE PONDS MIX FIRST INTO A SLURRY AND SPRAY OVER THE POND SURFACE. IN SMALLER PONDS HAND BROADCAST OVER THE SURFACE.
- MAINTAIN THE BASIN SO THAT THE DESIGN CAPACITY, NOT INCLUDING THE SEDIMENT STORAGE ZONE, IS PRESERVED. DISPOSE OF WASTE MATERIAL WHEN THE SEDIMENT STORAGE ZONE IS FULL TO A SEDIMENT DUMP WHERE FURTHER POLLUTION TO DOWNSLOPE LANDS CANNOT OCCUR.

THIS DRAWING REVISION IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND IS NOT TO BE ISSUED FOR CONSTRUCTION

PRINT ISSUED

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DESIGNED				MDT				PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT - BUILDING B				DRAWING			
DRAWN				VB				1215 - 1217 PACIFIC HIGHWAY TURRAMURRA				CLIENT			
CHECKED								DIRECTOR				No. OF SHEETS			
DATE				MAY. 05				L.D. APPELBYARD M.E. ASHTON, MFER-3 (CIVIL AND STRUCTURAL)				SCALE			
												JOB No.			
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												REVISION			

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1219 TO 1223 PACIFIC HIGHWAY, TURRAMURRA - DEMOLITION OF TWO (2) RESIDENTIAL DWELLING HOUSES AND CONSTRUCTION OF ONE (1) RESIDENTIAL FLAT BUILDING OF 33 UNITS AND BASEMENT CAR PARKING.
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	DA0681/05
SUBJECT LAND:	1219 to 1223 Pacific Highway, Turrumurra
APPLICANT:	PHT Pty Ltd
OWNER:	PHT Pty Ltd
DESIGNER:	Futurespace
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP31 - Access, DCP400 - Waste Management, DCP43 - Car Parking, DCP47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP55, SEPP65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	29 June 2005
40 DAY PERIOD EXPIRED:	8 August 2005
PROPOSAL:	Demolition of two (2) residential dwelling houses and construction of one (1) residential flat building of 33 units and basement car parking.
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	DA0681/05
PREMISES:	1219-1223 PACIFIC HIGHWAY, TURRAMURRA
PROPOSAL:	DEMOLITION OF TWO (2) RESIDENTIAL DWELLING HOUSES AND CONSTRUCTION OF ONE (1) RESIDENTIAL FLAT BUILDING OF 33 UNITS AND BASEMENT CAR PARKING.
APPLICANT:	PHT PTY LTD
OWNER:	PHT PTY LTD
DESIGNER	FUTURESPACE

PURPOSE FOR REPORT

To determine development application No.0681/05, which seeks consent for demolition of two (2) residential dwelling houses and construction of one (1) x five (5) storey residential flat buildings comprising thirty-three units and basement car parking.

EXECUTIVE SUMMARY

Issues:	Floor space ratio, side boundary setback to 1215-1219 Pacific Highway, wall plane area, balcony projection, single aspect units, NatHERS rating.
Submissions:	Seven submissions received
Pre-DA:	3 February 2005
Land & Environment Court Appeal:	Not applicable
Recommendation:	Approval

HISTORY

Site history:

The site is used for residential purposes. The following previous applications relate to the subject site:

DA1408/02	Development Application for the demolition of all dwellings at 1215-1223 Pacific Highway. Application approved 05/12/2002.
01/2002	Rezoning application to Multi-Unit Residential Housing. Application withdrawn 07/04/2003.
DA0466/03	Development Application for the demolition and construction of three buildings comprising 28 units plus parking pursuant to SEPP5 at 1215-1223 Pacific Highway. Application refused 09/12/2003.

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DA0679/05 Development Application for the demolition of the dwelling at No.1219 Pacific Highway, boundary adjustment, and creation of a drainage easement. Application approved 17/10/2005.

Development application history:

DA0680/05

- 3 February 2005 Pre-DA meeting held. Issues raised:
- Height – proposed design appears to exceed requirements as stipulated in LEP194.
 - Setbacks – access positioned within the side boundary does not allow for Deep Soil Zone.
 - Single aspect south facing dwellings need to be removed wherever possible.
- 29 June 2005 Application lodged.
- 30 August 2005 Revised Level 3 (at ground level to the Pacific Highway) and landscape plans received, increasing the setback provision between Sites A and B to allow for canopy trees between buildings.

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	Pre 1920
Legal Description:	Part No. 1219 Pacific Highway Lot 7 DP8442 1221 Pacific Highway Lot 6 DP8442 1223 Pacific Highway Lot 5 DP8442
Heritage Affected:	No – two items within vicinity at 1 Ku-ring-gai Avenue and 1312 Pacific Highway
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is comprised of Nos 1221 and 1223 Pacific Highway, and part No. 1219 Pacific Highway. The subject site is an irregular shaped parcel of land located on the eastern side of the Pacific Highway, between Womerah Street and Ku-ring-gai Avenue. The site has frontage of 48.6 metres to the Pacific Highway, a maximum depth of 54.865 metres and a total area of 2613m².

There are several large trees occupying the site, primarily to the rear (east) of the site along the zone interface.

No. 1219 Pacific highway is occupied by a single storey brick residence with a brick garage and brick shed to the rear.

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No 1221 Pacific Highway is occupied by a single storey brick residence.

No. 1223 Pacific Highway is occupied by a single storey brick residence with detached double brick garage forward of the dwelling.

The property falls away to the rear with a change in level from RL174.00 to RL166.00 from the Pacific Highway to the south-eastern corner adjoining No. 4 Womerah Street.

Vehicular access to the properties is currently obtained from the Pacific Highway.



Left to right: 1223, 1221 and 1219 Pacific Highway.

Surrounding development:

The surrounding area is generally residential, and partly undergoing transition to include medium density residential flat building developments.

The site is bounded to the north and west by Residential 2(c) and 2(c2) zoning, which does not provide for multi-unit housing. To the east the site is bounded by a further development site pursuant to LEP194, known as 1203-1209 Pacific Highway (DA0113/05). This site was the subject of a Land and Environment Court appeal in October this year, where the appeal was upheld.

There are two heritage dwellings within the vicinity of the property. They are located at 1 Ku-ring-gai Avenue and 1312 Pacific Highway.

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Proposed
development



Neighbouring development 1203-1209 Pacific Highway

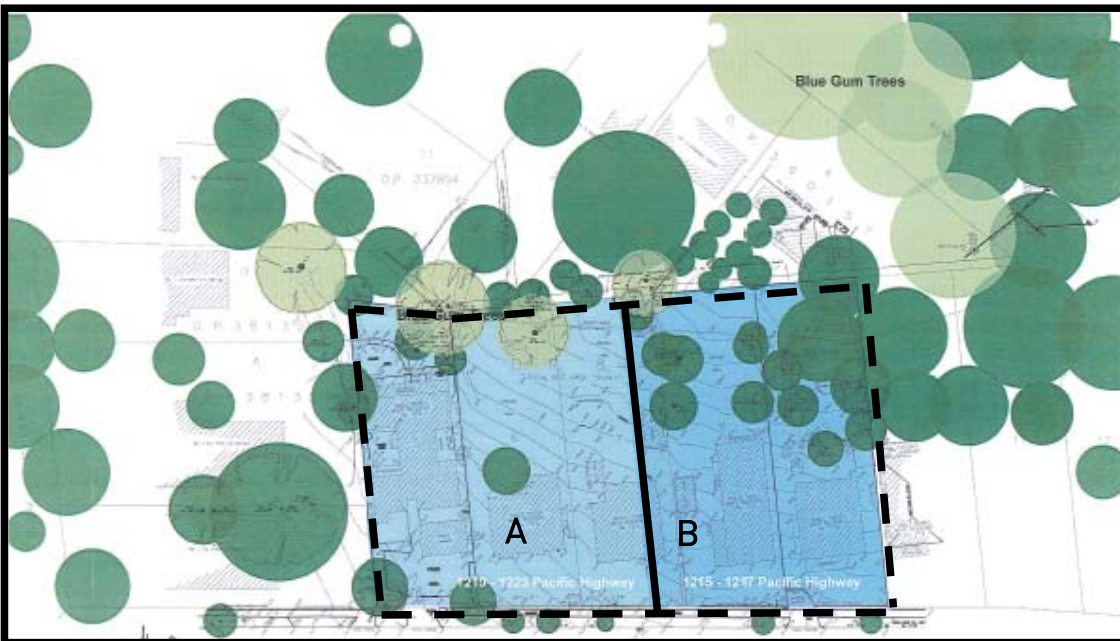
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THE PROPOSAL

Three separate applications have been submitted by PHT Pty Ltd regarding properties 1215-1223 Pacific Highway Turrumurra.

DA0679/05 sought a boundary adjustment through 1219 Pacific Highway to create two separate sites A and B, with areas of 2,613m² and 2421m², respectively. This application was approved in October 2005.

Development Application 0681/05 for 1219-1223 Pacific Highway seeks the construction of 33 units (Site A). Development application DA0680/05 for 1215-1217 Pacific Highway seeks the construction of 30 units (Site B). This report addresses Site A.



The proposal is for the demolition of two existing residential dwellings and construction of one (1) x five (5) storey residential flat building, comprising thirty (33) units with basement car parking on two (2) levels for fifty-one (51) vehicles. The thirty-three units, ranging in size from 60m² to 143m², are comprised of the following:

- 9 x 1 bedroom units
- 14 x 2 bedroom units
- 10 x 3 bedroom units plus study

The application also proposes the strata subdivision of the development upon completion.

Private open space to the apartments is provided by way of private courtyard areas for ground floor units and balconies or terrace areas to the upper floors. Private open space ranges in size from

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10m²-55m². Twenty-eight (28) of the units have two aspects or more. One communal area of open space has been provided to the front of the site.

Vehicle access to the site is provided on the southern side of the property, where the existing No.1219 Pacific Highway is located. The drive will curve in to the southern façade of the dwelling.

A total of forty-three (43) resident parking spaces (four (4) of which are disabled spaces) and eight (8) visitor parking spaces (2 of which are disabled spaces) are to be provided on two basement levels. A carwash bay and storage areas have also been provided at basement levels.

One centralised lift is provided for the units, which provides access to all levels and will service a maximum of six (6) units at each floor.

The building will be set back of 10-12 metres from the Pacific Highway.

CONSULTATION - COMMUNITY

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

1. Trevor and Deborah Naylor, 2 Womerah Street, Turrumurra.
2. Geoff Thomson, 4 Womerah Street, Turrumurra.
3. Lea and Paul Martin, 6 Womerah Street, Turrumurra.
4. Glenys and Harold Norrie, 10 Womerah Street, Turrumurra.
5. Lorenzo Petrucci, 2 Ku-ring-gai Avenue, Turrumurra.
6. Andrew and Jenny Ryerson, 12/1292 Pacific Highway.
7. Sze Chiu Leung and Yuk Man Ho, 3 Ku-ring-gai Avenue, Turrumurra.

The submissions raised the following issues:

The proposed development does not conform to the heritage conservation aims of the Council.

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

The development complies with the prescribed controls of LEP194. In particular, maximum height, number of storeys, site coverage, floor space ratio, density and deep soil landscaping and large tree planting consistent with the established landscaped character has been achieved.

The application has also been considered in relation to its context near two heritage items (No.1 Ku-ring-gai Avenue and No.1312 Pacific Highway). No. 1312 Pacific Highway is located opposite the Pacific Highway, and is considerably distanced from the subject site. No. 1 Ku-ring-gai Avenue is located to the north-west of the site, at the corner of the Pacific Highway and Ku-ring-gai

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Avenue. It is orientated away from the development site, with its main frontage on the Ku-ring-gai Avenue. It is considered that the zone interface setbacks provided will be adequate to ensure the privacy and amenity of occupants, and will ensure that the heritage item is provided with good landscaping and screening to form a 'backdrop' to the building.

The proposed zoning accepted by Council in October 2002 was for 2d2 Type 3 - 3 storey + attic developments, which specifically rejected a proposal to rezone for 2d3, 4 storey type 5 apartment blocks. The proposal is excessive over-development, is too high and appears to contravene a number of Council policies

LEP194 was gazetted by Minister Diane Beamer on 28 May 2004 and confers a development potential of five (5) storeys upon land zoned as Residential 2(d3). Previous intentions by Council for a smaller development potential are not relevant.

The privacy impact to No. 2, 4, 6 Womerah Street and 3 Ku-ring-gai Avenue

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

LEP 194 requires that the third and fourth storey of any building on land zoned Residential 2(d3) shall be set back 9m from any boundary shared with land not within Zone 2(d3). In this case, all levels of the building – including the ground and first floor - have been set back to 9m, 3m in excess of the 6m requirement. Given that the intention of the zone interface control is to provide a transition in scale of buildings between certain zones, the development responds to the control appropriately and provides acceptable levels of transition to adjoining development.

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

In addition to the above, it is to be noted that the distances provided between windows satisfy the requirements of the Residential Flat Design Code and DCP55.

Increased noise resulting from the balconies provided to the rear of the site

Balconies to 12 units in the development will be provided to the rear. It is expected that the noise emanating from the balconies will be greater than what is currently experienced by the neighbouring properties. However, the development meets all height and interface setback controls as stipulated within the LEP194 and DCP55, and it is additionally expected that every unit will be accompanied by a decent sized area of open space or terrace. The noise which would result is residential in nature and to be expected from such a development.

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Afternoon sunlight will be largely blocked from properties to the East of the development. Properties to the south-east will be in shadow after 2pm

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

Shadow diagrams have been submitted with the application which indicates that all properties surrounding the subject site will obtain the minimum necessary 3 hours of sunlight. In particular, the properties to the direct east (Site B – 1215-1219 Pacific Highway) will receive sunlight until at least 1:00pm, and the property at 2 Womerah Street will not be impacted by overshadowing due to its location north-east of the subject site.

The stormwater drainage of the site is a major issue of concern, particularly during construction

The stormwater drainage aspects of the application have been considered by Council's Development Engineer, who considers that the stormwater drainage of the site is acceptable. The separate application DA0679/05 sought the provision of a drainage easement as well as boundary adjustment. The easement is provided along the rear of the properties and through Nos 1203 and 1209 to the east. The drainage will therefore not impact any other neighbouring site.

With regard to construction, various conditions of consent are recommended to ensure no adverse impact arising from sedimentation and drainage flow.

No details of deep root planting are obvious on the drawings. Council should insist on mature trees being planted, and not seedlings which would take some 20 years to attain a reasonable height

The application provides for 51.7% deep soil area which is to be accommodated primarily to the rear and sides of the development. The application provides for both the retention and replenishment of trees on site, as detailed within the landscape plans.

To the rear of the site, along 2 Womerah Street, the application will provide for a number of trees. The application will retain one Rough Tree Fern (at 10 metres in height) and one Sydney Blue Gum (at 25 metres in height). The application will also provide for the planting of one Sydney Blue Gum (to 25m in height), three Coachwood (to 13m) a Blackbutt (to 25m) as well as a number of other shrubs and trees to 2.5-5 metres. The neighbouring site 2 Womerah Street also has a large amount of vegetation on site (a Sydney Blue Gum, Silky Oak, Jacaranda and Cape Chestnut, which will also aid in providing privacy between the two sites.

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Additional potentially dangerous traffic flow will be generated up Womerah Street and along Ku-ring-gai Avenue from the development

The application has also been accompanied by a Traffic Report, which has been assessed by Council's Development Engineers. The proposed access arrangements and traffic generation is acceptable.

As the Pacific highway is a clearway for four hours and no parking is allowed at the bus stop, it is anticipated that heavy construction vehicles would both travel in and park in Womerah Street and Ku-ring-gai Avenue. This will interfere with existing residential traffic and increase the likelihood of damage to the road surface, particularly at the northern end of Womerah Street, where there is no kerb and guttering

A Construction and Traffic Management Plan and dilapidation report of neighbouring properties and public property are required as recommended conditions of consent (see **Conditions 97 and 98**).

Amended plans dated 30 August 2005

As the amended plans provide for increased setback and provision of canopy trees between the Sites A and B. The amendments are minor, internal to the site, and improve the relationship between buildings. As such, the amended plans were not notified.

CONSULTATION - WITHIN COUNCIL

Urban Design

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

Principle 1: Context

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

Comment :

This site is within 400m of Turramurra railway station, and has been re-zoned for 2(d3) development, as have adjoining properties to the north-east and south-west. The adjoining 2(d3) sites are likely be developed at a similar scale to this development, and there is currently a development application for a 4 storey development on the corner of Womerah Avenue and the Pacific Highway.

The LEP 194 and DCP 55 objectives are to create buildings that are placed within a landscaped setting. On the southern side of the Pacific Highway opposite the site, there is the Northaven Retirement Village, which is comprised of 2-3 storey buildings set back approximately 10-12m from the Pacific Highway frontage. The opportunity is to create a

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similar sized setback on the northern side of the road, and a symmetrical, well landscaped frontage on both sides of the road.

Principle 2: Scale

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

Comment:

The scale of this proposal will relate to the scale of the future 2(d3) developments on adjoining sites. The scale of the building is acceptable.

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.....

Comment :

The sites to the north-east are zoned 2(c). Zoning transition development controls apply to the north-eastern boundary of the site. The proposed development is set back 9m from the boundary, and complies with these controls.

The front and side boundary setbacks are acceptable in terms of privacy and creating sufficient space and landscape to provide a landscaped setting for the building. This development is one of a pair of adjoining developments, made by the same developer / architect / consultant team. This approach is acceptable, as it makes 2 buildings within a landscape setting, and maintains the building length to less than 36m. The potential drawbacks of this approach, such as creating relatively wide and square building forms with relatively poor environmental performance, has been overcome by the apartment layouts and the articulated walls (to create naturally lit and ventilated lift lobbies) – see Principle 5 below.

The site slope is greater than 15%, which qualifies this development for a concession allowing the height limit to be exceeded for up to 25% of the building footprint. The architects choice, to locate the extra height towards the highway, towards the higher part of the site and away from the 2 (c) zone, is desirable, as the built form relates better to the topography in this form, and reduces the impact on the adjoining sites.

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 site cover by building is 35% and the area of deep soil is 50.1% of the site. The development density complies with LEP 194.

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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.

Greater than 70 % of the apartments achieve 3 hours sunlight to living areas. Greater than 60% of apartments have natural cross ventilation. The lift lobby is naturally lit and ventilated on each floor. A water retention / detention tank is provided.

The building is 24m- 32m deep , which exceeds the recommended building depth of 18m in the SEPP 65 Residential Flat Design Code. The objective of this guideline is to achieve natural ventilation and sunlight to building interiors. This building is able to meet the other standards regarding percentage of cross ventilated apartments and sunlit living areas / balconies, as the building is not excessively long. Therefore, while the building depth exceeds the guideline, and the building does not excel at natural ventilation and solar access, it meets the minimum standards for percentages of naturally lit and ventilated apartments.

Principle 6: Landscape

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

Comment :

The landscape is sufficiently well planted with a range of vegetation species and sizes to provide an acceptable landscape setting for the building.

Principle 7: Amenity

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

The amenity of the apartments is reasonable as access to sunlight and natural ventilation meets SEPP 65 guidelines and there are no issues of visual or acoustic privacy.

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.

No issues of safety and security are perceived.

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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 apartment size and mix is acceptable in this area.

Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of 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 relatively square and block-like building plan has been broken down by its architectural expression. The façade articulation of the building is emphasised by changes in materials and colours. The stepped building form and projecting lightweight steel fascia create a variegated roof line. These are acceptable architectural compositions.

2.0 Recommendations

It is recommended that this development should be approved, based on SEPP 65 design criteria.

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures and construct a five storey residential flat building with basement car parking on the amalgamated site area of 2 613sqm with vehicular access from the Pacific Hwy. The site is characterised by an established landscape setting with mature trees and shrubs within formal and informal garden beds and lawn areas. The site is dominated by a mature Eucalyptus saligna (Bluegum) centrally located adjacent to the rear site boundary that is approximately 35 metres high.

Impacts on trees/Trees to be removed/Tree replenishment

The Eucalyptus saligna (Bluegum) centrally located adjacent to the rear/north east site boundary has been carefully considered as part of the development proposal. The tree has been assessed in detail by the applicant's assessing arborist (Ian English) and root

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mapping has been undertaken to ensure that there are no adverse impacts to the tree. The only other tree of prominence on site is a mature Jacaranda mimosifolia (Jacaranda) located adjacent to the north west site corner adjacent to the heritage item. To minimise any adverse tree impacts, it can be conditioned/required for the proposed masonry wall to be located outside of the critical root zone of the tree or for the existing wall to be retained in situ beneath the canopy drip line. No other development is proposed within the vicinity of the tree and the tree is to be retained.

As proposed on the submitted landscape plan, a total of twenty (20) additional canopy trees able to attain a minimum height of 13.0m, will be planted on site. These, in conjunction with the existing trees located on or associated with the site, exceed council's minimum requirements for tree replenishment. The trees have been appropriately located and spread around the site.

Deep Soil Areas

Landscape Services has not seen revised calculations or compliance diagram for deep soil landscape areas. Prior to these amendments, by the applicant's calculations the proposed development had a deep soil area of 50.1% of the site, which complies with the minimum LEP requirements. Landscape Services however has not sighted a compliance diagram to verify the areas included within the deep soil calculable area. This compliance diagram is required to be submitted for assessment.

Drainage Plan

No objection is raised by Landscape Services regarding the proposed drainage works, subject to detailed conditions requiring hand digging or thrust boring beneath the canopy drip lines of existing trees being retained.

Landscape Plan

Overall no objections are raised to the proposed landscape plan. The landscape as proposed will be consistent with the broader landscape character of the Turrumurra area with a mix of both native and exotic plant species providing screening and privacy to adjoining properties as well as maintaining and enhancing the treed character of the vicinity.

Setbacks

Revised driveway setbacks adjacent to the south east (side) site boundary have addressed previous concerns raised.

It is noted that the proposed terrace/courtyard for Unit 4 on level three has a minimum setback from the site frontage of 6.5m, which does not comply with council's DCP55 minimum setback requirement of 8.0m. Although a minor incursion, from a landscape viewpoint the proposal provides sufficient area for tree replenishment and substantial screen planting. Landscape Services raises no objection to the non compliance with the courtyard setback.

The proposal can be supported by Landscape Services, subject to conditions.

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Engineering

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

The application is for the demolition of the two existing dwellings and the construction of 33 units (9x1br, 14x2br and 10x3br).

Strata subdivision is not indicated on the application form, but it is understood that the application is intended to include it, so subdivision conditions have been recommended.

The documentation used for the assessment was:

*Statement of Environmental Effects prepared by Moody & Doyle, dated 24 June 2005;
Architectural plans by futurespace, A02 to A05, all Issue H, and A15 and A16, both Issue B;
Stormwater management plans by AFCE Environment + Building, 353060 Sheets A1 to A5;
Jeffery and Katauskas Pty Ltd Geotechnical Report 19362Vrpt, dated 28 April 2005;
Traffic Review, by Masson Wilson Twiney, dated June 2005.*

The approval would have to be on a deferred commencement basis dependent on the registration of the linen plan for 679/05, otherwise the proposed development site would not yet exist.

The application is supported subject to conditions.

Stormwater management

The applicant has submitted letters of approval from the downstream neighbours to grant a drainage easement. The easement will be created and piped in conjunction with DA679/05, so no additional conditions are required.

The concept stormwater management plan demonstrates that retention and re-use as well as on site detention can be provided in accordance with DCP 47. This is satisfactory. Water quality measures will also be required as outlined in Chapter 8 of DCP 47. This is included in the recommended conditions.

Traffic generation

The proposed 33 units are expected to generate a net 13 vehicle trips per peak hour. Given that access is directly to and from the Pacific Highway, this is not considered to be a significant increase.

Vehicle access and accommodation

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The development includes 43 resident and 9 visitor parking spaces. This complies with the requirements of LEP 194.

The proposed driveway entry to this development is by a curved ramp, single lane but controlled by a traffic light.

The traffic engineer supports this arrangement based on the expected traffic generation, the likely direction of traffic entering, provision of 2 queuing spaces and their analysis of the likelihood of the queuing space being entirely occupied (0.03%).

The report contains some recommendations regarding mirrors which are included in the recommended conditions.

The proposed vehicular crossing will most likely have to be an Extreme Low Level No. 3 crossing, because of the fall away from the road and the low level footpath. The levels shown at the site boundary may need to be lowered. This can be achieved as it would make the driveway less steep. A longitudinal section should be prepared to confirm that access can be achieved without scraping. This is included in the recommended conditions.

Geotechnical Investigation

The investigation was carried out over the two adjoining sites, with Borehole 3 most applicable to the subject development. The site is underlain by residual clay to about 2 metres depth, then deeply weathered shale to well below basement excavation depths.

Excavation is not expected to require unusual effort, unless stronger bands of rock are encountered, and the report contains recommendations regarding vibration monitoring and dilapidation surveys. There do not seem to be any nearby structures which are likely to be within the zone of influence of the excavation. No dilapidation surveys are required by the recommended conditions, unless expressly recommended by the geotechnical engineer.

Groundwater seepage was noted at about 5 metres depth. The report states “we do not consider that there is a likelihood of the construction of the basement causing significant interference to the groundwater flow....nor it being untowardly affected by the groundwater...”

The report contains recommendations for batter slopes and shoring systems. It is possible that rock anchors may extend beneath neighbouring properties and into the road reserve. Conditions are recommended which describe the procedure for obtaining approval for temporary anchors.

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STATUTORY PROVISIONS

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

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

Part 2 sets out design principles against which design review panels and consent authorities may evaluate the merits of a design. This section is to be considered in connection with the comment of Council's *Urban Design Consultant* above. The proposal is assessed against the heads of consideration as follows:

Principle 1: Context:

This site is within 400m of Turrumurra Railway Station and has been re-zoned for 2(d3) development, as have adjoining properties to the north-east and south-west. The adjoining 2(d3) sites are likely to be developed at a similar scale to this development, and there is currently a development application for a 4 storey development on the corner of Womerah Avenue and the Pacific Highway.

The LEP 194 and DCP 55 objectives are to create buildings that are placed within a landscaped setting. On the southern side of the Pacific Highway opposite the site, there is the Northaven Retirement Village, which is comprised of 2-3 storey buildings set back approximately 10-12m from the Pacific Highway. The opportunity is to create a similar sized setback on the northern side of the road, and a symmetrical, well landscaped frontage on both sides of the road.

Principle 2: Scale:

The development meets the prescribed building envelope requirements of LEP194, including building height, deep soil landscaping, site coverage and setbacks. The scale is acceptable.

Principle 3: Built form:

Zoning transition development controls apply to the northern and eastern boundaries of the site. The proposed development is set back 9 metres from the boundary and complies with these controls.

The front and side boundary setbacks are acceptable in terms of privacy and creating sufficient space and landscape to provide a landscaped setting for the building. This development is one of a pair of adjoining developments, made by the same developer / architect / consultant team. This approach is acceptable, as it makes 2 buildings within a landscape setting, and maintains the building length to less than 36m. The potential drawbacks of this approach, such as creating relatively wide and square building forms with relatively poor environmental performance, has been

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overcome by the apartment layouts and the articulated walls (to create naturally lit and ventilated lift lobbies) – see Principle 5 below.

The site slope is greater than 15%, which qualifies this development for a concession allowing the height limit to be exceeded for up to 25% of the building footprint. The architects choice, to locate the extra height towards the highway, towards the higher part of the site and away from the 2(c) zone, is desirable, as the built form relates better to the topography in this form, and reduces the impact on the adjoining sites.

Principle 4: Density:

The proposed building density is appropriate to the site, having regard to development guidelines contained in LEP 194 and DCP 55 and the envisaged future character of the area.

Further, the development itself only marginally exceeds the floor space control and can be adequately serviced by existing infrastructure. The proposed density is therefore acceptable.

Principle 5: Resource, energy and water efficiency:

Greater than 70 % of the apartments achieve 3 hours sunlight to living areas. Greater than 60% of apartments have natural cross ventilation. The lift lobby is naturally lit and ventilated on each floor. A water retention / detention tank is provided.

The building is 24m- 32m deep , which exceeds the recommended building depth of 18m in the SEPP 65 Residential Flat Design Code. The objective of this guideline is to achieve natural ventilation and sunlight to building interiors. This building is able to meet the other standards regarding percentage of cross ventilated apartments and sunlit living areas / balconies, as the building is not excessively long. Therefore, while the building depth exceeds the guideline it meets the minimum standards for percentages of naturally lit and ventilated apartments.

Principle 6: Landscape:

The proposal provides for 50.1% of the site being a deep soil zone and complies with the prescribed control of LEP 194.

The proposed landscaping is consistent with the desired future character of the area, which seeks large canopy trees to soften the buildings and contribute to the streetscape.

Principle 7: Amenity:

The proposed units provide for good solar access, and visual and acoustic privacy. Terrace and balconies are well sized, ranging from 10m² to 55m² with larger balconies to the penthouses. Each individual unit has its own entry lobby and secure internal access to the basement car park by lift or stairs.

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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:

The relatively square and block-like building plan has been broken down by its architectural expression. The façade articulation of the building is emphasised by changes in materials and colours. The stepped building form and projecting lightweight steel fascia create a variegated roof line. These are acceptable architectural compositions.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and, as such, is unlikely to contain any contamination such that further investigation is not warranted in this case.

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

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

The development has the potential to impact on water quality and volumes to the catchment. Appropriate conditions can be imposed in relation to stormwater management to ensure limited impact upon water courses.

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Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	2613m ²	YES
Deep landscaping (min): 50%	50.7% or 1324m ²	YES
Street frontage (min): 30m	48.6m	YES
Number of storeys (max): Five (5) and 25% 6 storey	Five storey+ 25% 6 storey	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	59.8%	YES
Storeys and ceiling height (max): 5 storeys and 13.4m	5 Storeys + 25% 13.4m perimeter ceiling height	YES
Car parking spaces (min): <ul style="list-style-type: none"> 8.25 (visitors) 43 (residents) 52 total 	9 visitor spaces 43 resident spaces 52 total	YES YES YES
Zone interface setback (min): 9m	9m provided to zone interface	YES
Manageable housing (min): 10% or 4 units	4 units - 12% 7, 14, 21, 27	YES
Lift access: required if greater than three storeys	Provided. All lifts service all floors including basement levels.	YES

Residential zone objectives and impact on heritage:

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item: <ul style="list-style-type: none"> 10m setback (1st & 2nd storeys) 15m setback (3rd & 4th storeys) No closer than heritage item from front boundary 	24.2m 24.2m Not closer	YES YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 450m² 	470m ² provided to rear of site	YES
No. of tall trees required (min): 9 trees	>9 trees	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	35%	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.33:1	NO
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 	10m-12m <40%	YES
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 9m to zone interface 	9m 9m	YES YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	4m-13.5m	NO
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	8.2m to Courtyard of Unit 4	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	<15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	>600mm	YES
<ul style="list-style-type: none"> Wall plane area <81m² 	South elevation: 90m ² and 127m ² West elevation: 84m ² North elevation: 100.8m ²	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	27m to Pacific Highway South-West elevation: 2.2m balcony projection South-East: 3.0m balcony projection North-East elevation: 2.6m balcony projection North-West elevation: 3.0m balcony projection	YES NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	73% >50% Five of the units have a single north-west aspect. None of the units have a direct western aspect	YES YES YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 5 th 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 	25.5m minimum to No. 3 Ku-ring-gai Avenue 32m minimum to No.7 Ku-ring-gai Avenue 12m minimum between Blocks A and B 22m minimum between sites A and B, 28m minimum to Nos 1 and 3 Ku-ring-gai Avenue	YES YES YES YES YES YES
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	2.7m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 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 	2.7m >3m >3m Maximum 7 units 1.5m 1.8m	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 Balcony sizes: <ul style="list-style-type: none"> 10m² – 1 bedroom unit 12m² – 2 bedroom unit 15m² – 3 bedroom unit NB. At least one space >10m² primary outdoor space has a minimum dimension of 2.4m 	>25m ² Minimum 10m ² Minimum 12m ² Minimum 16m ² >2.4m	YES YES YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	70% (23/33)	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1, 2 & 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 	84% Five single aspect units, all of which have maximum depths of 11.8m to 12.2m	YES NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 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 	25% 4.5 star rating = 39% 3.5 star rating = 28%	YES NO NO
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 43 resident spaces 8.25 visitor spaces 52 total spaces 	43 resident spaces 9 spaces 52 spaces	YES YES YES

Part 4.2: Density:

The application provides for a floor space ratio of 1.33:1 as opposed to the requirement for 1.30:1 which is approximately 78 m² over the maximum permissible.

The purpose of the control is to ensure that the development density is in keeping with the optimum capacity of the site and the desired future landscape and built character of the area.

The application provides for an acceptable level of built-upon area and deep soil landscaping, and also provides a height in accordance with the requirements of LEP194. Furthermore the development satisfies the intent of the LEP in that it will provide for tall canopy trees and a landscaped setting with appropriate setbacks to the zone interfaces to the North and East. The building is broken in its built form through the changes in materials and colours and is considered by Council's Consultant Urban Design Consultant to present acceptable architectural compositions. The proposed density is therefore acceptable and in keeping with the desired built character of the area.

Part 4.3: Setbacks:

The development is provided with a minimum setback of 4.2 metres to the boundary of 'Site B', the development at 1215-1219 Pacific Highway. This will be for a maximum depth of 9.5 metres.

The intent of the minimum 6 metres setback control is in order to ensure that a landscaped setting will be achieved, with provision for deep soil zones and high canopy trees. The control also in effect provides for a minimum of 12 metres between buildings to ensure acoustic and visual privacy.

The design of the building needs to be considered in the context of the proposed adjacent development, and the landscape masterplan submitted for the two sites. Combined, the developments will be separated by a minimum distance of 12 metres. This satisfies the requirement for residential amenity and privacy between the two buildings.

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Further, Council's Landscape Officer has considered the two developments, and this development in its own right, and considers that the landscaping on site will be suitable and satisfy the intent of LEP194.

Part 4.4 Built form and articulation:

The application provides for several areas where the wall plane depth and balcony projections have been numerically exceeded.

The built form and articulation of the building needs to be considered as a whole, with particular reference to the indicative model provided and material details.

The wall plane areas on three of the facades (South, West and North) have been exceeded. On each elevation the façade has been broken down through the introduction of canopies above windows, and through the use of varying materials, including smooth and textured masonry of varying colours, including darker tones to the base level (a dark brown) and lighter colours above (cream). The northern and western elevations of the proposed building have also been provided with brick elements, effectively breaking up the expanses of façade.

In the context of the elements above, the balcony elements are not obtrusive. The balconies are solid structures in themselves, are not simply 'tacked on' and serve to add interest and provide articulation to the facades. They do not produce any adverse visual or amenity impact nor do they disrupt the form of the façades.

Further, the proposal has been reviewed by Council's Urban Design Consultant, Mr Russell Olssen, against the considerations of SEPP65, who raises no issues in relation to built form and articulation of the development.

Part 4.8 Resource energy and water efficiency

Of the five single aspect units, all either have a maximum depth of 11.8 metres or 12.2 metres as measured from the door to the balconies.

These control is required to ensure maximum thermal comfort within buildings and to ensure minimal energy required for construction, heating, cooling and lighting. The application attains a NatHERS score of at least 3.5 stars per unit (the minimum requirement as stipulated by SEDA), with 39% attaining a 4.5 star or above rating. The application therefore provides for acceptable levels of energy efficiency and is considered to provide for resource energy efficiency.

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.

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Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 by Councils Engineering Assessment Team Leader, who raises no objection to the proposal, subject to conditions.

Section 94 Plan

The development attracts a section 94 contribution of \$478,450.86 which is required to be paid by Condition No. 83.

This figure is calculated on the following basis, utilising the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

9 x small dwellings (< 75m ²) at \$11,796.40	\$106,167.60
14 x medium dwellings (75-110m ²) at \$16,533.54	\$231,469.56
10 x large dwellings (110m ² – 150m ²) at \$23,778.57	\$237,785.70
Total	\$575,422.86
Less 3 x very large dwellings (150m ²) at \$32,324.00	\$96,972.00
Total	\$478,450.86

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.

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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.

UNAUTHORISED WORKS

Not applicable

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority grant development consent to DA 0681/05 for the demolition of existing structures on site and construction of one (1) five (5) storey residential flat buildings comprising thirty (33) units, basement car parking and associated landscaping on land at 1219-1223 Pacific Highway, for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

Schedule A

1. The applicant is to submit documentary evidence to Council that the boundary adjustment under DA679/05 has been registered and that all works associated with that approval have been completed. Such evidence is to be approved by Council prior to the operation of the consent.

Schedule B

GENERAL CONDITIONS

1. The development shall be carried out in accordance with plans as follows

A01	Issue A	Location Plan Building A	Dated 22 June 2005
A02	Issue J	Level 1 Plan	Dated 4 April 2005
A03	Issue J	Level 2 Plan	Dated 4 April 2005
A04	Issue J	Level 3 Plan	Dated 4 April 2005
A05	Issue J	Level 4 Plan	Dated 4 April 2005
A06	Issue G	Level 5 Plan	Dated 4 April 2005

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A07	Issue G	Level 6 Plan	Dated 4 April 2005
A08	Issue G	Level 7 Plan	Dated 4 April 2005
A09	Issue G	Level 8 Plan	Dated 4 April 2005
A10	Issue B	Roof Plan	Dated 4 April 2005
A11	Issue C	East Elevation	Dated 4 April 2005
A12	Issue C	North Elevation	Dated 4 April 2004
A13	Issue C	West Elevation	Dated 4 April 2004
A14	Issue C	South Elevation	Dated 4 April 2004
A15	Issue B	Section A-A	Dated 4 April 2004
A16	Issue B	Section B-B	Dated 4 April 2004

drawn by *Futurespace*, and endorsed with Council's approval stamp, except where amended by the following conditions:

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. All building works shall comply with the Building Code of Australia.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

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- 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.

- 23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 24. The fence and footings shall be constructed entirely within the boundaries of the property.
- 25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
- 28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
- 29. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

- 30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

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31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
32. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
33. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
34. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
35. Fire hoses are to be maintained on site during the course of demolition.
36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
37. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

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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.
39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
 41. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
 42. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
 43. 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.
 44. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.
 45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the interallotment drainage system benefiting the subject site.
 46. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
 47. 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.

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48. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
49. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
50. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
51. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
52. 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.
53. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.
54. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Council's adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further

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inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.

55. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
58. 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.
59. Geotechnical aspects of the development work, namely:
 - Dilapidation reporting if required,
 - 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 prepared by Jeffery and Katauskas Ref 19362Vrpt and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

60. Approval is to be obtained from Ku-ring-gai Council Traffic Committee and RTA for any temporary public road closures and/or placement of cranes on public land.
61. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to

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be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

62. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
63. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
64. 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 residential building. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
65. Landscape works shall be carried out in accordance with Landscape Drawing No 19.05/052A Rev A prepared by Ian Jackson and dated 19/08/2005 submitted with the Development Application. The landscape works shall be completed prior to issue of the Occupation Certificate and be maintained in a satisfactory condition at all times.
66. REMOVAL of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#36 & 37 Tristaniopsis laurina (Water Gum)
Pacific Hwy nature strip

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

Tree/Location

#11 Eucalyptus saligna (Bluegum)
Adjacent to north east (rear) site boundary

68. 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.

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69. 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
#2 Jacaranda mimosifolia (Jacaranda) Adjacent to western site corner	5.0m
#3 Magnolia grandiflora (Bull Bay Magnolia) Adjacent to western site corner	3.0m
#4 Melaleuca quinquenervia (Broad leaf paperbark) Adjacent to northwest (side) site boundary within neighbouring property	3.0m
#7 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	9.0m
#8 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	9.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	8.0m
#12 Grevillea robusta (Silky Oak) Adjacent to north east (rear) site boundary	3.0m
#13 Jacaranda mimosifolia (Jacaranda) Adjacent to north east (rear) site boundary in neighbouring property	3.0m
#14 Grevillea robusta Adjacent to north east (rear) site boundary in neighbouring property	3.0m
#15 calodendron capense (Cape Chestnut) Adjacent to north east site boundary in neighbouring property	4.0m

70. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
71. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
#2 Jacaranda mimosifolia (Jacaranda) Adjacent to western site corner	5.0m

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#3 Magnolia grandiflora (Bull Bay Magnolia) 3.0m
Adjacent to western site corner

#4 Melaleuca quinquenervia (Broad leaf paperbark) 3.0m
Adjacent to northwest (side) site boundary within neighbouring property

#7 Eucalyptus saligna (Bluegum) 9.0m
Adjacent to north east (rear) site boundary in neighbouring property

#8 Eucalyptus saligna (Bluegum) 9.0m
Adjacent to north east (rear) site boundary in neighbouring property

#11 Eucalyptus saligna (Bluegum) 8.0m
Adjacent to north east (rear) site boundary in neighbouring property

#12 Grevillea robusta (Silky Oak) 3.0m
Adjacent to north east (rear) site boundary

72. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
#7 Eucalyptus saligna (Bluegum)	9.0m
Adjacent to north east (rear) site boundary in neighbouring property	

#8 Eucalyptus saligna (Bluegum)	9.0m
Adjacent to north east (rear) site boundary in neighbouring property	

#11 Eucalyptus saligna (Bluegum)	8.0m
Adjacent to north east (rear) site boundary in neighbouring property	

73. 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.

74. The following tree species shall be planted as an evenly spaced avenue planting, at no cost to Council, in the nature strip fronting the property along the Pacific Hwy. The tree/s used shall be 25 litre container size specimen/s:

Tree Species
Lagerstroemia indica (Crepe Myrtle – Mauve/Lilac) x 9

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75. 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.
76. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
77. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
78. Fifty-two (52) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
 - 43 - Residential
 - 9 - Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. (*Reason: To ensure that adequate parking facilities to service the development are provided on site*)

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

79. 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.

80. 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

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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).

81. 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.
82. 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.
83. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY **\$458,944.99**. 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:

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

84. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
85. Prior to issue of the Construction Certificate, a qualified civil/traffic engineer must endorse the drawings and certify that:
 - Mirrors are shown as recommended in the report prepared by Masson Wilson Twiney;
 - Traffic lights are shown in the correct location at each end of one way car park ramps, including the entry ramp from the Pacific Highway;
 - Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2 004 “Off-Street car parking”.
86. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
87. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia

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shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.

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

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

The longitudinal section through the driveway prepared to satisfy another condition of this consent is to be submitted with the application.

89. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the outer lane of the Pacific Highway and extending 10 metres inside the property boundary. The driveway profiles must demonstrate that vehicular access to the development can be obtained without scraping of vehicles. Council's Extreme Low Level No. 3 profile (Plan No. 94-030-VC7) is to be used unless otherwise approved. The design levels at the boundary may need to be lowered slightly to accommodate the profile.
90. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

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91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, car washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be generally in accordance with the Stormwater Drainage plans prepared by AFCE Environment + Infrastructure, submitted with the development application, and advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
93. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
94. 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

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is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

95. A cash bond/bank guarantee of \$7,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the 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

#2 Jacaranda mimosifolia (Jacaranda) \$1,000.00
Adjacent to western site corner

#11 Eucalyptus saligna (Bluegum) \$6,000.00
Adjacent to north east (rear) site boundary in neighbouring property

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

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

Tree/Location

#2 Jacaranda mimosifolia (Jacaranda)
Adjacent to western site corner

Radius in Metres

5.0m

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

97. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the southbound road pavement of Pacific Highway, including kerb and gutter, over the site frontage.

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

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

98. Prior to the commencement of *any* works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of any Work Zones in the frontage roadways,
- Location of proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible

Traffic Control Plan(s) for the site

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- In addition, the plan must address:
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.

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- 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. Basement parking is to be made available to employees as soon as possible.
 - The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.
99. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of neighbouring buildings, if any, within the 'zone of influence' of the excavation. If submitted, reports must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
100. 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.
101. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- RTA concurrence to the proposed temporary rock anchors

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- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - That the locations of the rock anchors are registered with Dial Before You Dig
 - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
 - Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
 - All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.
102. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.
103. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#2 Jacaranda mimosifolia (Jacaranda) Adjacent to western site corner	5.0m
#3 Magnolia grandiflora (Bull Bay Magnolia) Adjacent to western site corner	3.0m
#4 Melaleuca quinquenervia (Broad leaf paperbark) Adjacent to northwest (side) site boundary within neighbouring property	3.0m
#7 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	7.0m
#8 Eucalyptus saligna (Bluegum)	7.0m

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Adjacent to north east (rear) site boundary in neighbouring property

#11 Eucalyptus saligna (Bluegum) 6.0m
Adjacent to north east (rear) site boundary in neighbouring property

#12 Grevillea robusta (Silky Oak) 3.0m
Adjacent to north east (rear) site boundary

#13 Jacaranda mimosifolia (Jacaranda) 3.0m
Adjacent to north east (rear) site boundary in neighbouring property

104. 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.
105. 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/principal certifying authority.

106. 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.
107. 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.
108. 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 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,

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frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.

109. 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.
110. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

111. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
112. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
113. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

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114. 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.
115. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

116. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
117. 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).

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

119. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report prepared by Jeffery and Katauskas and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
120. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - 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.

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

121. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
122. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
123. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
- That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
 - That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.

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- That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
- The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
- The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.

124. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:

- As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
- As built locations of all access pits and grates in the retention systems, including dimensions.
- The achieved capacity of the retention storages and derivative calculations.
- Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- As built surface and invert levels for all drainage pits and junction points.
- Gradients of drainage lines, materials and sizes.
- As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

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

- A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
- A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- All Engineer's certifications specified in this consent.

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

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126. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- Mirrors are provided as recommended in the report prepared by Masson Wilson Twiney;
- Traffic lights are provided as required at each end of one way carpark ramps;
- Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and
- No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.

127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:

- Pacific Highway southbound lane for the full frontage of the site;
- Any residences recommended by the geotechnical engineer for dilapidation reporting prior to commencement of works.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate approval, no follow-up survey is required.

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

129. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

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

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:

Item 3

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

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

131. 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.

K Lithgow
Executive Assessment Officer

M Leotta
Team Leader
Development Assessment - North

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Locality Map - 553680**
- Zoning Extract - 553681**
- Site Plan - 553684**
- Architectural drawings – 553687**
- Elevations – 553689**
- Sections – 553692**
- Stormwater and Environmental Site Management Concepts – 553695**
- Shadow Diagrams - 553696**
- Landscape Plan - 553698**

DEVELOPMENT APPLICATION No 0681/05



Zoning Extract

1219-1223 Pacific Hwy DA 0681/05



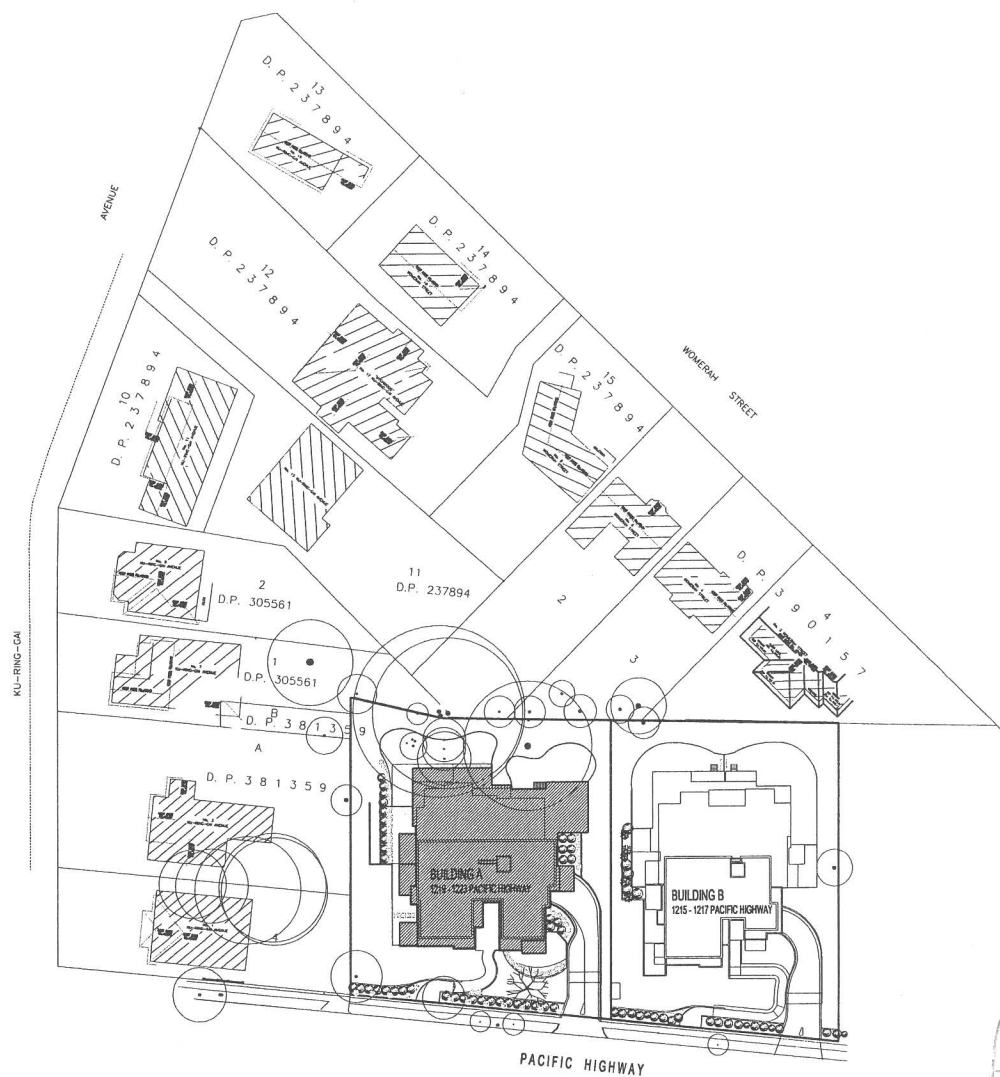
3(a) BUSINESS 3(a)-(A2)	2(d3) RESIDENTIAL 2(d3)
3(b) BUSINESS 3(b)-(B2)	2(e) RESIDENTIAL 2(e)
 EXISTING COUNTY ROAD	 SPECIAL USES 5(b) (Railway)
 RECREATION EXISTING 6(a)	
2(c) RESIDENTIAL 2(c)	
2(c2) RESIDENTIAL 2(c2)	



09-11-2005

Scale = 1:2500





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PROJECT & SITE ADDRESS

Proposed Multi- Unit Apartments
1219-1223 Pacific Highway
Turramurra NSW 2074

CLIENT

PHT Pty Ltd

DRAWING

LOCATION-PLAN-BUILDING-A

SCALE

1:500

PROJECT NO

031211

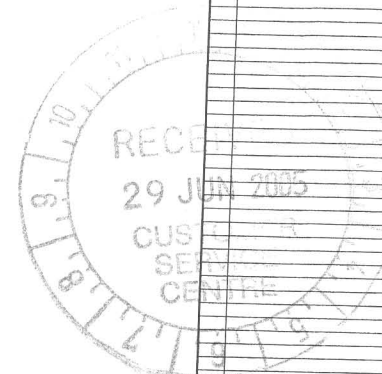
DRAWING NO

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144

A

A01



B	DA ISSUE	27-06-05
A	ISSUE TO CLIENT	10-06-05
ISSUE	AMENDMENT	DATE

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

Proposed Multi-Unit Apartments
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Turramurra NSW 2074

CLIENT

PHT Pty Ltd

DRAWING

ROOF PLAN

SCALE

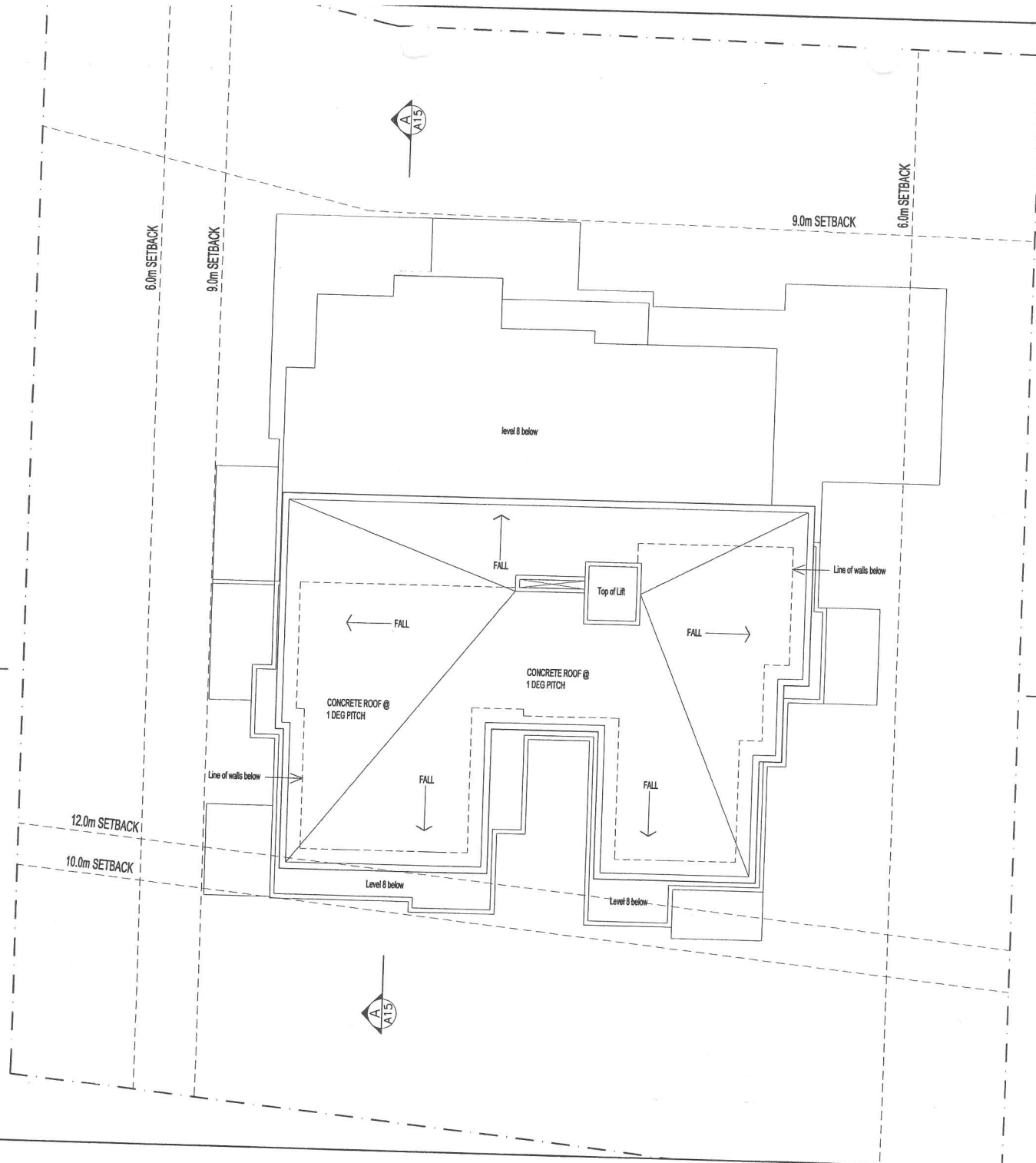
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PROJECT NO	DRAWN
031211	MR

DRAWING NO	DATE
	04-04-05

ISSUE	
B	

A10





ISSUE	AMENDMENT	DATE
H	DA ISSUE	22-06-05
G	ISSUE TO CLIENT	18-06-05
F	ISSUE TO ACCESS CONSULTANT	07-06-05
E	ISSUE TO HERITAGE CONSULTANT	03-05-05
D	ISSUE TO CLIENT	22-04-05
C	ISSUE TO HYDRAULIC ENGINEER	19-04-05
B	ISSUE TO LANDSCAPE CONSULTANTS	18-04-05
A	ISSUE TO CONSULTANTS	13-04-05

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Proposed Multi-Unit Apartments
 1219-1223 Pacific Highway
 Turramurra NSW 2074

CLIENT

PHT Pty Ltd

DRAWING

LEVEL2

SCALE

1:100

PROJECT NO	031211	ISSUE	AG
DRAWING NO		DATE	04-04-05

ISSUE	H
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A03

T11 Blue Gum as shown on survey drawing
RL 202.00

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29 JUN 2005
CUSTOMER
SERVICE
CENTRE

T4 Paperbark as shown on survey
(on adjacent property)
RL 191.00



EAST ELEVATION

- | | | |
|---|--|--|
| (A) Smooth rendered masonry with paint finish (Dulux Rimaldo) | (F) Lightweight canopy with powdercoat finish (Dulux Charcoal) | (L) Glazed balustrade |
| (B) Slatted timber privacy screen | (G) Lightweight balustrade with powdercoat finish (Dulux Charcoal) | (M) Lightweight fascia with powdercoat finish (Dulux Charcoal) |
| (C) Fairface brickwork with raked joints | (H) Steel frame pergola with paint finish (Dulux Rimaldo) | (N) Glass louvre screen |
| (D) Smooth rendered masonry with expressed joints and paint finish (Dulux Deep Leather) | (J) Aluminium framed glazed windows and doors powdercoat finish (Dulux Charcoal) | (P) Textured rendered masonry with paint finish (Dulux Ploughed Earth) |
| (E) Textured rendered masonry with paint finish (Dulux Light and Low) | (K) Aluminium framed glazed canopy powdercoat finish (Dulux Charcoal) | |

Colour references are as shown or nearest equivalent

C	DA ISSUE	22-06-05
B	ISSUE TO CLIENT	10-06-05
A	ISSUE TO HERITAGE CONSULTANTS	03-05-05
ISSUE	AMENDMENT	DATE

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PROJECT & SITE ADDRESS

Proposed Multi-Unit Apartments
1219-1223 Pacific Highway
Turramurra NSW 2074

CLIENT

PHT Pty Ltd

DRAWING

EAST-ELEVATION

SCALE

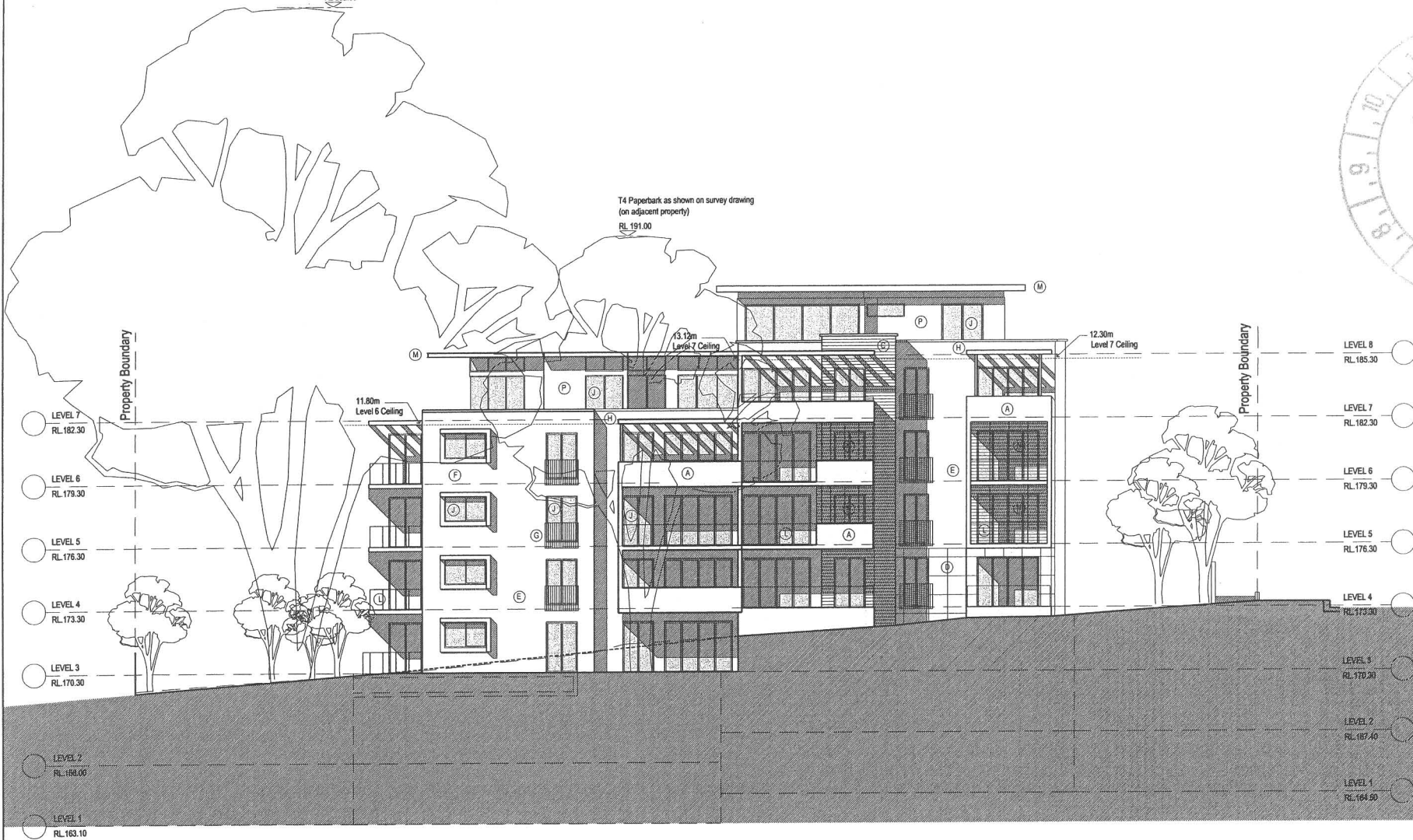
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PROJECT NO	DRAWN
031211	AG
DRAWING NO	DATE
	04-04-05
ISSUE	
C	

A11

T11 Blue Gum as shown on survey drawing
RL 202.00

T4 Paperbark as shown on survey drawing
(on adjacent property)
RL 191.00



NORTH ELEVATION

(A) Smooth rendered masonry with paint finish (Dulux Rimaldo)

(B) Slatted timber privacy screen

(C) Fairface brickwork with raked joints

(D) Smooth rendered masonry with expressed joints and paint finish (Dulux Deep Leather)

(E) Textured rendered masonry with paint finish (Dulux Light and Low)

(F) Lightweight canopy with powdercoat finish (Dulux Charcoal)

(G) Lightweight balustrade with powdercoat finish (Dulux Charcoal)

(H) Steel frame pergola with paint finish (Dulux Rimaldo)

(J) Aluminium framed glazed windows and doors powdercoat finish (Dulux Charcoal)

(K) Aluminium framed glazed canopy powdercoat finish (Dulux Charcoal)

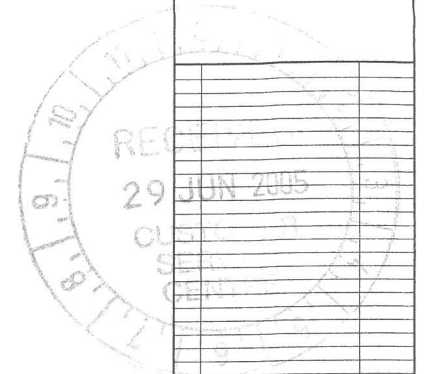
(L) Glazed balustrade

(M) Lightweight fascia with powdercoat finish (Dulux Charcoal)

(N) Glass louvre screen

(P) Textured rendered masonry with paint finish (Dulux Ploughed Earth)

Colour references are as shown or nearest equivalent



ISSUE	AMENDMENT	DATE
E	DA ISSUE	22-06-05
B	ISSUE TO CLIENT	10-06-05
A	ISSUE TO HERITAGE CONSULTANTS	03-05-05

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PROJECT & SITE ADDRESS

Proposed Multi-Unit Apartments
1219-1223 Pacific Highway
Turramurra NSW 2074

CLIENT

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DRAWING

NORTH-ELEVATION

SCALE

1:100

PROJECT NO

031211

DRAWING NO

AG

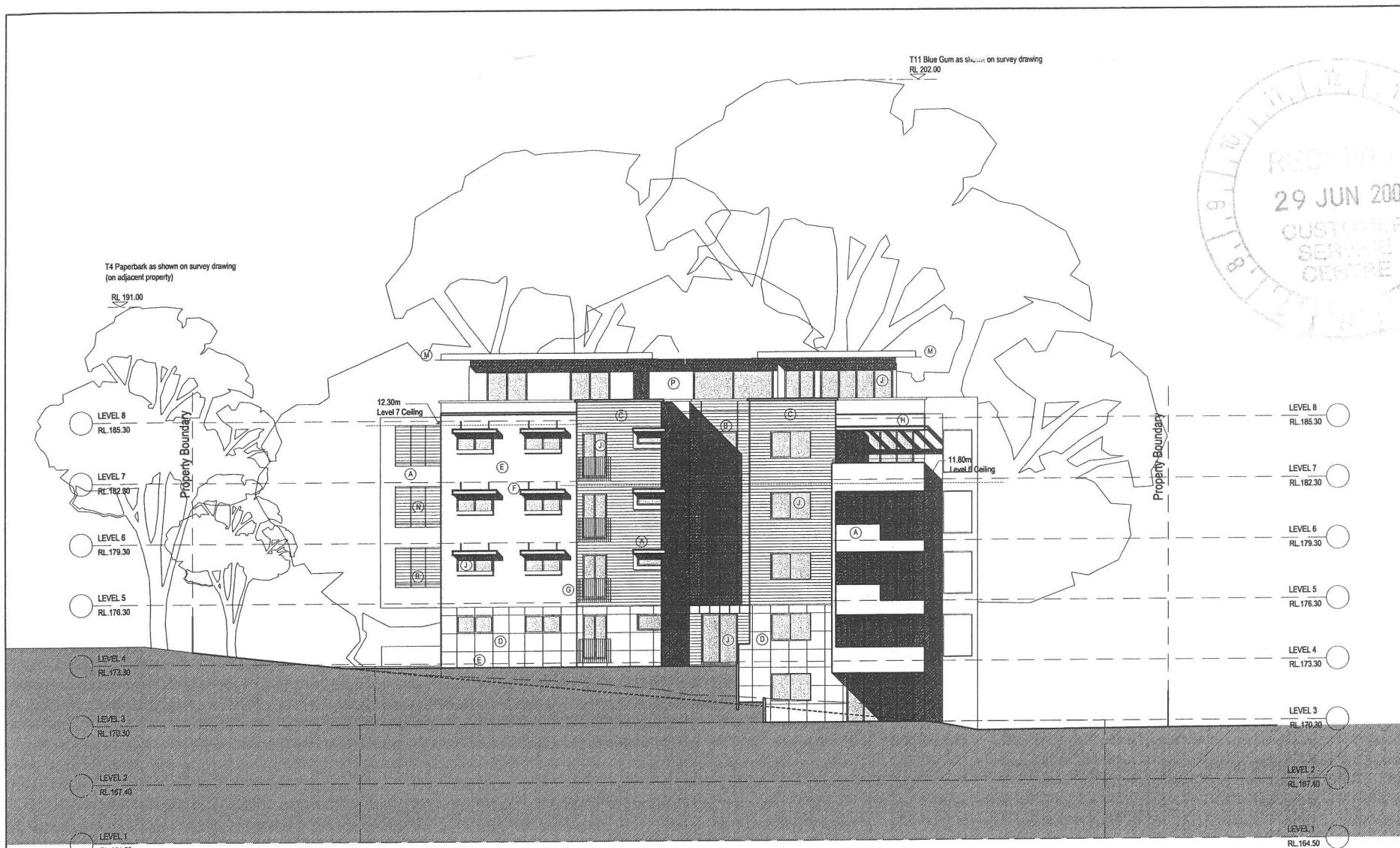
DATE

04-04-05

ISSUE

A12

C



WEST ELEVATION

- | | | |
|---|--|--|
| (A) Smooth rendered masonry with paint finish (Dulux Rimaldo) | (F) Lightweight canopy with powdercoat finish (Dulux Charcoal) | (L) Glazed balustrade |
| (B) Slatted timber privacy screen | (G) Lightweight balustrade with powdercoat finish (Dulux Charcoal) | (M) Lightweight fascia with powdercoat finish (Dulux Charcoal) |
| (C) Fairface brickwork with raked joints | (H) Steel frame pergola with paint finish (Dulux Rimaldo) | (N) Glass louvre screen |
| (D) Smooth rendered masonry with expressed joints and paint finish (Dulux Deep Leather) | (J) Aluminium framed glazed windows and doors powdercoat finish (Dulux Charcoal) | (P) Textured rendered masonry with paint finish (Dulux Ploughed Earth) |
| (E) Textured rendered masonry with paint finish (Dulux Light and Low) | (K) Aluminium framed glazed canopy powdercoat finish (Dulux Charcoal) | |

Colour references are as shown or nearest equivalent

C	DA ISSUE	22-06-05
B	ISSUE TO CLIENT	10-09-05
A	ISSUE TO HERITAGE CONSULTANTS	03-05-05
ISSUE	AMENDMENT	DATE
<ul style="list-style-type: none">Use written dimensions only. Do not scale from drawing.Contractors shall confirm all dimensions on site prior to commencing any work or making any shop drawings.All materials to be used in accordance with the manufacturer's specifications and instructions, and shall comply with the relevant Australian Standards.Copyright of this drawing and design remain the property of futurespace Pty Ltd.		

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DRAWING

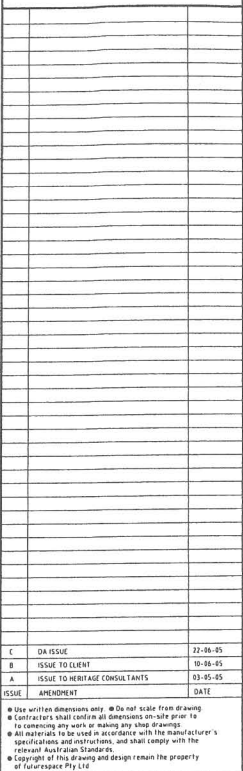
WEST-ELEVATION

SCALE

1:100

PROJECT NO	DRAWN
031211	AG
DRAWING NO	DATE
	04-04-05
ISSUE	
C	

A13



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PHT Pty Ltd

SOUTH-ELEVATION

1:100

031244

Y

1 A

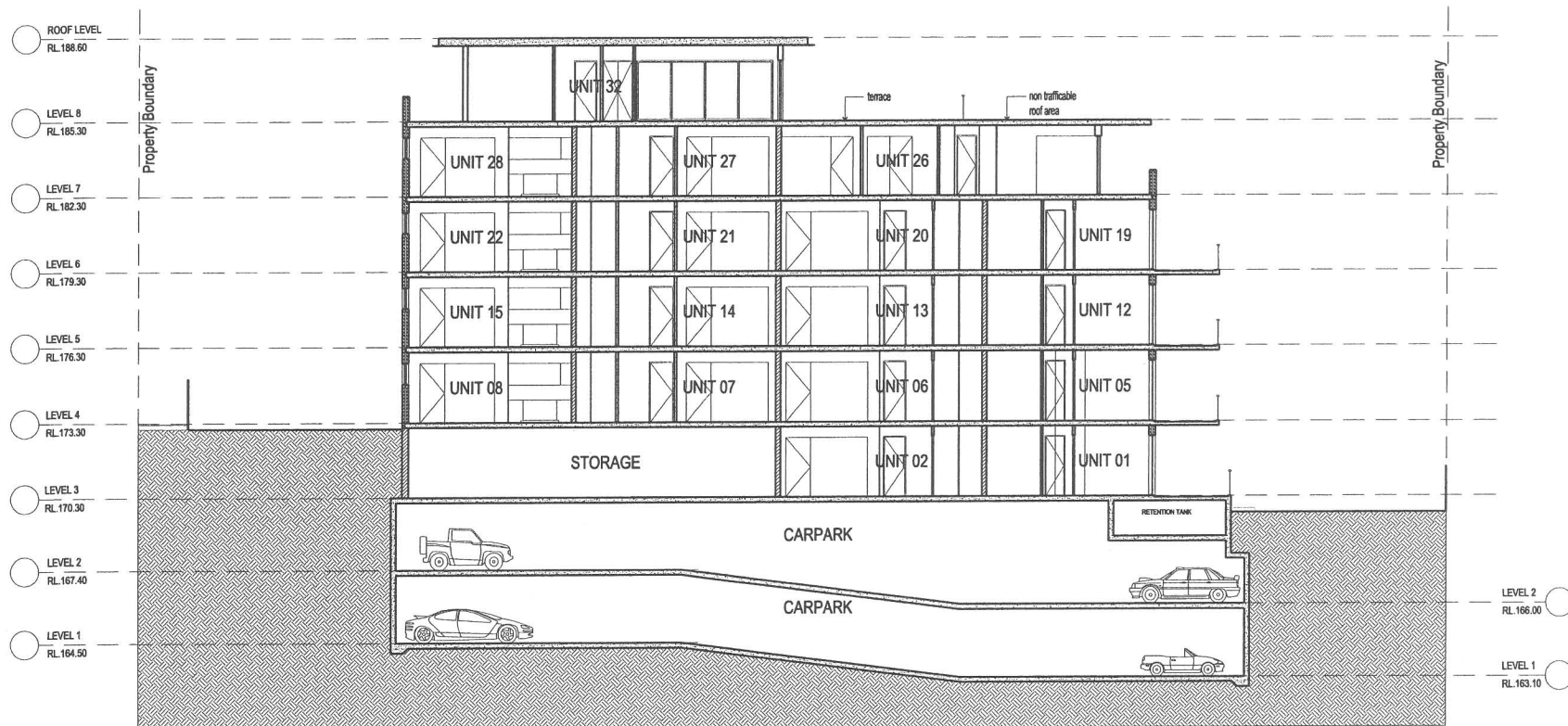
C

LEVEL 1
RL 163.10

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SERVICE
CENTRE

- Colour references are as shown or nearest equivalent

+



SECTION A-A

B	DA ISSUE	22-06-05
A	ISSUE TO CLIENT	16-06-05
ISSUE	AMENDMENT	DATE

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Turramurra NSW 2074

CLIENT
PHT Pty Ltd

DRAWING
SECTION A-A

SCALE
1:100

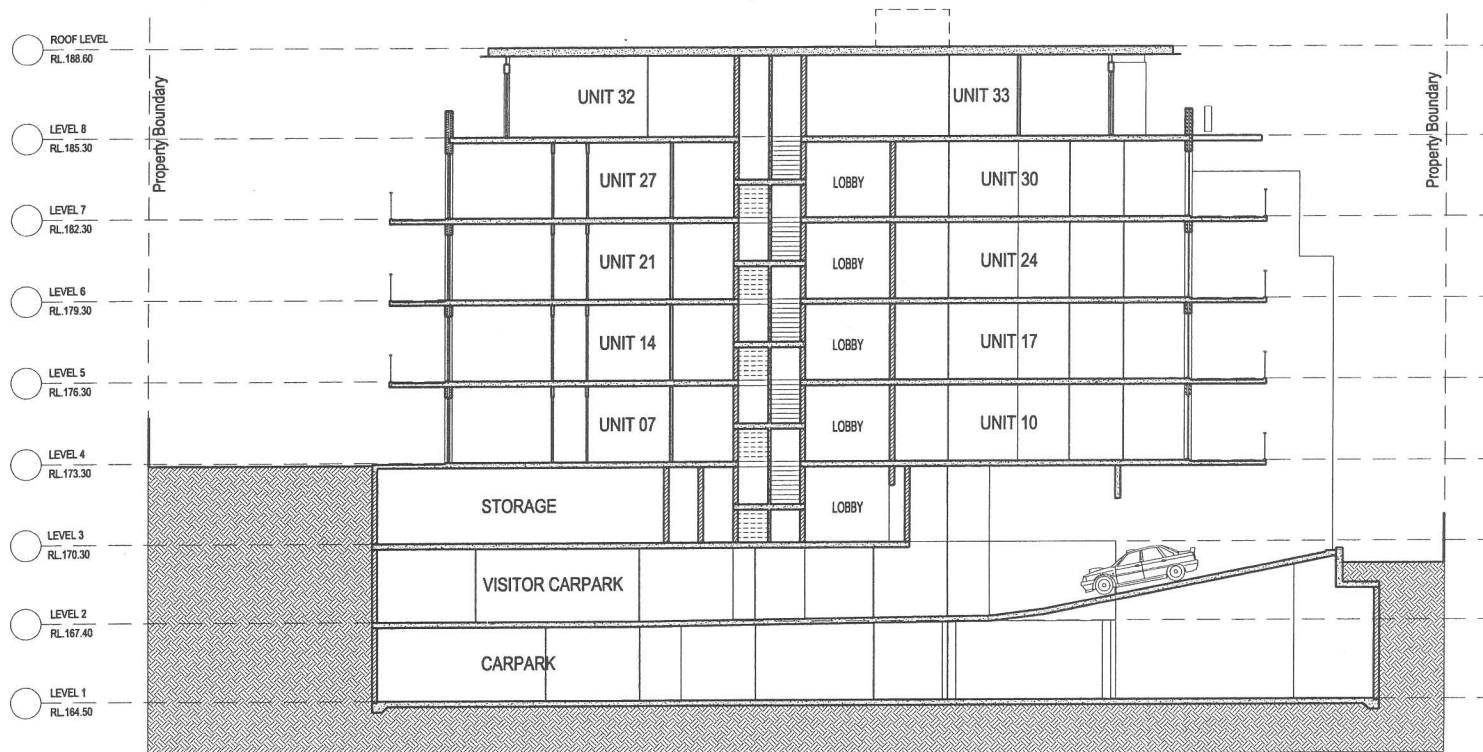
PROJECT NO	DRAWN
031211	AG

DRAWING NO	DATE
	04-04-05

ISSUE	
B	

A15





SECTION B-B

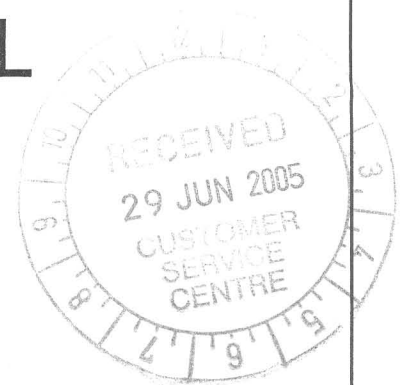
B	BA ISSUE	22-06-05
A	ISSUE TO CLIENT	10-06-05
ISSUE	AMENDMENT	DATE

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SECTION B-B	
SCALE	
1:100	
PROJECT NO	DRAWN
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DRAWING NO	DATE
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ISSUE	
B	

A16

PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 1219 - 1223 PACIFIC HIGHWAY TURRAMURRA



STORMWATER MANAGEMENT & ENVIRONMENTAL SITE MANAGEMENT CONCEPT PLANS

GENERAL NOTES

- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 3500.3.2.1998 AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICES AND CODES.
- THE MINIMUM SIZE OF STORMWATER DRAINS SHALL NOT BE LESS THAN DN90 FOR CLASS 1 BUILDINGS AND DN150 FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY THE REGULATORY AUTHORITY.
- THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE AS GIVEN IN THE TABLE BELOW:

NOMINAL SIZE	MIN GRADIENT
mm	%
DN 90	1.00
DN 100	1.00
DN 150	1.00
DN 225	0.5
DN 300	0.40
DN 375	0.35
- COUNCIL'S TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO. NO TREES SHALL BE REMOVED UNTIL PERMIT IS OBTAINED.
- PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CONTRACTORS EXPENSE.
- ALL PITS TO BE BENCHED AND STREAMLINED. PROVIDE STEP IRONS FOR ALL PITS OVER 1.2m DEEP.
- CATCH DRAINS ARE TO BE CONSTRUCTED AS REQUIRED BY COUNCIL'S ENGINEER.
- MAKE SMOOTH JUNCTION WITH ALL EXISTING WORK.
- VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION.
- SUITABLE EASEMENTS TO DRAIN WATER TO BE PROVIDED OVER DRAINAGE LINES THROUGH ALLOTMENTS AND SUBSEQUENT PIPE TO BE CENTRALLY LOCATED WHERE REQUIRED BY DESIGN.
- ALL RUBBISH, SHEDS, BUILDINGS AND FENCES TO BE REMOVED. SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND FIELD INVESTIGATIONS AND ARE NOT GUARANTEED COMPLETE OR CORRECT AND ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- ADEQUATE PROVISION TO BE MADE FOR SCOURING AND SEDIMENTATION TO ALL DRAINAGE WORKS AS DIRECTED.
- ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS ARE TO BE CONFIRMED BY THE DESIGN ENGINEER PRIOR TO THEIR COMMENCEMENT.

SHEET INDEX	
SHEET No.	DESCRIPTION
A1	COVER SHEET AND NOTES
A2	CONCEPT STORMWATER MANAGEMENT PLAN
A3	CONCEPT STORMWATER MANAGEMENT PLAN BASEMENT DRAINAGE
A4	CONCEPT ENVIRONMENTAL SITE MANAGEMENT NOTES
A5	CONCEPT ENVIRONMENTAL SITE MANAGEMENT PLAN

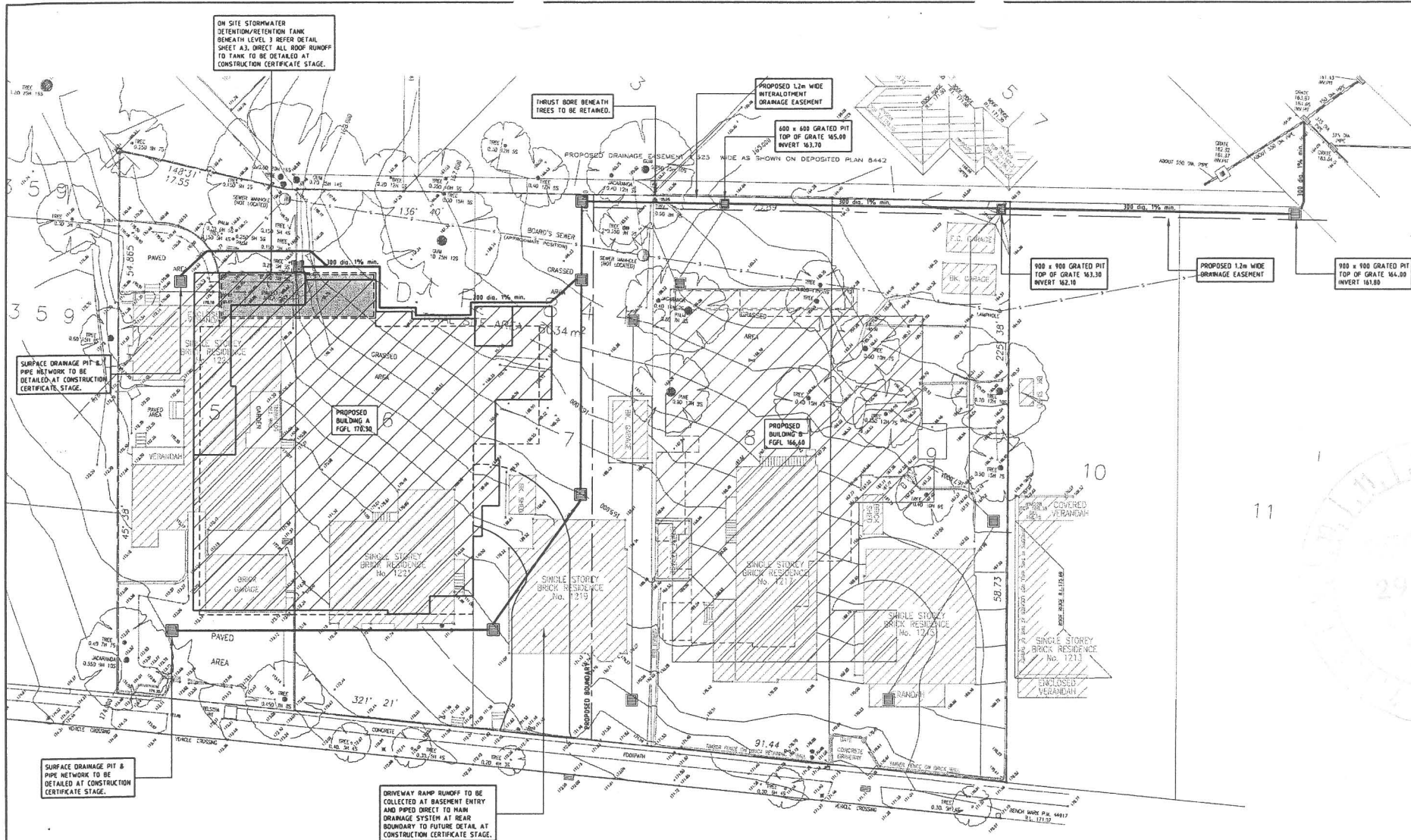
PROPOSED DEVELOPMENT : TYPE 5 - MULTI-UNIT DEVELOPMENT			
	DCP 47 REQUIREMENT	CLAUSE	PROPOSAL AND CALCULATIONS
STORMWATER DISPOSAL	HIGH LEVEL PROPERTY - MAY DISCHARGE TO STREET GUTTER : MAX. 25 L/s - MAY DISCHARGE TO STREET DRAINAGE PIPE	5.4.1 5.4.2	DRAINAGE BY GRAVITY TO COUNCIL DRAINAGE SYSTEM IN WOMERAH ST. VIA. EASEMENT TO BE OBTAINED AS REQUIRED
	LOW LEVEL PROPERTY - PIPE MAY NOT EXTEND ACROSS NEIGHBOURS STREET FRONTAGE - ON-SITE ABSORPTION/DISPERSION NOT PERMITTED - FOR DISCHARGE TO BUSHLAND, NO RUNOFF DAYS TO NOT INCREASE AND BUA RESTRICTED TO 35% - CHARGED SYSTEMS NOT PERMITTED - EASEMENT REQUIRED WATERCOURSE/EASEMENT AVAILABLE - MAY DISCHARGE TO NATURAL W/C OR APPURTENANT EASEMENT	5.4.1 5.7.7 5.6, 4.4.1 5.7.8 6.9(c)	
STORMWATER MANAGEMENT	- RAINWATER TANK : 1000 L PER UNIT TO TOILETS & LAUNDRY - OSD REQUIRED. STORAGE MAY BE REDUCED BY CORRESPONDING PROVISION OF ON-SITE RETENTION VOLUME. - WHERE BACKING ONTO BUSHLAND: - OSD NOT PERMITTED - ADDITIONAL ON-SITE RETENTION REQUIRED: = GREATER OF: ROOF AREA x 20mm OR 5000 L - WHERE DISCHARGE IS DIRECT TO AN INTERALLOTMENT EASEMENT OSD MAY BE MANDATORY.	6.4 6.7 6.8 6.9	DETERMINE RAINWATER TANK PROVISION No UNITS : 33 RAINWATER TANK PROVISION : SINGLE TANK SERVICING ALL UNITS RAINWATER TANK STORAGE : = No UNITS x 1000 L = 33 m ³ DETERMINE OSD REQUIREMENT SITE AREA = 2613 m ² COUNCIL CATCHMENT CODE : BC REQUIRED STORAGE VOLUME = 414 m ³ /ha = 0.2613 x 50% x 414 x 75% = 41m ³ PERMISSIBLE SITE DISCHARGE = 96 L/s/ha = 0.2613 x 50% x 96 = 12.5 L/s CONCLUSION PROVIDE 33 m ³ RAINWATER RE-USE TANK PROVIDE 41 m ³ ON-SITE DETENTION TANK

THIS DRAWING REVISION IS FOR DEVELOPMENT
APPLICATION PURPOSES ONLY AND IS NOT
TO BE ISSUED FOR CONSTRUCTION

	EXISTING	PROPOSED
KERB AND GUTTER	=====	=====
ROAD CENTRELINE	-----	-----
DRAINAGE PIPELINE (ROAD)	==> ==> ==>	==> ==> ==>
DRAINAGE PIPELINE (PROPERTY)	==> ==> ==>	==> ==> ==>
INLET PIT (ROAD)	==> ==> ==>	==> ==> ==>
INLET PIT (PROPERTY)	==> ==> ==>	==> ==> ==>
JUNCTION PIT (ROAD)	==> ==> ==>	==> ==> ==>
SURFACE LEVEL	-672.0	-672.0
SURFACE CONTOUR	-672-	-672-
WATERMAIN	-W-	-W-
UNDERGROUND POWER CABLES	-P-	-P-
GAS MAIN	-G-	-G-
UNDERGROUND PHONE CABLES	-T-	-T-
POWER POLES	-d-	-d-
SEWER	-S-	-S-
INDICATES PIPE RISERS	DP1	DP1
INDICATES SERVICE TYPE	100x75	100x75
INDICATES SERVICE SIZE		
INDICATES SERVICE DROPPERS		

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						<div><div><div>AFCE Environment + Building</div><div>A DIVISION OF APPLEYARD FORREST CONSULTING ENGINEERS PTY LTD</div><div>AFCE</div><div>Environment + Building</div></div><div>18 HILLS STREET, GOSFORD NSW 2250 UNIT 35, 7 AMELIA AVENUE, CASTLE HILL NSW 2154 SUITE 7, 407-409 BONG BONG STREET, BONG BONG NSW 2176</div><div>TEL 02 4321 1400 FAX 02 4321 1951 TEL 02 9636 8371 FAX 02 9636 8344 TEL 02 4862 7887 FAX 02 4862 7868</div></div>						DESIGNED		MOT		PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT - BUILDING A 1219 - 1223 PACIFIC HIGHWAY TARAMURRA				DRAWING		COVER SHEET AND NOTES - BUILDING A			
						DRAWN		VB						CLIENT		PHT PTY LTD									
						CHECKED				DIRECTOR				No. OF SHEETS		SCALE		JOB No.		SHEET No.		REVISION			
MAY. 05 0 ISSUED FOR DEVELOPMENT APPLICATION										L.D. APPLEYARD P.L.E. (AUST. NPER-3) (CIVIL AND STRUCTURAL)				1 of 5		NTS		353060		A1		0			
DATE		No.		REVISION		DATE		No.		REVISION															



CONCEPT STORMWATER MANAGEMENT PLAN - BUILDING A SCALE 1:200

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0 2 4 6 8 10
BASE SCALE
FOR AT PLAN

PRINT ISSUED

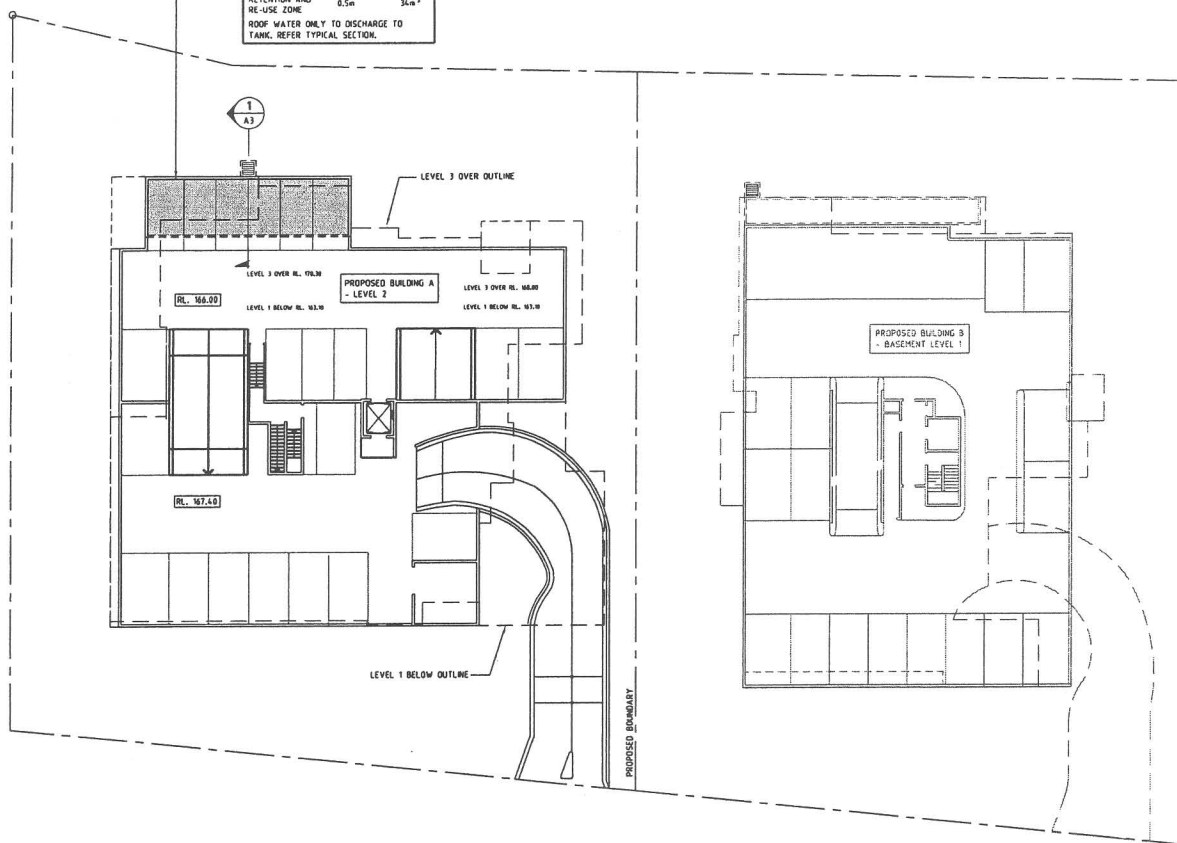
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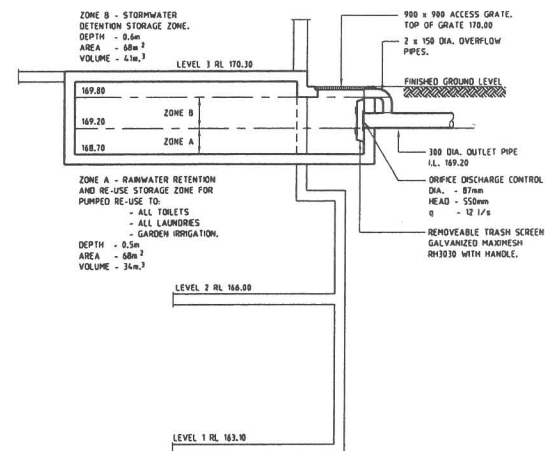
ON-SITE STORMWATER DETENTION/
RETENTION TANK BENEATH LEVEL 3.
INTERNAL PLAN AREA 68m².

	STORAGE DEPTH	VOLUME
DETENTION ZONE	0.6m	41m ³
RETENTION AND RE-USE ZONE	0.5m	34m ³

ROOF WATER ONLY TO DISCHARGE TO TANK. REFER TYPICAL SECTION.

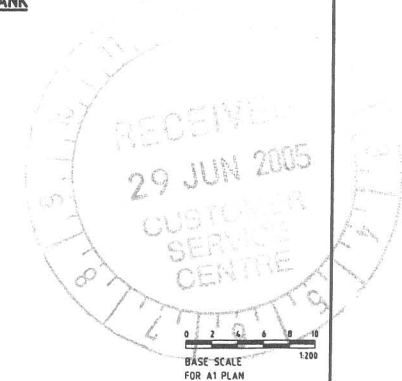


BASEMENT DRAINAGE PLAN - BUILDING A
SCALE 1:200



SECTION 1
A3

**BUILDING A ON-SITE STORMWATER
DETENTION/ RETENTION TANK**
SCALE 1:50



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SITE CONSTRAINTS AND CHARACTERISTICS

SITE LOCATION 1219 - 1223 PACIFIC HIGHWAY, TURRAMURRA
PROJECT PROPOSED RESIDENTIAL DEVELOPMENT
CONSISTENT AUTHORITY KU-RING-GAI COUNCIL
SITE AREA (ha) 0.2613
CATCHMENT AREA (ha) 0.2613
DISTURBED AREA (ha) 0.2613
LANDFORM HILL CREST
PRESENCE OF SENSITIVE DOWNSLOPE AREAS NO
SOIL LANDSCAPE (vide SCS of NSW, 1989)

SOIL LANDSCAPE MAP SYDNEY
COMMON CONSTRAINTS gn - GLENORIE
LOCALISED IMPERMEABLE HIGHLY PLASTIC
SUBSOILS, MODERATELY EXPANSIVE
F, D

SOIL TYPE LOW
EFFECT OF CONSTRAINTS ON EARTHWORKS FOR URBAN DEVELOPMENT

REVISED UNIVERSAL SOIL LOSS EQUATION (RUSLE) PARAMETERS

RAINFALL EROSIONITY (R-factor) 4.000
SOIL ERODIBILITY (K-factor) 0.040
LENGTH/GRADE (LS-factor) 0.52
LENGTH (m) = 50
SLOPE (%) = 3.0
EROSION CONTROL PRACTICE (P-factor) 1.3
GROUND COVER (C-factor) 1.0

COMPUTED SOIL LOSS

A = RUSLE
= 108 tonnes/ha/yr
= 83 cubic metres/year

SOIL LOSS CLASS : 1. VERY LOW EROSION HAZARD

TYPE OF SEDIMENT RETENTION BASIN REQUIRED

TYPE D - PRESENCE DISPERSIVE SOIL ASSUMED.

TYPE D SEDIMENT RETENTION BASIN CALCULATIONS

BASIN VOLUME = SETTLING ZONE VOLUME + SEDIMENT STORAGE ZONE VOLUME

SETTLING ZONE VOLUME

$V = 10 \times C_u \times A \times R_{75}$ CUBIC METRES
 C_u = VOLUMETRIC RUNOFF COEFFICIENT
= 0.5
 $R = 75\text{th PERCENTILE 5-DAY RAINFALL DEPTH}$
= 25 mm
 $A = \text{CATCHMENT AREA}$
= 0.12 (max) ha
 $V = 15$ cubic metres

SEDIMENT STORAGE ZONE VOLUME

DETERMINED BY RUSLE :
FROM SITE CONSTRAINTS, $A = 108$ tonnes/ha/yr
ASSUME 2 MONTH PERIOD
SEDIMENT ZONE VOLUME = $0.17 \times 108 \times 0.18 / 1.3$ cubic metres
= 2.5

BASIN VOLUME

BASIN VOLUME = SETTLING ZONE VOLUME + SEDIMENT STORAGE ZONE VOLUME
= 2.5 + 15 cubic metres
= 18 cubic metres

GENERAL INSTRUCTION

- THIS SOIL AND WATER MANAGEMENT PLAN IS TO BE READ IN CONJUNCTION WITH OTHER ENGINEERING PLANS RELATING TO THIS DEVELOPMENT.
- CONTRACTORS WILL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE UNDERTAKEN AS INSTRUCTED IN THIS SPECIFICATION AND CONSTRUCTED FOLLOWING THE GUIDELINES OF "MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION", VOL. 1, LANDCOM, 2004 (BLUE BOOK).
- ALL SUBCONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN REDUCING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWNSLOPE AREAS.

STAGING AND LAND DISTURBANCE INSTRUCTIONS

- DISTURBANCE TO BE NO FURTHER THAN 5 PREFERABLY 20 METRES FROM THE EDGE OF ANY ESSENTIAL ENGINEERING ACTIVITY AS SHOWN ON APPROVED PLANS. ALL SITE WORKERS WILL CLEARLY RECOGNISE THESE ZONES THAT, WHERE APPROPRIATE, ARE IDENTIFIED WITH BARRIER FENCING (UPSLOPE) AND SEDIMENT FENCING (DOWNSLOPE) OR SIMILAR MATERIALS.
- ACCESS AREAS ARE TO BE LIMITED TO A MAXIMUM WIDTH OF 10 METRES THE SITE MANAGER WILL DETERMINE AND MARK THE LOCATION OF THESE ZONES ON-SITE. ALL SITE WORKERS WILL CLEARLY RECOGNISE THESE BOUNDARIES THAT, WHERE APPROPRIATE, ARE IDENTIFIED WITH BARRIER FENCING (UPSLOPE) AND SEDIMENT FENCING (DOWNSLOPE) OR SIMILAR MATERIALS.
- ENTRY TO LANDS NOT REQUIRED FOR CONSTRUCTION OR ACCESS IS PROHIBITED EXCEPT FOR ESSENTIAL THINNING OF PLANT GROWTH.
- WORKS ARE TO PROCEED IN THE FOLLOWING SEQUENCE:
 - INSTALL ALL BARRIER AND SEDIMENT FENCING WHERE SHOWN ON THE PLAN.
 - CONSTRUCT THE STABILISED SITE ACCESS.
 - CONSTRUCT DIVERSION DRAINS AS REQUIRED.
 - INSTALL MESH AND GRAVEL INLETS FOR ANY ADJACENT KERB INLETS.
 - INSTALL GEOTEXTILE INLET FILTERS AROUND ANY ON-SITE DRAIN INLET PITS.
 - CLEAR SITE AND STRIP AND STOCKPILE TOPSOIL IN LOCATIONS SHOWN ON THE PLAN.
 - UNDERTAKE ALL ESSENTIAL CONSTRUCTION WORKS ENSURING THAT ROOF AND/OR PAVED AREA STORMWATER SYSTEMS ARE CONNECTED TO PERMANENT DRAINAGE AS SOON AS PRACTICABLE.
 - GRADE LOT AREAS TO FINAL GRADES AND APPLY PERMANENT STABILISATION LANDSCAPING WITHIN 20 DAYS OF COMPLETION OF CONSTRUCTION WORKS.
 - REMOVE TEMPORARY EROSION CONTROL MEASURES AFTER THE PERMANENT LANDSCAPING HAS BEEN COMPLETED.
- ENSURE THAT SLOPE LENGTHS DO NOT EXCEED 80 METRES WHERE PRACTICABLE. SLOPE LENGTHS ARE DETERMINED BY SITUATION FENCING AND CATCH DRAIN SPACING.
- ON COMPLETION OF MAJOR WORKS LEAVE DISTURBED LANDS WITH A SCARIFIED SURFACE TO ENCOURAGE WATER INFILTRATION AND ASSIST WITH KEYING TOPSOIL LATER.

SEDIMENT CONTROL INSTRUCTIONS

- SEDIMENT FENCES WILL BE INSTALLED AS SHOWN ON THE PLAN AND ELSEWHERE AT THE DISCRETION OF THE SITE SUPERINTENDENT TO CONTAIN SOIL AS NEAR AS POSSIBLE TO THEIR SOURCE.
- SEDIMENT FENCES WILL NOT HAVE CATCHMENT AREAS EXCEEDING 900 SQUARE METRES AND HAVE A STORAGE DEPTH OF AT LEAST 0.6 METRES.
- SEDIMENT REMOVED FROM ANY TRAPPING DEVICES WILL BE RELOCATED WHERE FURTHER POLLUTION TO DOWNSLOPE LANDS AND WATERWAYS CANNOT OCCUR.
- SOIL SUBCONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN REDUCING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWNSLOPE AREAS.
- SEDIMENT FENCES ARE NOT TO BE LOCATED WITHIN 5 METRES OF HAZARD AREAS INCLUDING AREAS OF HIGH VELOCITY FLOWS SUCH AS WATERWAYS, PAVED AREAS AND DRIVEWAYS.
- WATER WILL BE PREVENTED FROM DIRECTLY ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR WATER HAS BEEN TREATED BY AN APPROVED DEVICE.
- TEMPORARY SEDIMENT TRAPS WILL REMAIN IN PLACE UNTIL AFTER THE LANDS THEY ARE PROTECTING ARE COMPLETELY REHABILITATED.
- ACCESS TO SITES SHOULD BE STABILISED TO REDUCE THE LIKELIHOOD OF VEHICLES TRACKING SOIL MATERIALS ONTO PUBLIC ROADS AND ENSURE ALL-WEATHER ENTRY/EXIT.

SOIL EROSION CONTROL AND REHABILITATION INSTRUCTIONS

- EARTH BATTERS WILL BE CONSTRUCTED WITH AS LOW A GRADIENT AS PRACTICABLE BUT NO STEEPER, UNLESS OTHERWISE NOTED, THAN
 - 20H:10V WHERE SLOPE LENGTH LESS THAN 12 METRES
 - 2.5H:10V WHERE SLOPE LENGTH BETWEEN 12 AND 16 METRES
 - 3H:10V WHERE SLOPE LENGTH BETWEEN 16 AND 20 METRES
 - 4H:10V WHERE SLOPE LENGTH GREATER THAN 20 METRES
- ALL WATERWAYS, DRAINS, SPILLWAYS AND THEIR OUTLETS WILL BE CONSTRUCTED TO BE STABLE IN AT LEAST THE 120 YEAR ARI, TIME OF CONCENTRATION STORM EVENT.
- WATERWAYS AND OTHER AREAS SUBJECT TO CONCENTRATED FLOWS AFTER CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.05 (10% GROUND COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF FORMATION. FLOW VELOCITIES ARE TO BE LIMITED TO THOSE SHOWN IN TABLE 5-1 OF "MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION", DEPT OF HOUSING 1998 (BLUE BOOK). FOOT AND VEHICULAR TRAFFIC WILL BE PROHIBITED IN THESE AREAS.
- STOCKPILES AFTER CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.1 (10% GROUND-COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF FORMATION.
- ALL LANDS, INCLUDING WATERWAYS AND STOCKPILES, DURING CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.15 (15% GROUND COVER) WITHIN 20 WORKING DAYS FROM INACTIVITY EVEN THOUGH WORKS MAY CONTINUE LATER.
- FOR AREAS OF SHEET FLOW USE THE FOLLOWING GROUND COVER PLANT SPECIES FOR TEMPORARY COVER: JAPANESE MILLET 20 KG/HA AND DATS 20 KG/HA.
- PERMANENT REHABILITATION OF LANDS AFTER CONSTRUCTION WILL ACHIEVE A GROUND-COVER C-FACTOR OF LESS THAN 0.1 AND LESS THAN 0.05 WITHIN 60 DAYS. NEWLY PLANTED LANDS WILL BE WATERED REGULARLY UNTIL AN EFFECTIVE COVER IS ESTABLISHED AND PLANTS ARE GROWING VIGOROUSLY. FOLLOW-UP SEED AND FERTILISER WILL BE APPLIED AS NECESSARY.
- REVEGETATION SHOULD BE AIMED AT RE-ESTABLISHING NATURAL SPECIES. NATURAL SURFACE SOILS SHOULD BE REPLACED AND NON-PERSISTENT ANNUAL COVER CROPS SHOULD BE USED.

WATER CONTROL INSTRUCTIONS

- ACCEPTABLE BINS WILL BE PROVIDED FOR ANY CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHING, LIGHTWEIGHT WASTE MATERIALS AND LITTER. CLEARANCE SERVICES WILL BE PROVIDED AT LEAST WEEKLY. DISPOSAL OF WASTE WILL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.
- ALL POSSIBLE POLLUTANT MATERIALS ARE TO BE STORED WELL CLEAR OF ANY POORLY DRAINED AREAS, FLOOD PHONE AREAS, STREAMBANKS, CHANNELS AND STORMWATER DRAINAGE AREAS. STORE SUCH MATERIALS IN A DESIGNATED AREA UNDER COVER WHERE POSSIBLE AND WITHIN CONTAINMENT BUND.
- ALL SITE STAFFS AND SUB-CONTRACTORS ARE TO BE INFORMED OF THEIR OBLIGATION TO USE WASTE CONTROL FACILITIES PROVIDED.
- ANY DE-WATERING ACTIVITIES ARE TO BE CLOSELY MONITORED TO ENSURE THAT WATER IS NOT POLLUTED BY SEDIMENT, TOXIC MATERIALS OR PETROLEUM PRODUCTS.
- PROVIDE DESIGNATED VEHICULAR WASHDOWN AND MAINTENANCE AREAS WHICH ARE TO HAVE CONTAINMENT BUND.

SITE INSPECTION AND

MAINTENANCE PROGRAM INSTRUCTIONS

- THE SITE SUPERINTENDENT WILL INSPECT THE SITE AT LEAST WEEKLY AND AT THE CONCLUSION OF EVERY STORM EVENT TO:
 - ENSURE THAT DRAINS OPERATE PROPERLY AND TO EFFECT ANY NECESSARY REPAIRS.
 - REMOVE SPILLED SAND OR OTHER MATERIALS FROM HAZARD AREAS, INCLUDING LANDS CLOSER THAN 5 METRES FROM AREAS OF LIKELY CONCENTRATED OR HIGH VELOCITY FLOWS ESPECIALLY WATERWAYS AND PAVED AREAS.
 - REMOVE TRAPPED SEDIMENT WHENEVER THE DESIGN CAPACITY OF THAT STRUCTURE HAS BEEN EXCEEDED.
 - ENSURE REHABILITATED LANDS HAVE EFFECTIVELY REDUCED THE EROSION HAZARD AND TO INITIATE UPGRADING OR REPAIR AS NECESSARY.
 - CONSTRUCT ADDITIONAL EROSION AND/OR SEDIMENT CONTROL WORKS AS MIGHT BECOME NECESSARY TO ENSURE THE DESIRED PROTECTION IS GIVEN TO DOWNSLOPE LANDS AND WATERWAYS, MAKE ONGOING CHANGES TO THE PLAN WHERE IT PROVES INADEQUATE IN PRACTICE OR IS SUBJECTED TO CHANGES IN CONDITIONS ON THE WORK-SITE OR ELSEWHERE IN THE CATCHMENT.
 - MAINTAIN EROSION AND SEDIMENT CONTROL STRUCTURES IN A FULLY FUNCTIONING CONDITION UNTIL ALL EARTHWORK ACTIVITIES ARE COMPLETED AND THE SITE IS REHABILITATED.
- THE SITE SUPERINTENDENT WILL KEEP A LOGBOOK MAKING ENTRIES AT LEAST WEEKLY, IMMEDIATELY BEFORE FORECAST RAIN AND AFTER RAINFALL. ENTRIES WILL INCLUDE:
 - THE VOLUME AND INTENSITY OF ANY RAINFALL EVENTS.
 - THE CONDITION OF ANY SOIL AND WATER MANAGEMENT WORKS.
 - THE CONDITION OF VEGETATION AND ANY NEED TO IRRIGATE.
 - THE NEED FOR DUST PREVENTION STRATEGIES.
 - ANY REMEDIAL WORKS TO BE UNDERTAKEN.THE LOGBOOK WILL BE KEPT ON-SITE AND MADE AVAILABLE TO ANY AUTHORISED PERSON UPON REQUEST. IT WILL BE GIVEN TO THE PROJECT MANAGER AT THE CONCLUSION OF THE WORKS.

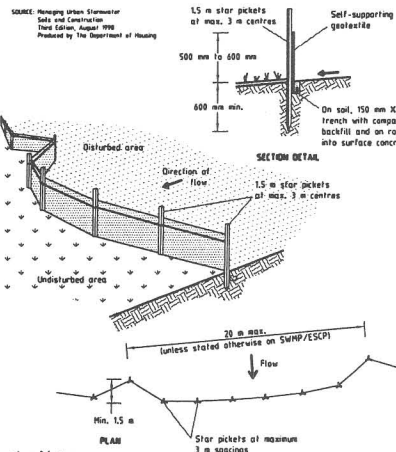
TYPE D SEDIMENT RETENTION BASIN NOTES

CONSTRUCTION NOTES

- REMOVE ALL VEGETATION AND TOPSOIL FROM UNDER THE DAM WALL AND FROM WITHIN THE STORAGE AREA.
- CONSTRUCT A CUT-OFF TRENCH 500 MM DEEP AND 100 MM WIDE ALONG THE CENTRELINE OF THE EMBANKMENT EXTENDING TO A POINT ON THE GULLY WALL LEVEL WITH RISEN CREST.
- MAINTAIN THE TRENCH FREE OF WATER AND RECOMPACT THE MATERIALS TO 95% STANDARD PROCTOR DENSITY.
- SELECT SUITABLE FILL MATERIAL THAT IS FREE OF ROOTS, WOOD, ROCK, LARGE STONE OR FOREIGN MATERIAL.
- PREPARE THE SITE UNDER THE EMBANKMENT BY RIPPING AT LEAST 100 MM DEEP TO HELP BOND COMPACTED FILL TO EXISTING SUBSTRATE.
- SPREAD FILL IN 100 MM TO 150 MM LAYERS AND COMPACT AT OPTIMUM MOISTURE CONTENT.
- CONSTRUCT EMERGENCY SPILLWAY.
- REHABILITATE THE STRUCTURE BY OBSERVING OTHER INSTRUCTIONS IN THIS PLAN.
- PLACE A "FULL OF SEDIMENT" PEG MARKER AT THE TOP OF THE SEDIMENT STORAGE ZONE TO INDICATE WHEN SEDIMENT REMOVAL IS REQUIRED.

MANAGEMENT NOTES

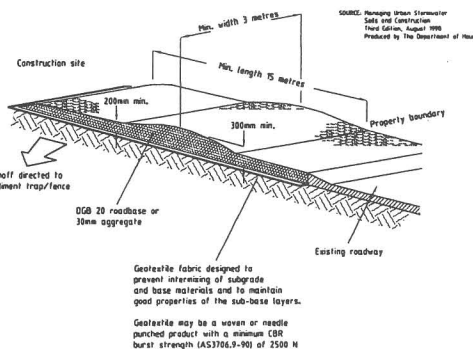
- THE CAPTURED STORMWATER IN THE SETTLING ZONE SHOULD BE DRAINED OR PUMPED OUT WITHIN THE 5 DAY PERIOD FOLLOWING RAINFALL PROVIDED THAT AN ACCEPTABLE WATER QUALITY (eg 50 mg/litre NON-FILTRABLE RESIDUES INFRI) HAS BEEN ACHIEVED. FLOCCULATION SHOULD BE EMPLOYED WHERE EXTENDED SETTLING HAS FAILED TO MEET THIS OBJECTIVE.
- FLOCCULATION SHOULD OCCUR WITHIN 24 HOURS OF THE CONCLUSION OF EACH STORM EVENT. THE SETTLING ZONE SHOULD THEN BE DRAINED OR PUMPED 36 TO 72 HOURS LATER PROVIDED THE REQUIRED WATER QUALITY HAS BEEN ACHIEVED. DRAIN OR PUMP TO THE PEG MARKER PREVIOUSLY PLACED AT THE UPPER LEVEL OF THE SEDIMENT STORAGE ZONE.
- FLOCCULATE BY USING GYPSUM (CALCIUM SULPHATE) AT THE RATE OF 32 kg per 100 cubic metres of STORED WATER. IN LARGE PONDING AREAS FIRST INTO A SLURRY AND SPRAY OVER THE POND SURFACE. IN SMALLER PONDING HAND BROADCAST OVER THE SURFACE.
- MAINTAIN THE BASIN SO THAT THE DESIGN CAPACITY, NOT INCLUDING THE SEDIMENT STORAGE ZONE, IS PRESERVED. DISPOSE OF WASTE MATERIAL WHEN THE SEDIMENT STORAGE ZONE IS FULL TO A SEDIMENT BUMP WHERE FURTHER POLLUTION TO DOWNSLOPE LANDS CANNOT OCCUR.



Construction Notes

- Construct sediment fence as close as possible to parallel to the contours of the site.
- Drive 15 metre long star pickets into ground, 3 metres apart.
- Dig a 150 mm deep trench along the upslope line of the fence for the bottom of the fabric to be entrenched.
- Backfill trench over base of fabric.
- Fix self-supporting geotextile to upslope side of posts with wire ties or as recommended by geotextile manufacturer.
- Join sections of fabric at a support post with a 150 mm overlap.

TYPICAL SEDIMENT FENCE DETAIL



Construction Notes

- Strip topsoil and level site
- Compact subgrade.
- Cover area with needle-punched geotextile.
- Construct 200mm thick pad over geotextile using roadbase or 30mm aggregate. Minimum length 15m or to building alignment. Minimum width 3 metres.
- Construct bump immediately within boundary to divert water to a sediment fence or other sediment trap.

TYPICAL SITE ACCESS DETAIL

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SUITE 1, 487-489 BOND STREET, BOWRAL NSW 2576

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DESIGNED MDT
DRAWN VB
CHECKED
DATE MAY 05

PROPOSED MULTI-UNIT
RESIDENTIAL DEVELOPMENT - BUILDING A
1219 - 1223 PACIFIC HIGHWAY TURRAMURRA

DIRECTOR
L.D. APPEYARD M.E. AUST. NPER-3 (CIVIL AND STRUCTURAL)

DRAWING CONCEPT ENVIRONMENTAL SITE MANAGEMENT NOTES
CLIENT PHT PTY LTD
No. OF SHEETS 4 OF 5
SCALE NTS
JOB No. 353060
SHEET No. A4
REVISION 0

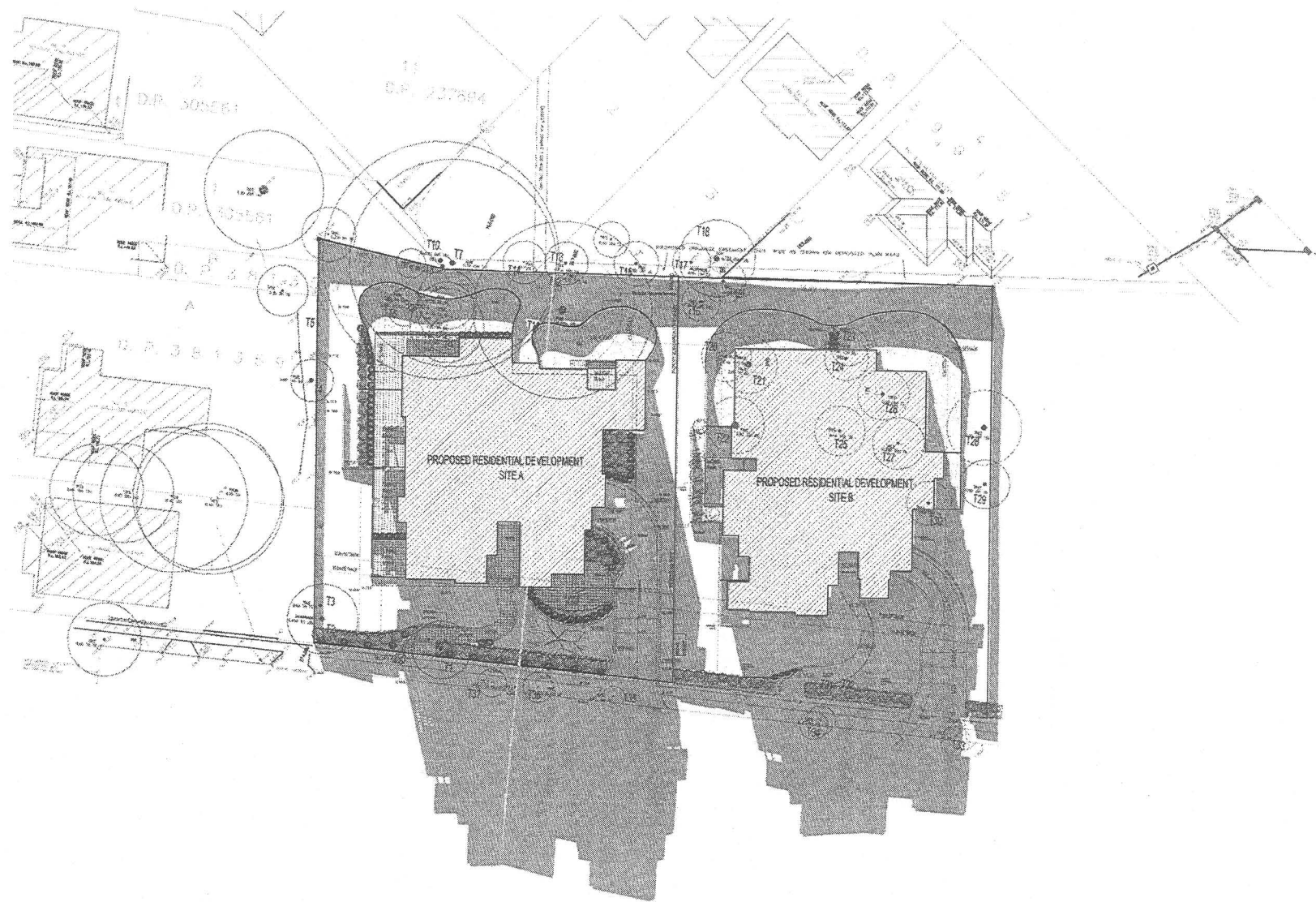
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MAY 05	0	ISSUED FOR DEVELOPMENT APPLICATION			



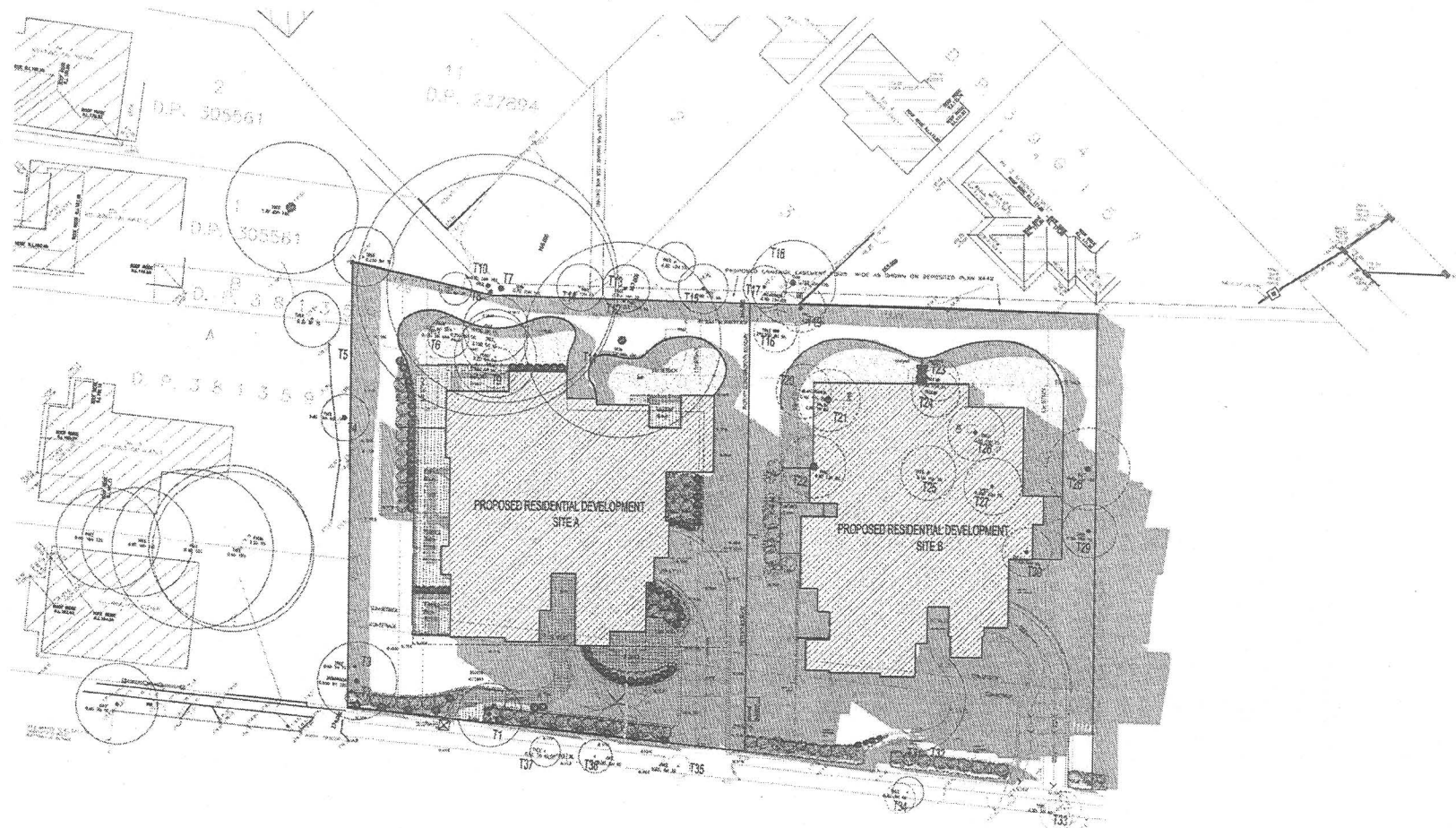


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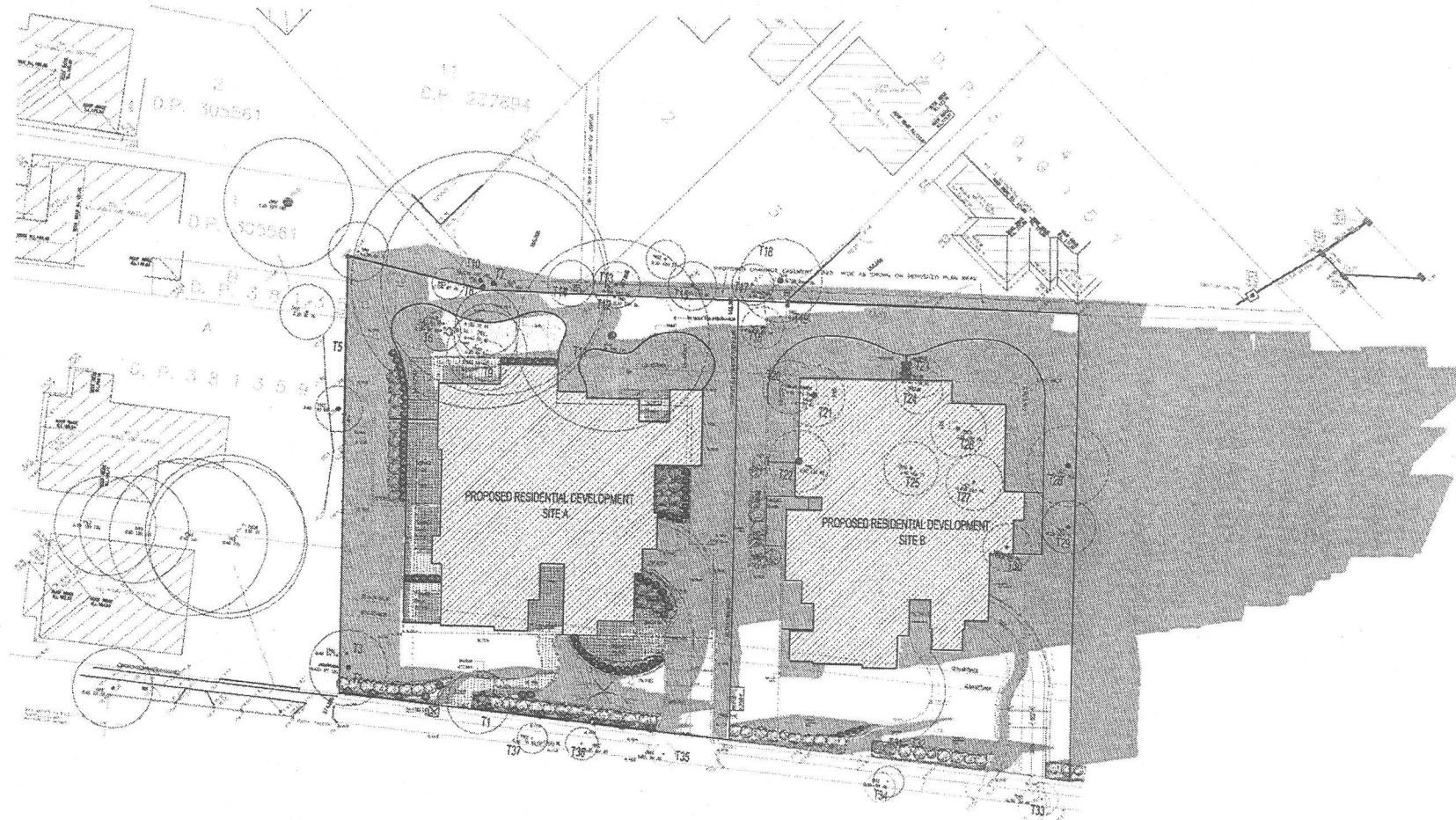
Shadow Diagram
21st June 9am

futurespace



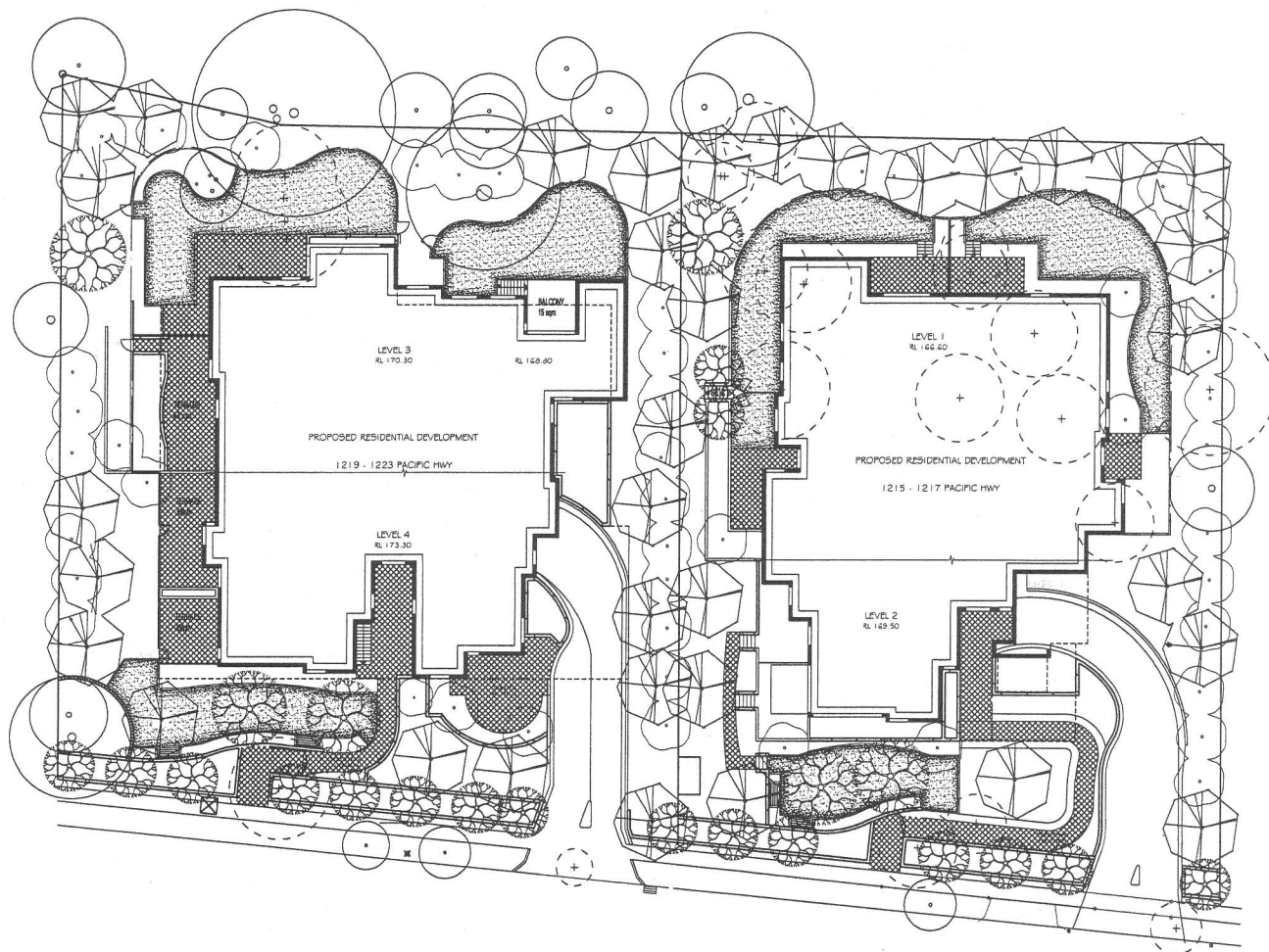
Shadow Diagram
21st June 12pm

futurespace














Shadow Diagram
21st June 3pm

futurespace



LEGEND

-  EVERGREEN TREES
-  DECIDUOUS TREES
-  FEATURE TREES
-  EXISTING TREES TO BE RETAINED
-  EXISTING TREES TO BE REMOVED
-  NEW TURF AREAS: SOFT LEAF BUFFALO
-  UNIT PAVING
-  MASONRY WALLS
-  SANDSTONE GARDEN WALLS
-  BRICK GARDEN EDGING
-  STEPPING STONES

REVISIONS

A 19.08.05

1. Driveway to Site A relocated to 4m from side boundary.
2. Additional canopy trees added to side boundary.

NOTES

This plan is to be read in conjunction with all the documentation prepared by Futurespace Pty Ltd.

Also refer to the Landscape Specification.

 **Ian Jackson**
PROFESSIONAL ARCHITECT AND LANDSCAPE ARCHITECT

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project
Residential Development
1215-1223 Pacific Hwy,
Turramurra

drawing
Landscape Master Plan

client
PHT Pty Ltd

date August 2005 **scale** 1:200 @ A1

job.dwg no. 19.05/05 "A" **no. in set** ONE/TWO

designed by IJ **drawn by** GM



SCHEDULE OF EXISTING TREES

KEY	BOTANICAL NAME	COMMON NAME	HEIGHT X SPREAD
1	<i>Robinia pseudoacacia</i> 'Frisia'	Golden Robinia	7 x 6m
2	<i>Jacaranda mimosifolia</i>	Jacaranda	9 x 10m
3	<i>Magnolia grandiflora</i>	Bull Bay Magnolia	7 x 7m
4	<i>Mealeucos quinqueveneria</i>	Broad leaf Paperbark	15 x 7m
5	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	6 x 4m
6	<i>Howea forsteriana</i>	Kentia Palm	6 x 5m
7	<i>Eucalyptus saligna</i>	Sydney Blue Gum	25 x 15m
8	<i>Eucalyptus saligna</i>	Sydney Blue Gum	20 x 15m
9	<i>Xylocarpus tiliacea</i> x 4	Shiny Xylema	5 x 5m
10	<i>Cyathochaeta australis</i>	Rough Tree Fern	5 x 4m
11	<i>Eucalyptus saligna</i>	Sydney Blue Gum	25 x 15m
12	<i>Grevillea robusta</i>	Silky Oak	10 x 6m
13	<i>Jacaranda mimosifolia</i>	Jacaranda	12 x 6m
14	<i>Grevillea robusta</i>	Silky Oak	12 x 6m
15	<i>Calodendron capense</i>	Cape Chestnut	12 x 6m
16	<i>Tristania laurina</i>	Water Gum	5 x 3m
17	<i>Tristania laurina</i>	Water Gum	5 x 3m
18	<i>Tristania laurina</i>	Water Gum	5 x 3m

Existing trees identified as trees that will attain a minimum height of 13m on shale derived soils.

SCHEDULE OF PLANT MATERIAL

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT	POT SIZE	STAKES
AC	<i>Angelesia costata</i> %	Sydney Red Gum	4	20m	25 litre	2
ACU	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	11	13m	25 litre	2
AN	<i>Asplenium nidus</i>	Bird Nest Fern	3	1.5m	5 litre	-
AP	<i>Kor palmatum</i>	Japanese Maple	1	7m	25 litre	-
BC	<i>Backhousia citrifolia</i>	Lemon Scented Myrtle	1	4m	25 litre	-
BO	<i>Breynia colorata</i>	Heath Myrtle	23	2.5m	5 litre	-
BVD	<i>Banksia virgata</i> Dwarf	Heath Myrtle	12	1.5m	5 litre	-
BS	<i>Banksia serrata</i>	Old Man Banksia	6	7m	25 litre	-
BSP	<i>Banksia spinulosa</i>	Harpoon Banksia	14	1.5m	5 litre	-
CA	<i>Carotoplatum spatulatum</i>	Coastwood	9	13m	5 litre	-
CAN	<i>Cissus antarctica</i>	Kangaroo Vine	16	prostrate	140mm pot	-
CC	<i>Cyathochaeta cooperi</i>	Rough Tree Fern	25	2.5m	5 litre	-
CO	<i>Conocarpus gummiolus</i>	NSW Xmas Bush	10	3m	5 litre	-
CT	<i>Clerodendrum tomentosum</i>	Hairy Clerodendrum	16	2m	5 litre	-
DE	<i>Dianella caerulea</i>	Paroo Lily	109	0.4m	140mm pot	-
DE	<i>Dianella caerulea</i>	Paroo Lily	20	1.5m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	21	0.4m	140mm pot	-
DT	<i>Dianella revoluta</i>	Flax Lily	17	2m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	2	0.4m	140mm pot	-
DT	<i>Dianella revoluta</i>	Flax Lily	2	25m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	10	5m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	8	25m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	29	1m	140mm pot	-
DT	<i>Dianella revoluta</i>	Flax Lily	19	0.4m	140mm pot	-
DT	<i>Dianella revoluta</i>	Flax Lily	9	10m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	65	1m	140mm pot	-
DT	<i>Dianella revoluta</i>	Flax Lily	40	0.4m	140mm pot	-
DT	<i>Dianella revoluta</i>	Flax Lily	22	3m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	5	3m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	2	18m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	12	3m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	3	2m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	16	2.5m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	3	20m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	40	3m	5 litre	-
DT	<i>Dianella revoluta</i>	Flax Lily	1	18m	25 litre	2
DT	<i>Dianella revoluta</i>	Flax Lily	23	prostrate	140mm pot	-

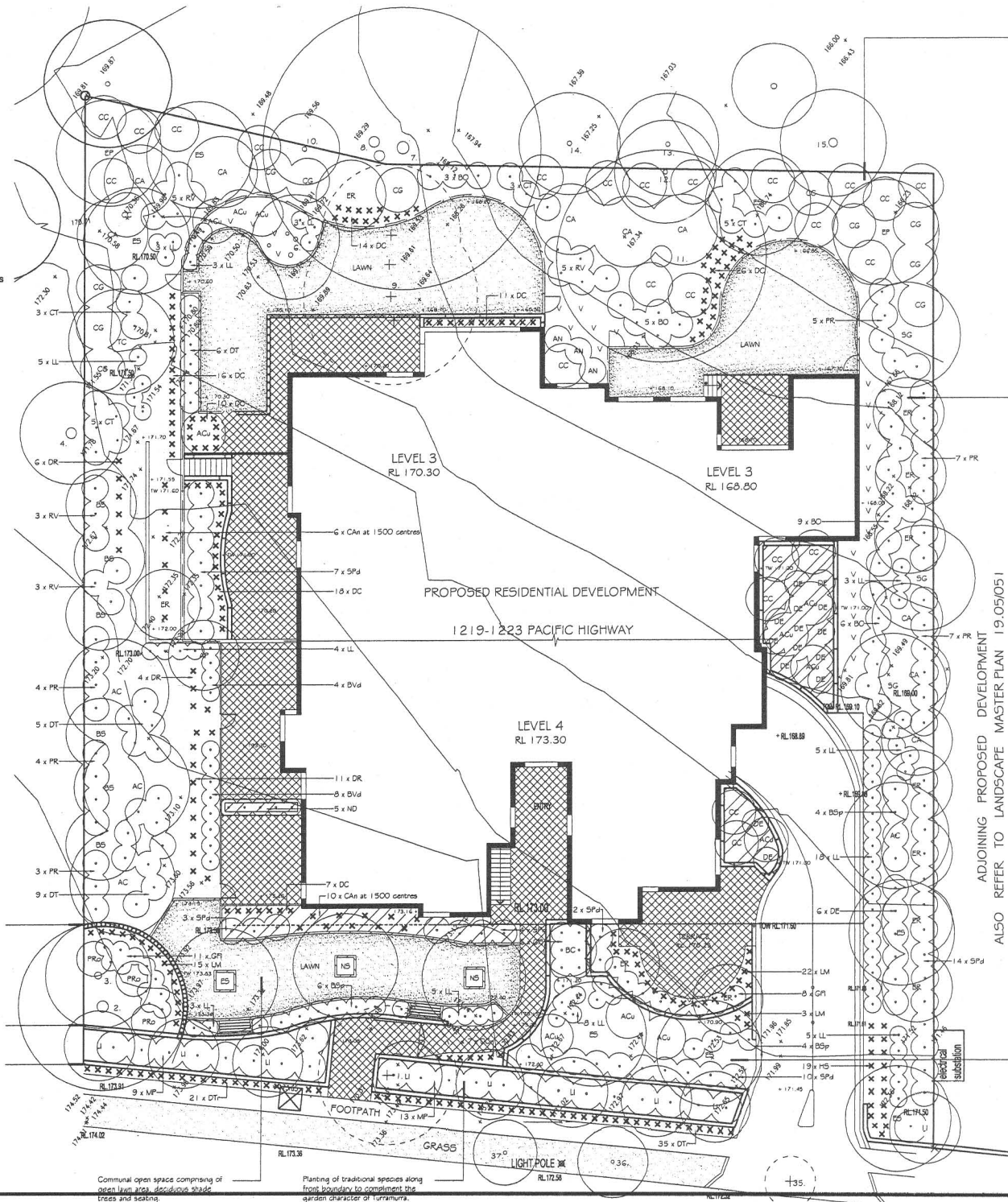
% 15% trees to attain a minimum height of 13m on shale derived soils.

The majority of the plants in this schedule have been selected from a list of indigenous Blue Gum High Forest species and also in Ku-ring-gai Council's indigenous plant list within the BASIX Specification.

Sandstone block setting wall to maintain existing levels around Tree No's 2 & 3 to be retained.

1800mm high masonry wall set back to enable 2000mm wide garden bed for along front boundary.

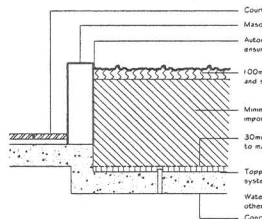
Low masonry wall to retain garden. Refer to Architects details.



LEGEND

- EXISTING LEVELS
- PROPOSED DESIGN LEVELS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- NEW TURF AREAS: SOFT LEAF BUFFALO
- UNIT PAVING
- MASONRY WALLS
- SANDSTONE GARDEN WALLS
- BRICK GARDEN EDGING
- STEPPING STONES
- 1.2m HIGH BLACK 'POOL STYLE' METAL FENCE
- RAISED GARDEN BEDS

Dense screen planting of trees and shrubs along side boundary. When combined with the proposed planting for the adjoining development (refer to Drawing No 19.05/053) it will provide a thick vegetation screen between the buildings.



REVISIONS

- | NO. | REVISIONS | DATE |
|-----|--|--------|
| 1 | Driveway to Site A relocated to 4m from side boundary. | 19.08. |
| 2 | Additional canopy trees added to side boundary. | |

NOTES

This plan is to be read in conjunction with all the documentation prepared by Futurespace Pty Ltd.

Also refer to the Landscape Specification.

Ian Jackson
Landscape Architect

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project
Residential Developme
1219-1223 Pacific Hwy.
Turramurra

drawing
Landscape Plan

client
PHT Pty Ltd

date
August 2005

scale
1:100 @ B

job.dwg no.
19.05/052-A

no. in set
TWO/TWO

19 FAIRLAWN AVENUE, TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To determine Development Application No. 487/05, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy. The application was called to Council by Councillors Cross and Ebbeck.

Supplementary report to Council.

BACKGROUND:

Application reported to Council 11 October 2005 and deferred to site meeting of 22 October 2005.

COMMENTS:

This report addresses issues raised and questions asked by councillors at the site inspection.

RECOMMENDATION:

Approval.

PURPOSE OF REPORT

To determine Development Application No. 487/05, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy. The application was called to Council by Councillors Cross and Ebbeck.

Supplementary report to Council.

BACKGROUND

The application was considered at the Council meeting of 11 October 2005, at which time the application was deferred for a site inspection which took place on 22 October 2005.

COMMENTS

This report is prepared in response to the issues raised and questions asked at the site meeting.

CONSULTATION

Council's Development Engineer has been consulted in preparing this advice.

QUESTIONS/RESPONSES

1. House No. 1
 - a) The architectural plans indicate a 4.5m side boundary setback for House No. 1 whereas the landscape plan indicates a 5m side boundary setback. It was requested that the applicant amend the architectural and landscape plans to ensure consistency.

The correct setback is 4.5m as shown on the architectural plan. Condition 56 has been altered to ensure that the revised landscape plan is consistent.

- b) Staff to comment on the winter solstice shadow diagrams submitted with respect to being based on either true north or magnetic north and whether or not it would create a significant difference to overshadowing on the adjoining property to the south at No. 17 Fairlawn Avenue either way.

A revised shadow diagram has been submitted with the correct true north shadow impacts indicated. The shadow diagrams demonstrate that all surrounding properties will gain sufficient solar access as required under the Dual Occupancy Code and SEPP53. The revised shadow diagrams are attached.

2. House No. 2

- a) Staff are to include an appropriate condition and/or request that the applicant provide a highlight window or frosted glass to the kitchen of House No. 2 for additional privacy.

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Refer to new Condition 51b.

- b) Paving at the rear of House No. 2 is to be minimised and landscaping reinstated to ensure adequate screen planting and improved privacy as there is minimal capacity to screen the proposed development from the adjoining property due to the location of the existing swimming pool. All landscape screening along the rear boundary is to be contiguous and appropriately conditioned.

Refer to revised Condition 56, which requires a minimum 1.5 metres wide strip of landscaping to be installed along the eastern boundary adjacent to House 2.

- c) Staff to consider requesting the applicant to reduce the height of House No. 2 to ensure that the floor level is as close as possible to natural ground level to minimise overlooking.

The applicant has indicated that a maximum height reduction of 200mm could be achieved. Any further reduction in the height of House 2 will result in less than the minimum 1% grade required to gain drainage of stormwater to the street. An easement across the rear property (No. 112 Bobbin Head Road) would be required.

A reduction of 200mm would not result in any perceptible benefit. Given the compliance with solar access requirements, the privacy which will be retained to the neighbouring residence, and the limited height of House 2, it is not considered necessary to reduce the height of the dwelling any further.

- d) Staff to consider whether a driveway strip, which provides access to House No. 2, should be widened to a minimum of 1.2 metres for improved disabled access and if so, whether this amendment would affect the proposal's compliance with landscaped area and site cover calculations.

SEPP53 does not require that the driveway strip be provided with disabled access. If a driveway strip were widened there would be an insignificant increase in Built-upon Area (approximately 5.8m²). Total Built-upon Area would increase from 42% to 42.7% approximately and would have no impact on landscaping.

3. Site analysis

- a) The applicant is to provide a detailed site analysis to ensure that the impact on the rear properties can be properly assessed as the current plans do not show any development to the rear.

A site plan has been submitted which indicates the location of the swimming pool and dwelling at No.112 Bobbin Head Road. The site plan is attached.

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4. Encroachments

- a) Staff to confirm that all encroachments associated with the existing front fence will be removed as part of the proposed development and a condition should be imposed to ensure that the proposed development will be contained wholly within the property boundaries.

The existing front fence is to be demolished as part of this development. No new front fencing is proposed.

5. Community consultation

- a) Community consultation within the report acknowledges No. 17 Fairlawn Avenue as an objector yet the location sketch attached to Council's report does not indicate No. 17 Fairlawn Avenue as an objector to the proposed development. Staff to address.

The identification dot on the location sketch attachment was omitted and has now been placed on the revised location sketch.

6. Boundary demarcation

- a) Staff to provide a reason why some notification letters were sent to Wahroonga instead of Turramurra and provide clarification regarding inconsistent references to Wahroonga and Turramurra in the report.

An unfortunate administrative error led to four letters having the ward address noted as 'Wahroonga' rather than the correct postal address 'Turramurra'. Four letters were returned by Australia Post, and on their return, administration staff telephoned the owners of the properties to advise when the Council meeting was to be held.

7. Landscape planting

- a) Staff are requested to provide an indication of the distance along the boundary that camellias will be conditioned for screening purposes. It is noted that landscape screening will be provided in addition to the boundary fence.

The landscape screening can be conditioned to ensure that a minimum 1.5 metres setback is provided from the boundary for establishment of screening. Refer to Condition 56.

8. Fencing

- a) A specific condition regarding fencing is to be provided to ensure that all new boundary fencing will be provided by the applicant at no cost to surrounding residents.

The application proposes 1.8 metres high side and rear boundary fencing. Agreement as to costs is a civil matter and not a planning consideration, however, it is understood that the applicant intends to fund the fencing.

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9. Asbestos removal

- a) Staff are to ensure that a suitable condition is imposed to address appropriate asbestos removal during demolition of the existing buildings on the subject site.

Refer to Condition 51c.

SUMMARY

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 Development Application No. 0487/05 for demolition of the existing structures on site and the construction of a detached dual occupancy development with associated parking and landscaping on land at 19 Fairlawn Avenue, Turramurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development must be carried out in accordance with plans 2 and 3, dated March 2000, lodged 20 May 2005, and plans 1 and 4, dated March 2005 and lodged 10 November 2005 drawn by Hans Waldmann and Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

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6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours:

Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying

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Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. With regard to the proposed rock breaking the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

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

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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

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31. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
32. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
33. 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.
34. 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.
35. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
36. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system and generally in accordance with the submitted concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005). *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.
37. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47 – prior to 4 May 2005 revision).
38. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized 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.
39. 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

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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.

40. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the 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.
41. 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.**
42. 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.
43. 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".
44. 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.

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45. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
46. 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.
47. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan.
48. 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.
49. To protect the following trees, no strip footings or change to natural ground level may occur within the radius specified below.

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	7

50. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following stages of work. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location

Melaleuca species (Paperbark)

Time of inspections

Prior to commence of works

During excavation for isolated pier footings within 7 metres of this tree.

After completion of works.

To supervise any canopy or root pruning necessary.

51. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
- 51b. The kitchen window to House 2 shall have a high light window installed, with a sill height of 1.6 metres above floor level.

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- 51c. 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.

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

52. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

53. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
54. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in

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relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.
- Details of any 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 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 (prior to 4 May 2005 revision), Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005) submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

55. Prior to issue of the Construction Certificate the submitted concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005) must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address at least the following issue:

- Site storage capacity for House 1, increased to comply with Section 6.7 from Council's Water Management DCP47 (prior to 4 May 2005 revision).

56. Landscape works shall be carried out in accordance with Landscape Drawing No 16491 prepared by Precinct Landscapes and dated 29 April 2005 submitted with the Development Application, except as amended by the following:

- All existing Camellia species along the side boundaries are to be retained. These are to be shown on the landscape plan. Where there are gaps in the existing vegetative screen, plants capable of reaching a minimum height of 5 metres are to be allocated.

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- A distance of 1.5 metres shall be provided from the eastern boundary, in which screen planting is to be located. The screen planting shall be established along the width of Dwelling 2. The paving currently indicated is not approved.
- The landscape plan shall be altered to correctly reflect the architectural plans – specifically, the distance of 4.5 metres side boundary setback for Dwelling 1 shall be correctly indicated.

57. Planting along the eastern site boundary is to consist of some screen plant species capable of attaining a minimum height of 5 metres.
58. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location
Melaleuca species (Paperbark)

59. 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.
60. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	7

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

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	7

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

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

63. A CASH BOND/BANK GUARANTEE of \$3000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to

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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.

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

The location and details of the footings shall be submitted to The Principal Certifying Authority and be approved by a fully qualified Consulting Arborist prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Melaleuca species</i> (Paperbark)	7m

65. 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.

66. 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).

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67. 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.
68. 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.
69. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 1 ADDITIONAL LARGE DWELLING IS CURRENTLY \$19,039.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - <i>Turrumurra/Warrawee</i>	\$4,723.00
3.	Sportsgrounds Works	\$1,318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

70. 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.
71. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
 - The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - The existing driveway and layback where to be retained
 - Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

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

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	2 metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	5 metres

73. 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.
74. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

75. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

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

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

76. Prior to issue of the Occupation Certificate 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 at no cost to Council.
77. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
78. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater

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drainage and management system. The engineer is to provide written certification based on the site inspection for approval to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- That the minimum retention and on-site detention storage volume (if required) requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 (prior to 4 May 2005 revision) respectively, have been achieved in full.
- That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
- That subsoil areas are able to drain via a sump system installed in accordance with AS3500.3
- 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 (if required) certification sheet contained at appendix 4 of Water Management DCP 47.

79. 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 (if required) 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 (if required) storages and derivative calculations.
- As built locations of all access pits and grates in the detention (if required) and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.

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- 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 any 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.

80. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
81. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

Kerrin Lithgow
Executive Assessment Officer

Matthew Prendergast
Manager
Development Assessment Services

Mark Leotta
Team Leader
Development Assessment – Team North

Michael Miocic
Director
Development and Regulation

Attachments: **Original Report to Council, 11 October 2005**
 Location Sketch
 Shadow Diagrams
 Site Plan

Item 1

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE: 19 FAIRLAWN AVENUE, WAHROONGA -
DEMOLITION OF THE EXISTING DWELLING
AND CONSTRUCTION OF A DETACHED DUAL
OCCUPANCY

WARD: Wahroonga

DEVELOPMENT APPLICATION N^o: 0487/05

SUBJECT LAND: 19 Fairlawn Avenue, Wahroonga

APPLICANT: Mr and Mrs Abbasi, c/- Glendinning Minto and
Associates

OWNER: Mr and Mrs Abbasi

DESIGNER: Hans Waldmann and Associates

PRESENT USE: Residential

ZONING: Residential 2(c)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

**COUNCIL'S POLICIES
APPLICABLE:** KPSO, Dual Occupancy Code, DCP31 - Access, DCP40
- Waste Management, DCP43 - Car Parking, DCP47 -
Water Management

**COMPLIANCE WITH
CODES/POLICIES:** Yes

**GOVERNMENT POLICIES
APPLICABLE:** SEPP53, SEPP55

**COMPLIANCE WITH
GOVERNMENT POLICIES:** Yes

DATE LODGED: 20 May 2005

40 DAY PERIOD EXPIRED: 29 June 2005

PROPOSAL: Demolition of the existing dwelling and construction of
a detached dual occupancy

RECOMMENDATION: Approval

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DEVELOPMENT APPLICATION N^o 0487/05
PREMISES: 19 FAIRLAWN AVENUE, WAHROONGA
PROPOSAL: DEMOLITION OF THE EXISTING
DWELLING AND CONSTRUCTION OF A
DETACHED DUAL OCCUPANCY
APPLICANT: AKRAM ABBASI C/O GLENDINNING
MINTO AND ASSOCIATES
OWNER: AKRAM ABBASI
DESIGNER: HANS WALDMANN AND ASSOCIATES

PURPOSE FOR REPORT

To determine Development Application No.0487/05, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy.

EXECUTIVE SUMMARY

Issues:

- Visual privacy
- Car park dimensions
- Front building line
- Side setback
- Rear setback
- Built-upon area
- First floor ratio (front dwelling)
- Rear building height
- Building envelope (rear dwelling)
- Soft landscaping
- Open space provision

Submissions:

Eleven submissions were received in objection to the development.

**Land & Environment Court
Appeal:**

Not applicable.

Recommendation:

Approval.

HISTORY

Site history:

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

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Development application history:

DA 0487/05

20/05/05 DA lodged with Council.
08/06/05- 22/06/05 Notification period

THE SITE AND SURROUNDING AREA

The site

Visual character study category: 1945-68
Lot number: E
DP number: 20324
Heritage affected: No
Bush fire prone land: No
Endangered species: No
Urban bushland: No
Contaminated land: No

The subject site comprises Lot E in DP20324 and is known as 19 Fairlawn Avenue, Turramurra. The site is a regular shaped allotment having an area of 1525m² and is located on the eastern side of Fairlawn Avenue. The site slopes from west to east, with a fall down to the rear of 970mm.

The subject site consists of a single storey brick and tile dwelling, with attached double garage fronting Fairlawn Avenue. Access is currently provided from the south-western corner of the site.

Surrounding development:

The locality consists of both single and two storey dwellings.

THE PROPOSAL

The proposal is to demolish the existing structures on site and construct two x two-storey dwellings as a detached dual occupancy. Details of the proposed development are as follows:

Dwelling 1:

Dwelling 1 is sited to the front of the property, at a minimum of 9.4 metres from the front boundary. The dwelling is two storeys in height. Parking is provided within a double garage integrated into the front façade of the dwelling. South of the dwelling along the side boundary a driveway is proposed to serve the rear property.

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At ground level the dwelling consists of living room, dining room, family room, kitchen, laundry, bathroom and study. At upper floor level the dwelling consists of four bedrooms (one with ensuite and walk-in-robe), a bathroom and separate toilet. A balcony is also proposed from bedroom 3, located above the garage.

Private open space of 70m² is provided to the north and east of the dwelling. Additional open space is also provided to the front of the dwelling adjoining Fairlawn Avenue.

Dwelling 2:

Dwelling 2 is sited to the rear of the property, at a minimum distance of 7.5 metres from the rear of Dwelling 1 and set back 3 metres from the property's rear boundary. This dwelling is two storeys in height, however the second storey within a roof element. Access to the dwelling is obtained via a driveway along the south of the site, and parking is provided within a single garage integrated into the dwelling house. A paved turning area has been provided to the front of the garage.

At ground level the dwelling consists of an entry, living/dining room, kitchen, two bedrooms, bathroom and laundry. At upper floor level, the dwelling consists a storage area, bedroom with associated ensuite and walk-in-robe.

Private open space of 77m² has been provided to the north and west of the dwelling. An additional paved drying area has been provided to the east of the dwelling.

CONSULTATION - COMMUNITY

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

1. Tony Mulhearn, 17 Fairlawn Avenue.
2. Darren Bunis, 15 Fairlawn Avenue.
3. P. & M. Howell, 110 Bobbin Head Road, Turramurra.
4. Jeremy Anderson, 16 Fairlawn Avenue.
5. A.K. & B.S. Staveley, 112 Bobbin Head Road.
6. W.N. & A.M. Hartwell, 20 Fairlawn Avenue.
7. P. Selkirk and H. Dartnall, 11 Fairlawn Avenue.
8. Mr Kieran Flynn and Ms Christina Kellick, 25 Fairlawn Avenue.
9. Michael Toal, 14 Fairlawn Avenue.
10. Mr A.V. and Mrs J.D. Noronha, 21 Fairlawn Avenue.
11. L.H. & J.A. Goodison, 18 Fairlawn Avenue.

The submissions raise the following issues:

The set back from the street alignment and the side and rear setbacks for Dwelling 2 do not comply with the minimum standards.

These issues are addressed within the report. The front setback for Dwelling 1 and the side and rear boundary setbacks for Dwelling 2 are non-compliant with the provisions of the Dual Occupancy

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Code. However, the non-compliances are not of sufficient weighting to warrant refusal of the application.

The proposal exceeds the required maximum built upon area by more than 10%. The built upon area is understated in the report.

This issue is addressed within the report. The built-upon area has been checked and is confirmed as 42%.

Overshadowing to adjoining properties.

Shadow diagrams have been provided. Satisfactory and compliant levels of sunlight are received to all neighbouring dwellings, as well as the subject development. This issue is further particularised within the report below.

Windows of the habitable rooms of adjacent dwellings are within 9 metres of the new development.

This issue is addressed within the report. Any habitable rooms at ground floor which adjoin existing dwellings will be able to be screened through the provision of fencing and landscaping. There will be no direct habitable room to habitable room relationship, and as such this is not an issue.

The proposal makes no allowance for landscaping and visual/acoustic/headlight protection along the proposed driveway to the second dwelling. The northern side of No. 17 Fairlawn Avenue is the main living area and bedroom. Without landscaping etc the privacy will be affected by light and noise generated by vehicular activity.

Vehicular activity to one additional dwelling is not anticipated to be excessive. Light spill into the rear dwelling would only occur if the vehicle was to travel down the driveway, and it would be beneficial for the occupants of this dwelling to know that vehicles were approaching.

With regard to No. 17 Fairlawn Avenue, the dwelling is well removed from the boundary (at some 6.3 metres). Noise and light spill would not be excessive, particular with the placement of a 1.8 metre high boundary fence and tree screening on the development site.

Provision should be made for protection of the large paperbark tree to the rear of 17 Fairlawn Avenue.

This issue has been addressed by the provision of an appropriate condition requiring pier and beam construction for Dwelling 2 to protect the paperbark tree (*refer to Condition Nos 49, 50, 58, 60, 61, 64, and 72*).

The proposal does not comply with the Dual Occupancy Code's minimum soft landscaping requirements.

This issue is addressed within the report. The total area of soft landscaping marginally fails to comply with Council's Dual Occupancy Code. The non-compliances are not of sufficient weighting to warrant refusal of the application.

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Private open space is over 35% deficient and the required minimum dimensions have not been complied with.

This issue is addressed within the report. The total area of private open space fails to comply with Council's Dual Occupancy Code. However, the location, orientation to the north, flat grade of the space provided, and provision for landscaping indicates that this open space will meet the anticipated needs and requirements of the residents.

The applicant has indicated in the plans that Fairlawn Avenue is kerbed and guttered. This is not the case. Presently any rainwater runoff from the premises goes straight onto the road and is not retained on site nor on the applicant's side of the road. Any increase in surface area will lead to ponding outside 16 Fairlawn Avenue during periods of consistent rainfall.

Council's Development Engineers have assessed the application and have determined that the proposal, the additional built upon area and resultant stormwater run-off is acceptable.

At this point in Fairlawn Avenue the street becomes a single lane with a speed hump at the point of 16, 17 and 19 Fairlawn Avenue. The street is not appropriate for the extra residential traffic and visitor parking at this point.

Council's Development Engineers have assessed the application and have determined that the proposal is acceptable. Conditions of consent will ensure that appropriate measures are taken during construction to avoid all possible safety issues.

Battle-axe shaped allotments should have a vehicle maneuvering area of 6 metres by 6 metres and a 1 metre landscaping strip on each side. This has not been achieved.

The application has been assessed by Council's Development Engineers, who consider the proposed access and maneuvering area to be acceptable. The application does provide for a 1.0 metre landscape strip to the southern side. Additionally, there will be the possibility of planting along the frontage, with views of the vehicle maneuvering area obscured.

The appearance and façade of Dwelling 1 is not in keeping with other properties in the street.

The dwelling is two storeys in height, which is not inconsistent with the mixed variety of dwellings within Fairlawn Avenue. The dwelling is of quite 'modern' appearance with front porches, however, its design is not such that it is objectionable.

The proposal does not comply with Council's visual bulk guidelines.

Visual bulk is addressed within the assessment below (refer building setbacks, building form, built upon area, floor space ratio, height, cut and fill, views).

The proposal will result in the loss of views (outlook) from neighbouring premises.

There are no significant views enjoyed by any of these properties (for example to water or similar scenic views). Previously unobstructed views of a leafy rear garden may be interrupted by the new

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Dwelling 2, however, the application provides for ample setbacks and landscaping to retain residential amenity. The details of setbacks and visual bulk are included within the assessment.

No specific detail of the effect to neighbouring properties to the rear has been shown on the plans. The application only addresses the properties that border to the north and south. The location of adjacent buildings affected by shadows and principal open space areas are required to be shown. The application has disregarded the property to the rear (east) of the site where there is a significant impact.

Limited detail has been provided with respect to any of the rear dwellings (fronting Bobbin Head Road). No detail was provided on the site analysis plan as to the location of the dwellings, pools, and outdoor living areas of neighbouring rear properties. However, from the Statement of Environment Effects and from the plans provided, there will be no impact upon the neighbouring rear properties.

Shadow diagrams have been provided which indicate the extent of solar impact. This clearly indicates that all neighbouring properties will have satisfactory levels of solar access.

Additionally, the Statement of Environmental Effects makes it clear that the privacy of surrounding neighbours has been considered. Dwelling 2 has been specifically designed to reduce bulk and provide no windows at first floor which look over to the rear.

Further, the development will provide for suitable amounts of landscape along the boundary of the site. This will provide for 'softening' of views of the development from neighbouring properties to the sides and rear.

One metre contours are not shown.

Levels have been provided upon the survey plan. Levels have not been provided for the surrounding rear properties, however a site visit and the Statement of Environmental Effects make clear that there will be no impact upon the rear properties.

Location of services, easements, and stormwater drainage lines are not shown to the rear of House 2, nor is there any treatment for groundwater run off and inundation to the east of the site. There is a fall of approximately 1.2 metres from the front wall of House 2 to the rear boundary.

There is a fall from the site to the rear of the property and to the properties beyond. Council's Development Engineers have assessed the application and are satisfied that the stormwater can be drained to the street. No drainage is anticipated over the rear of Dwelling 2 and to neighbouring rear properties.

The location of existing trees is not correctly described, and some trees have been omitted altogether. One tree in the north-eastern corner of the site is wrongly stated as being located in the south-east corner of the neighbouring property.

Council's Landscape Officers have assessed the application and determined that the landscape plan is satisfactory.

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The footprints and height of existing structures on site and on adjoining properties within 10 metres of the property are not accurately represented.

The application has been accompanied by a Survey Plan prepared by a professional Registered Surveyor. As such, it is expected that the survey is accurate.

Location and height of windows on existing buildings on adjacent property facing the subject site have not been shown.

The windows of the closest dwellings (Nos 17 and 21 Fairlawn Avenue) have been provided. The nature of Dwelling 2 (with a recessive first floor and no windows facing towards the east) indicates that there will be no privacy impact.

Proper disabled access has not been shown, especially path widths to House 2.

The development would enable disabled access to both Dwellings 1 and 2. Both dwellings will be accessed via the driveway.

If the development is approved, Ku-ring-gai Council is requested to be the certifying authority for building works. The problems encountered by a number of tenants of the current building result from the previous poor workmanship on the current building.

The provisions of the Environmental Planning and Assessment Act 1979 allow for the applicant to choose their Principal Certifying Authority.

There is deep concern that the proposal will set a precedent and result in similar proposals in the area.

The area in question allows for Dual Occupancy housing pursuant to SEPP53. Should any similar developments be proposed in the area they will be subject to a separate development assessment.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

*'The proposal is **supported**.*

The following issues may be addressed through the imposition of conditions.

Impacts on trees

*The removal of the existing *Quercus palustris* (Pin Oak) on the southern boundary has addressed the tree protection issues outlined in the previous referral prepared by Geoff Bird.*

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It is noted that there is also a large and mature Melaleuca species (Paperbark) located in the rear of the property to the south of the site. The proposed House 2 is located approximately 2 – 3 metres from this tree. This distance is considered insufficient to allow strip footings to be laid. The extent of excavation required would have a detrimental impact on this tree. Assessment of the proposed finished levels floor and the existing levels would indicate that this could be resolved through the use of isolated pier footings with supporting beams located above ground. This would minimise the amount of excavation within the root zone of this tree. Further to this all existing ground levels are to be maintained within the vicinity of this tree. Some canopy pruning would also be required.

An existing Liquidambar styrachiflua (Liquidamber) located on the northern boundary to the front of the site is proposed for retention. This tree has a poor form and is in a fair condition. This tree should be removed.

It is further recommended that an arborist be engaged to assess the condition and structure of the existing Eucalyptus saligna (Sydney Blue Gum) located in the north east corner of the site.

Other vegetation

There is an existing dense screen of Camellias along most of the length of the northern boundary. These should not be impacted on by the proposed works therefore these are to be retained and protected.

Landscape Proposal

The landscape proposal is considered satisfactory. Changes to the plan are required to address existing vegetation that is to be included as part of the landscape proposal.'

These conditions are attached as **Condition Nos 45-50, 56-64, 72-74, 80-81.**

Engineering

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

'In summary the engineering aspects of the application are considered satisfactory by Development Engineers, subject to the imposition of engineering conditions.

Site drainage comments

I refer to the submitted drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005). This drainage submission incorporates the following stormwater management facilities and works for the development:

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- 10,000L's of rainwater re-use tank storage for each dwelling in accordance with BASIX commitments.
- Council's Storage Requirement (DCP47) provided entirely as rainwater re-use (prior to 4 May revision). The storage capacity for Dwelling 1 needs to be increased to comply with DCP47.
- Stormwater piped to the street.
- The concept drainage plan is suitable for DA approval, with required modifications. The drainage plan shall not be stamped at this stage as it is suitable as a concept design only and will require advancement/refinement prior to Construction Certificate issue.

Traffic generation and vehicle access and accommodation arrangements

I refer to the submitted site and floor plans by Hans Waldmann & Associates (refer Job No. 0829, Sheet No. 2 & 3, dated March 2005). This submission incorporates the following accommodation arrangements and traffic access issues:

- The current driveway is to be utilised with a driveway extension to be established for the proposed rear dwelling.
- The proposed off-street car parking dimensions, driveway grades, widths and turning areas comply with AS/NZS 2890.1 (2004) - "Off-street car parking".
- As Fairlawn Ave is relatively quiet, Development Engineers have no objections to vehicles from Dwelling 1 reversing into the road reserve.

Conclusion

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

STATUTORY PROVISIONS

State Environmental Planning Policy No. 53

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) • 600m ² (min)	951.7m ²	YES
Floor space ratio (cl.19(1)(b)) • 0.5:1 (max)	0.43:1	YES
Car parking (cl.20) • Dwelling 1: 2 car spaces (min) (GFA > 150m ²) • Dwelling 2: 1 car spaces (min) (GFA < 150m ²)	Dwelling 1: 2 car spaces Dwelling 2: 1 car spaces	YES YES

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Site analysis (cl.31):

The documentation submitted with the application is satisfactory with respect to the requirements of Clause 31 and Schedule 5 of SEPP53.

Streetscape (cl.32(a)):

Fairlawn Avenue is characterised by a mixture of single and two storey developments. The visual character of the area is between 1945-1968.

Dwelling 1, proposed to be sited to the front of the property, is two storeys in height. This dwelling is proposed to be located a minimum distance of 9.4 metres to the front porch, and 10 metres to the double garage. The existing dwelling is sited at 10.7 metres from the garage to the Fairlawn Avenue boundary.

The dwelling is set back some 4.5 metres from the northern boundary, and some 4.6 metres from the southern boundary. As such, the front of the dwelling will be able to be screened by sufficient amounts of landscaping. Further, the building line of the dwelling is consistent with the dwellings to either side of the property, and incorporates a recessed first floor element.

For the above reasons, the proposed development will not detract from the mixed character of the streetscape and is in accordance with the streetscape provisions of SEPP53.

Visual privacy (cl.32(b)):

There are several windows to the first floor levels of both of the proposed dwellings which afford views to neighbouring properties, however none of these windows serve living areas.

The front dwelling incorporates five windows on the northern elevation at first floor. These windows serve bedrooms, bathroom and ensuite. As such, they will not cause a privacy or overlooking issue.

Dwelling 2, to the rear of the section, is provided with two windows at first floor level. One is provided to the ensuite, and the second is provided to the bedroom, facing towards Dwelling 1. Neither of these windows are to high-use living areas and are therefore acceptable.

Both dwellings have otherwise been provided with adequate setbacks to the boundaries of the site which minimise any potential for overlooking of the adjoining sites. At one point dwelling 2 is provided with 2.5 metres setback only, however, the dwelling is sufficiently low in scale to ensure that there will be no impact upon privacy.

Acoustic privacy (cl.32(b)):

Areas of 69m² and 76m² have been provided for outdoor open space to the north and east of proposed Dwelling 1, and to the north and west of Dwelling 2 respectively. Additional open space is available to the west of Dwelling 1, on the Fairlawn Avenue frontage.

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The size and siting of the proposed open space is suitable to ensure no acoustic impact upon neighbouring properties. Landscaping will be possible along the northern boundary to No. 21 Fairlawn Avenue to ensure that the open space areas have limited impact upon acoustic privacy.

For the above reasons, it is unlikely that there will be any adverse impact upon the acoustic privacy of the neighbouring properties.

Solar access and design for climate (cl.32(c)):

Solar access to adjoining properties

The extent of overshadowing cast by the proposal is as follows:

9.00am (June 22):

The overshadowing will extend into the adjoining residence at No. 17 Fairlawn Avenue. No windows on the adjoining property will be impacted.

12.00 noon (June 22):

The overshadowing will extend into the adjoining residence at No. 17 Fairlawn Avenue. No windows on the adjoining property will be impacted.

3.00pm (June 22):

The overshadowing will extend into the adjoining residence at No. 17 Fairlawn Avenue and into the adjoining eastern property at No. 112 Bobbin Head Road. The shadow diagram illustrates that no windows on 17 Fairlawn Avenue will be impacted. Shadow will be caused to the property at 112 Bobbin Head Road in the latter part of the day, from around 1:00 onwards. This will fall across the rear swimming pool area of 112 Bobbin Head Road. However, due to the eastern location of 112 Bobbin Head Road, the development will still provide for a minimum of four hours plus sunlight to the swimming pool area.

Solar access to the proposed development

The proposed development receives a compliant 3⁺ hours solar access to its internal living areas and private open space areas during the winter solstice.

Stormwater (cl.32(d)):

Each dwelling is provided with its own on-site detention storage tank, with stormwater being directed to Fairlawn Avenue. Council's Development Control Engineer does not object to the proposed development in relation to stormwater disposal and has recommended standard conditions.

Crime prevention (cl.32(e)):

Both dwellings have vehicular access from Fairlawn Avenue. Dwelling 1 has living areas which will afford viewing of the Fairlawn Avenue access. Residents of both dwellings will also be able to survey visitors from the front doors to the dwellings due to the panel windows alongside the door,

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or through use of 'peepholes'. The layout is therefore satisfactory with respect to Clause 32(e) of SEPP53.

Accessibility (cl.32(f)):

Vehicular access is available from Fairlawn Avenue. Both dwellings include suitable garaging. Pedestrian access is available straight to Dwelling 1, whilst Dwelling 2 is accessible by pedestrians via the driveway.

The application therefore meets with the accessibility requirements of Clause 32(f) of SEPP53.

Waste management (cl.32(g)):

Conditions have been recommended to achieve compliance with Council's standard waste management requirements.

Visual bulk (cl.32(h)):

Both dwellings are two storeys in height. Given the setbacks provided and the layout and orientation of neighbouring development, the proposal is compatible with the characteristic local built environment. Neither dwelling will impact adversely upon the visual amenity of neighbouring properties.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP55 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 aim of this plan 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 application proposes the continued residential use of a site. The application has been assessed by Council's Development Engineers and is considered to be satisfactory.

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Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling 1: 5.9m to the ceiling of bathroom Dwelling 2: 6.0m to the ceiling of bedroom 1. The following information is not a statutory control. This information is provided for the benefit of the Councillors: Height to roof ridge - Dwelling 1: 9.0m Height to roof ridge - Dwelling 2: 7 m Height to eaves line - Dwelling 1: 6m (max) Height to eaves line - Dwelling 2: 5.7m (max)	YES YES
Built-upon area 60% (max)	42%	YES
Notional built-upon area	Dwelling 1: 40% (273/683m ²) Dwelling 2: 47.7% (128/268.4m ²) (not including access)	

Aims and objectives for residential zones:

The development: (i) provides satisfactory levels of solar access & privacy to surrounding properties; (ii) is of a bulk, scale and design, characteristic of the area; (iii) maintains adequate levels of soft landscaping; (iv) provides suitable egress/ingress for vehicles; and (v) maintains the landscape quality of the municipality. Consequently, the aims and objectives for residential development as outlined by Schedule 9 have been satisfied.

POLICY PROVISIONS**Council's Dual Occupancy Development Control Code**

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Roof pitch		
<ul style="list-style-type: none"> 3m roof height-2 storey (max) 	Dwelling 1: 3.1m Dwelling 2: 1.4m	YES YES
<ul style="list-style-type: none"> Roof pitch 35° (max) 	Dwelling 1: 27° Dwelling 2: 27°	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
4.3 Visual and acoustic privacy:		
Visual privacy		
<ul style="list-style-type: none"> Windows to habitable rooms set back 9m from neighbouring windows (min) 	Dwelling 1: 6.3 metres from living area to No. 21 Fairlawn Avenue Dwelling 2: 7.0 metres from north living room window to No. 21 Fairlawn Avenue	NO NO
4.4 Solar access and design for climate:		
Solar access		
<ul style="list-style-type: none"> Dual occupancy receive 3+ hours of solar access between 9am and 3pm (min) 	Dwelling 1: 3+ hours solar access received Dwelling 2: 3+ hours solar access received	YES YES
<ul style="list-style-type: none"> Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	All neighbouring properties receive 3+ hours solar access.	YES
Energy efficiency		
<ul style="list-style-type: none"> BASIX energy and water targets 	Dwelling 1: Achieved Dwelling 2: Achieved	YES YES
4.7 Accessibility:		
Vehicular access and car parking dimensions		
<ul style="list-style-type: none"> Dwelling 1: 2 spaces required at 6.2m x 5.4m (min double) 	Dwelling 1: 2 spaces, 6.15m x 5.8m	NO
Dwelling 2: 1 space required at 3.1m x 5.4m	Dwelling 2: 1 space at 3.7m x 5.8m	YES
4.9 Visual bulk:		
Building setbacks		
<ul style="list-style-type: none"> Front building line: Minimum setback: 12.0m 	Dwelling 1: Minimum 9.4m (to balcony and porch)	NO
<ul style="list-style-type: none"> Setbacks between buildings -7m (min) 	8.96m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Side setback: <p>Ground floor: Dwelling 1: 2.5m Dwelling 2: 2.57m</p> <p>1st floor: Dwelling 1: 3.2m Dwelling 2: 3.2m (15% site width)</p> <ul style="list-style-type: none"> Rear detached dual occupancy: minimum setback of 3.0m required. Rear setback: 6.69m (min as 15% average) 	<p>Dwelling 1: 4.5m Dwelling 2: 2.0m (from south)</p> <p>Dwelling 1: 4.2m Dwelling 2: 4.2m</p> <p>2.5m provided to rear, 2.0m provided to south</p> <p>Dwelling 2: 2.5m</p>	<p>YES NO</p> <p>YES YES</p> <p>NO</p> <p>NO</p>
<ul style="list-style-type: none"> No garages, tennis courts, swimming pools, courtyard walls and other major built elements forward of the building line. 	N/A – none in front of building line.	YES
Building form <ul style="list-style-type: none"> Unrelieved wall length: 8m (max – over 4m high) Unrelieved wall length: 12m (max – under 4m high) Total building length: 24m (max) 	<p>Dwelling 1: 6m max (Southern elevation, Dwelling 1)</p> <p>Dwelling 2: 10.8m (Eastern elevation, Dwelling 2)</p> <p>Dwelling 1: 14.5m Dwelling 2: 14.3m</p>	<p>YES</p> <p>YES</p> <p>YES YES</p>
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 40% (2 x 2 storey dwellings) Notional built-upon area 	<p>42% (401.1m²)</p> <p>Dwelling 1: 40% (273m²) Dwelling 2: 47.7% (128m²) (not including access)</p>	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 	0.43:1	YES
<ul style="list-style-type: none"> 1st floor – 40% 	Dwelling 1: 52% Dwelling 2: 27%	NO YES
Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8.0m (max) Rear dwelling: 3.6m (max)/overall 7.0m Building envelope: 45⁰ from horizontal at any point 3m above boundary Rear Dwelling: : 45⁰ from horizontal at any point 1.5m above boundary 	Dwelling 1: 5.9m (to ridge) Dwelling 2: 5.6m/7.0m to ridge Dwelling 1 North boundary: Complies South boundary: Complies East boundary: Complies West boundary: Complies Dwelling 2 North boundary: Complies South boundary: Infringes through the eaves by 200mm East boundary: Complies West boundary: Complies	YES NO YES YES YES YES YES NO YES YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling 1: 300mm fill Dwelling 2: 700mm fill	YES YES
Section 5: Landscaping & open space		
Total soft landscaping : 60% (min)	58%	NO
Notional soft landscaping:	Dwelling 1: 60% Dwelling 2: 52.3%	
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 5 (min) 	Adequate trees to be retained and refurbished on site.	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	Minor landscaping cut and fill – nothing in excess of 900mm.	YES
Open space provisions <ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) Min dimension 5m x 5m (min) Grade: 1 in 8 (max) 50% receives 3+ hours solar access (min) 	Dwelling 1: 69.12m ² (plus front yard) Dwelling 2: 76.5m ² Dwelling 1: 11.5mx3.1m Dwelling 2: 9.2m x 4.2m Dwelling 1: <1 in 8 (4.6°) Dwelling 2: <1 in 8 (0.5°) Dwelling 1: At least 50% of open space receives 4 hours solar access Dwelling 2: At least 50% of open space receives 4 hours solar access	NO NO NO NO YES YES YES YES

Part 4.2 Streetscape:*Visual character*

The proposed development is consistent with the visual character of the area, which comprises a variety of single and two storey dwellings. The development will also maintain the tree dominated streetscape through replenishment of trees along the front boundary.

Part 4.3 Visual and acoustic privacy:

- Visual privacy*

The application proposes a setback of 6.3 metres between the ground floor living room of Dwelling 1 and the southern façade of No.21 Fairlawn Avenue. The application also proposes a distance of 7.0 metres between the northern façade of Dwelling 2 and the rear outdoor area of No. 21 Fairlawn Avenue. All of these windows are at ground floor only. With the introduction of landscaping, and fencing to a height of 1.8 metres along this northern boundary there will be no impact upon the visual privacy of No. 21 Fairlawn Avenue.

Part 4.5 Stormwater and water management:

Stormwater disposal has been considered by Council's Development Engineers and is considered to be satisfactory, subject to the imposition of appropriate conditions (*refer to Condition No. 32, 36, 37, 38, 39, 55, 75, 78*).

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Part 4.6 Crime prevention:

The proposed dwellings will provide adequate pedestrian and vehicular access from Fairlawn Avenue. In addition, the proposed entries at ground floor level allow for a satisfactory level of observation of the dwelling entry areas.

Part 4.7 Accessibility:

The car parking dimensions of Dwelling 1 are marginally undersized, at 6.15m x 5.8m rather 6.2m x 5.4m. Council's Development Engineers have been consulted regarding the application and do not consider there to be any issues with the proposed width of the garage. The garaging will still provide for parking for two vehicles.

Safe pedestrian links are available to local facilities from the subject property. Convenient access and parking is available for future residents of the proposed development.

Part 4.8 Waste management:

Suitable space exists on the property for the storage of waste management containers.

Part 4.9 Visual bulk:

- ***Building setbacks***

Front setback

Council's Dual Occupancy Code requires a minimum front setback of 12.0 metres for a site on the high side of the street. Dwelling 1 is proposed to be sited at 9.4 metres (to the balcony and porch) and 10 metres to the front façade. The existing dwelling is sited at 9.6 metres from the front boundary.

The proposed setback is satisfactory as the proposed dwelling continues to respect the established building line of Fairlawn Avenue. Further, the dwelling is to be located behind the existing building line. The large side setbacks to be provided will also ensure that the dwelling is not excessively dominant in the streetscape.

Side setback

Council's Dual Occupancy Code requires a side setback of 2.57 metres for the ground floor of Dwelling 2. The dwelling has been provided with a setback of 2.0 metres to the southern boundary. Given the continued ability to landscape this setback, and that the first floor will be recessed in at 4.2 metres (to the eaves) at this point, the dwelling will not be unduly prominent or obtrusive when viewed from neighbouring properties. The southern elevation of Dwelling 2 clearly demonstrates the low-scale modest nature of this dwelling.

Rear setback

Council's Dual Occupancy Code requires, for a rear dwelling, a minimum side setback of 3.0 metres on all boundaries. The location of Dwelling 2 provides for a setback of 2.5 metres to 3.0

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metres to the rear. Again, the eastern elevation of Dwelling 2 clearly demonstrates the low-scale nature of this dwelling. It measures a maximum of 3.4 metres from natural ground level to the eave of the ground floor. The first floor is well recessed and will not incorporate any windows or obtrusive visual features. The objective of the policy is to provide for 'softening of views' from neighbouring properties and the street. Even with the change in levels from 19 Fairlawn through to 112 Bobbin Head Road there is still adequate room to allow for planting to soften and break up any view from 112 Bobbin Head Road through to the subject site.

- ***Built upon area***

Council's Dual Occupancy Code requires a total built-upon-area of no more than 40% where two 2-storey buildings are proposed. The proposed development incorporates a total built-upon-area of 42%. The notional built upon area is 40% for Dwelling 1 and 47.7% for Dwelling 2 (not including the access strip).

Whilst future subdivision of the site would result in a slightly higher built upon area for Dwelling 2, the site coverage will still be easily compliant with the provisions of the KPSO, which requires a built-upon area of no more than 60%. Furthermore, the purpose of this control is to require an adequate proportion of the site for stormwater infiltration and soft landscaping. There have been no concerns raised by Council's Development Engineer with respect to stormwater infiltration and, consequently, this is satisfactory. Likewise, an adequate amount of soft landscaping and private open space can be provided on site for amenity purposes.

- ***Floor space ratio***

While the proposal easily conforms with the floor space ratio of 0.5:1, it fails to comply with the maximum first floor ratio of 40% of total floor space. Dwelling 1 proposes a first floor ratio of 52%. Nevertheless, the dwelling relates well to the mixed character of the area (comprising both single storey and two storey dwellings) and, due to the large side setbacks and considerable landscaping provided, will not dominate the streetscape.

- ***Height of building***

Rear dwelling height

Council's Dual Occupancy Code requires, where two detached dwellings are proposed, a height (to the ceiling) of 3.6 metres for the rear dwelling. Dwelling 2 measures 5.6 metres to the uppermost ceiling.

The purpose of this control is to ensure that the relative scale and relationships between buildings are maintained and to afford reasonable solar access to adjoining development.

As can be seen from the elevations provided, Dwelling 2 is low in scale, with the first floor effectively set into the roof. The dwelling complies with the overall height restriction of 7.0 metres. Further, due to the orientation of the property and the recessed first floor, the dwelling will still provide for adequate levels of solar access to neighbouring properties.

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Particular concern was raised by adjoining occupiers as to the lack of minimum rear setback, combined with the height in excess of 3.6 metres, and the natural slope of the land which falls away to 112 Bobbin Head Road. With a standard 1.8 metre high fence and associated landscaping views from the proposed Dwelling 2 into neighbouring 112 Bobbin Head Road will be severely limited. As such, the dwelling will not result in loss of visual amenity. Further, any perceived height and bulk of the dwelling will be limited simply through fencing and landscaping.

Rear dwelling building envelope

Council's Dual Occupancy Code requires that rear detached dwellings not intersect the building height plane projected at an angle of 45° from a height of 1.5 metres on the boundary.

Dwelling 2 includes a slight non-compliance on the southern façade, where the eaves intersect the building height plane. This projection still allows for satisfactory levels of solar access to 17 Fairlawn Avenue. Accordingly, the application is acceptable with regard to the building envelope control.

Part 5 Landscaping and open space:

- ***Total soft landscaping***

Council's Dual Occupancy Code requires a total of 60% soft landscaping where two 2-storey buildings are proposed. The development provides for a total of 58% of soft landscaping.

The objective of this requirement is to provide for sufficient canopy trees, reduce impact of impervious surfaces, allow for screen planting, provide for sufficient drainage on site, and fit with surrounding areas. The development will provide for sufficient canopy trees and provides for suitable screening. Further, the development will provide for suitable drainage on site. With suitable planting and fencing the development will also have limited impact upon surrounding properties. As such, it is considered that this minor-non-compliance is acceptable.

- ***Open space provisions***

Council's Dual Occupancy Code requires 100m² in private open space for each property, to be of minimum dimensions of 5 metres by 5 metres. The application provides 69m² for Dwelling 1 and 76.5m² to Dwelling 2. This only includes areas immediately outside living areas, and does not include the area to the front adjoining Fairlawn Avenue. The areas provided are in excess of 5 metres, but are of 3 or 4 metres in depth.

Given the location of the private open space immediately adjoining the living areas, the excellent siting of the private open space to the north of the dwellings, the clear allowance for landscaping and the relatively flat nature of this private open space, these areas are satisfactory, and meet with the requirements of Council's Dual Occupancy Code to meet the anticipated needs and requirements of the future residents.

Part 9 Managing construction or demolition:

To be controlled through suitable conditions of consent (*refer to Conditions Nos 7-34, 41, 42, 46, 71*).

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Development Control Plan 31 – Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against Council's Dual Occupancy Code, and the proposal is acceptable in this regard.

Development Control Plan 40 – Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against Council's Dual Occupancy Code, and the proposal is acceptable in this regard.

Development Control Plan No. 43 – Car Parking

Development Control Plan requires a total of two parking spaces for each dwelling. This is superseded by SEPP53, which requires only one space for Dwelling 2. As such, the amount of parking provision is acceptable.

Development Control Plan 47 – Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against Council's Dual Occupancy Code, and the proposal is acceptable in this regard.

Section 94 Plan

The development attracts a section 94 contribution of \$19,039.30 which is required to be paid by *Condition No.69*.

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.

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CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered 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 Development Application No. 0487/05 for demolition of the existing structures on site and the construction of a detached dual occupancy development with associated parking and landscaping on land at 19 Fairlawn Avenue, Turramurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development must be carried out in accordance with plans numbered 1 to 4, dated March 2000, lodged 20 May 2005, drawn by Hans Waldmann and Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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- c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

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

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

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other

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matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
31. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
32. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
33. 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.
34. 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.
35. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

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36. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system and generally in accordance with the submitted concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005). *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.
37. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47 – prior to 4 May 2005 revision).
38. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized 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.
39. 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.
40. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the 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.
41. 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**

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across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

42. 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.
43. 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".
44. 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.
45. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

46. 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.
47. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan.

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48. 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.
49. To protect the following trees, no strip footings or change to natural ground level may occur within the radius specified below.

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	7

50. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following stages of work. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location
Melaleuca species (Paperbark)

Time of inspections

Prior to commence of works

During excavation for isolated pier footings within 7 metres of this tree.

After completion of works.

To supervise any canopy or root pruning necessary.

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

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

52. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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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.

53. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
54. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.
 - Details of any 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 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 (prior to 4 May 2005 revision), Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept drainage plans by AFCE Environment & Building (refer Drawing No

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353040/C2, Revision A, dated 3/2005) submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

55. Prior to issue of the Construction Certificate the submitted concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005) must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address at least the following issue:

- Site storage capacity for House 1, increased to comply with Section 6.7 from Council's Water Management DCP47 (prior to 4 May 2005 revision).

56. Landscape works shall be carried out in accordance with Landscape Drawing No 16491 prepared by Precinct Landscapes and dated 29 April 2005 submitted with the Development Application, except as amended by the following:

All existing Camellia species along the side boundaries are to be retained. These are to be shown on the landscape plan. Where there are gaps in the existing vegetative screen, plants capable of reaching a minimum height of 5 metres are to be allocated.

57. Planting along the eastern site boundary is to consist of some screen plant species capable of attaining a minimum height of 5 metres.
58. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

Melaleuca species (Paperbark)

59. 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.
60. 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

Melaleuca species (Paperbark)

Radius From Trunk

7

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

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Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	7

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

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

63. A CASH BOND/BANK GUARANTEE of \$3000 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 this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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

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

The location and details of the footings shall be submitted to The Principal Certifying Authority and be approved by a fully qualified Consulting Arborist prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Melaleuca species</i> (Paperbark)	7m

65. 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.

66. 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

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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).

67. 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.
68. 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.
69. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

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TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 1 ADDITIONAL LARGE DWELLING IS CURRENTLY \$19,039.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Turramurra/Warrawee	\$4,723.00
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

70. 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.
71. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
 - The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - The existing driveway and layback where to be retained

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- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

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

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	2 metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	5 metres

73. 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.
74. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

75. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of any works-as-executed drawings required under this consent
 - The Engineer's certification of the as-built system.

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

Item 1

76. Prior to issue of the Occupation Certificate 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 at no cost to Council.
77. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
78. 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 approval to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume (if required) requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 (prior to 4 May 2005 revision) respectively, have been achieved in full.
 - That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
 - That subsoil areas are able to drain via a sump system installed in accordance with AS3500.3
 - 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 (if required) certification sheet contained at appendix 4 of Water Management DCP 47.
79. 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.

Item 1

- As built location and internal dimensions of all detention (if required) 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 (if required) storages and derivative calculations.
- As built locations of all access pits and grates in the detention (if required) 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 any 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.

80. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
81. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

Kerrin Lithgow
Executive Assessment Officer

Matthew Prendergast
Manager
Development Assessment Services

Mark Leotta
Team Leader
Development Assessment – Team North

Michael Miocic
Director
Development and Regulation

Attachments:
Site Location Plan - 539587
Site Plan - 539590
Elevations – 539593
Shadows - 539594
Landscape Plan – 539601
Confidential floor plans

LOCATION SKETCH

40

19 Fairlawn Avenue, TURRAMURRA NSW
DEVELOPMENT APPLICATION No 0487/05



Scale : 1:2000

23-09-2005



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION

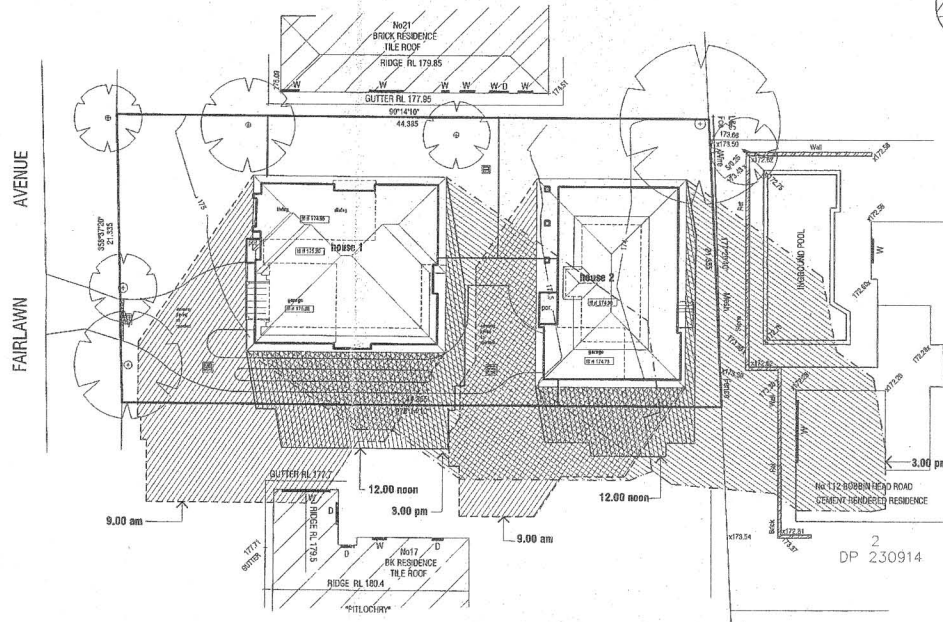


SUBMISSION

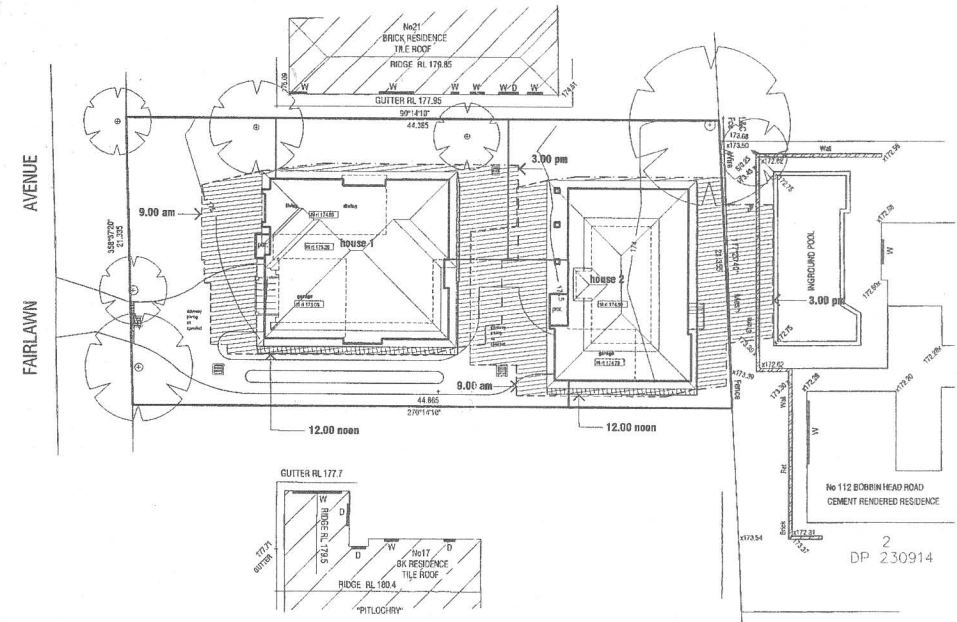


CIRCULATED AREA





Shadow Diagrams
- June 22nd



Shadow Diagrams
- December 22nd

BUILDER TO CHECK ALL DIMENSIONS BEFORE CONSTRUCTION.
FLOOR LEVELS SHOWN ARE FOR CONSTRUCTION USE ONLY AND
MAY VARY ACCORDING TO SITE CONDITIONS.
ALL STRUCTURAL SIZES TO ENGINEERS DETAILS.
DO NOT SCALE DRAWING, IF IN DOUBT - ASK.

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WITHOUT THE WRITTEN PERMISSION OF THE COMPANY.



Shadow Diagrams

NO.	DATE	COMMENT
A	OCT. 05	SHADOW DIAGRAM REVISED
AMENDMENT		

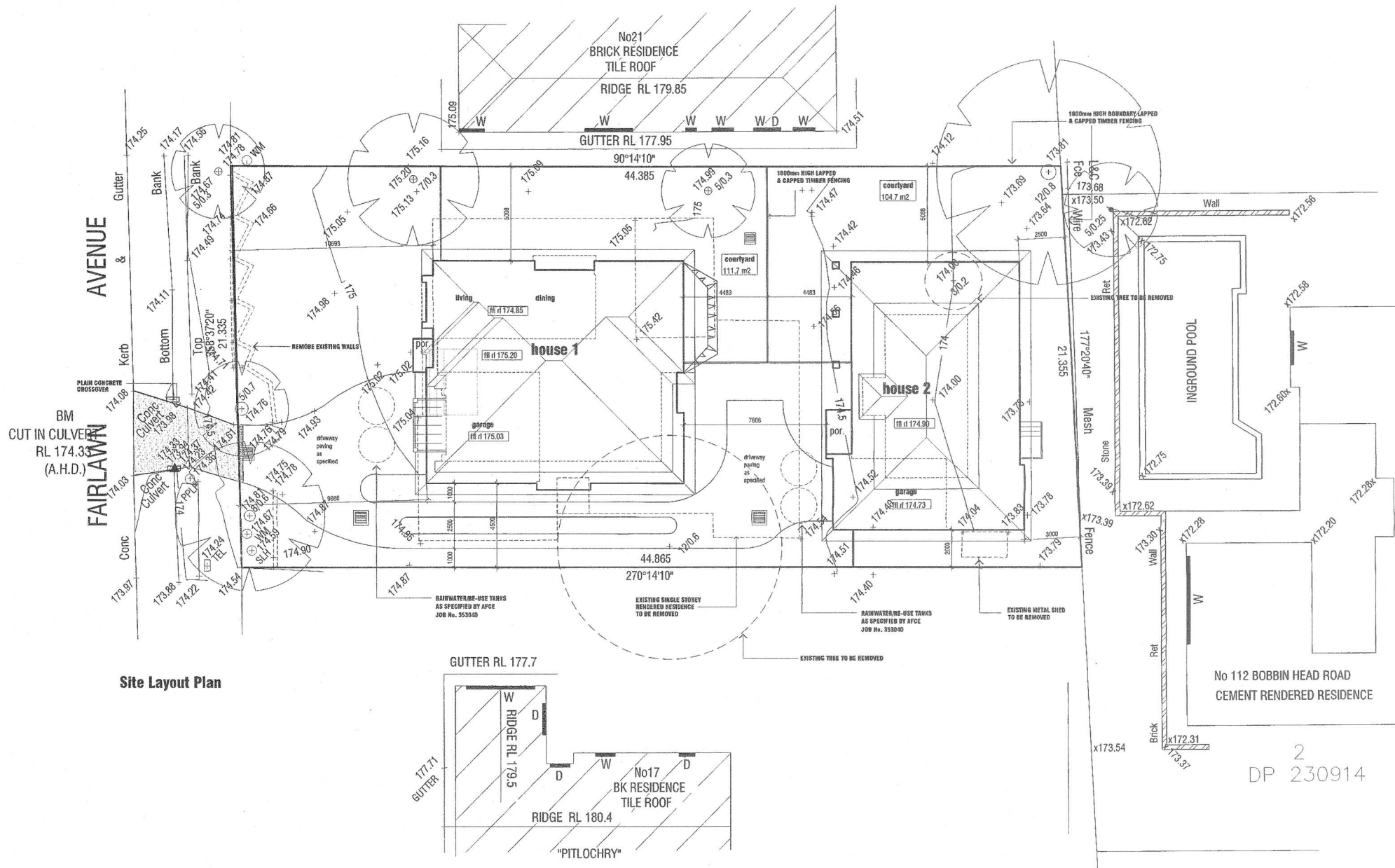
**HANS WALDMANN
AND ASSOCIATES**
BUILDING DESIGN CONSULTANTS

HANS WALDMANN AND ASSOCIATES PTY LIMITED
A/C.N. 091 445 772
3389 PENNANT HILLS RD. PENNANT HILLS 2120
TELEPHONE 4621 9875 4388 FACSIMILE 1 1575 48175 1570

DUAL OCCUPANCY DEVELOPMENT
19 FAIRLAWN AVE
TURRAMURRA

1:200 A.J.P.
MAR 2005

0831



Site Layout Plan

BUILDER TO CHECK ALL DIMENSIONS BEFORE CONSTRUCTION.
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site area 951.7 m²
f.s.c. 409.4 m²/951.7 m² = 0.43

built upon area 298.2 m²
building footprint 298.2 m²
driveways 124.7 m²
total 423.9 m²/951.7 = 44.6%

Site Layout Plan

NO.	DATE	COMMENT

**HANS WALDMANN
AND ASSOCIATES**
BUILDING DESIGN CONSULTANTS

HANS WALDMANN AND ASSOCIATES PTY LIMITED
A/CN 404 465 772
3780 PERRIN HILLS RD. PERRIN HILLS 2130
TEL 08 9436 1075 FAX 08 9436 1076

DUAL OCCUPANCY DEVELOPMENT
19 FAIRLAWN AVE
TURRAMURRA

1: 100 P.V.
MAR 2005 stamped 1 of 4

0829

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2A & 2B KILLARA AVENUE, KILLARA - SECTION 82A REVIEW OF COUNCIL'S REFUSAL OF THE DEMOLITION OF EXISTING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING EIGHTEEN (18) UNITS, THIRTY-EIGHT (38) BASEMENT CAR SPACES AND ASSOCIATED LANDSCAPING
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1334/04
SUBJECT LAND:	2A & 2B Killara Avenue, Killara
APPLICANT:	Red Sea Investments Pty Ltd
OWNER:	EJ & ME Anderson, P & C Blanden
DESIGNER:	Vanovac Associates Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (LEP 194)
COUNCIL'S POLICIES APPLICABLE:	KPSO (LEP194), DCP 40, DCP 43, DCP47, DCP 55
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	12 September 2005
40 DAY PERIOD EXPIRED:	22 October 2005
PROPOSAL:	Section 82A Review of Council's refusal of the demolition of existing houses and construction of a residential flat building comprising eighteen (18) units, thirty-eight (38) basement car spaces and associated landscaping
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o
PREMISES:
PROPOSAL:

1334/04
2A & 2B KILLARA AVENUE, KILLARA
SECTION 82A REVIEW OF COUNCIL'S
REFUSAL OF THE DEMOLITION OF EXISTING
HOUSES AND CONSTRUCTION OF A
RESIDENTIAL FLAT BUILDING COMPRISING
EIGHTEEN (18) UNITS, THIRTY-EIGHT (38)
BASEMENT CAR SPACES AND ASSOCIATED
LANDSCAPING

APPLICANT:
OWNER:
DESIGNER

RED SEA INVESTMENTS PTY LTD
EJ & ME ANDERSON, P & C BLANDEN
VANOVAC ASSOCIATES PTY LTD

PURPOSE FOR REPORT

To review the refusal of Development Application No.1334/04 under Section 82A of the EP&A Act, 1979, which sought consent for the demolition of existing dwellings on site and construction of a single residential flat building.

EXECUTIVE SUMMARY

Issues:

Front setbacks.

Submissions:

Four (4) submissions (s82A review)

Pre-DA Consultation:

No

Land & Environment Court Appeal:

A deemed refusal appeal was filed on 26 April 2005.
(Proceedings No 10387 of 2005.).

The development application was refused by
Council on 14 June 2005.

The Land and Environment Court dismissed the
appeal on 5 July 2005. However, prior to the
entering of orders, an application was made for leave
for the applicant to amend the plans. It was the
applicant's intention to address those matters which
had led to the dismissal of the appeal by submitting
amended plans.

On 8 September 2005, the Court deferred entering
final orders to enable the applicant to apply for a
review of Council's refusal pursuant to s82A of the
EP & A Act.

Recommendation:

Approval

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HISTORY

Site History

There is no history of the site relevant to the consideration of the proposal for a residential flat building under LEP 194.

Development application history:

14 December 2004	Application lodged.
22 December 2004	Request from Council to furnish a detailed landscape plan, demonstrating proposed planting and specifications for all landscape elements, parking and traffic report.
17 January 2005	Parking and traffic impact report submitted.
8 February 2005	Detailed landscape plans and heritage report submitted.
7 April 2005	Amended plans and SEPP 1 variation to parking standard submitted.
26 April 2005	A class 1 appeal is lodged with the Land and Environment Court against the deemed refusal of Development Application No 1344/04.
13 May 2005	Re-notification of amended plans
14 June 2005	Council refuses the application for the following reasons:

1. *Inadequate information*

The documentation and plans submitted to Council are considered inadequate and fail to provide information in order for Council to properly determine the application.

- The application has failed to consider DCP 55 (Ku-ring-gai Multi-unit Housing Development Control Plan No.55 – Railway/Pacific Highway Corridor and St Ives Centre). An assessment in terms of DCP 48 has been provided. This control plan only applies to development in Residential 2(d), 2(e) and 2(h) zones and is therefore not applicable to the site.*
- No geotechnical report has been submitted with the development application.*
- No access report has been submitted with the development application certifying compliance with Clause 4.7 of DCP 55.*

2. *Streetscape impact*

- The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that it will have a detrimental impact on the residential character of the area and adjoining properties due to the scale*

of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

- *The building width to Killara Avenue measures approximately 47 metres and exceeds the 36 metres maximum required by Clause 4.4 C-3 of DCP 55.*
- *The proposal fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.3 metres.*
- *The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.8 metres.*
- *The proposal fails to maintain a side/rear setback zone to No. 497 Pacific Highway 6 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 4.3 metres.*
- *The proposed finishes are not in keeping with the built character of the area. The existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the rendered buildings proposed. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.*

3. *Parking and vehicular access*

The proposal is inconsistent with Clause 25J of the Ku-ring-gai Planning Scheme Ordinance (Part IIIA) in that the proposal will not provide adequate car parking for the buildings users and visitors. The SEPP 1 objection has failed to establish that strict applications of the car parking standard is unreasonable or unnecessary in the circumstances.

- *The application proposes 27 car spaces and fails to satisfy the standard contained in Clause 25J (2) of LEP 194 that requires 35 spaces to be provided.*
- *The proposal does not provide unobstructed visitor car parking spaces as required by Clause 5.1 C-3 of DCP 55.*

- *The proposal does not provide for a convenient rubbish collection area as required by Clause 4.8.5 C-3 of DCP 55 and DCP 40.*

4. *Impact on trees*

The proposed development will result in adverse impacts upon existing trees on the site and therefore be inconsistent with the objectives set out in Clause 25D (2)(b) of the KPSO (Part IIIA).

- *The basement excavation will have a detrimental impact on a highly significant and prominent Sydney Blue Gum within the landscape and streetscape setting.*
- *The revised landscape plan shows proposed levels within the soft landscaped areas in the rear setback that are substantially lower than existing ground levels. The stripping of the site of top soil is unacceptable and cannot be supported.*

5. *Density*

The proposal is an over-development and is not in keeping with the optimum capacity of the site, the future landscape or built character of the area.

- *The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1.*

6. *Residential amenity*

The application fails to provide a high level of residential amenity to the residents of the development and the occupants of adjoining properties.

- *The proposal will not achieve appropriate separation with the properties at No.2 Killara Avenue and No. 497 Pacific Highway as required by Clause 4.5.2 of DCP 55*
- *Ground floor Units No's 1, 2 and 11 do not have courtyard or terrace areas of at least 25m² as required by Clause 4.5.5 C-1 of DCP 55.*
- *Clause 4.7 of DCP 55 requires that at least 70% of units are visitable in accordance with Appendix F of the DCP. An assessment has revealed that none of the units will be visitable.*

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5 July 2005 The Land and Environment Court dismissed the appeal primarily due to the parking deficiency and made design suggestions on how to ameliorate the excessive building length. The Court did not consider setbacks or the FSR variation as determinative and was satisfied that other issues raised by Council had been satisfactorily addressed.

Prior to the entering of orders, an application was made for leave for the applicant to amend the plans. It was the applicant's intention to address those matters which had led to the dismissal of the appeal by submitting amended plans.

8 September 2005 The Court deferred entering final orders to enable the applicant to apply for a review of Council's refusal pursuant to s82A of the EP & A Act.

12 September 2005 Application for a review of Council's decision is lodged.

7 October 2005 Notification of Section 82A plans.

THE SITE AND SURROUND DEVELOPMENT

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Legal Description:	Lot 2, DP 125632 Lot 1, DP 125632 & 929955
Area:	1896 m ²
Cross Fall:	Yes, 7%
Stormwater Drainage:	To Killara Avenue
Heritage Affected:	No
Required Setback:	10-12 metres to Killara Avenue and Pacific Highway
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

Dimensions and topography

The site is rectangular in shape and has a total area of 1896m². Frontages to the Pacific Highway and Killara Avenue measure 31 metres and 61 metres; respectively. The eastern boundary is 30 metres and the northern boundary is approximately 61 metres in length.

The site is elevated and is generally located more than 1.5 metres above the kerb level to Killara Avenue and more than 1 metre above the kerb level to Pacific Highway. The site slopes from the north to south at a grade of 7%. The existing topography was altered to accommodate the existing structures which include an in-ground pool.

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Improvements

The site comprises three lots, containing two double storey dwellings with associated structures.

Vegetation

The site is characterised by an established landscape setting, with mature trees and shrubs within formal garden beds and grassed areas. The site frontage along the Pacific Hwy is characterised by an established informal screen planting, while the Killara Ave frontage is dominated by a mature Eucalypt centrally located adjacent to the site boundary.

Zoning and surrounding use zones

Adjoining the site to the north, an application for construction of a 40 unit, five storey residential flat building at No's 497 to 507 Pacific Highway was approved by Council on 8 November 2005.

No's 2 and 4 Killara Avenue situated to the east are zoned Residential 2(c2), which does not provide for apartment buildings but allows apartment conversions and dual occupancies.

THE PROPOSAL

Original (refused) scheme

The original application proposed the following:

- The demolition of the existing dwellings and associated structures on site;
- The construction of a 4 storey residential flat building of 18 units, comprising 6 x 2 bedroom apartments and 12 x 3-bedroom apartments.
- A total of 27 parking spaces, consisting of 24 resident spaces and 3 visitor spaces in a single basement level.
- Vehicular access to the site is via a driveway in Killara Avenue, along the southern boundary.
- Disposal of stormwater to Killara Avenue.

The setback to the Pacific Highway and Killara Avenue was a minimum 7.8 metres, but generally in excess of 8.5 metres. The eastern (side) setback varied between 6 and 9 metres. To the rear, a setback in excess of 6 metres was provided.

The building was rectangular in shape and comprised 4 storeys, with a maximum third floor perimeter ceiling height of 9.5 metres. Basement car parking was provided over two levels and situated below natural ground level.

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All units were accessible via two lift cores that are serviced by two pedestrian access ramps from the Killara Avenue footpath. Vehicular access was proposed from Killara Avenue, approximately 36 metres from its intersection with Pacific Highway.

Communal open space was provided to the rear and side of the building.

Revised scheme (s82A Review)

The Section 82A application proposes the following modifications:

- Increasing the total number of car spaces from 27 to 35 by utilising mechanical car stackers.
- Amendments to the roof shape and façade to increase articulation
- Increased courtyards for the ground floor units
- Amendments to make units visitable and adaptable
- Changes to the façade colour scheme

The application also included an access report and included an assessment against DCP 55.

The applicant was advised that mechanical car stackers are not encouraged and that an amended basement design should be pursued. An amended design was subsequently lodged which incorporates a second basement level increasing the total number of car spaces to 38, consisting of 30 resident spaces and 8 visitor spaces.

CONSULTATION - COMMUNITY

The S82A Review Application was notified in accordance with Council's Notification DCP on 7 October 2005. The following comments have been received:

In response, four submissions were received from:

1. *JA & AC Macpherson, No. 4 Killara Avenue*
2. *Harpur, 7/455 Pacific Highway, Killara*
3. *KB & M Wing, 2 Killara Avenue*
4. *SD James, 6 Killara Avenue*

Aesthetics

Council's Urban Design Consultant, Russell Olsson, considers the overall design to be of an acceptable standard.

Increase in traffic and inadequate parking

Council's Development Engineer has assessed the Traffic Report submitted and found it to be generally acceptable as it provides adequate car parking (resident and visitor) and proposes a satisfactory garbage collection configuration. All other traffic impacts are considered to be acceptable.

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Safety issues during construction and excavation concerns

Council's Development Engineer, Kathy Hawken, recommended that a construction and traffic management plan be submitted prior to the commencement of any works and that dilapidation report be prepared for affected properties (refer **Conditions Nos 113, 114 and 116**).

Loss of property values surrounding the site

This is not a relevant matter for consideration under the Environmental Planning and Assessment Act 1979.

Loss of privacy and overshadowing

The development breaches the separation controls contained in DCP 55 in respect of No. 497 Pacific Highway and No.2 Killara Avenue. Separation to No. 497 Pacific Highway will be fully compliant when that property is developed in accordance with the consent to Development Application 651/05 (issued by Council on 8 November 2005).

Privacy concerns raised in respect of No. 2 Killara Avenue are addressed through a condition requiring that privacy screens be erected along the north-eastern elevations of balconies and terraces that may overlook that property (refer **Condition No. 98**). Fenestration on this elevation is limited to bedroom and bathroom windows; the bedroom windows provided with sliding screens. The development is fully compliant with the zone interface control of the KPSO that requires the 3rd and 4th floors to be set back 9 metres.

The overshadowing concern is not valid due to the site's orientation. The attached shadow diagrams confirm that solar access to adjoining properties will not be unreasonable and complies with Clause 4.5(c6) of DCP 55 which requires at least 3 hours of sunlight be maintained to habitable rooms and outdoor living areas.

Construction and post construction noise

Matters relating to construction noise are addressed through a condition of consent that would ensure that construction takes place during reasonable standard hours (see **Conditions Nos 8 and 22**).

Noise resulting from the use of the development for residential living is inevitable and, to a large extent, uncontrollable. The proposal provides adequate setbacks which would reasonably limit acoustic impacts. Mechanical ventilation noise and garage door noise are further controlled via recommended conditions of consent (refer **Conditions Nos 94 & 95**).

The proposal is an over-development of the site

The proposal is fully compliant with the KPSO and is substantially compliant with DCP 55. The areas where non-compliances do occur are addressed elsewhere in this report and are considered justifiable in the circumstances.

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CONSULTATION - WITHIN COUNCIL

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

The site

It is proposed to demolish the existing two dwellings and associated structures and construct a four storey residential flat building with basement parking on the amalgamated corner site of 1896sqm with vehicular access from Killara Ave. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and grassed areas. The site frontage along the Pacific Hwy is characterised by an established informal screen planting, while the Killara Ave frontage is dominated by a mature Eucalypt centrally located adjacent to the site boundary.

Impacts on trees/Trees to be removed/Tree replenishment

*The proposed development, as stated in the statement of environmental effects, will result in the retention of all existing trees with the exception of one. Tree #15 Flindersia australis (Australian Teak) is located centrally adjacent to the Killara Ave/South east site boundary immediately adjacent to the proposed building footprint. **No objection is raised to the trees removal.** However, it should be noted that the submitted arborists report identifies the removal of nine identified trees, including two of Council's street trees. One tree, Schinus areira (Peppercorn) in Killara Ave is recommended for removal due to a basal cavity with advanced and extensive decay. The tree is outside of the proposed development works.*

Landscape Services recommends the removal of two additional trees as they are exempt under Council's Tree Preservation Order and identified as Urban Environmental Weeds, being tree #'s 3 & 30, this will allow additional area for the planting of large native endemic tree species. These have been shown for retention on the landscape plan.

The revised landscape plan by Peter Glass and Associates has addressed previous concerns with regard to the planting of endemic tree species. However, Landscape Services disagrees with the close proximity to each other of the three Eucalyptus pilularis (Blackbutt) with 4.0m spacing. This tree species has the ability to grow 30m+ in height and requires appropriate setbacks. It is conditioned that the tall 'canopy' trees be spread over the site appropriately so that their canopies can develop and grow to maturity without undue hindrance. For example, with the removal of tree #30 Camphor laurel, a large endemic tree species can be grown in the same area which has an 8.0m setback from the proposed building allowing for a large canopy tree to grow. This will be conditioned.

Arborist's Report

An arborist's report has been submitted with the application. A total of 32 trees have been identified as being located on or associated with the site, of which the proposal requires the removal of nine. Within the written part of the report the following trees are nominated for removal 4, 5, 6, 14, 15, 18, 21, 22, and 31, yet the schedule of surveyed trees nominates only

Item 5

5, 14-23, 25, 26, 30 and 31 for removal. This is confusing and needs to be clarified. Most of the trees nominated for removal are exempt under Council's Tree Preservation Order (TPO).

Setbacks as proposed from tree #13 have been addressed through the court process to the court's satisfaction.

Landscape plan

A revised landscape plan has been submitted. Previous tree replenishment concerns and the retention of existing screen planting have been addressed. Some minor changes to the landscape plan will be required eg removal of tree #30, this will be conditioned. It is noted that the landscape plan has not taken into consideration the arborists recommendations for tree removal and replenished appropriately. It will be conditioned for selected trees as per the arborists recommendations to be removed and appropriate plantings to be undertaken for replenishment.

The revised landscape plan shows some proposed levels within the soft landscaped areas. The applicant has stated that there are no substantial level changes within the rear/northern setback. To ensure the ongoing health and vigour of existing trees to be retained it is required that the existing levels and grades be maintained. This can be conditioned. The stripping of the site of top soil is unacceptable and cannot be supported.

Fencing

Previous concerns regarding the lack of detail and locations with regard to fencing have been addressed. The location of fencing as proposed can be supported by Landscape Services as it has been designed to be recessive within the landscape setting while still providing security to the future residents. To ensure that the proposed fencing does not dominate the landscape setting, it is required that the proposed palisade fencing be no higher than 1.2m.

Drainage Plan

Revised stormwater/drainage plans have addressed previous concerns with regard to the location of pipes and pits in close proximity to existing trees being retained. Landscape services can support the revised drainage plans.

Deep Soil Landscaping

The revised plans, by the applicant's calculations, will result in a deep soil landscaping area of 55.7% of the site area, which exceeds the minimum numerical standard as defined by the LEP. Landscape Services has not sighted a compliance diagram showing the areas included as deep soil, which has been stated as being submitted within the covering letter by Vanovac Associates. Without having undertaken specific calculations, Landscape Services is in general agreement with the applicant as the landscape works do not propose any additional hard landscape surfaces which require exclusion under the definitions of the LEP.

Item 5

Setbacks

Rear

The revised rear setback proposed for the basement carpark can be supported by Landscape services as the intent of both the LEP and DCP have been addressed. It is noted that the revised setback does not fully comply with Council's DCP but the proposed setback will allow for adequate deep soil landscaping providing appropriate screen planting and tree replenishment in this area.

Killara Ave

The revised setback proposed from Killara Ave is approximately 9.0m, which does not comply with Council's DCP55. However the revised setback does allow adequate deep soil landscaping area for tree replenishment and screen planting, satisfying the guidelines and intent of both the LEP and DCP. Commissioner Moore in his previous determination of the development did not raise the proposed setbacks as being an issue.

Energy Australia

It is likely that Energy Australia will require a substation for the development site and that it will be required to be located adjacent to the site frontage. If this is the case, it is required that the substation be located outside of the canopy drip line of any tree to be retained located on site or on adjoining properties. Preference would be for the substation to be located adjacent to the Killara Ave frontage rather than the Pacific Hwy. The substation will also be required to be excluded from the deep soil landscaping calculations.

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

Development Engineer

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

The application is supported, subject to conditions.

Subdivision, energy requirements

Strata subdivision is not proposed under this DA, hence strata subdivision conditions will not be applied in this referral response. So that the building is not constructed across lot boundaries, the Applicant will be required to consolidate all the Torrens lots prior to issue of the Construction Certificate.

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

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Site drainage comments

I refer to the Stormwater Plans by Rosycivil Pty Ltd, plans H1, H2, H3, H4, H5 dated 04/04/05. This drainage submission incorporates the following stormwater management facilities and works for the development:

On site retention of stormwater for domestic re-use within the buildings and landscape irrigation.

On site detention of stormwater for controlling rate of runoff into downstream catchment.

The drainage plans as a concept comply with Council DCP47 and are satisfactory for DA approval subject to conditions requiring detailed plans at Construction Certificate stage.

Traffic generation and vehicle access and accommodation arrangements

The Applicant has submitted a Traffic Assessment Report with the Development Application (refer 'Traffic Impact Report by Christopher Stapleton Consulting, dated January 2005'). This report has been carefully reviewed and it is felt that the report is an acceptable standard on which to base an assessment of the traffic related impacts of the subject Development.

The site is approximately 800 metres from Killara Railway Station. Based on LEP194, the proposal requires a minimum total of 36 spaces which includes the required 5 visitor spaces.

The applicant has submitted amended plans which include a lower basement level (Drawing A-200-B3-3/01). The amended plans allow the required number of car spaces to be provided.

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>No of dwellings</i>	<i>2 single dwelling houses</i>	<i>6 x 2 bedroom unit 12 x 3 bedroom unit</i>
<i>Daily vehicle trips Combined in/out</i>	<i>18 (9 per dwelling)</i>	<i>110 Based on medium density development: 4-5 trips per dwelling (2 or less bedrooms) 5 to 6.5 trips per dwelling (3 or more bedrooms)</i>
<i>Peak hour vehicle trips Combined in/out</i>	<i>1.7 (0.85 per dwelling) 1 vehicle every 35 minutes averaged over peak hour</i>	<i>11 1 vehicle every 5.5 minutes averaged over peak hour 0.4 to 0.5 per dwelling (2 or less bedrooms) 0.5 to 0.65 per dwelling ((3 or more bedrooms)</i>
<i>Net increase in peak hour traffic</i>	<i>9 additional vehicles (combined in/out)</i>	

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The net increase of 9 trips (post developed rates less pre-developed rates) during the peak hour, generated by the subject development (in and out combined), is not considered significant in this location on the corner of Pacific Hwy.

The traffic impacts of the development are considered satisfactory.

Vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” for the number of parking spaces and expected movements.

Internal garbage collection is provided, however no doors or access gates are to be provided preventing unrestricted access to the basement area. A turntable is shown on the plans, which has been accepted in principal by Council’s Manager Waste Services. Details are to be provided prior to issue of the Construction Certificate.

Construction management

Based on the scale of works and expected construction vehicle movements, a site specific construction traffic management plan, showing a plan of traffic control measures must be submitted for review by Council Engineers prior to the commencement of any works on site.

The above requirement has been conditioned.

Impacts on Council infrastructure and associated works – comments

The following public infrastructure works will be required as part of the consent:

- *New concrete driveway crossing to access the site from Killara Ave. A new gutter bridge will be required.*
- *Removal of all redundant driveway laybacks gutter crossings and re-instatement to upright kerb and gutter. Trimming of road shoulder to suit removal of elevated driveways*
- *New concrete footpath over site frontage in Killara Ave.*
- *Replacement of the verge area to turfed verge between new footpath and existing kerb alignment.*

Geotechnical / Structural comments

No geotechnical report has been submitted with the development application. A condition will be applied in this respect. A geotechnical report is to be prepared prior to commencement of any excavation on site to ascertain the founding material and recommend appropriate temporary and permanent shoring techniques. Attention is to be paid to protecting adjacent property and infrastructure at all times during excavation and construction.

Heritage Advisor

Council’s Heritage Advisor, Paul Dignam, commented as follows:

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The site was rezoned under LEP 194. The house opposite at No 3 Killara is a local heritage item and a good example of a large two storey late Federation period design, reputed to the architect James Peddle. The house at No 1 Killara is a very good example of an early Californian Bungalow with pebbles forming the piers for the veranda. I believe it would meet aesthetic significance criteria as a potential local heritage item.

Council recently reviewed UCA No 10 and the house at No 2B is graded as contributory to the UCA. The UCA report is still a draft and has not been exhibited, however, after inspecting the site, I do not dispute the grading.

The heritage report prepared for the site by the applicant claims the existing house is c1960 and replaces a 1906 house "Snaefell". It claims No 2A is c1990.

The building at 2A Killara Avenue is in fact a dual occupancy approved in 1992. The site was formerly part of 2B. It is likely there was a tennis court on the site of No 2A which was removed for the second dwelling. The existing house at 2A is of no heritage value and, if demolition is approved, there should be no requirement for recording.

Although I have not inspected the interior of the house at 2B, in my opinion it would have been built much earlier, possibly 1930s or 1940s. It is possible that some of the 1906 house could have been incorporated in the existing house if careful examination of the fabric was undertaken. The existing house was altered with the addition of attic rooms c1980. It appears to be a well built house with some design merit and should be considered contributory to the UCA. I recommend that some further research should be undertaken to determine the history of this house. It is unfortunate that, in preparing the Residential Development Strategy, more heritage information was not available. If Council allows demolition of 2B Killara Avenue, then a minimum requirement should be archival recording to the NSW Heritage Office guidelines.

The house directly opposite at No 3 Killara Avenue is a good example of a large Federation period house. It is located relatively close to the street alignment and has a tennis court at the rear. There would be some visual impacts from the proposed development on the house and the setting would be compromised by having a medium density development directly opposite. The subject site is elevated from the street level and would thus be more prominent. The heritage item is set on the lower side of the street. Thus the development would appear to be higher. Of some benefit is the fact that the development is only 4 storeys and is separated by a street.

The Pacific Highway elevation would be less visually affected as there are existing developments at the same height as this development and several other proposed medium density developments in the immediate area. There is no view of the existing house from the highway due to the fence and hedging providing a visual screen.

Design

The style of the proposed building is clearly contemporary and will read as a new element in the streetscape. There is reasonable articulation in the Pacific Highway and Killara Avenue

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facades and a mix of finishes. I have not been provided with a colour scheme, and I would prefer darker earthy tones rather than lighter colours to provide a recessive character. There would be a reasonable level of screening provided by the existing street trees and retained trees on site. I have no concerns with the fencing, which is appropriate for an exposed corner location.

The heritage impacts are reasonably acceptable; however the context of the street and the setting of the heritage item will be affected by the proposed development. The street trees and retained trees on the site will provide some screening to reduce the visual impacts.

I recommend that more investigation be undertaken on the house at 2B Killara Avenue as I believe it is much earlier than c1960 as suggested in the heritage report. There would be some impact on the heritage item at No 3 Killara Avenue, although separation by the street is considered acceptable.

Council should consider investigating the house at No 1 Killara Avenue for potential heritage listing as it is a good example of an early Californian Bungalow. It appears to have been missed in earlier reviews. It may be a James Peddle design.

If Council approves demolition, then archival recording of No 2B should be undertaken to the Heritage Office guideline. There should be no requirement to record the dual occupancy at No 2A Killara Avenue.

In my opinion, the proposed medium density is a reasonably good design with good internal planning, solar access and cross ventilation to the dwellings. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

Having considered the comments provided by Council's Heritage Advisor and the current zoning of the land, further investigation of No.2B Killara Avenue is not warranted and refusal of the application on heritage grounds would be unsustainable.

Urban Design Consultant

Council's Urban Design consultant, Russell Olsson, commented on the original scheme as follows:

Context

The existing context for this site is comprised of buildings on both sides of Pacific Highway and Killara Avenue. The existing buildings consist of heritage items and detached houses. All of these buildings are located within a landscaped setting. While, in some cases, the landscaped setting obscures parts of buildings, the architectural design of buildings is important in itself, whether it is obscured in part by trees, or not.

There are 3 heritage items in the vicinity, at Nos 3, 26 and 33 Killara Avenue. No. 3 Killara Avenue, opposite the site, is set back from the street behind a high front fence. On the northern side of the street houses are set back 9 metres, or further, from the front boundary.

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The existing houses in Killara Avenue are predominantly brick construction with masonry or timber front fences.

Scale

Acceptable.

Built form

The mature tree planting and tree sizes on this site are less than on the corner sites on the south-eastern, south-western and north-western corners of the intersection of Killara Avenue and Pacific Highway. The existing and proposed landscape will be insufficient to provide an acceptable balance between built form and landscaped setting.

A 3.6 storey residential building will be visually prominent at this corner. The existing setbacks to adjoining houses to the east of the site are greater than the proposed setbacks. As this building is 3.6 storeys (whereas the existing houses are 1 and 2 storeys), and the setbacks are less (6m in Killara Avenue, rather than 9m for the houses), the building will be substantially more visually prominent.

It is recommended to increase the setbacks in Killara Avenue and Pacific Highway to 9m, to better relate to the existing houses in Killara Avenue, and to create a greater setback for tree planting on the corner of Killara Avenue and the Pacific Highway. The rear setback from the northern boundary may be reduced to 6m, as this will not create any additional existing or future privacy problems. The eastern side setback may be reduced to 6m, as this 2 storey house does not have any side windows at first floor level, and the ground floor windows may be screened with the fence. The zone boundary setbacks at the upper floors will have to be implemented.

Otherwise, the proposed built form is well articulated. The car park ramp is well located under the building footprint. The use of 2 storey apartments will enhance the energy efficiency of the development.

Density

The development complies with the LEP 194 density of 35% of the site area as building footprint. However, the balconies are smaller than recommended in DCP 55. To comply with DCP 55 balcony sizes will reduce the internal floor area of the building.

Energy, Resources and Water

Acceptable.

Amenity

The balconies are smaller than recommended in DCP 55. Otherwise, amenity is acceptable.

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Landscape

Deeper setbacks from Killara Avenue and the Pacific Highway will provide greater opportunity for tree planting.

Safety and security

Acceptable

Social

Acceptable

Aesthetics

As described in "Context", the predominant materials and colours in the area are brick heritage items and houses, and mid to dark coloured facades. Existing fences are a range of masonry and timber. The proposed random stone walls will fit well with the existing character. The proposed "Stone White" painted facades will be too visually prominent. It is recommended that this is changed to a mid-tonal range colour which will contrast less with the landscape planting.

Recommendations

It is recommended that the applicant:

- *increase the setbacks in Killara Avenue and Pacific Highway to 9m, to better relate to the existing houses in Killara Avenue, and to create a greater setback for tree planting on the corner of Killara Avenue and the Pacific Highway;*
- *reduce the side and rear setbacks to 6m;*
- *comply with the upper level setbacks at the zone boundary;*
- *increase the balcony sizes to comply with DCP 55 and*
- *change the colour of the "stone white" painted facades to a mid-tonal range colour.*

Mr Olsson commented on the revised (s82A Review) plans as follows:

A previous review was made of this project in January 2005. Design amendments have since been made to the design. This review is of the amended design.

The design amendments have satisfactorily addressed all the recommendations from the first review. In terms of SEPP 65 design quality, it is recommended that this design be approved.

STATUTORY PROVISIONS

Section 82A of the Environmental Planning & Assessment Act 1979

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Section 82A of the Environmental Planning & Assessment Amendment Act 1979 allows for a review of the determination of a development application. These provisions allow an applicant to make changes to the application (as have been detailed previously within this report) and Council can consider such amended plans after it has notified the application in accordance with a development control plan, see section entitled *Consultation – Community*.

The Council must be satisfied that the amended application is substantially the same development as that proposed in the original application and may review the amended plans. Where an appeal has been lodged in relation to an application the subject of a request for review of determination, and Council seeks to grant development consent, Council may seek to have the appeal withdrawn by the applicant.

Substantially the same development

The development as proposed within the review application is considered to be substantially the same development, still being for a residential flat building containing 6 x 2 bedroom and 12 x 3 bedroom units (total of 18 units) and basement parking for 38 spaces; increased from 27 spaces. The other changes proposed are not substantial and mainly comprise increased articulation to the façade and a changed roof design.

Review against reasons for refusal

Each reason for refusal will be identified and the amended application assessed as to whether it now satisfactorily resolves that reason for refusal.

1. Inadequate information

The documentation and plans submitted to Council are considered inadequate and fail to provide information in order for Council to properly determine the application.

- *The application has failed to consider DCP 55 (Ku-ring-gai Multi-unit Housing Development Control Plan No.55 – Railway/Pacific Highway Corridor and St Ives Centre). An assessment in terms of DCP 48 has been provided. This control plan only applies to development in Residential 2(d), 2(e) and 2(h) zones and is therefore not applicable to the site.*
- *No geotechnical report has been submitted with the development application.*
- *No access report has been submitted with the development application certifying compliance with Clause 4.7 of DCP 55.*

This issue has been satisfactorily addressed and the required documentation submitted.

2. Streetscape impact

- *The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that it will have a detrimental impact on the*

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residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

- *The building width to Killara Avenue measures approximately 47 metres and exceeds the 36 metres maximum required by Clause 4.4 C-3 of DCP 55.*
- *The proposal fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.3 metres.*
- *The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.8 metres.*
- *The proposal fails to maintain a side/rear setback zone to No. 497 Pacific Highway 6 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 4.3 metres.*
- *The proposed finishes are not in keeping with the built character of the area. The existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the rendered buildings proposed. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.*

The above issue has two main components; the first being the non-compliances with the setback controls of DCP 55. The Court determined that compliance with the setback requirements contained in DCP 55 would lead to an inconsistency with the provisions of cl25I(6) of the KPSO in that the maximum building footprint area of 35% of the site would not be capable of achievement if the setbacks in the Development Control Plan were strictly adhered to. The Court also determined that there are no adverse impacts of these non-compliances and therefore does not consider the non-compliance with the setback requirements reason enough for modification or refusal of the application.

The second part is the excessive building length. This has been addressed by greater articulation of the façade, changes in the materials, colours and finishes and by changes to the roof design. Council's Urban Design Consultant, Russell Olsson, raised no concern in respect of the amended design.

Given that all the amendments suggested in this regard by the Land and Environment Court are incorporated into the design, it would not be sustainable to refuse the application on these grounds alone. Accordingly, the amended plans have now satisfactorily addressed Reason 2 of the refusal.

3. *Parking and vehicular access*

The proposal is inconsistent with Clause 25J of the Ku-ring-gai Planning Scheme Ordinance (Part IIIA) in that the proposal will not provide adequate car parking for the buildings users

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and visitors. The SEPP 1 objection has failed to establish that strict applications of the car parking standard is unreasonable or unnecessary in the circumstances.

- *The application proposes 27 car spaces and fails to satisfy the standard contained in Clause 25J (2) of LEP 194 that requires 35 spaces to be provided.*
- *The proposal does not provide unobstructed visitor car parking spaces as required by Clause 5.1 C-3 of DCP 55.*
- *The proposal does not provide for a convenient rubbish collection area as required by Clause 4.8.5 C-3 of DCP 55 and DCP 40.*

The application now fully complies with the KPSO and DCP 55 in this regard. The application now provides 38 car parking spaces over two levels and comprises 30 resident spaces and 8 visitor spaces. Accordingly, the amended plans have now satisfactorily addressed Reason 3 of the refusal.

4. *Impact on trees*

The proposed development will result in adverse impacts upon existing trees on the site and therefore be inconsistent with the objectives set out in Clause 25D (2)(b) of the KPSO (Part IIIA).

- *The basement excavation will have a detrimental impact on a highly significant and prominent Sydney Blue Gum within the landscape and streetscape setting.*
- *The revised landscape plan shows proposed levels within the soft landscaped areas in the rear setback that are substantially lower than existing ground levels. The stripping of the site of top soil is unacceptable and cannot be supported.*

Council's Landscape Development Officer, Geoff Bird, is satisfied that this issue can be dealt with by conditions of consent (refer **Condition Nos 69 and 101 to 110**). Accordingly, subject to conditions, the amended plans have now satisfactorily addressed Reason 4 of the refusal.

5. *Density*

The proposal is an over-development and is not in keeping with the optimum capacity of the site, the future landscape or built character of the area.

- *The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1.*

The non-compliance constitutes a variation of 10%. Considering that the application now provides adequate parking and has addressed other non-compliances, the variation is not considered to be excessive. Accordingly, the amended plans have now satisfactorily addressed Reason 5 of the refusal.

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6. *Residential amenity*

The application fails to provide a high level of residential amenity to the residents of the development and the occupants of adjoining properties.

- *The proposal will not achieve appropriate separation with the properties at No.2 Killara Avenue and No. 497 Pacific Highway as required by Clause 4.5.2 of DCP 55*
- *Ground floor Units No's 1, 2 and 11 do not have courtyard or terrace areas of at least 25m² as required by Clause 4.5.5 C-1 of DCP 55.*
- *Clause 4.7 of DCP 55 requires that at least 70% of units are visitable in accordance with Appendix F of the DCP. An assessment has revealed that none of the units will be visitable.*

To ensure the privacy to the rear garden of No. 2 Killara Avenue is maintained, a condition is recommended that requires 1.8 metres high privacy screens to be erected along the balconies on the north-eastern elevation of Units No's 14, 16 and 18 in the development (refer **Condition No.98**).

The separation concern to No. 497 Pacific Highway will be resolved when that property is redeveloped in accordance with the development consent to DA 651/05 which was issued by Council on 8 November 2005. That development proposes setbacks to the subject site of 6 metres, resulting in an adequate level of separation, in accordance with DCP 55.

The amended plans have increased the terrace areas to the ground floor units and the design also incorporates changes which have resulted in 70% of the units being visitable. Accordingly, the amended plans have now satisfactorily addressed Reason 6 of the refusal.

State Environmental Planning Policy No 55 - Remediation of Land

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

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

The application includes a design verification statement by the project architect Mr T Vanovac of Vanovac Associates Architects. Mr Vanovac has verified that he is a qualified designer and member of the NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP 65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal.

The SEPP 65 assessment is as follows:

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Context:

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

The combination of the 4 storey building height and elevated position, shallow setback and the long facade make this development fairly prominent in the Killara Avenue streetscape. However, the development will provide an appropriate transition with the approved 5 storey residential flat building located to the north.

Scale:

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

The building height complies with LEP 194 and is acceptable. However, the close proximity of the Killara Avenue and Pacific Highway façades to these streets and the considerable 47 metres length of the building will accentuate its prominence in the street. The proposed building will be out of scale with the existing detached dwellings. While any 4 storey building of this density would be out of scale with its' smaller, adjoining neighbours, the extent of this development being unsympathetic is ameliorated by the changes to the roof design and increased articulation to the Killara Avenue façade.

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 this development is acceptable in terms of its' height. The apparent height and bulk of the development is reduced by the use of colour and increased articulation to the façade and roof design.

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 proposal exceeds the FSR control by 10%. As an independent control in a development where compliance is generally achieved, FSR is not the sole determinant of built form or density. Compared to the adjoining development at No. 497-507 Pacific Highway to the north, the bulk and scale is an acceptable transition.

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Resource, energy and water efficiency:

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

The proposal is acceptable in this regard. The environmental design of the proposal complies with SEPP 65 and Residential Flat Design Code guidelines.

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 proposal is generally acceptable in this regard and will not adversely impact upon any significant trees. The Sydney Blue Gum situated in the front setback can be retained and appropriate conditions of consent are imposed to ensure its' protection during construction (refer **Conditions Nos 69 and 101 to 110**).

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 inadequate courtyard areas to some ground floor units have been addressed and the proposal satisfies this criterion.

Safety and security:

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

There are no safety or security issues.

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

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neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.'

A reasonable mix of apartments has been provided to allow housing choice, although no 1 bedroom apartments are proposed.

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 existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the original design proposed. Colours are now more recessive, earthy tones, with a mix of textures that reduces the apparent height and scale of the proposed building.

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1800m ² -2400m ²	1896m ²	YES
Deep landscaping (min): 50%	More than 50%	YES
Street frontage (min): 30m	31m and 61m	YES
Number of storeys (max): 4 (under cl. 25I)	4	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	60%.	YES
Storeys and ceiling height (max): Pursuant to cl 25(K): 6 storeys and max 15.4 metres in height	4 storeys and <9.5metres	YES
Zone Interface 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	9 metres	YES
Car parking spaces (min): Residents spaces: One space per dwelling, and one additional space for dwellings of three + bedrooms (total of 30 required)	30 resident spaces provided.	YES
Visitor spaces: 5 spaces	8 visitors spaces provided	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Manageable housing (min): 10% (2 units)	2 units	YES
Lift access: required if greater than three storeys	Provided to all units	YES

Residential zone objectives

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:		
• First and second storeys at least 10 metres from adjacent heritage building;	Exceeds 20 metres from any heritage item	YES
• Third and fourth storeys set at least 15 metres from adjacent heritage building	Exceeds 20 metres from any heritage item	YES
• Setback from the front boundary so that it is no closer than adj heritage building	Not applicable	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 284m ²	325m ² (side and rear setback area to the north and east of the building)	YES
No. of tall trees required (min): 5 trees	More than 5 trees provided	YES
Part 4.2 Density:		
Building footprint (max):		
• 35% of total site area	35%	YES
Floor space ratio (max):		
• 1:1 (1896m ²)	1.1:1 (2080m ²)	NO

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres on Killara Avenue and Pacific Highway (<40% of the zone occupied by building footprint) 	Pacific Highway: 7.8 metres Killara Avenue: 7.3 metres	NO NO
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	4.3 metres (northern boundary)	NO
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	6 metres (eastern boundary)	YES
Setback of ground floor terraces/courtyards to street boundary (min): <ul style="list-style-type: none"> 8m 	9 metres to Killara Avenue	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	No courtyards proposed in front setback	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	All wall plane depths >600mm	YES
Built form: <ul style="list-style-type: none"> Building width < 36m 	47m	NO
<ul style="list-style-type: none"> Balcony projection < 1.2m 	<1.2 metres	YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	More than 70%	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	More than 50% (184m ²)	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	Nil	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 	8 metres to No. 497 Pacific Highway (north-east), 8 metres to No. 497 Pacific Highway (north-east), >10 metres to No. 2 Killara Avenue (north-west).	NO NO YES
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 Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	2.7m 2.4m At least two bedrooms >3.0m Maximum 3 units. 2.4 metres 2.4 metres	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 Balcony sizes: 1 bedroom unit: 10m² 2 bedroom unit: 12m² 3 bedroom unit: 15m² primary outdoor space has a minimum dimension of 2.4m 	25m ² No 1 bedroom apartments proposed All units >12m ² All units >15m ² All private outdoor areas exceed 2.4m dimension	YES N/A YES YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.7 Social dimensions:		
Visitable units (min): • 70%	70% (13)	YES
Housing mix: • Mix of sizes and types	6 x 2 bedroom apartments 12 x 3 bedroom apartments	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: • >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 the remainder achieving at least 3.5 star rating	88% (16) have two aspects or more allowing for cross-ventilation 2 units are single aspect, dual level and are < 8m deep. 50% have an external wall. 90% achieve 4.5 star rating or above (16) 10% achieve a 4 star rating (2)	YES YES YES YES YES
Part 5 Parking and vehicular access:		
Car parking (min): • 30 resident spaces • 5 visitor spaces	30 spaces 8 marked visitor spaces	YES YES

Part 4.2 Density

The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1 and represents a 10% variation. The Land Environment Court did not consider the non-compliance determinative and, due to the fact that the proposal is now substantially compliant with DCP 55, fully compliant with the KPSO and the other amendments which have reduced the apparent bulk of the proposal, this variation can be supported.

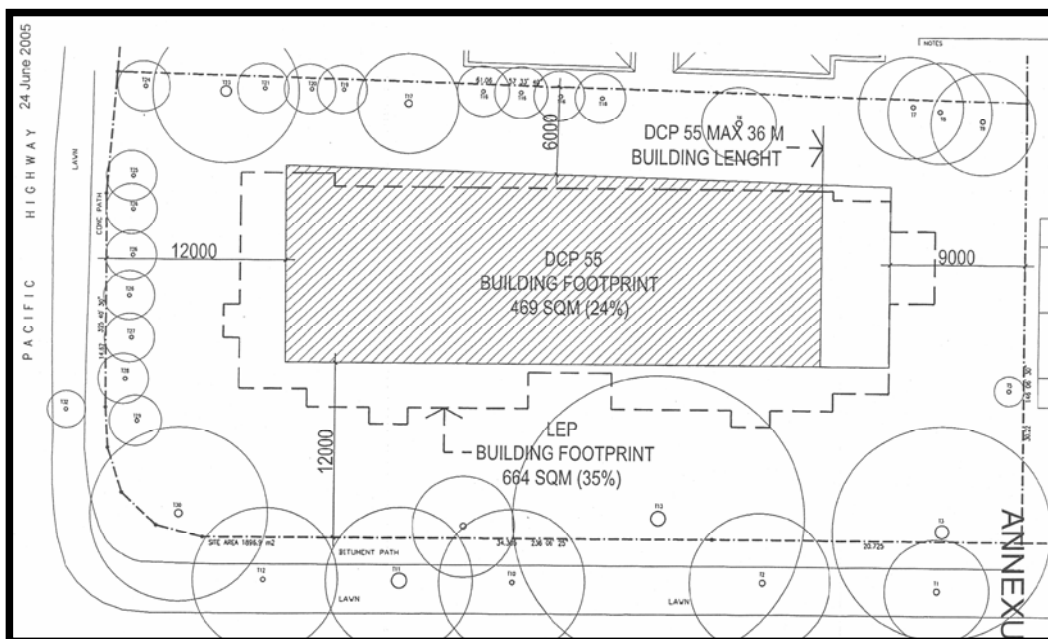
Part 4.3 Setbacks:

The proposal also fails to maintain a front setback zone to Killara Avenue and Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. The basement setback to No. 497 Pacific Highway varies between 4.3 metres and 5.4 metres. The façade along this elevation is compliant with a 6 metres setback.

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The Court determined that compliance with the setback requirements contained in DCP 55 would lead to an inconsistency with the provisions of cl25I(6) of the KPSO in that the maximum building footprint area of 35% of the site would not be achievable on the site if the setbacks in the Development Control Plan were complied with. The Court also determined that there are no adverse impacts of these non-compliances and, therefore, does not consider the non-compliance with the setback requirements reason enough for modification or refusal of the application.

Figure No. 1 illustrates that it would be impossible to achieve the 35% building footprint area if the DCP 55 setback controls were to be strictly applied. It is important to note that, where requirements in the DCP are inconsistent with standards in the KPSO, the provisions of the KPSO prevail. It is therefore clear that non-compliance with the setbacks is not a valid reason for refusal if the 35% building footprint standard cannot be achieved. Also, given that all the amendments suggested by the Land and Environment Court are incorporated into the design, it would not be sustainable to refuse the application on these grounds alone.

FIGURE 1**Part 4.4 Built form and articulation:**

This is addressed by greater articulation of the façade, changes in the materials, colours and finishes and by changes to the roof design. Council's Urban Design Consultant, Russell Olsson, considers the presentation to Killara Avenue acceptable.

Given that all the amendments suggested in this regard by the Land and Environment Court have been incorporated into the design, it would not be prudent to refuse the application on these grounds alone. Accordingly, the amended plans have now satisfactorily addressed this issue.

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Part 4.5.2 Visual privacy

To ensure the privacy to the rear garden of No. 2 Killara Avenue is maintained, a condition is recommended that requires 1.8 metres high privacy screens to be erected along the balconies on the north-eastern elevation of Units No's 14, 16 and 18 in the development (refer **Condition No. 98**).

The separation concern to No. 497 Pacific Highway will be resolved when that property is redeveloped in accordance with the consent to DA 651/05 which was issued by Council on 8 November 2005. That development proposes setbacks to the subject site of 6 metres, resulting in an adequate level of separation, in accordance with DCP 55.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

If approved, the development would attract a section 94 contribution of \$249,493.82 pursuant to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004. This is required to be paid by Condition No 83.

Likely Impacts

All likely impacts have been assessed in this report.

Suitability of the Site

The site is suitable for the proposed development.

Any Submissions

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

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Public Interest

The proposal is considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

There are no other matters for assessment.

CONCLUSION

Having regard to the provisions of Section 82A and 79C of the Environmental Planning and Assessment Act 1979, the proposed development, as amended, is now considered to be satisfactory. Therefore, it is recommended that the application be approved.

RECOMMENDATION

Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, having considered the application for review of its' determination, resolve to approve Development Application No 1334/04 for the demolition of existing structures on site and construction of 18 apartments within one building, associated access, basement parking and landscaping on land at 2a and 2b Killara Avenue, Killara, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

Architectural Plans

Dwg. No.	Revision	Description	Author	Dated	Lodged
A-100	03	Site Plan	Vanovac Architects	15 July 2005	12 September 2005
A-201	07	Ground Floor Plan	Vanovac Architects	21 July 2005	12 September 2005
A-202	07	Level 1 Floor Plan	Vanovac Architects	21 July 2005	12 September 2005
A-203	05	Level 2 Floor Plan	Vanovac Architects	15 July 2005	12 September 2005
A-204	06	Level 3 Floor Plan	Vanovac Architects	15 July 2005	12 September 2005
A-300	06	Elevations	Vanovac Architects	21 July 2005	12 September 2005
A-301	06	Section 101 & E/W Elevations	Vanovac Architects	21 July 2005	12 September 2005
A-200-B1-3	01	Basement Plan	Vanovac Architects	21 October 2005	11 November 2005
A-200-B2-3	01	Basement Plan	Vanovac Architects	21 May 2005	11 November 2005

Landscape Plans

Dwg. No.	Revision	Description	Author	Dated	Lodged
4073-01	D	Landscape Plan	Peter Glass & Associates	15 July 2005	20 September 2005

2. All building works shall comply with the Building Code of Australia.

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3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall

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or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
35. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
36. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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- 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.
38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
39. "Peep holes" shall be provided to the entrance doors of all units for personal security.
40. Compliance with the notations overdrawn on the consent plans.

Engineering

41. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to street drainage system in Killara Ave, via the approved site stormwater management system. New drainage line connections shall conform and comply with the requirements described in Ku-ring-gai Council Water Management Development Control Plan 47.
42. A mandatory rainwater re-use tank system comprising rainwater tanks of minimum total volume **18m³**, must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.
43. A mandatory on-site detention system comprising stormwater detention tanks of (minimum) total volume **42m³** must be provided for the development.
44. 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.
45. A maintenance period of six (6) months shall apply to any works on Council drainage assets within the site carried out by the applicant, **after** works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
46. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

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47. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Certified traffic controllers must be utilised wherever a conflict may occur. 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.**
48. 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.
49. 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".
50. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
51. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
52. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
53. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the

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recommendations of a geotechnical report to be prepared under the conditions of this consent. Over the course of the works a qualified Geotechnical / hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

54. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
55. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
56. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
57. The proposed waste collection vehicle turntable must be installed in accordance with the respective manufacturers' standards and guidelines.
58. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.

Heritage

66. Demolition of buildings at No.2b Killara Avenue, Killara

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

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

The report is to be a bound A4 report and must include copies of drawings submitted with the application including available site surveys and specialist reports such as heritage

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assessments, dilapidation report, and builders or engineers reports submitted with the application. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

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

- Each elevation of the house and garage and each interior room of the house and garage.
- Photographs of specific details nominated by Council.
- All structures on site such as sheds, outhouses and significant landscape features.
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page.
- Statement of reasons the recording was made.
- Location Plan showing relationship of site to nearby area.
- Site plan to scale (1:200 – 1:500) showing all structures and site elements.
- Floor Plan (sketch) of house and garage.
- Black & White archival quality photography, contact prints and selected prints (one copy with negatives other copies with contact sheets and selected prints).
- Colour slides (one set).

Digital images and CDs may be submitted as supplementary information.

Landscaping

68. 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.

69. Landscape works shall be carried out in accordance with Landscape Drawing No 4073-01 Rev D prepared by Peter Glass and Associates and dated 15/07/05 submitted with the Development Application, except as amended by the following:

- Tree #30 Cinnamomum camphora (Camphor laurel) is to be removed and replaced with an advanced Eucalyptus saligna (Bluegum) with a minimum pot size of 45 Litre.
- Tree #3 Liquidambar styraciflua (Sweet Gum) is to be removed and replaced with an advanced Eucalyptus saligna (Bluegum) with a minimum pot size of 45 litre.
- Tree #'s 31 Nerium oleander (Oleander), #5 Robinia pseudoacacia 'Frisia' (Golden Robinia), #23 Jacaranda mimosifolia (Jacaranda), #21 Acer negundo (Box Elder) and #25 Cotoneaster sp. are to be removed as per the consulting arborists recommendations.

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- The proposed planting of three Eucalyptus pilularis (Blackbutt) adjacent to the northwest site boundary are to be located so that they have a minimum separation from each other of 10.0m to allow adequate area for the canopy and root system to grow and mature.
- Tree #2 Schinus ariera (Peppercorn) located on Council's Killara Ave nature strip is to be removed as per the Arborists recommendations and replaced with another Peppercorn with a minimum pot size of 25 Litre.
- To ensure the ongoing health and vigour of existing trees and proposed planting, existing levels and grades are to be maintained outside of the building footprint on the northern side.

70. REMOVAL of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#2 Schinus areira (Peppercorn)
Killara Ave nature strip

71. 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.
72. 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

#13 Eucalyptus saligna x botryoides
Adjacent to south east/Killara Ave site frontage

Radius From Trunk

7.0m

#26-29 various species

Adjacent to south west/Pacific Hwy frontage

3.0m

73. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
74. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location

#13 Eucalyptus saligna x botryoides
Adjacent to south east/Killara Ave site frontage

Radius From Trunk

5.0m

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#26-29 various species 2.0m
Adjacent to south west/Pacific Hwy frontage

75. 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.
76. Following removal of the #2 *Schinus areira* (Peppercorn) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
77. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Cinnamomum camphora (Camphor laurel)
Cotoneaster sp. (Cotoneaster)
Ligustrum lucidum (Large-leaved Privet)

78. 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.

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

79. 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.

80. 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).

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81. 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.
82. 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.
83. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF SIXTEEN (16) ADDITIONAL DWELLINGS IS CURRENTLY **\$249,493.82**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works	\$6,384.75
3. Sportsgrounds Works	\$1,318.32

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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

Engineering

84. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned and delineated layout plan for all aspects of the vehicle access and accommodation arrangements. A qualified civil/traffic engineer must provide specific written certification with these parking layout plans that:
- All parking space dimensions, driveway and aisle widths, grades, transitions, circulation ramps, blind aisle situations and trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”.
 - A clear height clearance of 2.5 metres headroom is provided for waste collection trucks over the designated basement garbage collection truck manoeuvring areas.
 - No security doors, gates, grilles or the like are provided in the access driveways to the basement car park which would prevent full and unrestricted access for internal garbage collection from the basement garbage storage area.

This condition is required to ensure safe and efficient vehicular access and accommodation arrangements for future residents and service providers within the site.

85. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. These profiles are to be at 1:100 scale along the middle of the driveway of the proposed driveway, starting from **the centreline of the frontage street carriageway** to the proposed upper basement floor level. The traffic engineer shall provide specific written certification on the plans that:

Vehicular access can be obtained using grades of 20% (1 in 5) maximum and All changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles. The longitudinal sections **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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86. The applicant shall forward, for the approval of Council's Manager Waste Services, full details of the proposed turntable to be used by the small waste collection vehicle inside the site. The turntable is to be designed to the capacity of the waste collection vehicle and shall be simple to operate. The written approval of Council's Manager Waste Services is to be obtained and forwarded to the Principal Certifying Authority prior to issue of the Construction Certificate.
87. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will comprise 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.
88. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
89. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
90. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. 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 shall be met in full prior to issue of the Occupation Certificate.
91. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

For the subject development a new gutter bridge will be specified, to be installed by Council upon payment of the estimated cost of the works.

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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.

92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Ku-ring-gai Council Water Management DCP 47.
93. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required **rainwater storage and reuse tanks and systems** (minimum volume to be 18m³). Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications), holding wells and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 (minimum uses toilet flushing, laundry in each unit).
 - 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

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Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plans by Rosycivil Pty Ltd, plans H1, H2, H3, H4, H5 dated 04/04/05 submitted with the development application, to be revised and advanced as necessary for construction issue purposes.

Special

94. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.
95. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
96. Two (2) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
97. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
98. To maintain the privacy and general amenity of No.2 Killara Avenue, privacy screens 1.8 metres high shall be erected along the north-east elevation of the balconies/terraces to Units Nos 14, 16 and 18. The privacy screens shall span the length of the balconies/terraces (approximately 2 to 3 metres) as notated in red on approved plan no's A-202, A-203 and A-204.
99. 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.

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- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Retaining walls and associated drainage.
- c. Wet area waterproofing details complying with the Building Code of Australia.
- d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
- e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

Landscape

100. 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 this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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

101. A CASH BOND/BANK GUARANTEE of \$5 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to retain the whole or part therefore of the bond to cover restorative works. Any remaining bond may then be returned to the applicant.

Tree/Location

#13 Eucalyptus saligna x botryoides
Adjacent to south east/Killara Ave site frontage

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102. To ensure the ongoing health and vigour of existing trees to be retained, any proposed energy substation to be located on site is to be located outside the canopy drip line of ANY tree to be retained located on site or adjoining properties. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

Landscaping

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

Tree/Location	Radius From Trunk
#13 Eucalyptus saligna x botryoides Adjacent to south east/Killara Ave site frontage	5.0m

105. 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.
106. 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:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
107. 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.

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108. 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.
109. 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 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.
110. 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.
111. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

Engineering

112. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:
 - Full road pavement width, including kerb and gutter, of Killara Ave over the site frontage, including twenty metres either side of the site frontage.
 - All driveway crossings and laybacks opposite the subject site.
 - Pacific Highway southbound lane and nature strip for the full site frontage.

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

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113. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan* 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
- 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.

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- 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.

114. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
115. Prior to the commencement of **any** excavation works the applicant must submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
 - The type and extent of substrata formations by the provision of a minimum of three (3) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
 - The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
 - The existing groundwater levels in relation to the basement structure, where influenced.
 - The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate

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construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.

- Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

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

116. Prior to issue of any Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring buildings within the ‘zone of influence’ of the excavation. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, subsoil conditions and recommendations contained in the Geotechnical report prepared for construction. The report shall have regard to protecting the

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Applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

117. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

Engineering

118. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified by the required geotechnical report and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
119. 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 double width concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Construction of a fully new asphaltic concrete footpath over the full site frontage in Killara Ave. Crossfall to be 3% towards street.
 - Removal of **all** redundant driveway crossings, gutter bridge crossings, piped gutter crossings 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).
 - Trimming of Killara Ave road shoulder to accommodate adjusted levels resulting from the removal of redundant elevated gutter bridge crossings.
 - 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. A **written** acknowledgment from Council with respect to this condition being satisfied must be obtained by the Principal Certifying Authority prior to issue of the Occupation Certificate.

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120. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
121. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention (18m³) and on-site detention storage volume (42m³) requirements have been achieved in full.
 - That retained water is connected and available for uses including all toilet flushing and laundry uses.
 - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - That all grates potentially accessible by children are secured.
 - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
122. 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.

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- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
 - The 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.
123. Prior to issue of an Occupation Certificate the following must be provided to Ku-ring-gai Council (attention Development Engineers):
- A copy of the approved Construction Certificate stormwater drainage plans which show the retention and on-site detention systems.
 - A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
 - All Engineer's certifications specified in this consent.
 - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.
124. 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 a 2.5m height clearance for waste collection trucks (refer Ku-ring-gai Council DCP 40) are met from the public street into and within the applicable areas of the basement car park.

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125. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively, a final compliance letter from the respective supply authorities may be supplied for approval by the Principal Certifying Authority.
126. Upon completion of the waste collection vehicle turntable installation, a suitably qualified traffic or structural engineer must certify that the device is structurally sound and has been installed in accordance with the manufacturer's guidelines. The certification must also confirm that the device is operating satisfactorily. The certificates are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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129. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
130. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
131. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of all structures originally assessed including Council's infrastructure and neighbouring dwellings, unless such dwellings have been demolished under a separate consent.

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

Landscaping

132. The landscape works shall be completed prior to issue of the Occupation Certificate and maintained in a satisfactory condition at all times.
133. 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, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

130. 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.
131. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

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132. 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.

133. 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.

134. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
 - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
 - A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

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C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Original Council Report, 14 June 2005 - 507310**
 Location sketch - 553718
 Zoning extract - 553719
 Survey plan - 553721
 Site plan - 553722
 Basements – 553724 and 553729
 Elevation plans - 553723
 Shadow diagrams - 553727
 Landscape plans - 553725
 3D Elevation drawings - 553728

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2A & 2B KILLARA AVENUE, 493 PACIFIC HIGHWAY, KILLARA - DEMOLITION OF EXISTING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING EIGHTEEN (18) UNITS, TWENTY-SEVEN (27) BASEMENT CAR SPACES AND ASSOCIATED LANDSCAPING
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1334/04
SUBJECT LAND:	2A & 2B Killara Avenue, 493 Pacific Highway, Killara
APPLICANT:	Red Sea Investments Pty Ltd
OWNER:	EJ & ME Anderson, P & C Blanden
DESIGNER:	Vanovac Associates Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (LEP 194)
COUNCIL'S POLICIES APPLICABLE:	KPSO (LEP 194), DCP 40, DCP 43, DCP 47, DCP 55.
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	14 December 2004
40 DAY PERIOD EXPIRED:	23 January 2005
PROPOSAL:	Demolition of existing houses and construction of a residential flat building comprising eighteen (18) units, twenty-seven (27) basement car spaces and associated landscaping
RECOMMENDATION:	Refusal

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**DEVELOPMENT APPLICATION N^o
PREMISES:**

1334/04
2A & 2B KILLARA AVENUE, 493 PACIFIC
HIGHWAY, KILLARA
DEMOLITION OF EXISTING HOUSES AND
CONSTRUCTION OF A RESIDENTIAL FLAT
BUILDING COMPRISING EIGHTEEN (18)
UNITS, TWENTY-SEVEN (27) BASEMENT
CAR SPACES AND ASSOCIATED
LANDSCAPING

**APPLICANT:
OWNER:
DESIGNER**

RED SEA INVESTMENTS PTY LTD
EJ & ME ANDERSON, P & C BLANDEN
VANOVAC ASSOCIATES PTY LTD

PURPOSE FOR REPORT

To determine development application DA 1344/04 which seeks consent for the demolition of existing dwellings on site and construction of a single residential flat building comprising eighteen (18) units, basement car parking and landscaping.

EXECUTIVE SUMMARY

Issues:

Front setbacks and insufficient on-site car parking spaces.

Submissions:

Six submissions received (Original proposal)
Four submissions received (Amended proposal)

Pre-DA Consultation:

No

Land & Environment Court Appeal:

Proceedings No 10387 of 2005.

A deemed refusal appeal was filed on 26 April 2005.
(83 days after DA lodged, excluding the time under
Stop the Clock).

The Statement of Basic Facts and Statement of
Issues were finalised on 24 May 2005.

The first call over was held on 31 May 2005 where
the matter was listed for an on-site hearing on 5 July
2005.

Recommendation:

Refusal

HISTORY

Site History

There is no history of the site relevant to the consideration of the proposal for a residential flat building under LEP 194.

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Development application history:

14 December 2004	Application lodged.
22 December 2004	Request from Council to furnish a detailed landscape plan, demonstrating proposed planting and specifications for all landscape elements, parking and traffic report.
17 January 2005	Parking and traffic impact report submitted.
8 February 2005	Detailed landscape plans and heritage report submitted.
7 April 2005	Amended plans and SEPP 1 variation to parking standard submitted.
26 April 2005	A class 1 appeal is lodged with the Land and Environment Court against the deemed refusal of Development Application No 1344/04.
13 May 2005	Re-notification of amended plans
25 May 2005	Issues filed by Council in response to the deemed refusal appeal as follows:

1. *Inadequate information*

The documentation and plans submitted to Council are considered inadequate and fails to provide information in order for Council to properly determine the application.

- The application has failed to consider DCP 55 (Ku-ring-gai Multi-unit Housing Development Control Plan No.55 – Railway/Pacific Highway Corridor and St Ives Centre). An assessment in terms of DCP 48 has been provided. This control plan only applies to development in Residential 2(d), 2(e) and 2(h) zones and is therefore not applicable to the site.*
- No geotechnical report has been submitted with the development application.*
- No access report has been submitted with the development application certifying compliance with Clause 4.7 of DCP 55.*

2. *Streetscape impact*

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that the proposal will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

- The building width to Killara Avenue measures approximately 47 metres and exceeds the 36 metres maximum required by Clause 4.4 C-3 of DCP 55.*
- The proposal fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.3 metres.*

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- *The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.8 metres.*
- *The proposal fails to maintain a side/rear setback zone to No. 497 Pacific Highway 6 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 4.3 metres.*

3. *Parking and vehicular access*

The proposal is inconsistent with Clause 25J of the Ku-ring-gai Planning Scheme Ordinance (Part IIIA) in that the proposal will not provide adequate car parking for the buildings users and visitors.

- *The application proposes 27 car spaces and fails to satisfy the standard contained in Clause 25J (2) of LEP 194 that requires 35 spaces to be provided.*
- *The proposal does not provide unobstructed visitor car parking spaces as required by Clause 5.1 C-3 of DCP 55.*
- *The proposal does not provide for a convenient rubbish collection area as required by Clause 4.8.5 C-3 of DCP 55 and DCP 40.*

4. *Impact on trees*

The proposed development will result in adverse impacts upon existing trees on the site and therefore is inconsistent with the objectives set out in Clause 25D (2)(b) of the KPSO (Part IIIA).

- *The basement excavation will have a detrimental impact on a highly significant and prominent Sydney Blue Gum within the landscape and streetscape setting.*

THE SITE

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Area:	1896 m ²
Cross Fall:	Yes, 7%
Stormwater Drainage:	To Killara Avenue
Heritage Affected:	No
Required Setback:	10-12 metres to Killara Avenue and Pacific Highway
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

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SITE DESCRIPTION

Visual Character Study Category:	1920-1945	
Legal Description:	2A Killara Avenue	Lot 2, DP 125632
	2B Killara Avenue	Lot 1, DP 125632 DP 929955
Heritage Affected:	No – 3 Killara Avenue is situated opposite the site	
Bush Fire Prone Land:	No	
Endangered Species:	No	
Urban Bushland:	No	
Contaminated Land:	No	

Dimensions and topography

The site is rectangular in shape and has a total area of 1896m². Frontages to the Pacific Highway and Killara Avenue measure 31 metres and 61 metres; respectively. The eastern boundary is 30 metres and the northern boundary is approximately 61 metres in length.

The site is elevated and is generally located more than 1.5 metres above the kerb level to Killara Avenue and more than 1 metre above the kerb level to Pacific Highway. The site slopes from the north to south at a grade of 7%. The existing topography was altered to accommodate the existing structures which include an in-ground pool.

Improvements

The site comprises three lots, containing two double storey dwellings with associated structures.

Vegetation

The site is characterised by an established landscape setting, with mature trees and shrubs within formal garden beds and grassed areas. The site frontage along the Pacific Hwy is characterised by an established informal screen planting, while the Killara Ave frontage is dominated by a mature Eucalypt centrally located adjacent to the site boundary.

Zoning and surrounding use zones

No's 497 to 507 Pacific Highway situated to the north of the site are zoned Residential 2(d3). No's 2 and 4 Killara Avenue situated to the east are zoned Residential 2(c2), which does not provide for apartment buildings, but which does allow for apartment conversions and dual occupancies.

THE PROPOSAL

The application proposes the following:

- The demolition of the existing dwellings and associated structures on site;

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- The construction of a 4 storey residential flat building of 18 units, comprising 6 x 2 bedroom apartments and 12 x 3-bedroom apartments.
- A total of 27 parking spaces, consisting of 24 resident spaces and 3 visitor spaces in a single basement level.
- Vehicular access to the site is via a driveway in Killara Avenue, along the southern boundary.
- Disposal of stormwater to Killara Avenue.

The setback to the Pacific Highway and Killara Avenue is at a minimum at 7.8 metres, but is generally in excess of 9 metres. The eastern (side) setback varies between 6 and 9 metres. To the rear, a setback of 4.3 metres is provided.

The building is rectangular in shape and comprises 4 storeys with a maximum third floor ceiling height of 9.5 metres. The basement car parking is provided on a single level and is mainly situated below natural ground level.

All units are accessible by two lift cores that are serviced by two pedestrian access ramps from the Killara Avenue footpath. Vehicular access is proposed from Killara Avenue, approximately 36 metres from its intersection with Pacific Highway.

The garbage storage and recycling area as well as 27 parking spaces, consisting of 24 resident spaces and 3 visitor spaces are provided in a single basement level.

The communal open space is provided to the rear and side of the building.

CONSULTATION - COMMUNITY

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

Original scheme dated 14 December 2004

1. *Staldone Developments, 497, 499 & 507 Pacific Highway*
2. *K & N Kwan, 3 Killara Avenue*
3. *A Macpherson, 4 Killara Avenue*
4. *SD James, 6 Killara Avenue*
5. *PE Old, 14 Killara Avenue*
6. *TW Harrison, 24 Killara Avenue*

Amended plans dated 6 April 2005

The amended plans were notified in accordance with Council's Notifications Policy on 13 May 2005. In response, submissions from the following were received:

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1. KB & M Wing, 2 Killara Avenue
2. JA & AC Macpherson, 4 Killara Avenue
3. James, 6 Killara Avenue
4. TW Harrison, 24 Killara Avenue

The issues raised in the submissions are:

Increase in traffic

Council's Development Engineer has assessed the Traffic Report submitted and found it to be generally acceptable except for the deficient car parking provision (resident and visitor) and garbage collection configuration. All other traffic impacts are considered to be acceptable. Those issues of concern raised by Council's Development Engineer have been reviewed and are concurred with by the Assessment staff. These issues form **Reason for Refusal No. 3**.

Safety issues during construction

Should Council grant consent, its Development Engineer would require a construction and traffic management plan to be submitted prior to the commencement of any works.

Loss of property values surrounding the site

This is not a relevant matter for consideration under the Environmental Planning and Assessment Act 1979.

Loss of privacy and overshadowing

The development breaches the separation controls contained in DCP55 in respect of No.497 Pacific Highway and No.2 Killara Avenue. Windows, balconies and the roof terraces to these boundaries do not minimize direct overlooking and will detrimentally affect their primary outdoor living areas.

The overshadowing concern is not valid due to the site's orientation. The attached shadow diagrams confirm that loss of solar access will not be unreasonable.

Construction and the ongoing noise post construction

Matters relating to construction noise can be addressed through a condition of consent that would ensure that construction takes place during reasonable standard hours.

Noise resulting from the use of the development for residential living is inevitable and, to a large extent, uncontrollable. The proposal provides adequate setbacks which would reasonably limit acoustic impacts. Mechanical ventilation noise can be further controlled via conditions of consent.

The proposal is an over-development of the site

The proposal is compliant with Council's controls in respect of height, number of storeys, building footprint. However, the fact that the development fails to satisfy the FSR control and in turn fails to

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provide adequate on-site parking to meet the number of units generated by the FSR, indicates that the proposal is an overdevelopment of the site.

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

The site

It is proposed to demolish the existing two dwellings and associated structures and construct a four storey residential flat building with basement parking on the amalgamated corner site of 1896sqm with vehicular access from Killara Ave. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and grassed areas. The site frontage along the Pacific Hwy is characterised by an established informal screen planting, while the Killara Ave frontage is dominated by a mature Eucalypt centrally located adjacent to the site boundary.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development, as stated in the Statement of Environmental Effects, will result in the retention of all existing trees with the exception of one. Tree #15 Flindersia australis (Australian Teak) is located centrally adjacent to the Killara Ave/South east site boundary immediately adjacent to the proposed building footprint. No objection is raised to the tree's removal. However, it should be noted that the submitted Arborists Report identifies the removal of nine identified trees, including two of Council's street trees. One tree, Schinus areira (Peppercorn) in Killara Avenue is recommended for removal due to a basal cavity with advanced and extensive decay. The tree is outside of the proposed development works and should be retained.

Landscape Services recommends the removal of two additional trees as they are exempt under Council's Tree Preservation Order and identified as Urban Environmental Weeds, being tree #'s 3 & 30, this will allow additional area for the planting of large native endemic tree species. These have been shown for retention on the landscape plan.

The revised landscape plan by Peter Glass and Associates has addressed previous concerns with regard to the planting of endemic tree species. Although Landscape Services is not in agreement with the location of the three Eucalyptus pilularis (Blackbutt) with 4.0m spacing. This tree species has the ability to grow 30m+ in height and requires appropriate setbacks. It is required that the tall 'canopy' trees be spread over the site appropriately so that their canopies can develop and grow to maturity without undue hindrance. For example, with the removal of tree #30 Camphor laurel, a large endemic tree species can be grown in the same area which has an 8.0m setback from the proposed building allowing for a large canopy tree to grow. This can be conditioned.

Arborist's report

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An arborists report has been submitted with the application. A total of 32 trees have been identified as being located on or associated with the site, of which the proposal requires the removal of nine. Within the written part of the report, the following trees are nominated for removal 4, 5, 6, 14, 15, 18, 21, 22, and 31, yet the schedule of surveyed trees nominates only 5, 14-23, 25, 26, 30 and 31 for removal. This is confusing and needs to be clarified. Most of the trees nominated for removal are exempt under Council's Tree Preservation Order (TPO).

It is noted that the Arborist has recommended that further root investigation be undertaken adjacent to tree #13 to determine the size, number and location of woody roots which may require severing for the construction of the proposed basement car parking. As the tree is highly significant and prominent within the landscape and streetscape setting it is required that this root investigative work be undertaken prior to consent being given, as the presence of significant roots may result in a redesign of the proposal or the potential removal of the tree. This can be conditioned as a 'Deferred Commencement' condition to ensure that there are no detrimental impacts to the tree.

Landscape plan

A revised Landscape plan has been submitted. Previous tree replenishment concerns and the retention of existing screen planting have been addressed. Some minor changes to the landscape plan will be required e.g. removal of tree #30, but these can be conditioned. It is noted that the landscape plan has not taken into consideration the Arborists recommendations for tree removal and replenished appropriately. It will be conditioned for selected trees as per the Arborists recommendations to be removed and appropriate plantings to be undertaken for replenishment.

The revised landscape plan shows some proposed levels within the soft landscaped areas. The applicant has stated that there are no substantial level changes within the rear/northern setback. To ensure the ongoing health and vigour of existing trees to be retained it is required that the existing levels and grades be maintained. This can be conditioned. The stripping of the site of top soil is unacceptable and cannot be supported. (Refer Reason for Refusal No.4)

Fencing

Previous concerns regarding the lack of detail and locations with regard to fencing have been addressed. The location of fencing as proposed can be supported by Landscape Services as it has been designed to be recessive within the landscape setting while still providing security to the future residents. To ensure that the proposed fencing does not dominate the landscape setting, it is required that the proposed palisade fencing be no higher than 1.2m.

Drainage plan

Revised stormwater/drainage plans have addressed previous concerns with regard to the location of pipes and pits in close proximity to existing trees being retained. Landscape services can support the revised drainage plans.

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Deep soil landscaping

The revised plans, by the applicant's calculations, will result in a deep soil landscaping area of 55.7% of the site area, which exceeds the minimum numerical standard as defined by the LEP.

Rear setbacks

The revised rear setback proposed for the basement car park can be supported by Landscape services as the intent of both the LEP and DCP have been addressed. It is noted that the revised setback does not fully comply with Council's DCP, but the proposed setback will allow for adequate deep soil landscaping to provide appropriate screen planting and tree replenishment in this area.

Killara Ave setback

The revised setback proposed from Killara Avenue is approximately 9.0m, which does not strictly comply with Council's DCP55. However the revised setback does allow adequate deep soil landscaping area for tree replenishment and screen planting, to satisfy the guidelines and intent of both the LEP and DCP.

Energy Australia

It is likely that Energy Australia will require a substation for the development site and that it will be required to be located adjacent to the site frontage. If this is the case, it is required that the substation be located outside of the canopy drip line of ANY tree to be retained located on site or on adjoining properties. Preference would be for the substation to be located adjacent to the Killara Ave frontage rather than the Pacific Hwy. The substation will also be required to be excluded from the deep soil landscaping calculations. This matter can be addressed through a condition of consent.

Subject to conditions the proposal can be supported by Landscape Services.

Development Engineer

Council's Development Engineer commented as follows:

In relation to the shortfall on parking, I cannot support the State Environmental Planning Policy 1 Objection. The reasons for this are:

- 1. The shortfall between the number of on-site parking spaces provided (27 spaces) to that required under the LEP (35 spaces) is considered excessive. The shortfall is nearly 25 % less than what is required.*

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2. *The site is located approximately 750 metres from the nearest public train station (Killara). The threshold for parking provision reduction in the LEP 194 is a maximum of 400 metres from the nearest rail station. There is no evidence presented in the SEPP 1 objection (study, site surveys or otherwise) to suggest that the proposed parking shortfall **in this location** (given the topography of the route, continuity of footpath, expected occupants) can be justified for the greater walking distance from the station. The evidence presented to justify the non-compliance in this respect is anecdotal.*
3. *The reasoning that 3 bedroom units will be more likely treated as 2 bedroom units plus study or guest bedroom because of their smaller size is once again anecdotal. There is no justified correlation presented between the size of a three bedroom apartment and the expected number of vehicles the occupants will have.*
4. *In relation to the use of the 1993 RTA Guide to Traffic Generating Developments to justify non-compliance, the on-site parking requirements of LEP 194 reflect what is considered to be a more accurate and specific analysis of sustainable off-street parking provision for this **local** area within Ku-ring-gai. The parking provision rates set out in the 2004 gazetted LEP 194 presumably respond directly to the cumulative on-street parking impacts of such development, the expected future demographic buying into the affected area ('empty nesters') and the future amenity of stakeholders affected by the LEP (residents, investors, occupants). The use of the (dated) 1993 RTA Guide to Traffic Generating Developments (having a generic parking provision application across NSW in the absence of other specific Local Plans), or the Ku-ring-gai Council DCP 43 'Car Parking' (having a generic application across Ku-ring Gai Municipality in the absence of other specific Local Plans) does justify non-compliance with the LEP in light of points (1) and (2) above. Notwithstanding this, the proposal fails to meet the (lesser) parking provision requirements of the RTA Guide and the DCP 43.*

Heritage Advisor

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

The site was rezoned under LEP 194. The house opposite at No 3 Killara is a local heritage item and a good example of a large two storey late Federation period design, reputed to the architect James Peddle. The house at No 1 Killara is a very good example of an early Californian Bungalow with pebbles forming the piers for the veranda. I believe it would meet aesthetic significance criteria as a potential local heritage item.

Council recently reviewed UCA No 10 and the house at No 2B is graded as contributory to the UCA. The UCA report is still a draft and has not been exhibited, however after inspecting the site I do not dispute the grading.

The heritage report prepared for the site by the applicant claims the existing house is c1960 and replaces a 1906 house "Snaefell". It claims No 2A is c1990.

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The building at 2A Killara Avenue is in fact a dual occupancy approved in 1992. The site was formerly part of 2B. It is likely there was a tennis court on the site of No 2A which was removed for the second dwelling. The land is fairly small 690m and well under the required of 927m. The existing house at 2A is of no heritage value and if demolition is approved there should be no requirement for recording.

Although I have not inspected the interior of the house at 2B in my opinion it would have been built much earlier, possibly 1930s or 1940s. It is possible that some of the 1906 house could have been incorporated in the existing house if careful examination of the fabric was undertaken. The existing house was altered with the addition of attic rooms c1980. It appears to be a well built house with some design merit and should be considered contributory to the UCA. I recommend that some further research should be undertaken to determine the history of this house. It is unfortunate that in preparing the Residential Development Strategy more heritage information was not available. If Council allows demolition of 2B, then a minimum requirement should be archival recording to the NSW Heritage Office guidelines.

The house directly opposite at No 3 Killara Avenue is a good example of a large Federation period house. It is located relatively close to the street alignment and has a tennis court at the rear. There would be some visual impacts from the proposed development on the house and the setting would be compromised by having a medium density development directly opposite. The subject site is elevated from the street level and would thus be more prominent. The heritage item is set on the lower side of the street. Thus the development would appear to be higher. Of some benefit is the fact that the development is only 4 storeys and is separated by a street.

The Pacific Highway elevation would be less visually affected as there are existing developments at the same height as this development and several other proposed medium density developments in the immediate area. There is no view of the existing house from the highway due to the fence and hedging providing a visual screen.

Design

The style of the proposed building is clearly contemporary and will read as a new element in the streetscape. There is reasonable articulation in the Pacific Highway and Killara Avenue facades and a mix of finishes. I have not been provided with a colour scheme, and I would prefer darker earthy tones rather than lighter colours to provide a recessive character. There would be a reasonable level of screening provided by the existing street trees and retained trees on site. I have no concerns with the fencing, which is appropriate for an exposed corner location.

The heritage impacts are reasonably acceptable, however the context of the street and the setting of the heritage item will be affected by the proposed development. The street trees and retained trees on the site will provide some screening to reduce the visual impacts.

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I recommend that more investigation be undertaken on the house at 2B Killara Avenue as I believe it is much earlier than c1960 as suggested in the heritage report. There would be some impact on the heritage item at No 3 Killara Avenue although separation by the street is considered acceptable.

Council should consider investigating the house at No 1 Killara Avenue for potential heritage listing as it is a good example of an early Californian Bungalow. It appears to have been missed in earlier reviews. It may be a James Peddle design.

If Council approves demolition, then archival recording of No 2B should be undertaken to the Heritage Office guideline. There should be no requirement to record the dual occupancy at No 2A Killara Avenue.

In my opinion the proposed medium density is a reasonably good design with good internal planning, solar access and cross ventilation to the dwellings. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

Having considered the comments provided by Council's Heritage Officer and the current zoning of the land, further investigation of No.2B Killara Avenue is not warranted and refusal of the application on heritage grounds cannot be supported.

Urban Design Consultant

Council's Urban Design consultant, Russell Olssen, commented on the original submission as follows:

Context :

The existing context for this site is comprised of buildings on both sides of Pacific Highway and Killara Avenue. The existing buildings consist of heritage items and detached houses. All of these buildings are located within a landscaped setting. While, in some cases, the landscaped setting obscures parts of buildings, the architectural design of buildings is important in itself, whether it is obscured in part by trees, or not.

There are 3 heritage items in the vicinity, at 3, 26 and 33 Killara Avenue. 3 Killara Avenue, opposite the site, is set back from the street behind a high front fence. On the northern side of the street houses are set back 9m, or further, from the front boundary.

The existing houses in Killara Avenue are predominantly brick construction with masonry or timber front fences.

Scale

Acceptable.

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Built Form

The mature tree planting and tree sizes on this site are less than on the corner sites on the south-eastern, south-western and north-western corners of the intersection of Killara Avenue and Pacific Highway. The existing and proposed landscape will be insufficient to provide an acceptable balance between built form and landscaped setting.

A 3.6 storey residential building will be visually prominent at this corner. The existing setbacks to adjoining houses to the east of the site are greater than the proposed setbacks. As this building is 3.6 storeys (whereas the existing houses are 1 and 2 storeys), and the setbacks are less (6m in Killara Avenue, rather than 9m for the houses), the building will be substantially more visually prominent.

It is recommended to increase the setbacks in Killara Avenue and Pacific Highway to 9m, to better relate to the existing houses in Killara Avenue, and to create a greater setback for tree planting on the corner of Killara Avenue and the Pacific Highway. The rear setback from the northern boundary may be reduced to 6m, as this will not create any additional existing or future privacy problems. The eastern side setback may be reduced to 6m, as this 2 storey house does not have any side windows at first floor level, and the ground floor windows may be screened with the fence. The zone boundary setbacks at the upper floors will have to be implemented.

Otherwise, the proposed built form is well articulated. The car park ramp is well located under the building footprint. The use of 2 storey apartments will enhance the energy efficiency of the development.

Density

The development complies with the LEP 194 density of 35% of the site area as building footprint. However, the balconies are smaller than recommended in DCP 55. To comply with DCP 55 balcony sizes will reduce the internal floor area of the building.

Energy, Resources and Water

Acceptable.

Amenity

The balconies are smaller than recommended in DCP 55. Otherwise, amenity is acceptable.

Landscape

Deeper setbacks from Killara Avenue and the Pacific Highway will provide greater opportunity for tree planting.

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Safety and security

Acceptable

Social

Acceptable

Aesthetics

As described in "Context", the predominant materials and colours in the area are brick heritage items and houses, and mid to dark coloured facades. Existing fences are a range of masonry and timber. The proposed random stone walls will fit well with the existing character. The proposed "Stone White" painted facades will be too visually prominent. It is recommended that this is changed to a mid-tonal range colour which will contrast less with the landscape planting.

Recommendations

It is recommended that the applicant:

- *increase the setbacks in Killara Avenue and Pacific Highway to 9m, to better relate to the existing houses in Killara Avenue, and to create a greater setback for tree planting on the corner of Killara Avenue and the Pacific Highway;*
- *reduce the side and rear setbacks to 6m;*
- *comply with the upper level setbacks at the zone boundary;*
- *increase the balcony sizes to comply with DCP 55 and*
- *change the colour of the "stone white" painted facades to a mid-tonal range colour.*

Mr. Olssen commented on the revised plans as follows:

A previous review was made of this project in January 2005. Design amendments have since been made to the design. This review is of the amended design.

The design amendments have satisfactorily addressed all the recommendations from the first review. In terms of SEPP 65 design quality, it is recommended that this design be approved.

Despite the recommendations of Council's Urban Design Consultant, Assessment staff cannot support a reduction to the 10-12 metre setback to Killara Avenue and Pacific Highway as is recommended by the Urban Design Consultant (ie. 9m in lieu of 10-12m). It is the opinion of the assessment staff that there is no unusual circumstance to the site to allow a variation to 2 setbacks and 2 important streetscapes.

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PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No 55 - Remediation of Land

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

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

The application includes a design verification statement by the project architect Mr T Vanovac of Vanovac Associates Architects. Mr Vanovac has verified that he is a qualified designer and member of the NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP 65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal.

The SEPP 65 assessment is as follows:

Context:

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

The natural environment, forming a major part of the context for this development, consists of extensive areas of high canopy trees, including Sydney Blue Gums, which create a strong sense of the natural environment as a setting for the development.

The combination of the 3.6 storey building height and elevated position, the shallow setback and the long facade will make this development prominent in the Killara Avenue and Pacific Highway streetscapes. All other existing buildings in the area are either detached houses in a landscape setting or medium density developments set well back from the road behind substantial landscaping.

Scale:

'SEPP 65: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development.'

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

The building height complies with LEP 194 and is acceptable. However, the close proximity of the Killara Avenue and Pacific Highway façades to these streets and the considerable 47m length of the building will accentuate its prominence in the street. The proposed building will be out of scale with the existing detached dwellings and intended built form envisaged by DCP 55. While any 3.6 storey building of this density would be out of scale with its smaller, adjoining neighbours, the extent of this development being unsympathetic, is emphasised by the sites elevated nature, close proximity to the front boundary and long, relatively unarticulated façade to Killara Avenue (**Refer Reason for Refusal No 2**).

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 this development is acceptable in terms of its height. However, the elevated position of the site and inadequate setbacks to Killara Avenue and Pacific Highway along with the 47 metres length of the building will create an overbearing built form in comparison with other buildings in the area (**Refer Reason for Refusal No.2**).

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 proposal exceeds the FSR control by 10%. As an independent control in a development where compliance is generally achieved, FSR is not the sole determinant of built form or density. However, the fact that the proposal also does not comply with setback controls and the parking standard indicates that the proposal is an overdevelopment of the site.

Resource, energy and water efficiency:

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

The proposal is acceptable in this regard. The environmental design of the proposal complies with SEPP 65 and Residential Flat Design Code guidelines.

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.'

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The proposal is generally acceptable in this regard but, due to the inadequate setback to Killara Avenue caused by the basement excavation proposed will adversely impact upon a Sydney Blue Gum. As the tree is highly significant and prominent within the landscape and streetscape setting, it is required that root investigative work be undertaken prior to finalising the development application assessment. The presence of significant roots may result in a redesign of the proposal or potential removal of the tree.

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 proposal does not provide a high level of amenity to some of the units as the landscape plans indicate that ground floor Units No's 1, 2 and 11 do not have courtyard or terrace areas of at least 25m².

The development does not respond well to the visual privacy expectations of the adjoining property, No. 497 Pacific Highway. Windows have not been offset or screening measures introduced to minimise direct overlooking. The fourth level roof terraces are also not set back from the edge of the building and has no landscaped terraces to reduce privacy impacts.

Minimum floor to ceiling height of 2.7 metres has been proposed, consistent with Council's requirement. Furthermore, the units are all of adequate proportions, satisfying DCP 55 requirements.

Apart from the overlooking concerns and the inadequate courtyard areas to some ground floor units, the proposal satisfies this criterion.

Safety and security:

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

There are no safety or security issues.

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

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neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.'

A reasonable mix of apartments has been provided to allow housing choice, although no one bedroom apartments are proposed.

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 existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the rendered buildings proposed. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1800m ² -2400m ²	1896m ²	YES
Deep landscaping (min): 50%	More than 50%	YES
Street frontage (min): 30m	31m and 61m	YES
Number of storeys (max): 4 (under cl. 25I)	4	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	60%.	YES
Storeys and ceiling height (max): Pursuant to cl 25(K): 6 storeys and max 15.4 metres in height	4 storeys and <9.5metres	YES
Zone Interface • 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	9 metres	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Car parking spaces (min): Residents spaces: One space per dwelling, and one additional space for dwellings of three + bedrooms (total of 30 required)	24 resident spaces provided.	NO
Visitor spaces: 4.5 spaces	3 visitors spaces provided	NO
Manageable housing (min): 10% (5.1 units)	Can be achieved	YES
Lift access: required if greater than three storeys	Provided to all units	YES

Car parking spaces:

The development fails to satisfy the development standards for resident and visitor car parking (refer compliance table).

A SEPP 1 Objection seeking a variation to a development standard of the Ku-ring-gai Planning Scheme Ordinance (KPSO) has been prepared and lodged with the application. SEPP 1 provides flexibility to Council's development standards and it enables Council to vary such a standard where strict compliance with that standard would be unnecessary, unreasonable or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979.

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates that compliance with the particular standard:

- is consistent with the objectives of the relevant development standard;
- strict compliance would hinder obtainment of the objectives of SEPP1 or the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act and
- is unreasonable or unnecessary in the circumstances of the case.

The proposal does not comply with the development standards prescribed in clause 25J(2) of Ku-ring-gai Planning Scheme Ordinance which requires that:

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*

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- (b) *at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.*

The application comprises 6 x 2 bedroom apartments and 12 x 3-bedroom apartments, requiring a total of 35 spaces (30 resident and 5 visitors' cars paces). The application is deficient by 8 parking bays as it proposes 27 spaces (24 resident spaces and 3 visitor spaces).

The underlying objective or purpose of the standard is not clearly specified but a general objective contained in Clause 25D(2) is *to minimise adverse impacts of car parking on landscape character*. In addition Clause 25J(1) states that:

Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:

- (a) *the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,*
- (b) *the desirability of encouraging use of public transport,*
- (c) *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,*
- (d) *that the visual impact of car parking both from the street and from other land (private or public) should be minimised.*

The SEPP 1 Objection has not demonstrated that the above objective or purpose of the standard has been satisfied. The proposal is situated approximately 750 metres from the pedestrian entry to the Killara railway station. It is argued that this is not a comfortable walking distance for a large part of the residents who are bound to be seniors and people with disabilities (An objective contained in Clause 25(D) (n) of the KPSO). The path of travel to the station is also not entirely continuous and is further characterised by steep inclines. It would not be desirable to encourage the use of public transport by limiting the number of parking bays.

The SEPP 1 Objection has not shown that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The departure is not minor and constitutes almost 25% of the actual number of spaces required. Additional parking spaces can easily be provided on site through the provision of a second basement level as has been done in numerous other similar development proposals. In light of the other non-compliances in respect of setbacks and FSR, the development is considered an overdevelopment of the site

The SEPP 1 Objection is not well founded and in this instance the development standard should not be allowed to be varied.

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Residential zone objectives

The development fails to satisfy the objectives for residential zones as prescribed in clause 25D. In particular, the following objectives have not been met:

- (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;*
- (q) *to provide for waste management (including provision for garbage storage and collection) consistent with the objectives of this Part,*

The above objectives have not been met due to:

- The impact on a significant tree in the front setback area. (Refer **Reason for Refusal No.4**)
- The inadequate setbacks to Killara Avenue and Pacific Highway (Refer **Reasons for Refusal Nos 2**)
- The length of the front elevation (at 47 metres) without substantial articulation. (Refer **Reason for Refusal No.2**)
- Inadequate access to garbage collection and visitor parking areas. (**Refer Reason for Refusal No.3**)

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:		
• First and second storeys at least 10 metres from adjacent heritage building;	Exceeds 20 metres from any heritage item	YES
• Third and fourth storeys set at least 15 metres from adjacent heritage building	Exceeds 20 metres from any heritage item	YES
• Setback from the front boundary so that it is no closer than adj heritage building	Not applicable	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 284m ²	325m ² (side and rear setback area to the north and east of the building)	YES
No. of tall trees required		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
(min): 5 trees	More than 5 trees provided	YES
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	35%	YES
Floor space ratio (max): • 1:1 (1896m ²)	1.1:1 (2080m ²)	NO
Part 4.3 Setbacks:		
Street boundary setback (min): • 10-12 metres on Killara Avenue and Pacific Highway (<40% of the zone occupied by building footprint)	Pacific Highway: 7.8 metres Killara Avenue: 7.3 metres	NO NO
Rear boundary setback (min): • 6m	4.3 metres (northern boundary)	NO
Side boundary setback (min): • 6m	6 metres (eastern boundary)	YES
Setback of ground floor terraces/courtyards to street boundary (min): • 8m	9 metres to Killara Avenue	YES
% of total area of front setback occupied by private courtyards (max): • 15%	No courtyards proposed in front setback	YES
Part 4.4 Built form and articulation:		
Façade articulation: • Wall plane depth >600mm	All wall plane depths >600mm	YES
Built form: • Building width < 36m	47 metres as measured from west to east.	NO
• Balcony projection < 1.2m	All balcony projections are less than 1.2 metres	YES
Part 4.5 Residential amenity		
Solar access: • >70% of units receive 3+ hours direct sunlight in	More than 70%	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
winter solstice		
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	More than 70%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	Nil	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4		
<ul style="list-style-type: none"> 12m b/w habitable rooms 	8 metres to No. 497 Pacific Highway (north-east),	NO
<ul style="list-style-type: none"> 9m b/w habitable and non-habitable rooms 	8 metres to No. 497 Pacific Highway (north-east),	NO
<ul style="list-style-type: none"> 6m b/w non-habitable rooms 	>10 metres to No. 2 Killara Avenue (north-west).	YES
Internal amenity:		
<ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	2.7m	YES
<ul style="list-style-type: none"> Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	2.4m	YES
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	At least two bedrooms >3.0m	YES
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units 	Maximum 3 units.	YES
<ul style="list-style-type: none"> - >1.5m wide 	2.4 metres	YES
<ul style="list-style-type: none"> - >1.8m wide at lift lobbies 	2.4 metres	YES
Outdoor living:		
<ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area 	Unit 1 (5m ²), Units 2 & 11 (12m ²)	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony sizes: 1 bedroom unit: 10m² 2 bedroom unit: 12m² 3 bedroom unit: 15m² primary outdoor space has a minimum dimension of 2.4m 	<p>No 1 bedroom apartments proposed All units >12m² All units >15m²</p> <p>All private outdoor areas exceed 2.4m dimension</p>	<p>N/A YES YES</p> <p>YES</p>
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	None provided	NO
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	6 x 2 bedroom apartments 12 x 3 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 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 the remainder achieving at least 3.5 star rating 	<p>88% (16) have two aspects or more allowing for cross-ventilation</p> <p>2 units are single aspect, dual level and are < 8m deep.</p> <p>50% have an external wall.</p> <p>90% achieve 4.5 star rating or above (16) 10% achieve a 4 star rating (2)</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES YES</p>
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 30 resident spaces 5 visitor spaces 	24 spaces 3 marked visitor spaces	<p>NO</p> <p>NO</p>

Part 3 Local context:

One of the most important desired visions of DCP55 is to accommodate additional housing whilst at the same time achieving a landscaped setting. A tall tree canopy should be the dominant impression. This is also strongly reflected throughout LEP194. This vision is to be achieved through the retention of existing significant trees and the planting of additional trees to reach a minimum height of 13 metres within a generous front setback.

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The application has failed to achieve this due to insufficient setbacks and through the encroachment of basement car parking into the front and rear setbacks. (See **Reasons for Refusal No.2**).

Part 4.2 Density

The proposal is an over-development and is not in keeping with the optimum capacity of the site, the future landscape or built character of the area.

The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1. The non-compliance with the FSR control is exacerbated by the non-compliance with car parking and setbacks.

Part 4.3 Setbacks:

The proposal also fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. The 7.8 to 9 metres setback and the 47 metres length of the building will create an overbearing built form in Killara Avenue. The built form will undermine the streetscape setting, by reason of its prominence to the street boundaries compared to the existing character of the locality.

The proposal also fails to maintain a front setback zone to Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. The building facade and acoustic fence are shown with setbacks of 7.8 metres and 3.4 metres respectively. Although the revised landscape plan by Peter Glass and Associates has addressed previous concerns with regard to the planting of endemic tree species, its lack of canopy tree replenishment in the Pacific Highway frontage does not appropriately respond to the desired future medium density character of the area as envisaged by LEP 194 and DCP 55.

The rear setback of the car park basement tapers from 4.3 metres to a maximum of 5.4 metres along the entire length of the building (47 metres). This does not comply with Clause 4.3 C-1 which requires a minimum setback of 6 metres to rear boundaries. The non-compliance is below ground level and reduces the ability to provide substantial landscaping in this location.

Part 4.4 Built form and articulation:

There is a concern with regard to the length of the building which, at 47 metres, does not allow for adequate articulation to the Killara Avenue frontage.

An improved outcome may be achieved by splitting the development into two more sympathetically scaled modules or by sufficiently recessing or articulating the structure so as to present as separate components which more appropriately reflect the character of the locality. (**Refer Reason For Refusal No.2**)

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Part 4.5 Residential Amenity

4.5.2 Visual Privacy

The application fails to satisfy the minimum separation requirements for the adjoining property at No 497 Pacific Highway. Clause 4.5.2 requires separation between windows and balconies on adjoining properties to be set back as for Levels 1 to 4 as follows:

- 12m between habitable rooms
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Windows on Levels 1 to 3 are not offset and are generally set back between 8 and 10 metres from No. 497 Pacific Highway. Overlooking from the roof terraces to this property will have a detrimental impact on that property's amenity as these have not been set back from the building's edge nor are any screening devices or landscaping proposed.

4.5.5 Outdoor living

The application fails to provide for adequate outdoor living compliant with the provisions of Clause 4.5 C-1. Specifically, Units 1, 2 and 11, do not provide for at least 25m² as required for units situated at ground floor level. The size of these private open space areas is not functional and will not provide a high level of amenity to those units. **(Refer Reason for Refusal No.6)**

Part 4.7 Social dimensions:

This part requires that at least 70% of units are visitable in accordance with Appendix F of the DCP. The applicant has failed to provide an access report but an assessment has revealed that none of the units will be visitable. **(Refer Reason for Refusal No.6)**

Part 5.0 Parking and vehicular access:

The application proposes a shortfall of 8 car spaces (23%). The site is located approximately 750 metres from the nearest public train station (Killara). The threshold for parking provision reduction in the LEP 194 is a maximum of 400 metres from the nearest rail station. There is no evidence presented to suggest that the proposed parking shortfall in this location (given the topography of the route, continuity of footpath, expected occupants) can be justified for the greater walking distance from the station. **(Refer Reason for Refusal No.3)**

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.

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Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55 and the proposal is not satisfactory in this regard.

Development Control Plan 47 - Water Management

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

Section 94 Plan

If approved, the development would attract a section 94 contribution pursuant to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004.

Likely Impacts

All likely impacts have been assessed in this report.

Suitability of the Site

The site is suitable for increased residential development. This development proposal however, will not result in good town planning and is, in its current form, not suited to the site.

Any Submissions

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

Public Interest

The proposal is not considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

There are no other matters for assessment.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be satisfactory. Therefore, it is recommended that the application be refused.

Item 14

RECOMMENDATION

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

THAT Council, as the consent authority, refuse development consent to Development Application No 1334/04 for the demolition of existing structures on site and construction of 18 apartments within one building, associated access, basement parking and landscaping on land at 2a and 2b Killara Avenue, Killara as shown on plans A-100, A-200 to A-204, A300 and A 301 (all received 7 April 2005), for the following reasons:

1. Inadequate information

The documentation and plans submitted to Council are considered inadequate and fail to provide information in order for Council to properly determine the application.

- The application has failed to consider DCP 55 (Ku-ring-gai Multi-unit Housing Development Control Plan No.55 – Railway/Pacific Highway Corridor and St Ives Centre). An assessment in terms of DCP 48 has been provided. This control plan only applies to development in Residential 2(d), 2(e) and 2(h) zones and is therefore not applicable to the site.
- No geotechnical report has been submitted with the development application.
- No access report has been submitted with the development application certifying compliance with Clause 4.7 of DCP 55.

2. Streetscape impact

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that it will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

- The building width to Killara Avenue measures approximately 47 metres and exceeds the 36 metres maximum required by Clause 4.4 C-3 of DCP 55.
- The proposal fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.3 metres.
- The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.8 metres.

Item 14

- The proposal fails to maintain a side/rear setback zone to No. 497 Pacific Highway 6 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 4.3 metres.
- The proposed finishes are not in keeping with the built character of the area. The existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the rendered buildings proposed. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

3. Parking and vehicular access

The proposal is inconsistent with Clause 25J of the Ku-ring-gai Planning Scheme Ordinance (Part IIIA) in that the proposal will not provide adequate car parking for the buildings users and visitors. The SEPP 1 objection has failed to establish that strict applications of the car parking standard is unreasonable or unnecessary in the circumstances.

- The application proposes 27 car spaces and fails to satisfy the standard contained in Clause 25J (2) of LEP 194 that requires 35 spaces to be provided.
- The proposal does not provide unobstructed visitor car parking spaces as required by Clause 5.1 C-3 of DCP 55.
- The proposal does not provide for a convenient rubbish collection area as required by Clause 4.8.5 C-3 of DCP 55 and DCP 40.

4. Impact on trees

The proposed development will result in adverse impacts upon existing trees on the site and therefore be inconsistent with the objectives set out in Clause 25D (2)(b) of the KPSO (Part IIIA).

- The basement excavation will have a detrimental impact on a highly significant and prominent Sydney Blue Gum within the landscape and streetscape setting.
- The revised landscape plan shows proposed levels within the soft landscaped areas in the rear setback that are substantially lower than existing ground levels. The stripping of the site of top soil is unacceptable and cannot be supported.

5. Density

The proposal is an over-development and is not in keeping with the optimum capacity of the site, the future landscape or built character of the area.

- The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1.

Item 14

6. Residential amenity

The application fails to provide a high level of residential amenity to the residents of the development and the occupants of adjoining properties.

- The proposal will not achieve appropriate separation with the properties at No.2 Killara Avenue and No. 497 Pacific Highway as required by Clause 4.5.2 of DCP 55
- Ground floor Units No's 1, 2 and 11 do not have courtyard or terrace areas of at least 25m² as required by Clause 4.5.5 C-1 of DCP 55.
- Clause 4.7 of DCP 55 requires that at least 70% of units are visitable in accordance with Appendix F of the DCP. An assessment has revealed that none of the units will be visitable.

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Assessment Team– South

M Prendergast
Manager
Development & Regulation

M Miocic
Director
Development & Regulation

Attachments: **Site location plan**
 Zoning extract
 Floor plans
 Section plans
 Elevation plans
 Shadow diagrams
 Landscape plan

LOCATION SKETCH

2A & 2B Killara Avenue, KILLARA NSW

DEVELOPMENT APPLICATION No 1334/04



Scale : 1:3000

07-06-2005



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION



CIRCULATED AREA



Zoning Extract

2A & 2B KILLARA AVE KILLARA DA 1334/04

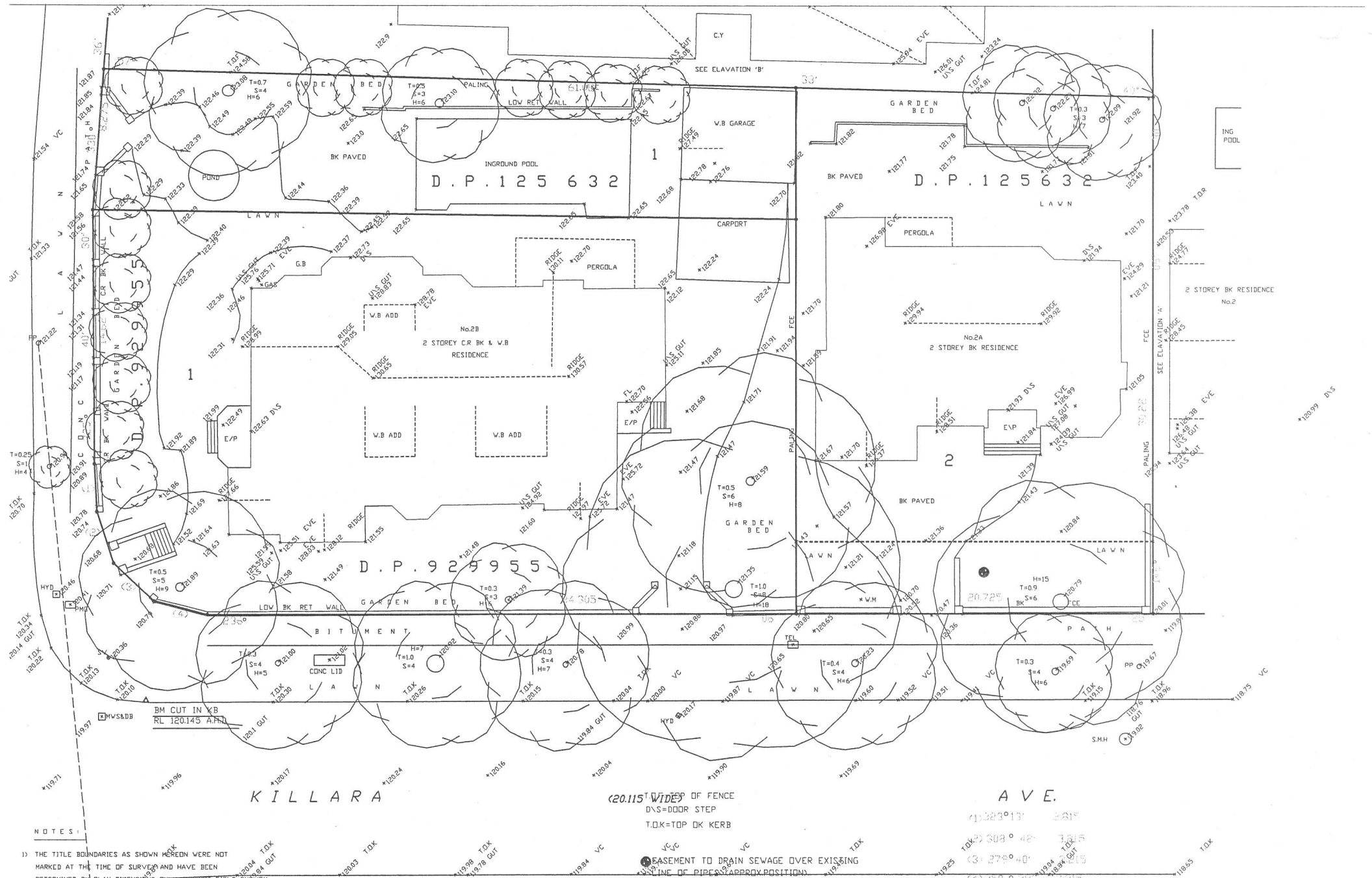


07-06-2005

Scale = 1:3000

	EXISTING COUNTY ROAD		RESIDENTIAL 2(e)
	INTERIM DEVELOPMENT ORDER		SPECIAL USES 5(a) (Schools etc)
	RESIDENTIAL 2(b)		SPECIAL USES 5(b) (Railway)
	RESIDENTIAL 2(c2)		
	RESIDENTIAL 2(d)		
	RESIDENTIAL 2(d3)		





NOTES:

- THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND NOT FIELD SURVEY.
- IF DEVELOPMENT IS CONTEMPLATED ON OR NEAR BOUNDARIES, IT IS RECOMMENDED THAT SURVEY MARKS BE PLACED.
- ORIGIN OF LEVELS: SSM 36394 R.L. 123.291 A.H.D.
- AREA OF SITE: LOT 1 IN DP 125632 = 325.3 m²; LOT 1 IN DP 929955 = 939.5 m²; LOT 2 IN DP 125632 = 632.1 m²; TOTAL SITE AREA = 1896.9 m².

PROPOSED DEVELOPMENT
No. 2A & 2B KILLARA AVE
KILLARA

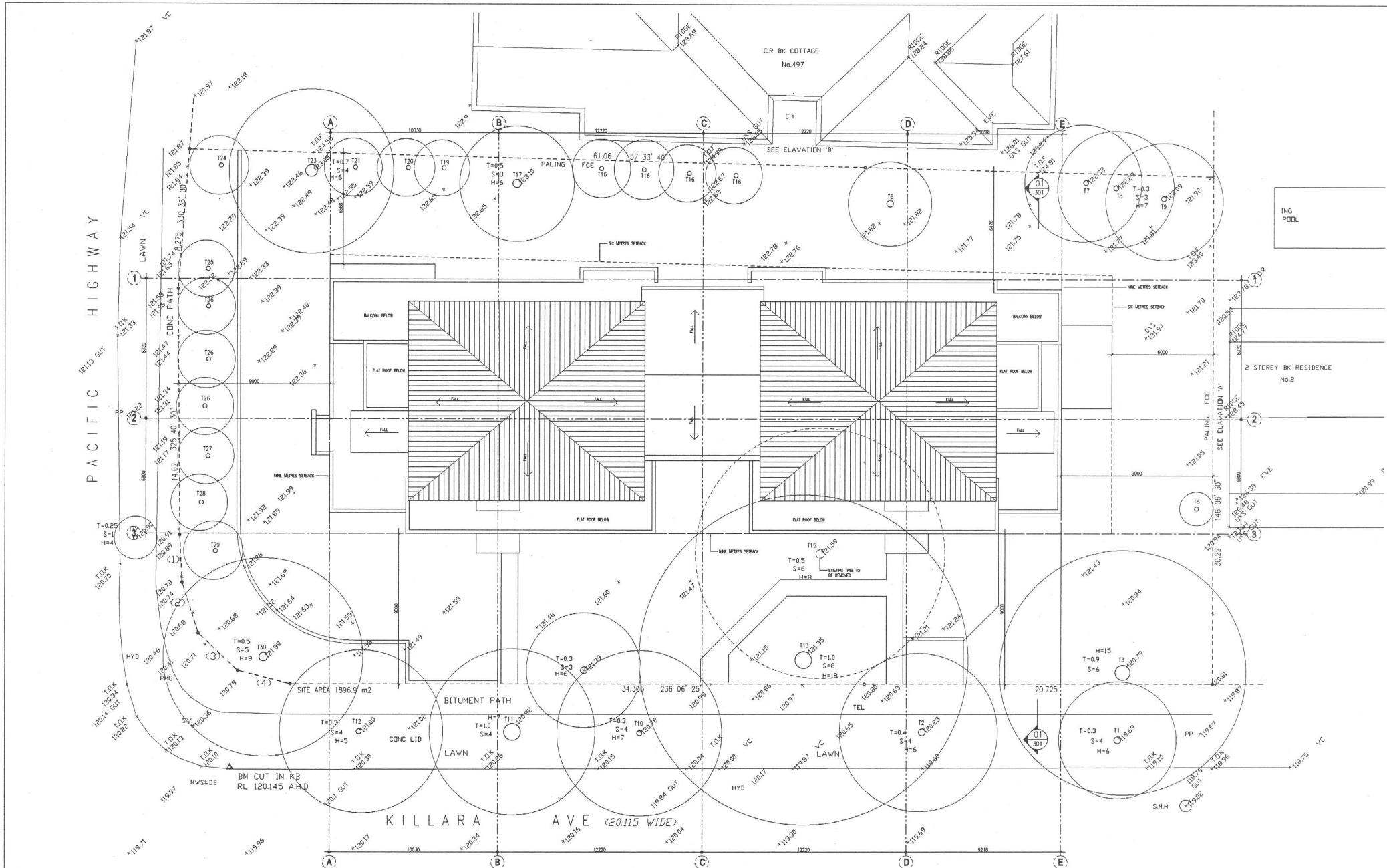
PLAN SHOWING BOUNDARIES, DETAIL
AND SPOT LEVELS.

PHILIP C.K. HOOD PTY LTD

CONSULTING SURVEYORS

ABN 49 003 350 043
20 JARRETT ST LEICHHARDT, NSW, 2040
PHONE: 9568 3668
FAX: 9560 8179
MOBILE: 0478 687 658

REDUCTION RATIO	1:100	DATE OF SURVEY	20 JUL 2004	SHEET No.	1 OF 1 SHEETS
DATUM	A.M.B.	REF N°	0497 30	AMENDMENTS	
DRAWN BY:	CA	FOR:	NADEEM KALDAS		
CHECKED BY:					



PL	PROPOSED LEVEL	AL	ALUMINUM LOUVER SCREEN	FC	FIRE CEMENT	W	100 MM ABOVE CEILING
FL	FRESH FLOOR LEVEL	AF	ALUMINUM FRAMED DOOR	FR	FIRE ROSE REEL	1	10 U/S CEILING
FS	FRESH SLAB LEVEL	AW	ALUMINUM FRAMED WINDOW	FG	FIRE GLASS	2	10 U/S CEILING
FR	FRESH FRAMING LEVEL	AP	APPLIED FINISH	GL	GLASS LOUVER WINDOW	3	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CP	CONCRETE ON FORM	LV	LOUVER	4	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CC	CONCRETE CURB	MS	METAL SHEETING	5	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	6	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	7	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	8	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	9	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	10	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	11	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	12	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	13	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	14	10 U/S CEILING
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FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	16	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	17	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	18	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	19	10 U/S CEILING
FL	FRESH FLOOR LEVEL	CB	CONCRETE BLOCK	MS	METAL SHEETING	20	10 U/S CEILING



2A + 2B KILLARA AVENUE, KILLARA
RESIDENTIAL DEVELOPMENT
DATE: 01/01/2011
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

1	100 MM ABOVE CEILING
2	10 U/S CEILING
3	10 U/S CEILING
4	10 U/S CEILING
5	10 U/S CEILING
6	10 U/S CEILING
7	10 U/S CEILING
8	10 U/S CEILING
9	10 U/S CEILING
10	10 U/S CEILING
11	10 U/S CEILING
12	10 U/S CEILING
13	10 U/S CEILING
14	10 U/S CEILING
15	10 U/S CEILING
16	10 U/S CEILING
17	10 U/S CEILING
18	10 U/S CEILING
19	10 U/S CEILING
20	10 U/S CEILING

PROJECT: RESIDENTIAL DEVELOPMENT
2A + 2B KILLARA AVENUE, KILLARA
DATE: 01/01/2011
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

1	100 MM ABOVE CEILING
2	10 U/S CEILING
3	10 U/S CEILING
4	10 U/S CEILING
5	10 U/S CEILING
6	10 U/S CEILING
7	10 U/S CEILING
8	10 U/S CEILING
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16	10 U/S CEILING
17	10 U/S CEILING
18	10 U/S CEILING
19	10 U/S CEILING
20	10 U/S CEILING

FFL
FSL
FPL
FOL
FOL
AFL
U/S
TYP



SITE AREA = 1894.9 SQM		
WATER	REQUIRED BY MPSO	PROVIDED BY PROPOSAL
MINIMUM SITE COVERAGE	35% SITE AREA 664 SQM	35% 664 SQM
DEEP SOIL LANDSCAPING	50% SITE AREA 948.4 SQM	55.3% 1050 SQM
ADDITIONAL 600MM DEEP SOFT LANDSCAPING		1.8% 34.4 SQM
DEEP SOIL LANDSCAPE	2M MINIMUM	AVERAGE 7%

CLIENT: RED SEA INVESTMENTS

DRM	DEED	APP
EV	TV	
DRAWING NO.		REV
A-200-B1.3		

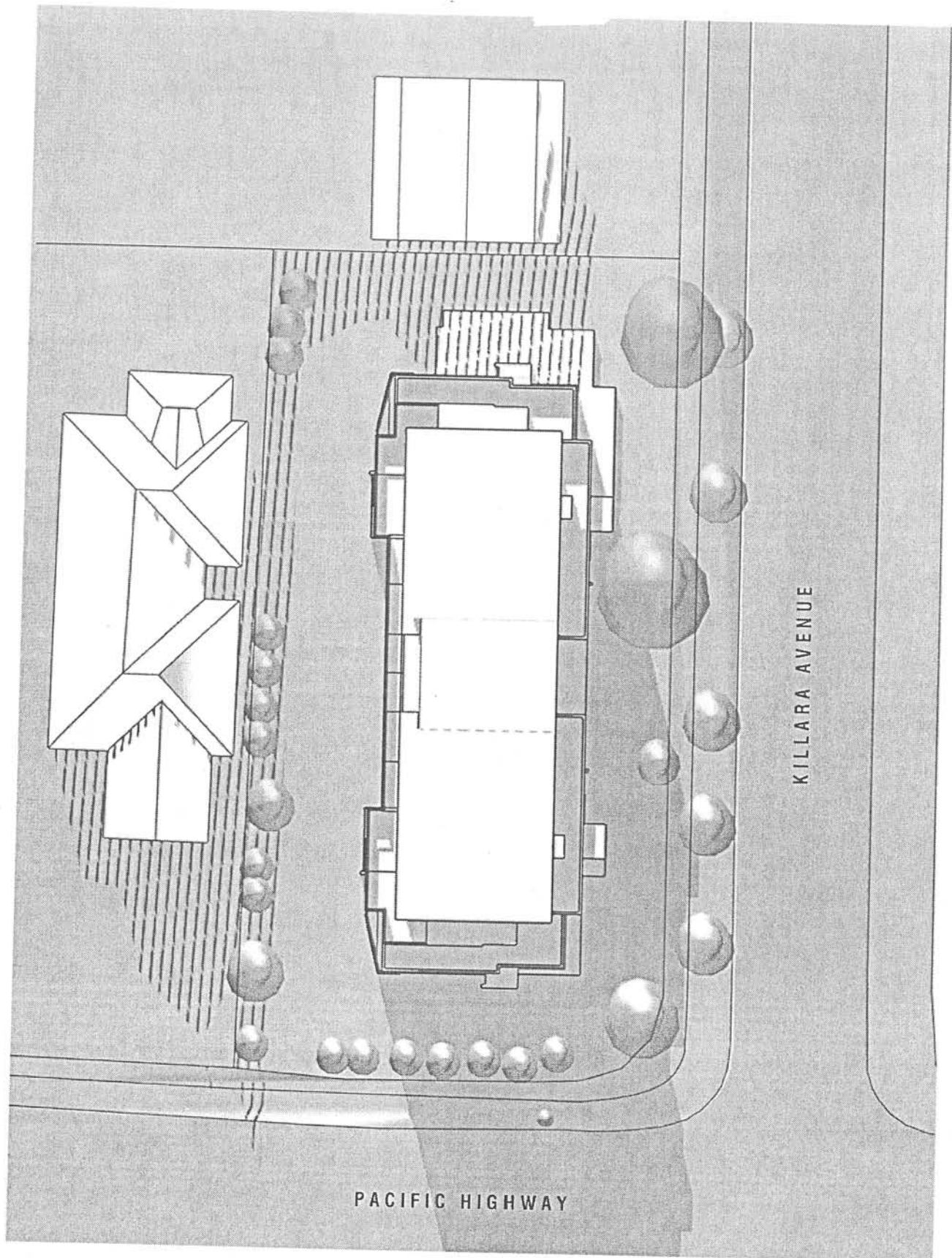


PROPOSED LEVEL	AL	ALUMINUM LOUVER SCREEN	FC	FIBRE CEMENT	100	MIN ABOVE CEILING
FINISHED FLOOR LEVEL	AD	ALUMINUM FRAMED DOOR	FWR	FIRE HOSE REEL	120	U/S CEILING
FINISHED SUB LEVEL	AF	ALUMINUM FRAMED WINDOW	GL	GLASS LOUVER WINDOW	150	U/S STRUCTURE
FINISHED PARKING LEVEL	AP	APPLIED FINISH	LV	LOUVER	180	U/S IMPACT
FINISHED CHANAL LEVEL	CP	CONCRETE OFF FORM	MS	METAL SHEETING	240	U/S IMPACT
FINISHED CEILING LEVEL	CB	CONCRETE BLOCK	OS	OSBURY/FRONTED GLASS	300	U/S IMPACT
FINISHED ABOVE FINISHED FLOOR LEVEL	CC	CONCRETE BRICK FINISH	PS	PLY SHEET	360	U/S IMPACT
UNDERGROUND	CD	CERAMIC TILE	SS	STAINLESS STEEL	420	U/S IMPACT
UNDERGROUND	CE	CERAMIC TILE	ST	STAINLESS STEEL	480	U/S IMPACT
TYPICAL	CF	FRAMING GLASS BALUSTRADE	TC	TILE CLADDING	540	U/S IMPACT

WINDOW REFERENCE	DOOR REFERENCE	SET DOWN	BALUSTRADE / MATERIAL REFERENCE
10	10	10	10



FIRE RATINGS	ACOUSTIC RATINGS	W	100 MM ABOVE CEILING
A 120/120/120	1 R _w > 33	X	TO U/S CEILING
B 60/60/60	2 R _w > 35	Y	TO U/S STRUCTURE
C 30/30/30	3 R _w > 40	Z	PREFER ELEV
D 90/30/30	5 R _w > 35		
	4 R _w > 45		
	6 R _w > 50		
	7 R _w > 50		
	IMPACT		
	IMPACT		



KILLARA AVENUE

PACIFIC HIGHWAY

0 1 5 10

9:00am 21 JUNE 43deg AZIMUTH 18deg ALTITUDE

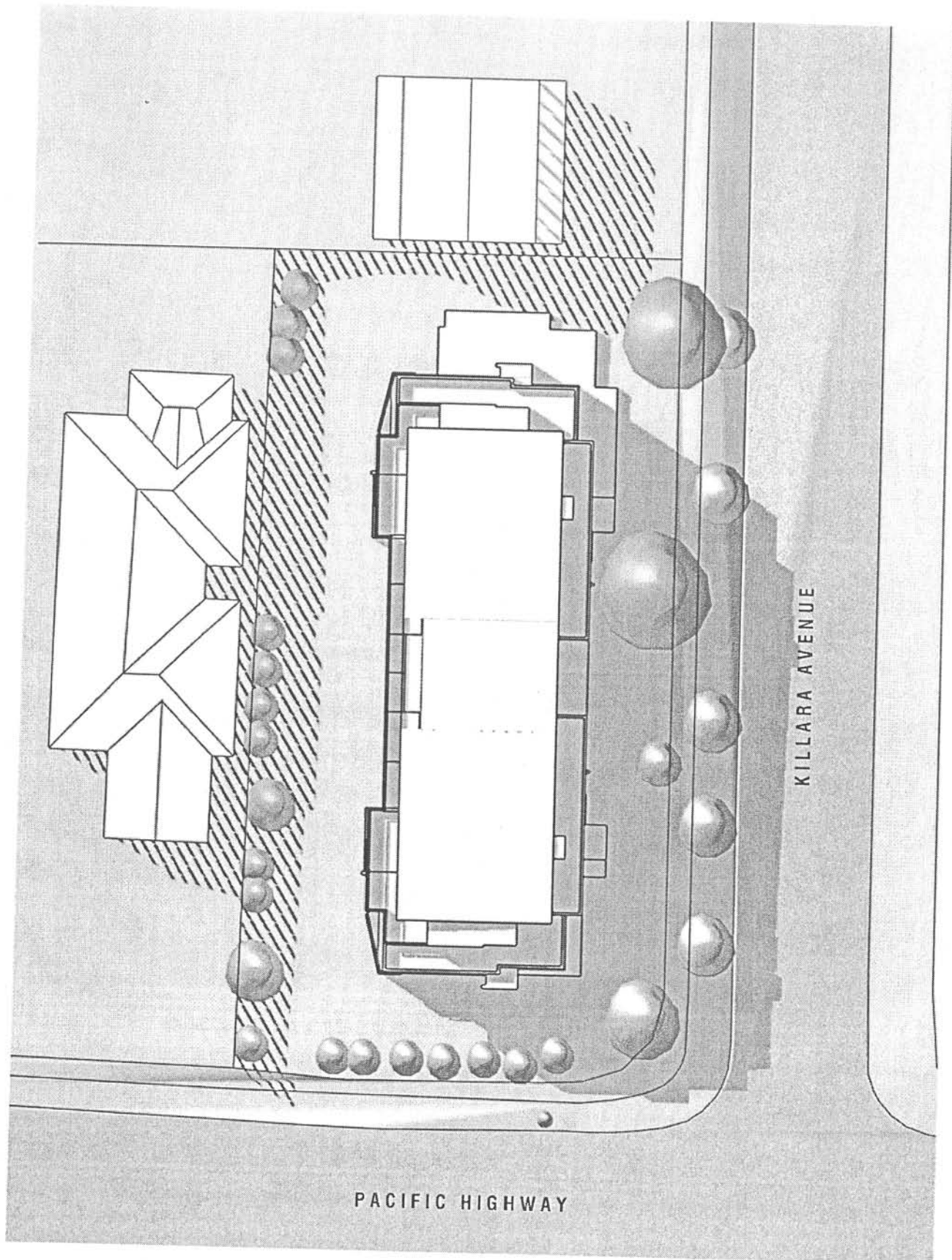
SHADOWS CAST BY
PROPOSED DEVELOPMENT

SHADOWS CAST BY
SURROUNDING STRUCTURES

SHADOW DIAGRAMS
NEW RESIDENTIAL FLAT BUILDING
2A+2B KILLARA AVENUE
KILLARA



VANOVAC
ASSOCIATES
architects



0 1 5 10

12:00noon 21 JUNE 0deg AZIMUTH 32deg ALTITUDE

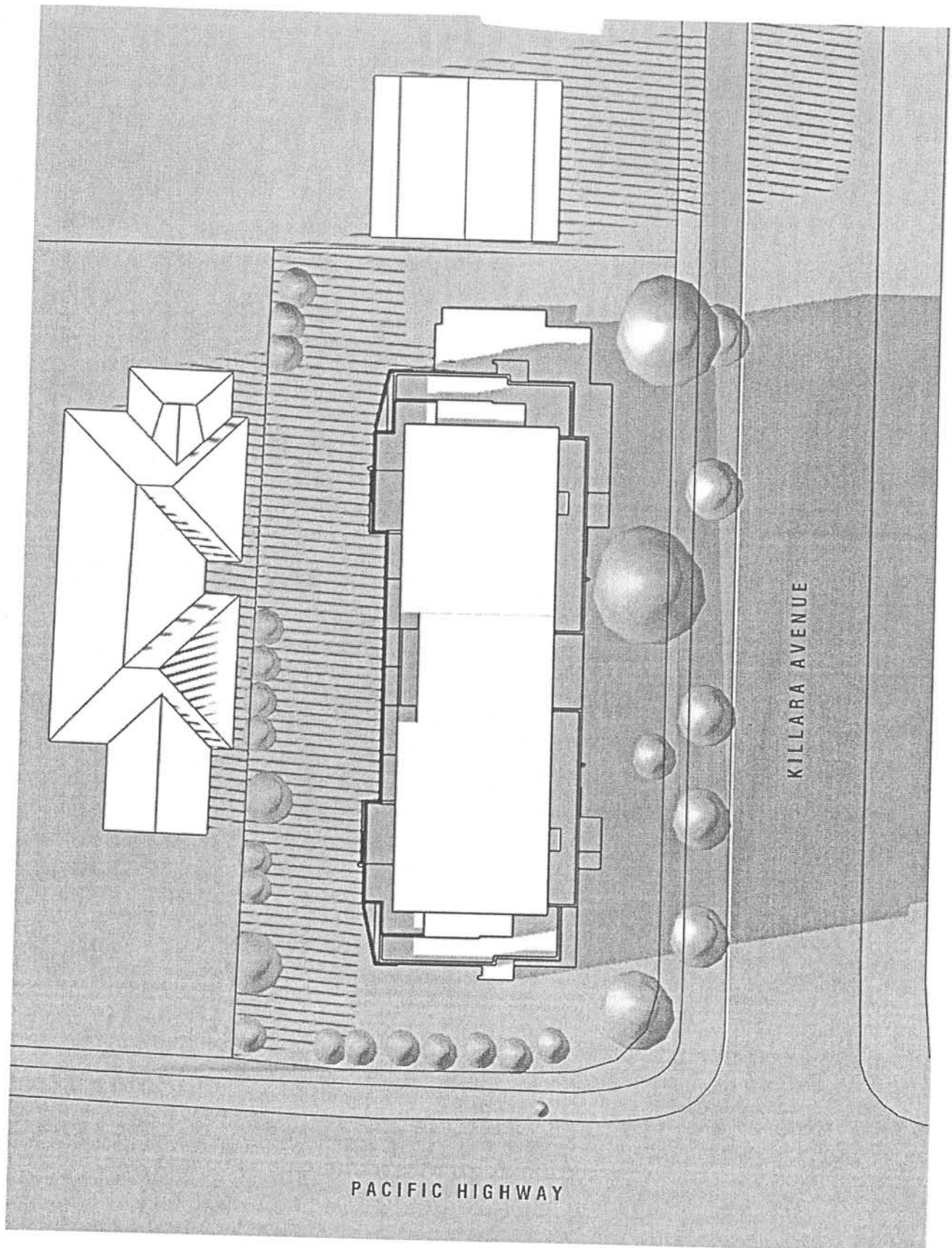
SHADOWS CAST BY
PROPOSED DEVELOPMENT

SHADOWS CAST BY
SURROUNDING STRUCTURES

SHADOW DIAGRAMS
NEW RESIDENTIAL FLAT BUILDING
2A+2B KILLARA AVENUE
KILLARA



VANOVAC
ASSOCIATES
architects



0 1 5 10

3:00pm 21 JUNE 317deg AZIMUTH 18deg ALTITUDE

SHADOWS CAST BY
PROPOSED DEVELOPMENT

SHADOWS CAST BY
SURROUNDING STRUCTURES

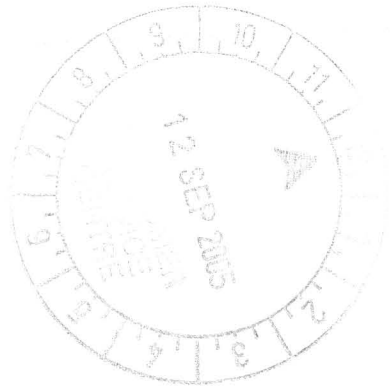
SHADOW DIAGRAMS
NEW RESIDENTIAL FLAT BUILDING
2A+2B KILLARA AVENUE
KILLARA



VANOVAC
ASSOCIATES
architects

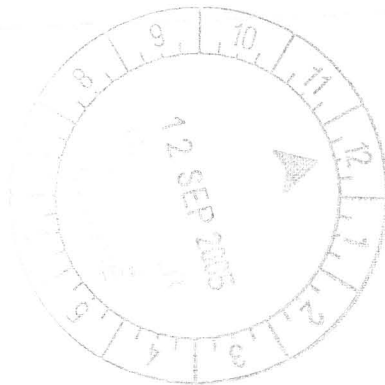


SOUTH ELEVATION WITH TREES





SOUTH ELEVATION WITHOUT TREES





WEST ELEVATION WITH TREES



WEST ELEVATION WITHOUT TREES



CENTRAL VIEW 1 KILLARA AVE FRONTAGE



CENTRAL VIEW 2 KILLARA AVE FRONTAGE



2005 TO 2009 MANAGEMENT PLAN FIRST QUARTER REVIEW AS AT 30 SEPTEMBER 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2005 - 2009 Management Plan.
BACKGROUND:	Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.
COMMENTS:	A progress report for all Objectives, Actions and Key Performance Indicators contained in the 2005 - 2009 Management Plan is attached.
RECOMMENDATION:	That the first quarter Management Plan review 2005 - 2009 be received and noted.

PURPOSE OF REPORT

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2005 - 2009 Management Plan.

BACKGROUND

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

The 2005- 2009 Management Plan was adopted by Council on 14 June 2005.

The Management Plan contains seven principal activities, namely:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment
- Built Environment
- Financial Sustainability
- Council's Corporate Services

Each of the principal activities contain a series of Objectives, Actions and Key Performance Indicators which provide detail on how Council plans to achieve desired outcomes and how performance will be measured.

COMMENTS

The requirements set out in Council's Management Plan provide the foundation for measuring the performance of the organisation at a given point in time.

To ensure that the reporting of performance is both accurate and meaningful the attached report tracks progress using a status code and comments as to the current status of all Key Performance Indicators. The options available under the heading 'status code details' are as follows:

Status Code	Definition
Completed	KPI has been carried out in accordance with the Management Plan.
Achieved to Date	Work has been undertaken in accordance with the project plan to ensure that the task will be fully complete by the final due date.
Not Yet Due	Timeframe for commencement of the KPI has not been reached.
Deferred	KPI has been placed on hold.
Not Achieved	KPI has not been completed as required in the Management Plan.

All Key Performance Indicators are categorised by one of the above five status codes to indicate current performance against the Management Plan

Analysis of Results

Council's 2005 - 2009 Management Plan contains 108 KPIs. The following table shows Council's overall KPI achievement results as at the end of September 2005.

Status	Achievement	Percentage
Completed	10/108	9.3%
Achieved to Date	35/108	32.4%
Not Yet Due	55/108	50.9%
Deferred	3/108	2.8%
Not Achieved	5/108	4.6%

Discounting the KPIs which are not yet due, completion statistics are as follows:

Status	Achievement	Percentage
Completed	10/53	18.9%
Achieved to Date	35/53	66%
Deferred	3/53	5.7%
Not Achieved	5/53	9.4%

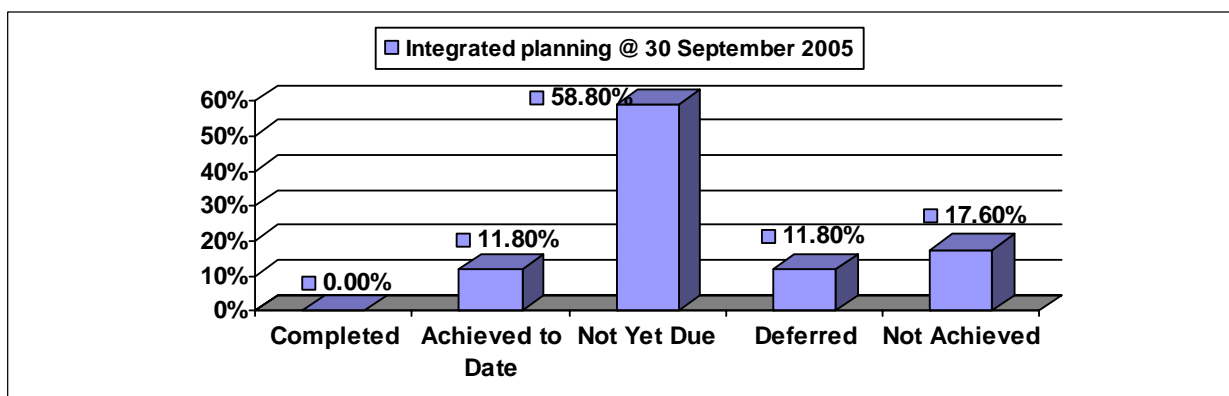
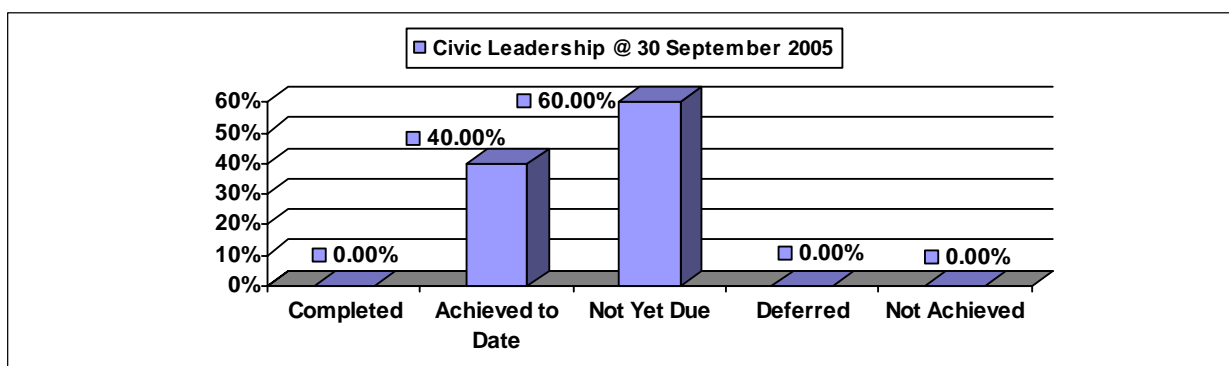
The following table provides an analysis by Principal Activity as at 30 September 2005.

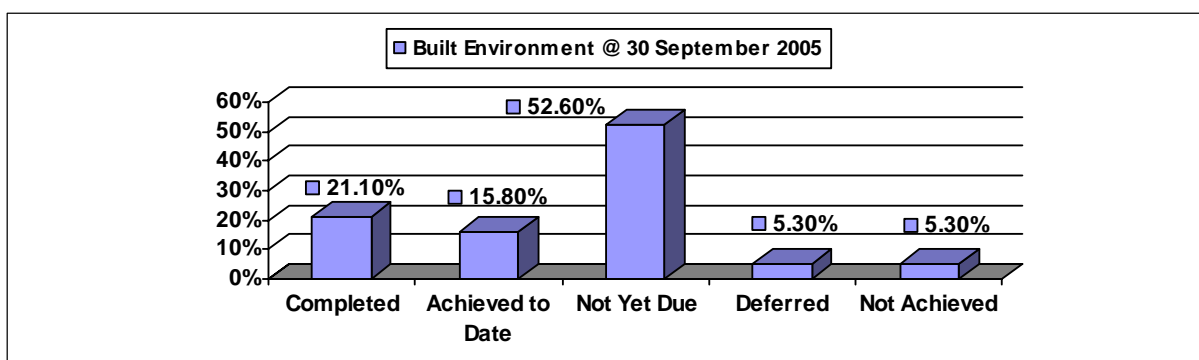
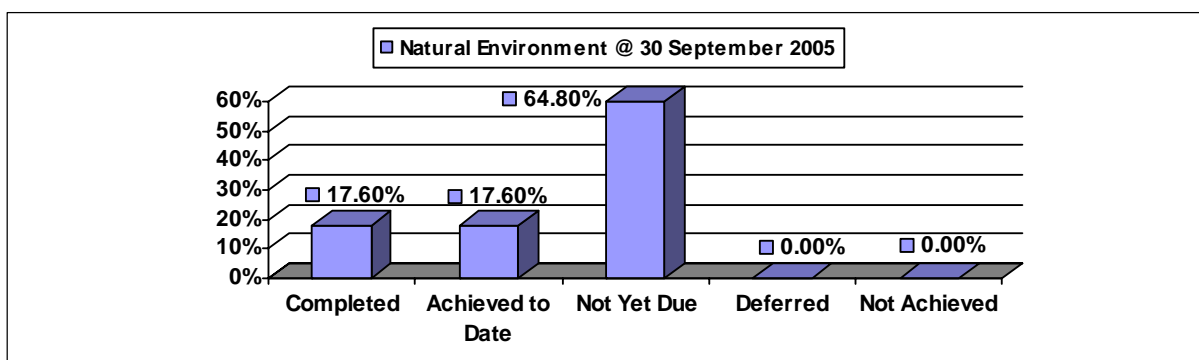
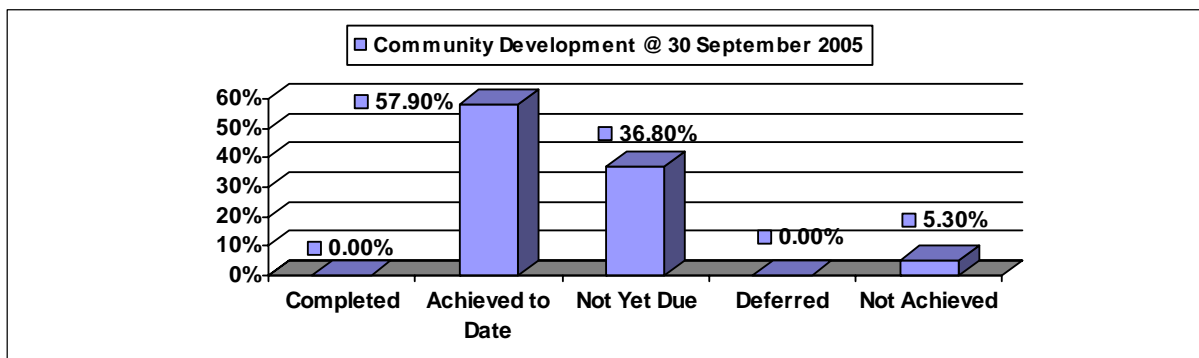
Item 6

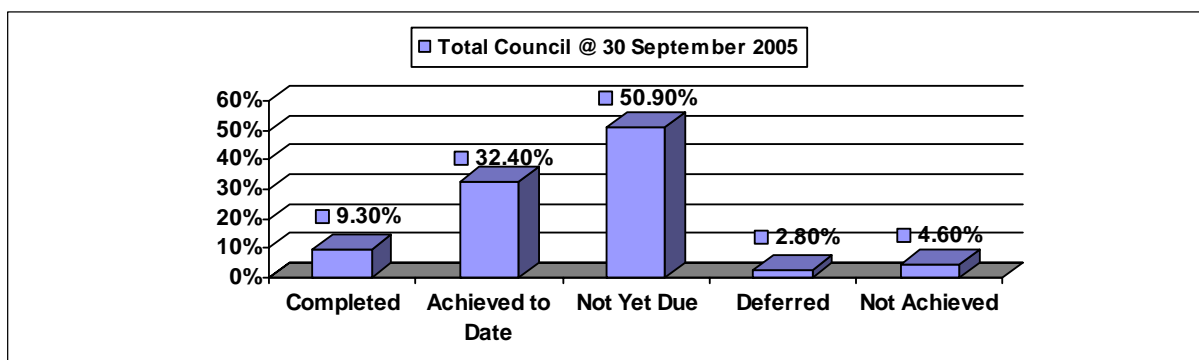
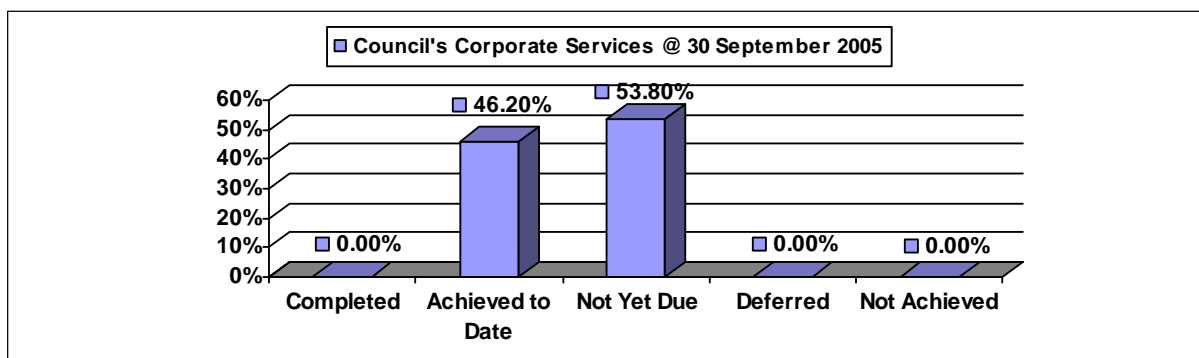
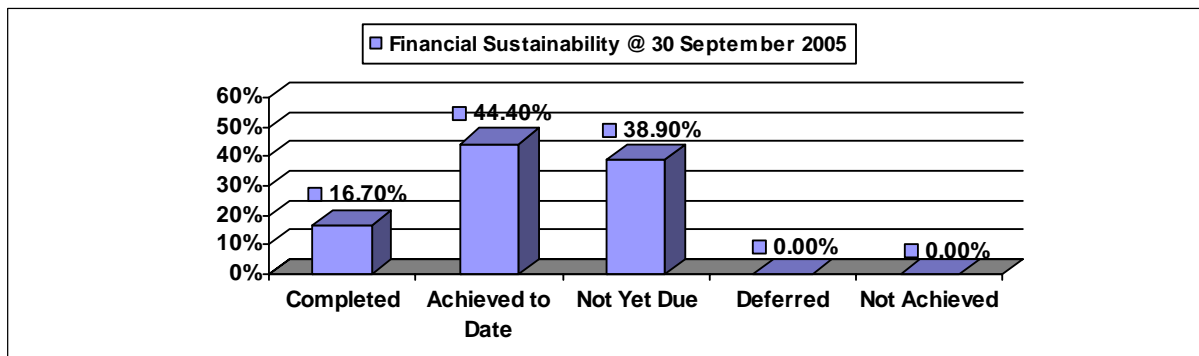
S03096
9 November 2005

Principal Activity	No. of KPIs	As at 30 September 2005				
		Completed	Achieved To Date	Not Yet Due	Deferred	Not Achieved
Civic Leadership	5	0%	40%	60.0%	0%	0%
Integrated Planning	17	0%	11.8%	58.8%	11.8%	17.6%
Community Development	19	0%	57.9%	36.8%	0%	5.3%
Natural Environment	17	17.6%	17.6%	64.8%	0%	0%
Built Environment	19	21.1%	15.8%	52.6%	5.3%	5.3%
Financial Sustainability	18	16.7%	44.4%	38.9%	0%	0%
Council's Corporate Services	13	0%	46.2%	53.8%	0%	0%
Total	108	9.3%	32.4%	50.9%	2.8%	4.6%

This is represented graphically below:







CONSULTATION

Not Applicable.

FINANCIAL CONSIDERATIONS

The requirements outlined in the Management Plan 2005 - 2009 are funded in Council's budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have provided the status and comments on the progress of Key Performance Indicators in the attached report.

SUMMARY

Not applicable.

RECOMMENDATION

That the report on the progress of the Key Performance Indicators contained in the 2005 - 2009 Management Plan for the first quarter of the plan, be received and noted.

Brian Bell
General Manager

John McKee
Director Finance & Business

Attachment: Principal Activity progress report for the quarter ended 30 September 2005

Management Plan Progress Report 2005-2009

Civic Leadership

Ku-ring-gai Council will work to ensure that its affairs are conducted in an open and transparent manner.

Council will effectively consult with the community to ensure that it provides quality services which reflect the expectations of ratepayers and represent best value.

Ku-ring-gai will aspire to be recognised as a model Council in NSW.

Budget 2005/2006:	
Expenditure	\$567,100
Revenue	\$1,100
General (Net) Funding	\$566,000

Objective 1

Mgt Plan related Yes

To provide community leadership that is:

- Efficient.
- Effective.
- Transparent.
- Participative.
- Accountable.

Actions

- 01 Continue to assess the level & mix of services provided to the community.
- 02 Analyse initiatives to enhance Council's corporate identity.
- 03 Implement a resident feedback register.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Through the Management Plan process, review the implementation of Council's principal activities	Each Quarter <i>Relates to Action</i>	- General Manager
ACHIEVED TO DATE 1st quarter review referred to Council on 22 November 2005.			
02	Establish the resource allocation and financial framework for Council's operations.	2nd Quarter <i>Relates to Action</i>	- General Manager
NOT YET DUE			
03	Report to Council on outcomes of the community feedback register as required.	4th Quarter <i>Relates to Action</i>	- General Manager
NOT YET DUE			

Management Plan Progress Report 2005-2009

Civic Leadership

04	Report to Council on initiatives to enhance Council's corporate identity.	As required <i>Relates to Action</i>	- General Manager
----	---	---	-------------------

NOT YET DUE

05	Implement organisational wide training programs to enhance customer relationships.	As required <i>Relates to Action</i>	- General Manager
----	--	---	-------------------

ACHIEVED TO DATE

Training needs identified, planning commenced for organisational customer service training.

Management Plan Progress Report 2005-2009

Integrated Planning

Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage.

Integration of Council's planning will improve the liveability and vitality of local communities and the sustainability of the area.

Council must respond to State Government and Community demands for additional housing, greater housing choice and associated facilities

Budget 2005/2006:	
Expenditure	\$1,798,900
Revenue	\$380,400
General (Net) Funding	\$1,418,500

Objective 1

Mgt Plan related Yes

Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage.

Actions

- 01 Prepare plans for urban conservation areas.
- 02 Commence review of Council's Bushfire prone land map.
- 03 Complete a water conservation plan.
- 04 Establish a program for progressing sustainability into Council's activities.
- 05 Continue to review potential heritage items
- 06 Monitor the F3/Sydney orbital connection proposal for siting of infrastructure such as exhaust stacks and any other proposed works that may impact on residents.

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Finalise tree preservation order.	1st Quarter <i>Relates to Action</i>	- Director Open Space
NOT ACHIEVED <i>Electronic survey finalised. Resident reference group electronic survey. Analysis in draft form for reporting to Planning Committee on 9 November 2005.</i>			
02	Report timetable and progress of bushfire prone land map to Council.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE			
03	Continue to review potential Heritage items (including pre war and inter war), develop heritage inventory sheets and report as required.	4th Quarter <i>Relates to Action</i>	
NOT YET DUE			

Management Plan Progress Report 2005-2009

Integrated Planning

Objective 2

Mgt Plan related Yes

Housing, transport, open space and community facilities will meet the needs of a changing community while protecting heritage and the natural environment.

Actions

- 01 In association with the development of the state government Metro Strategy, lobby for infrastructure and intersection upgrades to major arterial link networks and access to railway stations.
- 02 Ensure integration of accessibility criteria into Council's planning documents.
- 03 Continue to implement Stage 2 of the Residential Development Strategy by preparing plans for major commercial centres.
- 04 Review classification of community landholdings in association with Stage 2 of the Residential Development Strategy.
- 05 Commence the development of a comprehensive Local Environmental Plan for Ku-ring-gai, to replace the Ku-ring-gai Planning Scheme Ordinance.
- 06 Undertake an open space land acquisition study.
- 07 Prepare a comprehensive public domain plan.
- 08 Co-ordinate assessment of rezoning applications.
- 09 Continue to revise key planning documents to make them more effective and to respond to legislative change.
- 10 Develop plans for traffic management and other forms of transport in the major centres.
- 11 Progress negotiations concerning the abandoned freeway corridor lands in Wahroonga and Turramurra.
- 12 Prepare Draft Plans of Management for Community Lands.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	All planning documents referred to Council for consideration include accessibility criteria.	Ongoing <i>Relates to Action</i>	- Director Planning and Environment

ACHIEVED TO DATE

Outdoor Dining Policy and Town Centre Planning documents have been referred to Council, these include provision for appropriate accessibility criteria.

02	Complete drafting of plans of Management as per Council's adopted program.	Ongoing <i>Relates to Action</i>	- Director Open Space
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ACHIEVED TO DATE

Report is being prepared outlining development of Plans of Management for all land not covered by Sportsgrounds, Parks & Natural Areas.

Management Plan Progress Report 2005-2009

Integrated Planning

03	Complete review of Development Control Plan No.38 (having regard to the special value of precincts).	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment
NOT ACHIEVED <i>Series of workshops and presentation held with Councillors, staff and key stakeholders. Considered by the Planning Committee, additional workshops were scheduled but progress has been limited to low attendance and other factors. Councillors advised by email 17 October 2005 that the finalisation of the DCP38 review would now be in 2006.</i>			
04	Finalise integrated plan for St Ives.	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment
DEFERRED <i>Council resolved on 19 July 2005 that a Draft LEP and DCP be prepared for Council's consideration. This is currently scheduled for December 2005.</i>			
05	Finalise integrated plan for Turramurra.	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment
DEFERRED <i>Amended program has been submitted to the Minister for Planning, and plans will be presented to Council for consideration in December 2005.</i>			
06	Review Development Control Plan 55.	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment
NOT ACHIEVED <i>Interim DCP55 amendments have been prepared, exhibited and reported to the Planning Committee and Council, For general review. The consultation and assessment has commenced with key staff and councillors. Report to Planning Committee on process to finalise main DCP55 review.</i>			
07	Finalise integrated plan for Gordon.	2nd Quarter <i>Relates to Action</i>	- Director Planning and Environment
NOT YET DUE			
08	Public Domain Plan completed and reported to Council.	2nd Quarter <i>Relates to Action</i>	- Director Community Services - Director Open Space - Director Planning and Environment - Director Technical Services
NOT YET DUE			

Management Plan Progress Report 2005-2009

Integrated Planning

09	Establish a program for the development of a comprehensive Local Environmental Plan and report to Council.	2nd Quarter <i>Relates to Action</i>	- Director Planning and Environment
<i>NOT YET DUE</i>			
10	Finalise integrated plan for Pymble.	3rd Quarter <i>Relates to Action</i>	- Director Planning and Environment
<i>NOT YET DUE</i>			
11	Open Space land acquisition reported to Council including fundings and associated opportunities.	3rd Quarter <i>Relates to Action</i>	- Director Open Space
<i>NOT YET DUE</i> <i>A brief for this project has been completed. A consultant will be engaged during December and the project will commence in late January 2006.</i>			
12	Report to Council on initiatives undertaken to progress infrastructure and intersection upgrades to major arterial link networks.	3rd Quarter <i>Relates to Action</i>	- Director Technical Services
<i>NOT YET DUE</i>			
13	Finalise integrated plan for Roseville.	4th Quarter <i>Relates to Action</i>	- Director Planning and Environment
<i>NOT YET DUE</i>			
14	Finalise integrated plan for Lindfield.	4th Quarter <i>Relates to Action</i>	- Director Planning and Environment
<i>NOT YET DUE</i>			

Management Plan Progress Report 2005-2009

Community Development

Ku-ring-gai is characterised by a socially and culturally diverse community that values a safe and healthy environment. Council provides services and programs that respond to the specific needs of the Ku-ring-gai community.

Budget 2005/2006:	
Expenditure	\$10,565,700
Revenue	\$3,102,100
General (Net) Funding	\$7,463,600

Objective 1

Mgt Plan related Yes

To contribute to a sustainable, safe, healthy and vibrant community through the provision of integrated services and programs.

Actions

- 01 Increase access to and use of Council's community facilities and recreation areas.
- 02 Encourage greater participation in community based volunteer programs.
- 03 Conduct Children's Centre Feasibility Study.

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Commence implementation of recommendations in Community Plan and report quarterly to Community Services Committee.	Ongoing <i>Relates to Action</i>	- Director Community Services
ACHIEVED TO DATE <i>Draft Community Plan to be presented to Council in November 2005.</i>			
02	Continue to communicate quarterly on Open Space programs and plans.	Ongoing <i>Relates to Action</i>	- Director Open Space
ACHIEVED TO DATE <i>Spring edition of "out in the open" has been emailed.</i>			
03	A 'Sports in Ku-ring-gai' strategy completed and implementation commenced.	1st Quarter <i>Relates to Action</i>	- Director Open Space
NOT ACHIEVED <i>A draft of the strategy has been forwarded to members of the Parks Sport & Recreation Reference Group. Following discussion and amendments, a draft will be reported to Council in December for approval to exhibit.</i>			
04	Develop concept plan for improved aquatic leisure facilities.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Community Consultation to confirm aquatic leisure facility needs and development mix occurring during November 2005.</i>			

Management Plan Progress Report 2005-2009

Community Development

05	Identify opportunities, particularly for seniors, to promote recreational use of bushland areas including Ku-ring-gai Wildflower Garden.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
<i>NOT YET DUE</i>			
06	Investigate and report on development of an "Active Ku-ring-gai" program.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
<i>NOT YET DUE</i>			
07	Children's Centre Feasibility Study completed.	3rd Quarter <i>Relates to Action</i>	- Director Community Services
<i>ACHIEVED TO DATE</i> <i>Preliminary needs and viability investigations completed. Potential sites identified, and timelines established.</i>			
08	Develop concept Plan for multipurpose Children's facility.	4th Quarter <i>Relates to Action</i>	- Director Community Services
<i>ACHIEVED TO DATE</i> <i>Planning team established and preliminary investigations commenced.</i>			
09	Continue to increase participation in Council's environmentally based community programs.	4th Quarter <i>Relates to Action</i>	- Director Open Space
<i>ACHIEVED TO DATE</i> <i>Festival of the Wildflowers held in October 2005. Bushcare and Backyard buddies programs have increased attendance.</i>			

Management Plan Progress Report 2005-2009

Community Development

05	Identify opportunities, particularly for seniors, to promote recreational use of bushland areas including Ku-ring-gai Wildflower Garden.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
<i>NOT YET DUE</i>			
06	Investigate and report on development of an "Active Ku-ring-gai" program.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
<i>NOT YET DUE</i>			
07	Children's Centre Feasibility Study completed.	3rd Quarter <i>Relates to Action</i>	- Director Community Services
<i>ACHIEVED TO DATE</i> <i>Preliminary needs and viability investigations completed. Potential sites identified, and timelines established.</i>			
08	Develop concept Plan for multipurpose Children's facility.	4th Quarter <i>Relates to Action</i>	- Director Community Services
<i>ACHIEVED TO DATE</i> <i>Planning team established and preliminary investigations commenced.</i>			
09	Continue to increase participation in Council's environmentally based community programs.	4th Quarter <i>Relates to Action</i>	- Director Open Space
<i>ACHIEVED TO DATE</i> <i>Festival of the Wildflowers held in October 2005. Bushcare and Backyard buddies programs have increased attendance.</i>			

Management Plan Progress Report 2005-2009

Community Development

Objective 2

Mgt Plan related Yes

To provide a library service that addresses the information, cultural and recreation needs of the community.

Actions

- 01 Review and enhance Council's library services.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Conduct a review of library services including opening hours.	2nd Quarter <i>Relates to Action</i>	Director Community Services

ACHIEVED TO DATE

Review commenced, surveys currently being undertaken.

Objective 3

Mgt Plan related Yes

To offer a stimulating environment for artistic and creative expressions through an ongoing program of art courses, workshops and events.

Actions

- 01 Review existing service programs to ensure they remain responsive and relevant to the needs of the community.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	New arts centre program revised.	Ongoing <i>Relates to Action</i>	Director Community Services

ACHIEVED TO DATE

Art Centre brochure, advertising and promotional material, has been produced for Semester 2 2005, and Semester 1 for 2006.

Management Plan Progress Report 2005-2009

Community Development

Objective 4

Mgt Plan related Yes

To provide programs that represent value for money and are financially sustainable.

Actions

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Refer recommendations identified in Community issues paper to Council for consideration.	4th Quarter <i>Relates to Action</i>	Director Community Services
NOT YET DUE			

Objective 5

Mgt Plan related Yes

To develop community pride and identity through cultural planning, community celebrations and cultural awareness programs.

Actions

- 01 Present cultural celebrations and special events that encourage community participation and create a sense of well-being.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Commence implementation of recommendations in Cultural Plan and report quarterly to Community Services Committee.	Ongoing <i>Relates to Action</i>	Director Community Services

ACHIEVED TO DATE

Feasibility Study for Cultural Centre completed, and participation at community festivals increased, planning underway for Australia Day Festival. Cultural Network and Guringai Festival planning commenced. All activities reported to Community Development Committee on a regular basis.

- | | | | |
|----|--------------------------|---|-----------------------------|
| 02 | Community festival held. | 4th Quarter
<i>Relates to Action</i> | Director Community Services |
|----|--------------------------|---|-----------------------------|

ACHIEVED TO DATE

Festival on the Green held June 2005. Planning commenced for 2006 Festival on the Green, Australia Day Festival to be held January 2006.

Management Plan Progress Report 2005-2009

Community Development

- | | | | |
|----|---|---|-------------------------------|
| 03 | Adopt a program for specific community groups and music events and report to Council. | 4th Quarter
<i>Relates to Action</i> | - Director Community Services |
|----|---|---|-------------------------------|

ACHIEVED TO DATE

Initial report prepared for discussion.

- | | | | |
|----|---|---|-------------------------------|
| 04 | Commence implementation of program for Centenary of Local Government. | 4th Quarter
<i>Relates to Action</i> | - Director Community Services |
|----|---|---|-------------------------------|

ACHIEVED TO DATE

Centenary sub committee established, preliminary program of events for 2006 reported to Council.

Objective 6

Mgt Plan related Yes

To provide quality open space, sufficient to meet the needs of the community.

Actions

- | | |
|----|---|
| 01 | Complete plans for North Turramurra Recreation. |
|----|---|

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Detailed plans and construction program for North Turramurra recreation area reported to Council.	3rd Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Consultant has now been appointed and project will commence early December 2005.</i>			
02	Complete master plans for district parks.	4th Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Report anticipated to Council 6.12.2005.</i>			
03	Continue to develop and implement master plans for District Parks.	4th Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Report anticipated to Council 6.12.2005.</i>			

Management Plan Progress Report 2005-2009

Community Development

Objective 2

Mgt Plan related Yes

To provide a library service that addresses the information, cultural and recreation needs of the community.

Actions

- 01 Review and enhance Council's library services.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Conduct a review of library services including opening hours.	2nd Quarter <i>Relates to Action</i>	Director Community Services

ACHIEVED TO DATE

Review commenced, surveys currently being undertaken.

Objective 3

Mgt Plan related Yes

To offer a stimulating environment for artistic and creative expressions through an ongoing program of art courses, workshops and events.

Actions

- 01 Review existing service programs to ensure they remain responsive and relevant to the needs of the community.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	New arts centre program revised.	Ongoing <i>Relates to Action</i>	Director Community Services

ACHIEVED TO DATE

Art Centre brochure, advertising and promotional material, has been produced for Semester 2 2005, and Semester 1 for 2006.

Management Plan Progress Report 2005-2009

Community Development

Objective 4

Mgt Plan related Yes

To provide programs that represent value for money and are financially sustainable.

Actions

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Refer recommendations identified in Community issues paper to Council for consideration.	4th Quarter <i>Relates to Action</i>	Director Community Services
NOT YET DUE			

Objective 5

Mgt Plan related Yes

To develop community pride and identity through cultural planning, community celebrations and cultural awareness programs.

Actions

- 01 Present cultural celebrations and special events that encourage community participation and create a sense of well-being.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Commence implementation of recommendations in Cultural Plan and report quarterly to Community Services Committee.	Ongoing <i>Relates to Action</i>	Director Community Services

ACHIEVED TO DATE

Feasibility Study for Cultural Centre completed, and participation at community festivals increased, planning underway for Australia Day Festival. Cultural Network and Guringai Festival planning commenced. All activities reported to Community Development Committee on a regular basis.

- | | | | |
|----|--------------------------|---|-----------------------------|
| 02 | Community festival held. | 4th Quarter
<i>Relates to Action</i> | Director Community Services |
|----|--------------------------|---|-----------------------------|

ACHIEVED TO DATE

Festival on the Green held June 2005. Planning commenced for 2006 Festival on the Green, Australia Day Festival to be held January 2006.

Management Plan Progress Report 2005-2009

Community Development

- | | | | |
|----|---|---|-------------------------------|
| 03 | Adopt a program for specific community groups and music events and report to Council. | 4th Quarter
<i>Relates to Action</i> | - Director Community Services |
|----|---|---|-------------------------------|

ACHIEVED TO DATE

Initial report prepared for discussion.

- | | | | |
|----|---|---|-------------------------------|
| 04 | Commence implementation of program for Centenary of Local Government. | 4th Quarter
<i>Relates to Action</i> | - Director Community Services |
|----|---|---|-------------------------------|

ACHIEVED TO DATE

Centenary sub committee established, preliminary program of events for 2006 reported to Council.

Objective 6

Mgt Plan related Yes

To provide quality open space, sufficient to meet the needs of the community.

Actions

- | | |
|----|---|
| 01 | Complete plans for North Turramurra Recreation. |
|----|---|

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Detailed plans and construction program for North Turramurra recreation area reported to Council.	3rd Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Consultant has now been appointed and project will commence early December 2005.</i>			
02	Complete master plans for district parks.	4th Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Report anticipated to Council 6.12.2005.</i>			
03	Continue to develop and implement master plans for District Parks.	4th Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Report anticipated to Council 6.12.2005.</i>			

Management Plan Progress Report 2005-2009

Natural Environment

The identity of Ku-ring-gai comes from the relationship between natural bushland, creeks, street trees and our urban area.

Urban development and human interaction occur within our community and our natural resources and impact on the sustainability of the area.

Ku-ring-gai recognises the value of integrated natural resource management.

Budget 2005/2006:	
Expenditure	\$18,528,400
Revenue	\$10,106,400
General (Net) Funding	\$8,422,000

Objective 1

Mgt Plan related Yes

To understand and manage our natural environment to ensure that it is preserved and enhanced for current and future generations.

Actions

- 01 Preserve the existing areas of natural habitat.
- 02 Improve the condition of our riparian systems.
- 03 Implement initiatives to further reduce greenhouse gas emissions.
- 04 Review methods for further reduction in disposal of waste to landfill.
- 05 Further relationships with research institutions to assist in natural area management.
- 06 Promote recreation in bushland areas.
- 07 Increase participation in environmental education programmes across all sectors of our community.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
02	Implement prioritised program of riparian restoration and improvements.	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment
COMPLETED <i>Environmental Levy and other capital works funding has allowed for the planning and improvements to riparians systems. For example Minnamurra Avenue road and drainage reconstruction, rehabilitated and revegetated a significant section of Blackbutt Creek.</i>			
02	Report outcomes of the education program on the new waste and recycling system.	1st Quarter <i>Relates to Action</i>	- Director Technical Services
COMPLETED <i>Education material has been printed for advice to new residents and to existing residents that are experiencing problems with contamination. Further education will be undertaken with local schools. Education displays were held at the St Ives Festival on the Green and the St Ives show.</i>			

Management Plan Progress Report 2005-2009

Natural Environment

03	Establish resident usage of bushland areas, including participation in bushland education programmes.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
	NOT YET DUE		
04	Prepare an asset management plan for bushland facilities and assets.	2nd Quarter <i>Relates to Action</i>	- Director Open Space
	NOT YET DUE		
05	Biodiversity strategy completed and implementation commenced.	2nd Quarter <i>Relates to Action</i>	- Director Open Space - Director Planning and Environment
	ACHIEVED TO DATE <i>Bushland Catchment & Natural Areas Reference Group discussed issues and opportunities related to Plan of Management and biodiversity strategy meeting of 15 August 2005.</i>		
06	Adopt a measure for biodiversity.	3rd Quarter <i>Relates to Action</i>	- Director Open Space
	NOT YET DUE		
07	Report on Water Smart challenge community involvement programme and "Every Drop Counts" program.	3rd Quarter <i>Relates to Action</i>	- Director Planning and Environment
	NOT YET DUE		
08	Reduce the percentage of bushland that is severely degraded by weeds.	4th Quarter <i>Relates to Action</i>	- Director Open Space
	NOT YET DUE		
09	The number of projects undertaken that improve riparian condition.	4th Quarter <i>Relates to Action</i>	- Director Open Space
	NOT YET DUE		
10	Report on development applications conforming to the objectives of Council's Planning instruments.	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
	NOT YET DUE		

Management Plan Progress Report 2005-2009

Natural Environment

11	Update greenhouse action plan.	4th Quarter <i>Relates to Action</i>	Director Planning and Environment
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NOT YET DUE

Objective 2

Mgt Plan related Yes

The community and Council have access to information to guide evidenced based decisions to sustainably manage our environment.

Actions

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Supplementary State of the Environment Report prepared.	1st Quarter <i>Relates to Action</i>	Director Planning and Environment

COMPLETED

SOE has been prepared and will be submitted to Council with annual report. Council's own report will be annexed by the Regional SOE report which has been delayed by contractors to NSROC.

Objective 3

Mgt Plan related Yes

To apply Council's resources in the most effective and efficient manner to contribute to protecting and managing our natural environment.

Actions

- 01 Implement the bushfire hazard reduction programme.
- 02 Implement the projects identified in the environment levy.
- 03 Prepare a Water Management Plan.
- 04 Strengthen the Bushcare programme and groups.

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Identify water conservation targets.	3rd Quarter <i>Relates to Action</i>	Director Open Space

NOT YET DUE

Management Plan Progress Report 2005-2009

Natural Environment

02	State of Environment Plan linked to Management Plan.	3rd Quarter	- Director Open Space
		<i>Relates to Action</i>	
	NOT YET DUE		
03	Report on extensions to fire breaks at the urban/bushland interface.	4th Quarter	- Director Open Space
		<i>Relates to Action</i>	
	NOT YET DUE		
04	Annual report prepared on implementation of projects funded by the environment levy.	4th Quarter	- Director Open Space
		<i>Relates to Action</i>	
	ACHIEVED TO DATE		
	<i>Program has been adopted by Council and community advisory committees have been determined by Council</i>		
05	10% increase in volunteer hours Worked by bushcare volunteers.	4th Quarter	- Director Open Space
		<i>Relates to Action</i>	
	ACHIEVED TO DATE		
	<i>10% increase in participation in Backyard Buddies and 3 new bushcare groups formed in the first quarter.</i>		

Management Plan Progress Report 2005-2009

Built Environment

Ku-ring-gai has an ageing infrastructure that requires significant funding to be sustainable and meet the needs of the community.

Pressure is being placed on the built environment by increased development and the need for Council to manage appropriate forms of development that are sympathetic to the area.

There is an ongoing need to ensure a reliable, consistent, effective and efficient development assessment and regulation service.

Budget 2005/2006:	
Expenditure	\$23,944,500
Revenue	\$13,081,700
General (Net) Funding	\$10,862,800

Objective 1

Mgt Plan related Yes

Management of our assets (roads, drains, footpaths, buildings, open space) that meet current and future uses and needs within resources available.

Actions

- 01 Develop five year rolling programs for roads and footpaths that targets 12 kilometres of road and 2.5 kilometres of new footpath.
- 02 Develop five year programs for upgrading sportsfields, sporting facilities and playgrounds.
- 03 Continue to implement the program for road treatments adjacent to bushland which enhances the quality of water into the natural environment.
- 04 Continue the program for replacement and improvements for Council buildings.
- 05 Develop a program for improvements for all catchments in accordance with Council's ranking criteria.
- 06 Apply for an extension of the Infrastructure Levy.
- 07 Review service standards against all major asset classes.
- 08 Continue integration of asset costing data to council's financial systems.
- 09 Commence implementation of irrigation programs for Council parks and reserves that utilise Councils Stormwater drainage system.
- 10 Implement stage I of Sewer mining project for Golf course irrigation.
- 11 Initiate forward design program for Open space capital works.
- 12 Update drainage maintenance and Capital Works program in accordance with findings of the catchment analysis for the Lane Cove River Catchment.

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	An adopted five year rolling program for roads and footpaths.	1st Quarter <i>Relates to Action</i>	- Director Technical Services

COMPLETED

The five year rolling road and footpath program was reported to Council in July 2005 and was adopted by Council. Work has been completed on a number of projects and the road program is scheduled for completion by the end of March 2006.

Management Plan Progress Report 2005-2009

Built Environment

02	An adopted seven year building maintenance program for all major Council buildings.	1st Quarter <i>Relates to Action</i>	- Director Technical Services
COMPLETED <i>The report on the building maintenance program was reported to Council in September 2005 and was adopted by Council with some minor variations. Work has commenced on some projects and the the program is scheduled for completion by June 2006. Quarterly reports will be provided to Council.</i>			
03	An adopted program for upgrading open space assets.	1st Quarter <i>Relates to Action</i>	- Director Open Space
COMPLETED <i>Reported to Council and adopted for Open Space assets including projects funded by Environmental Levy.</i>			
04	An adopted program for improvements to the drainage system in all catchments.	1st Quarter <i>Relates to Action</i>	- Director Technical Services
DEFERRED <i>A report was presented to Council on the status of the catchment analysis for the Lane Cove catchment in July 2005. The report indicated that the analysis is nearing completion apart from some minor issues that needed to be fixed following the review by Council staff. On completion of the catchment analysis study the program will be reviewed and reported to Council.</i>			
05	Call and let tenders for new depot site at Suakin Street.	2nd Quarter <i>Relates to Action</i>	- Director Technical Services
NOT YET DUE			
06	Undertake consultation and preparation of application for Infrastructure Levy.	3rd Quarter <i>Relates to Action</i>	- Director Technical Services
ACHIEVED TO DATE <i>Council resolved in August 2004 to apply for an extension of the road levy. Work has commenced on the collection of the data required to show the need for a continuation of funding. A report has been received from SMEC on the Pavement Management System and Council's draft submission is being prepared. Contact has been made with representatives of the Department of Local Government on the procedures required to apply for an extension of the Roads Levy.</i>			
07	Complete road and footpath and program within 10% of time and cost estimates.	4th Quarter <i>Relates to Action</i>	- Director Technical Services
NOT YET DUE			
08	Complete annual program for design & upgrading of open space assets within 10% of cost and time estimates.	4th Quarter <i>Relates to Action</i>	- Director Open Space
NOT YET DUE <i>Capital works program adopted and currently being implemented.</i>			

Management Plan Progress Report 2005-2009

Built Environment

Objective 2

Mgt Plan related Yes

To ensure development assessment is consistent with Council's policies and codes and provides an efficient and effective service.

Actions

- 01 Ensure appeals are well managed and deemed refusal numbers are minimised.
- 02 Reduce numbers of outstanding Development Applications.
- 03 Co-ordinate responses to Development Applications for targeted sites.
- 04 Document and report the operation of Private Principal Certifying Authorities.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Development of a Compliance Policy.	1st Quarter <i>Relates to Action</i>	- Director Development and Regulation
NOT ACHIEVED <i>Draft compliance policy is being finalised for consideration by the Planning Committee in Decemeber 2005.</i>			
02	Establish express Development Application assessment process for straight forward applications.	1st Quarter <i>Relates to Action</i>	- Director Development and Regulation
ACHIEVED TO DATE <i>Trial introduction of informal service September 2005. Formal service expected to commence in February 2006.</i>			
03	Conduct public education workshops regarding the role of Council Compliance Officers, Private Certifiers and Principal Certifying Authorities.	2nd Quarter <i>Relates to Action</i>	- Director Development and Regulation
NOT YET DUE <i>Informal information session for the Planning Committee scheduled for December 2005. This will be followed by a public education program.</i>			
04	Extend Pre DA advice service to all application types.	2nd Quarter <i>Relates to Action</i>	- Director Development and Regulation
NOT YET DUE <i>Currently being developed.</i>			

Management Plan Progress Report 2005-2009

Built Environment

05	Audit and report on development compliance for completed development sites.	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
NOT YET DUE <i>Report to Council 4th quarter.</i>			
06	Maintain outstanding DA numbers below 550.	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
NOT YET DUE <i>Outstanding D.A's reduced to 498 as at November 2005</i>			
07	Case reporting on L&E Court appeal outcomes undertaken including assessment of legal firms performance.	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
NOT YET DUE <i>Regular reporting was commenced. Assessment of legal firms' performance underway as part of Legal Panel Review</i>			

Objective 3

Mgt Plan related Yes

To provide multi purpose accessible facilities for community use.

Actions

- 01 Implement community facilities improvement program.
- 02 Promote halls and meeting rooms.
- 03 Review utilisation rates for community facilities.
- 04 Assess mix of Council facilities in major town centres and associated review of funding options.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Report on new/improved facilities in major town centres and associated funding options.	Ongoing <i>Relates to Action</i>	- Director Community Services - Director Finance and Business - Director Open Space - Director Planning and Environment - Director Technical Services - General Manager
NOT YET DUE			

Management Plan Progress Report 2005-2009

Built Environment

02	Implement the Community Facilities Improvement Program and report to Council.	2nd Quarter <i>Relates to Action</i>	- Director Community Services
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COMPLETED

Community Facilities Improvement Program integrated into Building Maintenance Program.

03	Audit the usage of Council's facilities and report on findings	2nd Quarter <i>Relates to Action</i>	- Director Community Services
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NOT YET DUE

04	Lease and licence agreements finalised and executed as they fall due.	4th Quarter <i>Relates to Action</i>	- Director Community Services
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ACHIEVED TO DATE

- Pymble/Turramurra Kindergarten.
 - Suzuki Talent Education.
 - Australian Dance Vision.
 - South Turramurra Kindagarten.
-

Management Plan Progress Report 2005-2009

Financial Sustainability

Ku-ring-gai is a largely developed Council with an ageing infrastructure and a heavy reliance on rating revenue as a proportion of total income.

Council has an annual budget of \$70.4 million, of which \$9.8 million is committed to capital and project works.

Council's financial strategies are governed by a 10 year financial model which is reviewed by Council each year. The aim of the model is to increase Council's commitment to asset renewal while simultaneously reducing debt.

Budget 2005/2006:	
Expenditure	\$3,600,000
Revenue	\$4,158,000
General (Net) Funding	-\$558,000

Objective 1

Mgt Plan related Yes

To ensure the financial sustainability of Council which allows for efficient service delivery and the effective management of Council's assets, now and in future years.

Actions

- 01 Reduce Council's debt.
- 02 Adopt a 10 year financial model setting the parameters for Council's Financial Framework.
- 03 Produce statutory documents in accordance with legislative requirements.
- 04 Review the policy for long term financial sustainability.
- 05 Implement the requirements of the International Accounting Standards.

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Investment performance reported to Council on a monthly basis.	Monthly <i>Relates to Action</i>	Director Finance and Business

ACHIEVED TO DATE

Investments for July - September reported to Council.

02	Council's Budget review reported to Council within two months of the end of each financial quarter.	Each Quarter <i>Relates to Action</i>	Director Finance and Business
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ACHIEVED TO DATE

September quarterly review will be referred to Council on 22 November 2005.

Management Plan Progress Report 2005-2009

Financial Sustainability

03	Re-apply for DIPNA Stage II funding grant.	1st Quarter <i>Relates to Action</i>	- Director Finance and Business
ACHIEVED TO DATE <i>Awaiting memorandum of understanding form DIPNA.</i>			
04	10-Year Financial Model reviewed and adopted by Council.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE <i>Model will be developed and referred to Finance Committee for consideration by December.</i>			
05	Annual Financial Statements adopted and submitted to the Department of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
COMPLETED <i>Financial Statements adopted by Council on 18 October 2005.</i>			
06	Notional rate return audited and submitted to Department of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
ACHIEVED TO DATE <i>Notional Rate return was audited on 31/10/2005.</i>			
07	Policy for long term financial framework adopted.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE			
08	Report showing methodology of allocation to Capital works based on what is required to maintain a satisfactory standard and the timeframe.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business - Director Open Space - Director Technical Services
NOT YET DUE			
09	Requirements contained in Council's 10 year financial model are implemented.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
ACHIEVED TO DATE <i>Adopted budget is consistent with the requirements of Councils 10 year financial model.</i>			

Management Plan Progress Report 2005-2009

Financial Sustainability

10	Council's investment returns to meet or exceed the average bank bill rate.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
ACHIEVED TO DATE <i>Investment returns have exceeded bank bill rate in each month during the first quarter.</i>			
11	Balanced budget developed for public exhibition.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
COMPLETED <i>Balanced budget has been publicly exhibited and adopted by council.</i>			
12	Council's debt reduced to \$11.2 million.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business - Director Technical Services
NOT YET DUE <i>Debt repayments will be made during the year as they fall due.</i>			
13	\$2,176,600 committed to works of 'direct community benefit'	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
COMPLETED <i>Works totalling \$2,176,000 form part of Councils adopted budget.</i>			

Objective 2

Mgt Plan related Yes

To continuously explore opportunities to maximise the financial return and Community benefit from Council's commercial property holdings.

Actions

- 01 Complete sale of Carlotta Street.
- 02 Execute commercial leases/Licences as required.
- 03 Review options to diversify and expand Councils revenue opportunities.
- 04 Model funding options of the redevelopment of Councils facilities.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Potential funding opportunities identified and reported to Council as required.	Ongoing <i>Relates to Action</i>	- Director Finance and Business

ACHIEVED TO DATE

Report recommending installation of additional bus shelters was referred to council on 18 October 2005.

Management Plan Progress Report 2005-2009

Financial Sustainability

02	Analyse and report to Council options to ensure the financial viability of Marian Street Theatre now and in the future.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE <i>Report will be referred to council in December 2005.</i>			
03	Firs Estate Cottage Lease to be executed.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE <i>Renovation of Firs Estate cottage is scheduled to be completed by December. Expressions interest will be advertised thereafter.</i>			
04	Sale of Carlotta Street completed with proceeds restricted to new facilities reserve.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business - Director Technical Services
ACHIEVED TO DATE <i>Expressions interest for sale of Carlotta Street close on 26 October 2005.</i>			
05	Report to Council outlining potential options for the future use of Marian Street.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE <i>Report to council scheduled for December 2005.</i>			

Management Plan Progress Report 2005-2009

Council's Corporate Services

Provision of a range of services which act as a focal point for the delivery of information and Customer Services.

Provision of internal services to support the organisation.

Budget 2005/2006:	
Expenditure	\$6,673,100
Revenue	\$42,338,800
General (Net) Funding	-\$35,665,700

Objective 1

Mgt Plan related Yes

To improve services to the community through the provision of timely and accurate information.

Actions

- 01 Continue to review corporate standards and procedures.
- 02 Produce statutory reports in accordance with legislative requirements.

Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Database of Council resolutions is kept up to date with responsible officers clearly nominated.	Monthly <i>Relates to Action</i>	- Director Finance and Business
ACHIEVED TO DATE <i>Database is being maintained.</i>			
02	Report quarterly to Council on resolutions which have not been implemented with accompanying explanations.	Each Quarter <i>Relates to Action</i>	- General Manager
ACHIEVED TO DATE <i>Forms part of update on KPI's.</i>			
03	Council's Land and Environment Court Costs reported to Council on a quarterly basis.	Each Quarter <i>Relates to Action</i>	- Director Finance and Business
ACHIEVED TO DATE <i>Report for 1st quarter will be referred to Council on 22 November 2005</i>			
04	Management Plan progress reported to Council within two months of the end of each financial quarter.	Each Quarter <i>Relates to Action</i>	- General Manager
ACHIEVED TO DATE <i>Update for 1st quarter referred to Council on 22 November 2005.</i>			

Management Plan Progress Report 2005-2009

Council's Corporate Services

05	Annual Report adopted and submitted to the Department of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE Annual report will be referred to Council for adoption on 22 November 2005.			
06	Report and analysis of NSW Department of Local Government Comparative data presented to Council.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE Report will be referred to Council in December.			
07	Management Plan adopted.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
NOT YET DUE			
08	Annual report to Council on progress made on codifying Council policies for distribution to staff as operational manuals.	4th Quarter <i>Relates to Action</i>	- General Manager
NOT YET DUE			

Objective 3

Mgt Plan related Yes

To expand the provision of Customer Service.

Actions

- 01 Assess the potential to expand the provision of customer services across the council area.
- 02 Establish an organisational customer service procedure.
- 03 Improve the capability for customers to conduct business with Council electronically.

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Review the quality of customer service and implement an organisational customer service procedure.	2nd Quarter <i>Relates to Action</i>	- Director Community Services
ACHIEVED TO DATE Training needs identified, planning commenced for organisational customer service training.			

Management Plan Progress Report 2005-2009

Council's Corporate Services

02	New bookings software system for Council services implemented.	3rd Quarter <i>Relates to Action</i>	<ul style="list-style-type: none">- Director Community Services- Director Finance and Business- Director Open Space
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NOT YET DUE

03	Identify ways to improve Councils web based functionality to enable exchange information with Stakeholders online. Report to Council	4th Quarter <i>Relates to Action</i>	<ul style="list-style-type: none">- Director Community Services- Director Finance and Business
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NOT YET DUE

Objective 5

Mgt Plan related Yes

Provide communication services that support the dissemination and exchange of information within Council and the community.

Actions

01	Implement Corporate Communications Strategy.
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Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Corporate Communications Strategy implemented.	2nd Quarter <i>Relates to Action</i>	<ul style="list-style-type: none">- Director Community Services
ACHIEVED TO DATE Strategy commenced.			
02	Capability to track DA's electronically is in place.	4th Quarter <i>Relates to Action</i>	<ul style="list-style-type: none">- Director Finance and Business
NOT YET DUE			

BUDGET 2005/2006 1ST QUARTER REVIEW AS AT END SEPTEMBER 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the quarterly financial review for the 1st quarter ended 30 September 2005.
BACKGROUND:	This is a statutory requirement under the Local Government (Financial Management) Regulation Part 2 paragraph 7.
COMMENTS:	This review analyses the financial performance of the Council for the 1st quarter of the 2005/2006 budget comparing actual expenditure and revenue for the quarter against the budget.
RECOMMENDATION:	That Council approve the budget transfers as outlined in this report.

PURPOSE OF REPORT

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2005.

BACKGROUND

This is a statutory requirement under the Local Government Financial Management Regulation 1999, Part 2 Clause 7 and it is an essential aspect of Council's financial management.

At the Council meeting held on 14 June 2005, Council adopted the 2005-2009 Management Plan, which incorporated the annual budget for Council for 2005/2006. The resolution adopting this Management Plan was under Minute 228.

COMMENTS

General Budgetary Position

This review analyses the financial performance of the Council for the 1st quarter of 2005/2006 comparing actual expenditure and revenue for the quarter against budget. Council's budgetary position for the quarter ended 30 September is well within expectations. The organisation's year to date net expenditure shows a surplus of \$5,458,123 compared to a budget surplus of \$1,609,085, a positive variance of \$3,849,038.

Having said this, the year to date position for Waste Management is a positive variation of \$1,204,296. Additionally, net contributions of \$2,842,926 have been received by Council against a year to date budget of \$1,175,001 a variation of \$1,667,925. As these variations are externally restricted, it is appropriate that they are removed from the general budgetary surplus. This results in a positive cash variance of \$976,817.

The financial position of the council is satisfactory, having regard to the original estimate of income and expenditure.

This total variance is broken down as follows:

	Budget YTD	Actual YTD	Variance
Expenditure	\$18,403,576	\$17,291,997	\$1,111,579
Income	\$20,012,661	\$22,750,120	\$2,737,459
Sub Total	\$1,609,085	\$5,458,123	\$3,849,038
Less External Restrictions			(\$2,872,221)
Net Result			\$976,817

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18 October 2005

DEPARTMENTS	September YTD (Net)			Year
	\$ Actual	\$ Budget	\$ Variance	\$ Budget
Civic Management	656,080	592,230	(63,850)	2,368,900
Community Services	1,511,768	1,670,837	159,069	6,736,000
Development & Regulation	539,595	625,743	86,148	2,503,000
Finance & Business	(11,640,849)	(9,475,001)	2,165,848	(39,742,200)
Open Space	1,743,864	1,922,664	178,800	7,652,400
Planning & Environment	214,389	268,218	53,829	1,072,900
Technical Services	2,595,983	2,660,881	64,898	9,892,600
Waste Management	(1,078,953)	125,343	1,204,296	501,300
Net Expenditure / (Revenue)	(5,458,123)	(1,609,085)	3,849,038	(9,015,100)

Restricted Income

Section 94 - As at 30 September 2005, Council has received \$2,844,330 in Section 94 Contributions. Of this amount \$450,136 relates to the 2000/2003 Residential Plan, \$60,592 relates to the new SEPP 5 Plan and \$2,333,602 relates to the 2004/2009 Residential Plan. An additional \$221,279 of interest has been added to Section 94 funds for the quarter.

Internally Restricted Reserves

At the beginning of the 2005/2006 financial year, balances available in internally restricted reserves totalled \$9,390,753. No funds have been restricted to these reserves this quarter.

Total Restricted Assets	\$
Opening Balance	24,838,017
Add: Income as at 30 September	2,844,330
Add: Interest	221,279
Less : Transfers Out	(1,406)
Closing Balance	27,902,220

A further breakdown of these contributions is shown in **Appendix B**.

Summary of requested budget adjustments

DEPARTMENT		
	Additional Expense	Additional Revenue
	\$	\$
COMMUNITY SERVICES		
- operational	(10,000)	0
- capital projects	42,000	0
Sub Total	32,000	0
OPEN SPACE		
- operational	(60,000)	0
- capital projects	0	0
Sub Total	(60,000)	0
PLANNING & ENVIRONMENT		
- operational	(30,000)	0
- capital projects	224,800	224,800
Sub Total	194,800	224,800
TECHNICAL SERVICES		
- operational	11,700	108,700
- capital projects	5,000	5,000
Sub Total	16,700	113,700
CIVIC MANAGEMENT		
- operational	28,000	0
- capital projects	0	0
Sub Total	28,000	0
FINANCE & BUSINESS		
- operational	237,700	80,700
- capital projects	0	0
Sub Total	237,700	80,700
DEVELOPMENT & REGULATION		
- operational	0	30,000
- capital projects	0	0
Sub Total	0	30,000
Total Council Budget Adjustments	449,200	449,200
NET EXPENDITURE		0

Community Services

Community Services required additional net funds of \$32,000. The most significant is the additional \$25,000 for the Centenary of Local Government project and \$15,000 for the ID Community profile project.

Open Space

Open Space provided a saving of \$60,000. Minor adjustments were made to particular cost centres within the department due to staff vacancies.

Planning & Environment

Planning & Environment produced a net savings of \$30,000 due to a reduction in employee costs within the management support area. The department required two planning projects to be setup during the quarter totalling \$224,800 which have been fully funded by grants.

Item 7

S03918
18 October 2005**Technical Services**

Technical Services produced a net savings of \$97,000. There were many adjustments made in this quarter, the most significant being an increase in income of \$90,000 for trade waste income and the additional funds required for the increase in street lighting charges of \$67,000.

Civic Management

Civic Management require additional funds of \$28,000. The most significant variation is an additional \$20,000 for consultant costs required in the Human Resources budget.

Finance & Business

Finance and Business require additional net funds of \$157,000. This mainly due to the increase in Council's workers compensation premium of \$181,500 as well as the increase to the NSW Fire Brigade Levy of \$83,200. This however, was offset slightly with the increase in income of \$50,700 for the Financial Assistance Grant.

Development and Regulation

The net budget result for Development and Regulation is a positive variance of \$30,000. There were several variations within the department the most significant being an increase in DA income of \$15,000.

(Details of variations for each department are outlined in **Appendix A.**)

Net totals for each department are as follows:

Department	Amount \$
Community Services	32,000
Open Space	(60,000)
Planning & Environment	(30,000)
Technical Services	(97,000)
Civic Management	28,000
Finance and Business	157,000
Development and Regulation	(30,000)
Net Expenditure	0

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An overall summary of 2005/2006 budget adjustments are shown in the table below:

2005/2006 Budget Summary	Original Budget	Carry Forwards	Sept Review	Revised Budget
	\$	\$	\$	\$
Operating Budget				
Total Cash In	93,893,500	332,100	439,200	94,664,800
Total Cash Out	60,650,400	0	177,400	60,827,800
Headline Budget Surplus/(Deficit)	33,243,100	332,100	261,800	33,837,000
Funds To Restricted Assets	26,917,300	0	0	26,917,300
Operating Surplus/(Deficit)	6,325,800	332,100	261,800	6,919,700
Capital Works Program				
Projects	11,522,300	2,377,800	266,800	14,166,900
Funded By				
Operating Surplus	1,398,800	332,100	261,800	1,992,700
Infrastructure Levy	1,767,000	0		1,767,000
Environmental Levy	1,760,000			1,760,000
Loans	1,400,000	0		1,400,000
Sub Total	6,325,800	332,100	261,800	6,919,700
Section 94	30,000	110,000	0	140,000
Other Restricted Assets	5,166,500	1,498,700	5,000	6,670,200
Working Funds	0	437,000	0	437,000
Total Funding	11,522,300	2,377,800	266,800	14,166,900
Net Surplus/(Deficit)	0	0	0	0

Working Funds

The following table provides a summary of working funds adjustments during 2005/2006.

Projected Working Funds Position as at 30 June 2005	
Working Funds 1 July 2005	\$468,000
Less	
Carried Forward Works from 2004/2005	(\$437,000)
Unrestricted Working Funds	\$31,000
Plus Variations September 2005 Review	\$0
Projected Unrestricted Working Funds 30 June 2006	\$31,000
Council's unrestricted working funds reflect the short-term ability of the Council to fund unplanned expenditure.	

Capital Works & Projects

DEPARTMENTS	September YTD Actual	Full Year Budget	Funds to be Spent
Community Services	(\$936)	\$109,900	\$110,836
Finance & Business	\$2,236	\$100,000	\$97,764
Open Space	\$334,482	\$4,600,300	\$4,265,818
Planning & Environment	\$106,762	\$1,113,100	\$1,006,338
Technical Services	\$3,065,192	\$7,960,800	\$4,895,608
	\$3,507,736	\$13,884,100	\$10,376,364

Gross expenditure for capital works & projects for the period ended 30 September 2005 is \$3,507,736 against a full year budget of \$13,884,100 (this includes operational and passenger fleet). Finance will continue to monitor capital works expenditure on a monthly basis to ensure that carry forwards are minimised at the year end.

CONSULTATION

Not Applicable

FINANCIAL CONSIDERATIONS

Should Council adopt the recommendations of this report, Council's working fund balance will remain unchanged.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business staff have worked closely with the General Manager and Directors of each department in reviewing their budgets to provide this quarterly review.

SUMMARY

The net result of the September Review if adopted will not change Council's current working fund balance being \$31,000.

RECOMMENDATION

That Council adopt the variations contained in this report.

Michael Lopez
Management Accountant

John Clark
Finance Manager

Brian Bell
General Manager

Attachments: **Appendix A - Summary Review**
 Appendix B - Restricted Assets
 Appendix C - September Financial Reports

INVESTMENT CASH FLOW AND LOAN LIABILITY AS AT 31 OCTOBER 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 October 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 October.

RECOMMENDATION:

That the summary of Investments, daily cash flows and loan liability for October 2005 is 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 October 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 October Council had a cash outflow of \$1,450,000 and gross capital appreciation on Council's investments was \$165,300.

Council's total investment portfolio at the end of October 2005 is \$30,592,800. This compares to an opening balance of \$18,539,000 as at 1 July 2005.

Council's General Fund interest on investments for October year to date is \$554,100. This compares favourably to the year to date budget of \$335,000.

There were repayments made in October against loan numbers 128 and 129 reducing the total level of debt at month end to \$11,035,870. This compares to a total debt of \$11,295,900 as at 1 July 2005.

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.

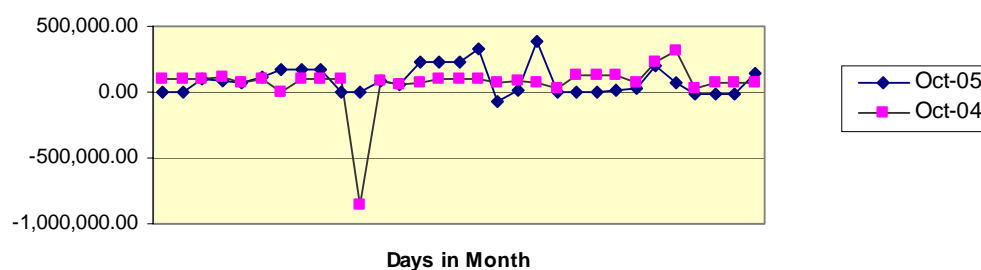
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8 November 2005

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%.

October 2005**Management of General Fund Bank Balance**

During October, Council had an outflow of funds of \$1,450,000. Payments were made towards our loans and Waste Services.

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 October was 6.21% compared to the benchmark of the UBS Bank Bill Index of 5.77%.

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	\$1,492,095	(\$450,000)	\$6,350	\$1,048,446	5.79%
Deutsche Income Fund	At Call	\$9,470,880		\$51,819	\$9,522,699	6.30%
Macquarie Income Plus Fund	At Call	\$9,263,012		\$47,404	\$9,310,417	6.45%
Perpetual Credit Income Fund	At Call	\$9,061,346	(\$1,000,000)	\$41,545	\$8,102,891	6.29%
Turramurra Community Bank	Term Deposit	\$500,000		\$3727	\$528,300	5.83%
CBA Loan Offset No 1	Offset	\$1,040,000		\$4,889	\$910,000	5.72%
CBA Loan Offset No 2	Offset	\$1,300,000		\$6,112	\$1,170,000	5.72%
TOTALS		\$32,127,333	\$(1,450,000)	\$161,846	\$30,592,753	

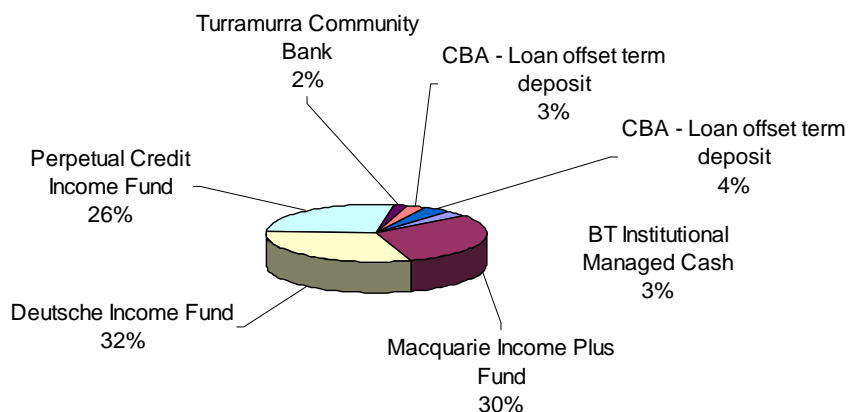
Year to-date Funds Performance against the UBS Bank Bill Index

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

Fund Manager	Performance Annualised for October 2005	UBS Bank Bill Index Annualised for October 2005
BT Institutional Managed Cash	5.79%	5.76%
Deutsche Income Fund	6.70%	
Macquarie Income Plus Fund	6.57%	
Perpetual Credit Income Fund	6.47%	
Turramurra Community Bank	5.83%	
CBA Offset No.1	5.72%	
CBA Offset No.2	5.72%	

Allocation of Investment Funds:

Council's funds during October were allocated as follows:

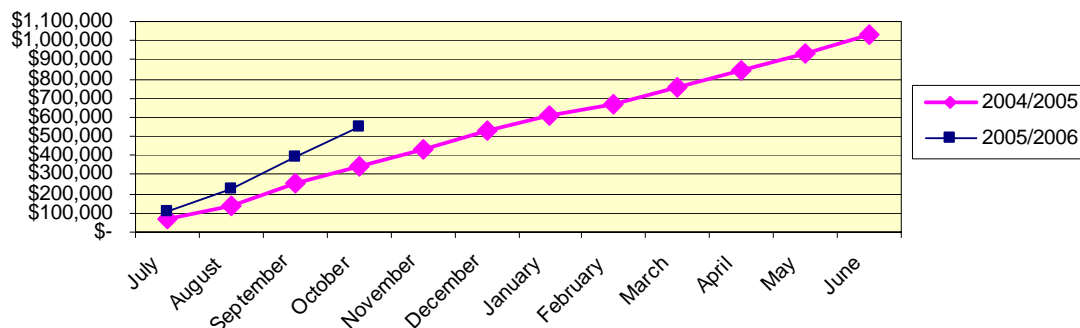
Portfolio Allocation of Investment Funds**2004/2005 versus 2005/2006****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2004/2005 and 2005/2006. At the end of October, year to date interest earnings totalled \$554,100. This compares to \$348,400 at the same time last year, an increase of \$205,700.

Item 8

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8 November 2005

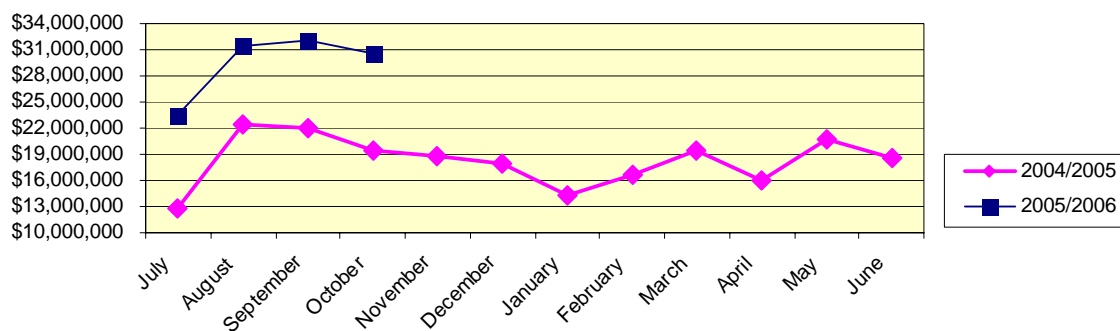
Accumulative Interest 2004/2005 v's 2005/2006



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 October 2005 Council's investment portfolio decreased by \$1,450,000. In comparison, during October 2004 Council's investments decreased by \$2,760,000

Council's closing investment portfolio of \$30,592,800 in October 2005 is \$11,195,800 higher than the October 2004 closing balance of \$19,397,000.

Capital Works Projects

As at the end of October 2005 Council had a net expenditure of \$2,230,200 on capital works, which is \$487,400 lower than at the same time last year when \$2,717,600 had been expended.

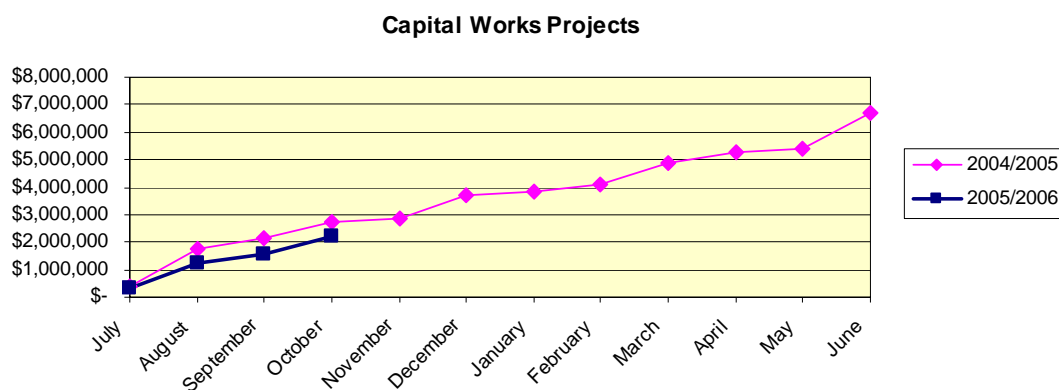
During October 2005 Council expended \$326,900 on capital works, which compares to \$592,700 during October 2004, a decrease of \$265,800.

Item 8

S02722
8 November 2005

Council's 2005/2006 total revised budget for capital works (excluding fleet replacement) is \$12,950,100, which leaves funds of \$10,719,900 unexpended at the end of October.

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 Council's cash flow. Gross expenditure on capital works will be reported separately as part of quarterly financial review and reporting.

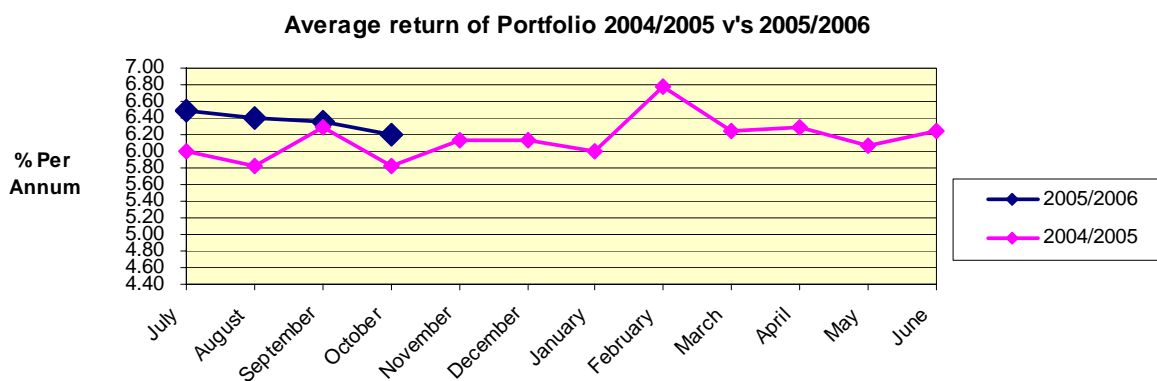


Portfolio Performance Average Return 2004/2005 versus 2005/2006

The following graph compares the monthly returns on Council's portfolio for the financial years 2004/2005 and 2005/2006.

In October 2005 earnings before fees were 6.21%, this compares to 5.83% in October 2004.

For the period July 2005 – October 2005 Councils average earnings before fees were 6.36%. This compares to 5.99% for the same period last financial year.

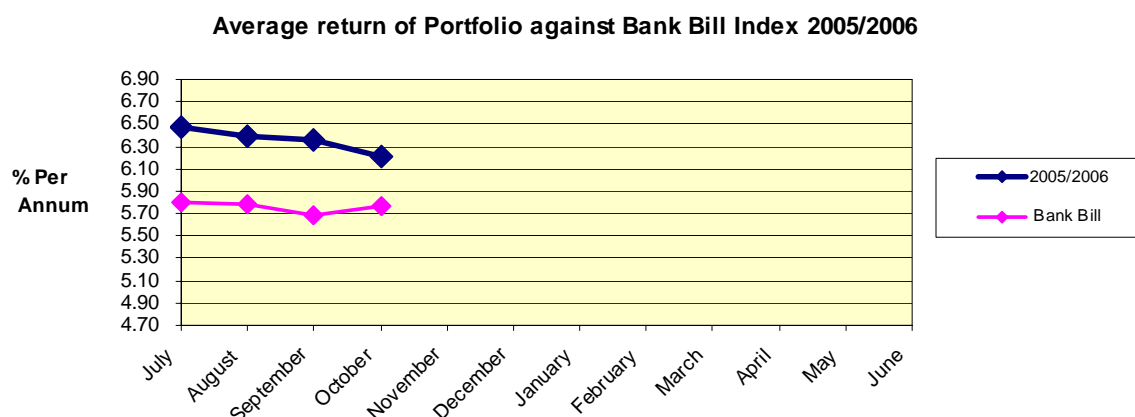


Item 8

S02722
8 November 2005**2005/2006 Portfolio Performance against the UBS Bank Bill Index**

Council's average portfolio performance (6.21%) performed above the UBS Bank Bill Index (5.77%) in October.

Returns above benchmark have been achieved in each of the four months this financial year. The average return of portfolio against Bank Bill is displayed in the following graph.

**Summary of Borrowings**

The following 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.

There were two loan repayments made in October, reducing total debt to \$11,035,900.

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	\$1,690,000	\$910,000	5.87%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,430,000	\$1,170,000	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		\$16,682,000	\$5,646,130	\$11,035,900			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.50% during October.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 October 2005:

- Council's total investment portfolio is \$30,592,800. This compares to an opening balance of \$18,539,000 as at 1 July 2005, an increase of \$12,053,800.
- Council's General Fund interest on investments totals \$554,100. This compares favourably to the year to date budget of \$335,000.
- Council's total debt is reduced to \$11,035,900.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for October 2005 is received and noted.

John Clark
Finance Manager

2004 TO 2005 ANNUAL REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Statutory Annual Report for 2004/2005 in accordance with Section 428 of the Local Government Act 1993.

BACKGROUND:

Section 428 of the Local Government Act 1993 requires Council to furnish a report to the Minister for Local Government on its achievements with respect to the objectives and performance targets set out in the Management Plan for the year.

COMMENTS:

Not applicable.

RECOMMENDATION:

That the Annual Report for the period, 1 July 2004 to 30 June 2005, be received and noted.

PURPOSE OF REPORT

To present to Council the Statutory Annual Report for 2004/2005 in accordance with Section 428 of the Local Government Act 1993.

BACKGROUND

Section 428 of the Local Government Act 1993 requires Council to prepare a report on its achievements with respect to the objectives and performance targets set out in the Management Plan for the year.

The report is to be prepared within 5 months of the close of the year (ie by 30 November) and the information required in Section 428(2) of the Act represents Council's statutory reporting responsibilities.

A copy of the Report is required to be sent to the Minister for Local Government.

The Report for the period 1 July 2004 to 30 June 2005 is now tabled for Council's information and is available for public perusal at Council's Office and Libraries.

COMMENTS

Not applicable.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All Departments have provided input into the Report.

SUMMARY

Not applicable.

RECOMMENDATION

That the Annual Report for the period, 1 July 2004 to 30 June 2005, be received and noted.

Geoff O'Rourke
Senior Governance Officer

John McKee
Director Finance & Business

Brian Bell
General Manager

ANALYSIS OF LAND & ENVIRONMENT COURT COSTS 1ST QUARTER 2005/2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the First Quarter ended 30 September 2005, including appeals commenced, costs incurred by Council and outcomes.

BACKGROUND:

An applicant may commence proceedings in the Land and Environment Court for an application which has either been refused by Council or is deemed to have been refused. An appeal may also be commenced in relation to conditions in any consent granted by Council.

COMMENTS:

For the first quarter ended September 2005, Council's legal costs and associated expenses in relation to Land & Environment Court matters were \$338,350. This compares to the year to date budget of \$425,000.

RECOMMENDATION:

That the analysis of Land And Environment Court costs for the quarter ended September 2005, be received and noted.

PURPOSE OF REPORT

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the First Quarter ended 30 September 2005, including appeals commenced, costs incurred by Council and outcomes.

BACKGROUND

Pursuant to the *Environmental Planning and Assessment Act 1979*, an applicant may commence proceedings in the Land and Environment Court in respect of an application for which Council was the relevant consent authority and which has either been refused by Council or is deemed by the Act to have been refused (a development application is deemed to have been refused if it has not been determined within a period of 40 days or such longer period that may be calculated in accordance with the Act). An appeal may also be commenced in relation to conditions imposed in relation to consent granted by Council. Council is a respondent to such proceedings.

Under Section 428 of the *Local Government Act 1993*, Council is required to report legal costs, and the outcome of each case in its Annual Report.

COMMENTS

APPEALS LODGED

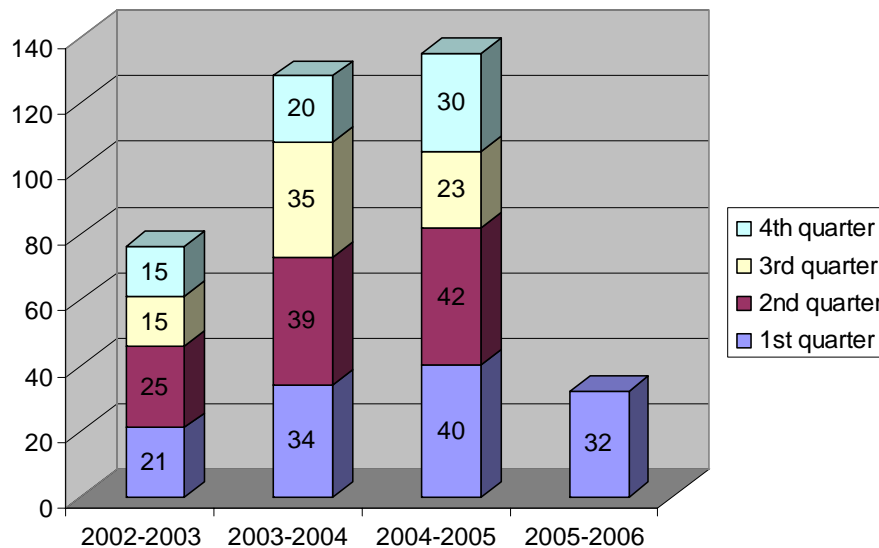
In the first financial quarter ended 30 September 2005, there were 32 properties where new appeals were lodged in respect of development applications with the Land and Environment Court, five of which costs were incurred by Council. This represents a small decrease compared to the same period in the previous year. The number of appeals received in prior years is as follows:

Financial year	Number of appeals received (whole year)
2001/2002	75
2002/2003	76
2003/2004	128
2004/2005	135
2005/2006@ 30 September	32

Item 10

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20 October 2005

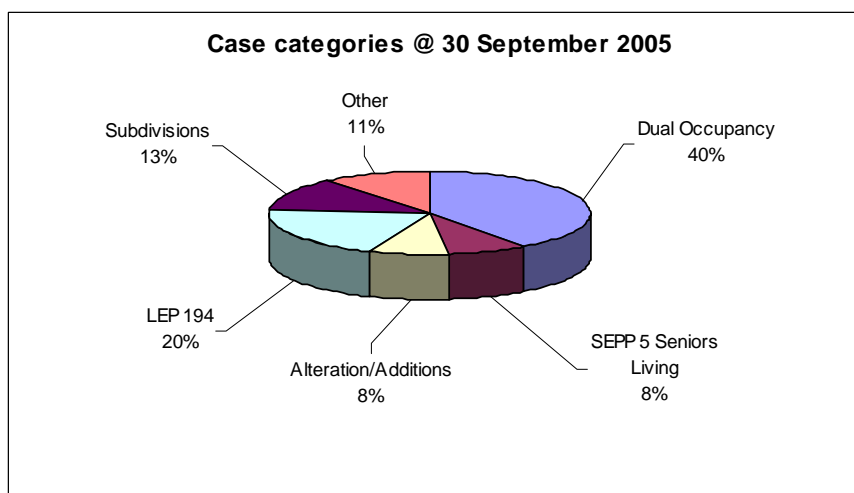
Number of Appeals Commenced



The revised procedures in the Land and Environment Court, which commenced in February 2004 have significantly streamlined appeal procedures and reduced timeframes, and have encouraged more applicants to lodge appeals with the Court.

Twenty-five (25) of the 32 new appeals lodged during this financial year were in relation to deemed (as opposed to actual) refusal of an application. The percentage of deemed refusal appeals in the year 2004-2005 was 69%. Whilst the proportion for the first quarter is higher than the overall figure for the previous financial year, it is difficult to draw any clear conclusion from this fact, due to the relatively small number of appeals in the later period.

Appeals commenced in the last quarter ended September 2005 are made up of the following development categories:



Item 10

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20 October 2005

The larger categories are appeals in respect of dual occupancy development (40%), LEP 194 (20%) and subdivisions (13%).

The "Other" category in the previous chart comprises single dwellings, fences, demolition, telecommunications structures section 96 and appeals against conditions of consent.

COSTS

During the first quarter of the 2005/2006 financial year, Council expended \$338,350 on legal costs and associated expenses in relation to Land & Environment Court matters. This is \$86,650 less than the year to date budget of \$425,000, but \$64,350 more than the same period in 2004/2005 and \$129,650 less than the same period in 2003/2004.

It may be noted that two of the matters in which relatively large sums were expended related to the finalisation of costs in relation to completed matters that commenced two or more years ago (\$36,819 in relation to Dubler Group, 385 Bobbin Head Road North Turramurra; and \$20,939 in relation to Williams, 1A Kalang Avenue Killara).

These costs are made up of legal fees, fees charged by consultants retained as expert witnesses (largely court-appointed experts) and other costs incurred as a result of Council's role in the proceedings. In addition to expenditure on appeals, a further amount of \$6,700 was spent on expert legal advice regarding development assessment matters.

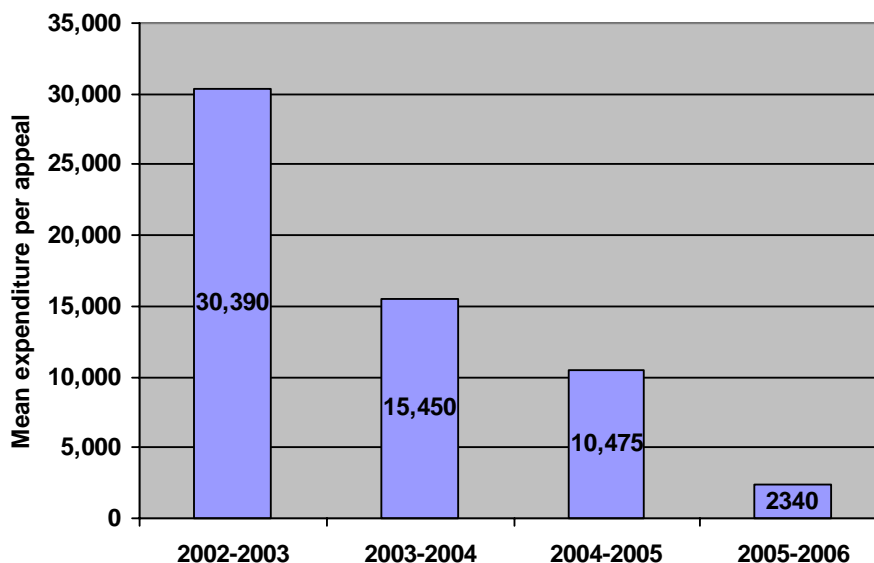
Legal Costs and Associated Expenses 2001/2002 - 2005/2006					
<i>Financial Year</i>	<i>Total Costs</i>	<i>1st quarter September</i>	<i>2nd quarter December</i>	<i>3rd quarter March</i>	<i>4th quarter June</i>
2001/2002 (75 appeals lodged)	\$2,104,000	\$420,000	\$423,000	\$500,000	\$761,000
2002/2003 (76 appeals lodged)	\$2,252,000	\$302,000	\$452,000	\$665,000	\$833,000
2003/2004 (128 appeals lodged)	\$2,205,000	\$468,000	\$378,000	\$605,000	\$754,000
2004/2005 (135 appeals lodged)	\$1,867,000	\$274,000	\$562,000	\$314,000	\$717,000
2005/2006 (5 appeals lodged)	\$338,350	\$338,350			

The above table indicates that there has been a significant reduction in costs incurred compared to the same period in the previous year. Costs for the period October 2004 to September 2005 were \$79,650 less than in the period October 2003 to September 2004.

Item 10

S02466
20 October 2005

A comparison of the average total costs incurred in relation to matters commenced in the past four years indicates that the cost per appeal incurred by Council has reduced substantially:



In relation to the above table, it should be noted that the figure of \$2,340 for the current financial year is unusually low and is influenced by the very small number of appeals for this period that have been concluded.

Factors which may be regarded as contributing to this reduction in costs are:

- More efficient processing of development applications that are subject to deemed refusal appeals so that they are determined at an earlier stage of Court proceedings;
- More efficient management of the process of instructing Council's external legal representatives;
- Faster progress and determination of appeals by the Court as a result of the revised practice directions;
- The practice of the Court of frequently appointing Court-appointed experts to provide expert opinion/evidence rather than allowing the parties to call their own witnesses, which results in the parties sharing the cost of the witness.

A total of \$11,800, or 3.5% of the total costs, was incurred in relation to 5 matters that commenced in the current financial year. The balance relates to appeals that were commenced prior to 1 July 2005.

SUMMARY BY WARD

A summary of Land & Environment Court costs by ward is shown in the following table:

Land & Environment Court costs by Ward for the financial year 2005/2006		
Comenarra	\$28,121	8.3%
Gordon	\$122,733	36.3%
Roseville	\$42,154	12.5%
St Ives	\$19,464	5.8%
Wahroonga	\$125,874	37.1%
Total Costs	\$338,346	100.0%

OUTCOMES

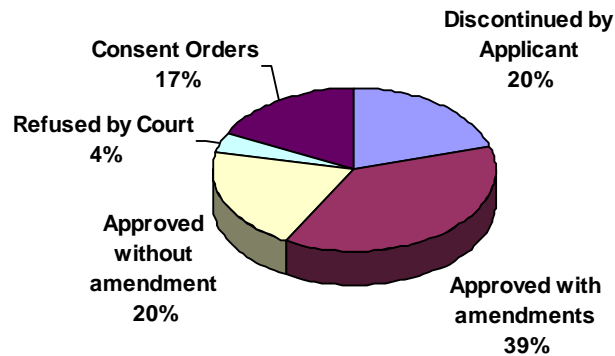
At an early stage of each appeal, Council, as respondent, is required to file with the Court a Statement of Issues outlining the grounds which Council asserts as warranting refusal of a development, or alternatively, that may be addressed by way of conditions of consent.

In cases where issues raised by Council are capable of resolution by the provision by the applicant of additional information or amendment of the proposal, it is the Court's expectation that this should occur. The Court's current practice of appointing a Court-appointed expert witness, rather than allowing the parties to call their own expert evidence, strongly encourages this.

In this context, any of three outcomes can be regarded as favourable, namely:

1. If the appeal is in relation to a deemed refusal of an application which, upon assessment, is appropriate for approval: that the development is determined by Council, allowing the appeal to be discontinued by the applicant and avoiding as much as is practicable the incurring of unnecessary legal costs;
2. If the issues raised by Council are capable of resolution by the applicant providing further information, or amending the proposal: that this occurs, so that development consent should be granted, either by Council or the Court;
3. If the issues raised by Council are either not capable of resolution, or the applicant declines to take the steps that are necessary to resolve them: that the appeal is either discontinued by the applicant, or dismissed (refused) by the Court.

Of the 35 appeals commenced in the financial year 2005/2006, only one was resolved prior to 30 September 2005, being upheld by the Court (11 Abingdon Road Roseville). The following table illustrates outcomes in the previous financial year.



As indicated, almost one quarter (24%) of the appeals concluded were either discontinued by the applicant or refused by the Court outright. Of the other appeals, a substantial majority were subject to significant amendment to address some or all of the issues raised by Council prior to consent being granted by the Court.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Land & Environment Court legal costs form part of Council's recurrent operating budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been developed with input from Council's Corporate Lawyer, Finance and Business Development and Regulation department directors.

SUMMARY

For the first quarter ended September 2005 Council has expended \$338,350 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the year-to-date budget of \$425,000, a positive variation of \$86,650.

RECOMMENDATION

That the analysis of Land & Environment Court costs for the first quarter of the financial year 2005/2006 be received and noted.

Jamie Taylor
Corporate Lawyer

John McKee
Director Finance & Business

Michael Miocic
Director Development &
Regulation

Attachments: Individual Case Recommendations September 2005 (Confidential)

CARLOTTA AVENUE DEPOT SITE - PLAN OF SUBDIVISION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council on the process to excise a portion of land from the property 1-7 Carlotta Avenue, Gordon, to ensure the requirements of the Depot Site Masterplan are observed.

BACKGROUND:

At its ordinary meeting of 11 July 2005, Council resolved to approve the consolidation of the individual parcels of land that form 1-7 Carlotta Avenue Gordon into a single Lot.

COMMENTS:

The Masterplan clearly identifies approximately 447 square metres of land not to be included in the sale of the property. This portion of Lot 2 DP 218590 forms part of the access handle from Mt William Street. In order to excise this portion of land from the Title of the property, a Torrens Title Plan of Subdivision is required.

RECOMMENDATION:

That Council approves the subdivision of Lots as outlined in this report, and that a public positive covenant on Lots 1, 2 & 3 will be registered in accordance with the previous resolution of Council.

PURPOSE OF REPORT

To advise Council on the process to excise a portion of land from the property 1-7 Carlotta Avenue, Gordon, to ensure the requirements of the Depot Site Masterplan are observed.

BACKGROUND

The Masterplan identifies approximately 447 square metres of land not to be included in the sale of the Property, and to be retained in Council ownership (Refer Attachment A).

This portion of Lot 2 DP 218590 forms part of the access handle from Mt William Street (Refer Attachment B).

The process required to excise the portion of land is to prepare a Plan of Subdivision for lodgement with LPI NSW. In order to excise this portion of land from the Title of the Property, Council is required to prepare and approve a Torrens Title Plan of Subdivision.

The Plan of Subdivision replaces the need for Council to prepare the previous approved Plan of Consolidation, as resolved in Item B of the following;

At its Ordinary Meeting of 11 July 2005, Council resolved;

- A. *That Council orders that a public positive covenant be imposed on Council's land described in the Order and that the owner for the time being of such land (other than Ku-ring-gai Council) must comply with the requirements of the Carlotta Avenue Depot Site Masterplan adopted by Ku-ring-gai Council on 5 April 2005, in respect of any development on such land or any part thereof. Council's land to which this Order relates is the land being Lots 10 and 11 in Deposited Plan 3387, Lot 2 in Deposited Plan 218590 and Lots 11,12,13,14 and 15 in Deposited Plan 712122, or as consolidated. The prescribed authority for the purposes of Section 88D of the Conveyancing Act 1919 (NSW) in which the land in this Order is vested, is Ku-ring-gai Council.*
- B. *That Council approve the consolidation of the individual parcels of land that form 1-7 Carlotta Avenue, Gordon as identified in A above, as 1 single lot.*
- C. *That Council authorise the Mayor and the General Manager to execute all documentation associated with the 88D instrument and the Plan of Consolidation.*
- D. *That Council approve the affixing of the Common Seal of Council to all necessary documentation.*

To date, Item B has not been acted upon by Council officers as it was necessary to create additional lots that would be required for dedication back to Council for the public open space and circulating roadway.

COMMENTS

Considering the requirement to now prepare a Plan of Subdivision in order to excise approximately 447 square metres of land from Lot 2 DP 218590, this provides Council with the opportunity to create specific allotments for those areas to be dedicated as future open space and public road as required by the Masterplan.

Additionally, the newly created allotments to be dedicated as future open space and public road will be identified within the proposed Planning Agreement (Refer Attachment C) that will form part of the Contract for sSale of Land with a prospective purchaser. This in effect will place an additional layer of encumbrances on the Title of the land known as 1-7 Carlotta Avenue Gordon.

CONSULTATION

Council's Solicitors Matthews Folbigg Pty Ltd has advised that the Plan of Subdivision will replace the Plan of Consolidation. All documentation in the required form for lodgement with LPI NSW, will be prepared by this firm.

Surveyors Degotardi, Smith & Partners have prepared the draft Plan of Subdivision in accordance with the planning and design principles of the adopted Masterplan.

FINANCIAL CONSIDERATIONS

The costs associated with the preparation of the survey plans and lodgement of the plans is approximately \$3,500. This will be charged against the project costs for the depot relocation.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Technical Services and Planning Departments were consulted in the preparation of this report.

SUMMARY

The property known as 1-7 Carlotta Avenue Gordon currently comprises eight (8) Lots. Those being;

- Lots 11, 12, 13, 14, 15 in Deposited Plan 712122
- Lots 2, 10, 11 in Deposited Plan 218590

The proposed Plan of Subdivision (Refer Attachment D) will create four (4) Lots as follows;

- Lot 1
- Lot 2 - future open space

Item 11

S04550
11 November 2005

- Lot 3 - future public road
- Lot 4 – approx 447 sqm to be excised from Lot 2 DP 218590 (as identified in the Masterplan)

Lots 1, 2 & 3 will form the property known as 1-7 Carlotta Avenue Gordon, which is to be sold.

Lot 4 will be excised from the property title of the land known as 1-7 Carlotta Avenue Gordon, and retained in Council ownership as Operational Land.

The Plan of Subdivision will clearly identify to all prospective purchasers those Lots which are to be dedicated as future open space and public road in accordance with the design principles and planning controls of the adopted Masterplan and Planning Agreement.

Once the proposed Plan of Subdivision is registered with LPI NSW, Council's Order to place a public positive covenant on the Title of Lots 1, 2, & 3 will be registered.

RECOMMENDATION

- A. That Council approves the Plan of Subdivision of the individual parcels of land that forms 1-7 Carlotta Avenue Gordon, to create four (4) Torrens Title Lots.
- B. That the newly subdivided Lots 1, 2 & 3 will form the land known as 1-7 Carlotta Avenue Gordon, for future sale.
- C. That Council retains ownership of Lot 4 of the proposed Plan of Subdivision as Operational Land.
- D. That following the registration of the Plan of Subdivision with LPI NSW, a public positive covenant on Lots 1, 2 & 3 will be registered in accordance with the previous resolution of Council.
- E. That Council authorises the Mayor and General Manager to execute all documentation associated with the 88D Instrument and the Plan of Subdivision.
- F. That Council approves affixing the Common Seal of Council to all necessary documentation

Deborah Silva
Commercial Services
Coordinator

John McKee
Director
Finance & Business

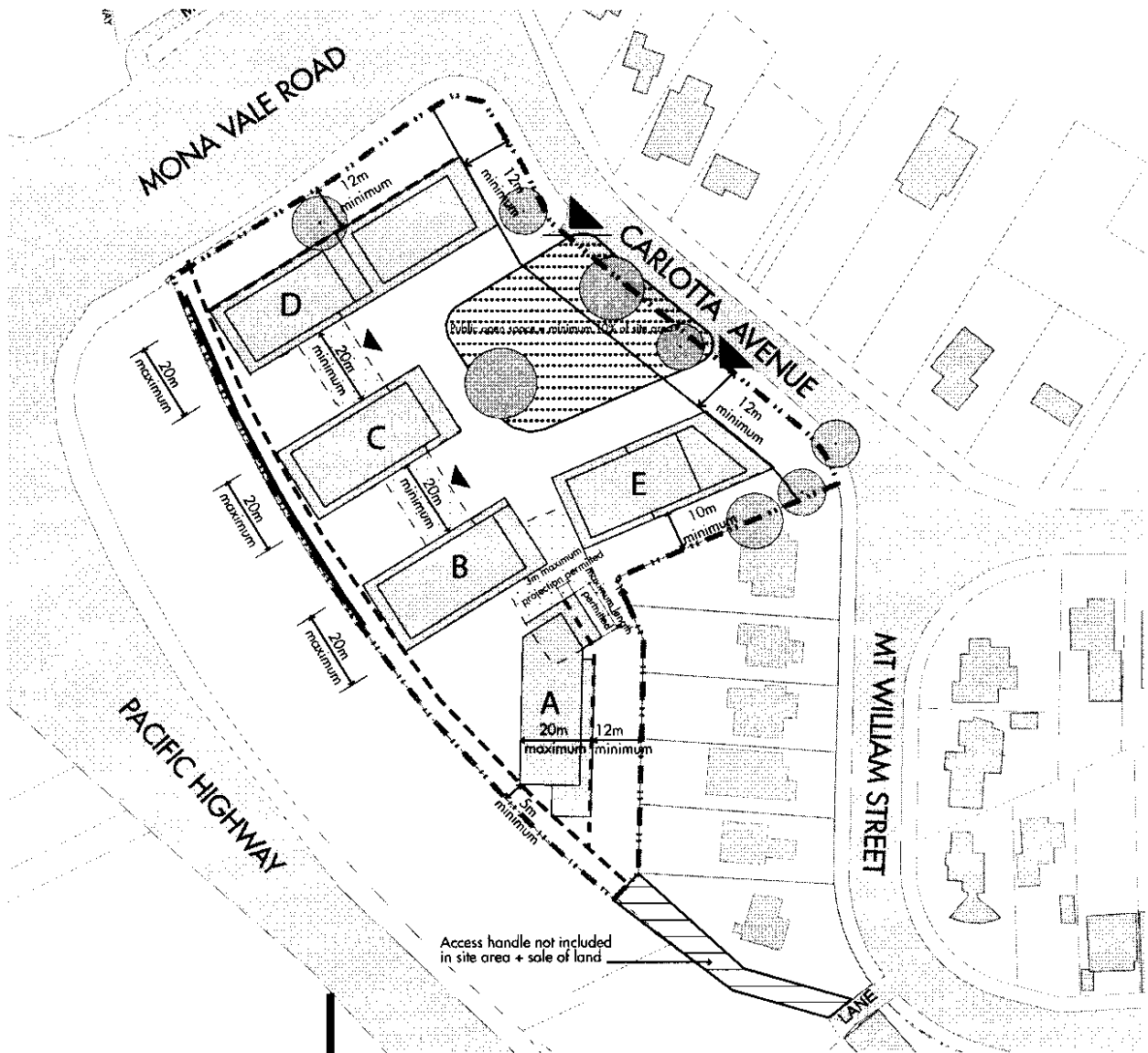
Greg Piconi
Director
Technical Services

Attachments:

- A. Masterplan Excerpt - 553177**
- B. Location sketch identifying portion of Lot 2 DP218590 to be excised - 553177**
- C. Draft Planning Agreement - 553177**
- D. Proposed Plan of Subdivision - 553177**

" ATTACHMENT A "

3.0 DEVELOPMENT CONTROLS AND GUIDELINES

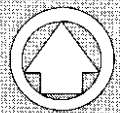


Ground Level Control Plan

This section outlines a range of development controls and guidelines that apply to both the public and private domains within the Masterplan. These site specific controls and guidelines support the planning objectives and development controls in LEP 194 and DCP 55. The Masterplan establishes specific building envelopes for the site, which define the location, quantity, scale and articulation of future development. It also structures the layout and performance of open space on the site. Where there are inconsistencies between this Masterplan and DCP 55, the site-specific controls in this Masterplan shall prevail.

LOCATION SKETCH

1-7 Carlotta Avenue, Gordon



SCALE: 1:1500

DATE: 10-11-2005



SUBJECT LAND



" ATTACHMENT C "

KU-RING-GAI COUNCIL

.....

PLANNING AGREEMENT
DRAFT

MatthewsFolbigg



Matthews Folbigg Pty Ltd
Level 7, 10-14 Smith Street Parramatta 2150
P O Box 248 Parramatta 2124
DX 8233 Parramatta
Voice: 9635 7966
Fax: (02) 9689 3494
Email: jboland@matthewsfolbigg.com.au

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PLANNING AGREEMENT

DATE 2005

PARTIES

KU-RING-GAI COUNCIL of Council Chambers, 818 Pacific Highway, Gordon in the State of New South Wales ("**Council**")

..... of ("**Developer**")

BACKGROUND:

- A. The Developer is proposing to carry out the Development on the Land in the manner contemplated in the Developer's Development Application to be lodged with the Council in respect of the Land..
- B. That Development Application will be made on the basis that the Developer has voluntarily entered into this Agreement to make the Development Contribution towards the Public Facilities if the Development Consent is granted.

OPERATIVE PROVISIONS:

1. PLANNING AGREEMENT UNDER THE ACT

The parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

2. APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the proposed Development Application by the Developer for the erection thereon of the Development.

3. OPERATION OF THIS AGREEMENT

This Agreement takes effect upon the granting of the Development Consent in relation to the Development

4. DEFINITIONS AND INTERPRETATION

4.1. In this Agreement the following definitions apply:

Act means the Environmental Planning and Assessment Act 1979 (NSW).

Dealing, in relation to the Land means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Development means the development of the Land permitted by the Development Consent, if any, granted by the Council to the Development Application.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

GST has the same meaning in the GST Law.

GST Law has the meaning given to that term in A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means Lots 1, 2 and 3 in DP## known as 1-7 Carlotta Avenue, Gordon in the State of New South Wales.

Party means a party to this Agreement including its successors and assigns.

Public Facilities means the landscaping, embellishments and other works to be carried out on Lots 2 and 3 in DP## as required by this Agreement.

Regulation means the Environmental Planning and Assessment Regulation 2000.

4.2. In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) The headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular and a reference to any gender denotes the other genders.
- (k) References to the word "include" or "including" are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

5. DEVELOPMENT CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT

- 5.1. The Developer shall dedicate or transfer to the Council that part of the Land being Lots 2 and 3 in DP##.
- 5.2. The land to be dedicated or transferred to the Council pursuant to clause 5.1 shall be so dedicated or transferred free of cost to the intent that no consideration shall be payable by the Council to the Developer for such dedication or transfer. The Council must pay the stamp duty, if any, and registration fees for which it is liable arising from the said dedication or transfer.
- 5.3. Notwithstanding the dedication or transfer of Lots 2 and 3 in DP## to the Council pursuant to clause 5.1, the Developer must carry out any landscaping, embellishments and/or other works to such lots as is required by the Development Consent to the Development Application if such Development Application receives such consent from the Council.
- 5.4. The lots to be dedicated or transferred to the Council pursuant to clause 5.1 must be free from any encumbrance at the time of such dedication or transfer or there must be delivered to the Council at the time of such dedication or transfer an instrument in registrable form at Land & Property Information NSW ("LPI") together with the appropriate registration fee to enable removal of any such encumbrance from the title of such lots. "Encumbrance" for the purposes of this clause means a mortgage, charge or other right affecting the relevant lot being dedicated or transferred or any part of such lot not being registered on the title of such lot immediately preceding completion of the purchase of such lot from the Council by the Developer or any predecessor in title to the Developer. Nothing in this clause shall require the Developer to remove any Encumbrance in the nature of a Positive Covenant imposed by the Council on such land or which is imposed by the Crown Grants of such land.
- 5.5. The lots to be dedicated or transferred pursuant to clause 5.1 must be dedicated or transferred to the Council not later than three calendar months after the physical commencement of any building, engineering or construction work on the land pursuant to the Development Consent granted to the Development Application. Time shall be of the essence in relation to the timing of such dedication or transfer.
- 5.6. The Developer acknowledges that the agreement in clause 5.1 creates a caveatable interest under the Real Property Act 1900 (NSW) in Lots 2 and 3 in DP## in favour of the Council and the Developer agrees with the Council that:

- (a) The Developer shall sign a consent to the lodgment at LPI by the Council of a caveat over the titles of both Lots 2 and 3 in DP##;
- (b) The Council may lodge such a caveat over the said titles and no compensation shall be claimed by the Developer in relation to such lodgment; and
- (c) No mortgage or charge shall be granted by the Developer over either Lots 2 or 3 in DP##.

6. APPLICATION OF THE DEVELOPMENT CONTRIBUTIONS

- 6.1. Lot 2 in DP## is dedicated or transferred to the Council for use by the Council as public open space.
- 6.2. Lot 3 in DP## is dedicated or transferred to the Council for use by the Council as public road.

7. APPLICATION OF S.94 & S.94A OF THE ACT TO THE DEVELOPMENT

- 7.1. The parties agree that the Council is wholly excluded from applying a condition of consent of the nature referred to in Section 94A(1) of the Act in relation to the Development Application.
- 7.2. The parties agree that the Council is not excluded from applying a condition of consent of the nature referred to in Section 94(1) of the Act in relation to the Development Application.
- 7.3. The parties agree that the benefits to be provided to the Council pursuant to this Agreement are not to be taken into consideration under Section 94 of the Act in its application to the Development Application to the intent that Section 94(6) of the Act will not apply in relation to such benefits.

8. REGISTRATION OF THIS AGREEMENT

- 8.1. The Council and the Developer agree that this Agreement will be registered as a planning agreement at LPI on the title of the Land as permitted by Section 93H of the Act.
- 8.2. Both parties must sign such documents and do such things as may be required to achieve the said registration.
- 8.3. Upon completion of the obligations of the parties pursuant to this Agreement, they must do such things as may be required to remove the recording of this Agreement as a planning agreement from the title of the land at LPI.

9. REVIEW OF THIS AGREEMENT

Any amendments, variation or modification to or of, or consent to any departure by any party from the terms of this Agreement shall have no force or effect unless effected by a document executed by the parties which complies with the requirements of Section 93G of the Act.

10. DISPUTE RESOLUTION

- 10.1. If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Developer or its successors or assigns, relating to the Dispute unless the parties to the Dispute (**Parties**) have complied with this clause, except where a party seeks urgent interlocutory relief.
- 10.2. A party claiming that a Dispute has arisen under or in relation to this Agreement must give written notice to the other party to the Dispute, specifying the nature of the Dispute.
- 10.3. (i) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within seven days of the receipt of written notice of the Dispute.
- (ii) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
- (iii) The Parties to the mediation will be jointly responsible for the fees of the mediation and each party shall bear its own costs.
- (iv) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
- (v) If any procedural aspects are not specified sufficiently in the rules under Clause 10.1, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
- (vi) A legal representative acting for either of the Parties may participate in the mediation.
- 10.4. From the time when a notice of Dispute is served, neither party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 10.5. Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the Commercial Arbitration Act 1984 and the General Manager of the Council shall request the President for the time being of The Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.

11. ENFORCEMENT

- 11.1. For the purposes of this clause 11 "Security Deposit" shall mean a cash payment of \$100,000 or the provision of a bank guarantee in favour of the Council in the amount of \$100,000 with an Australian retail bank acceptable to the Council in a form acceptable to the Council.
- 11.2. For the purposes of Section 93F(3)(g) of the Act the Developer must provide the Security Deposit to the Council prior to the issue of the first construction certificate in relation to the development permitted by the Development Consent.

- 11.3. The Council may draw down upon the Security Deposit to recover any costs it may incur arising from a breach by the Developer of any of the Developer's obligations under this Agreement.
- 11.4. The Developer shall forfeit the Security Deposit in its entirety to the Council if the Developer, through no fault of the Council:
 - (a) fails to dedicate or transfer the lots referred to in clause 5.1 to the Council within the period referred to in clause 5.5; or
 - (b) breaches the Developer's obligations under clause 5.6(a) or 5.6(c).
- 11.5. In the event of any drawing down by the Council from the Security Deposit or forfeiture in full of the Security Deposit to the Council then not later than 14 days after a written request served on the Developer by the Council, the Developer must replace or top up the Security Deposit such that the Council holds the full cash amount of the Security Deposit or the bank guarantee in its full amount.

12. **NOTICES**

- 12.1. Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - (a) Delivered or posted to that Party at its address set out below.
 - (b) Faxed to that Party at its fax number set out below.
 - (i) Council:

Attention: Director Planning Services

Address: 818 Pacific Highway, Gordon NSW 2072

Fax No: 02 9424 0880
 - (ii) Developer:

Attention: ##

Address: ##

Fax No: ##
- 12.2. If a party gives the other party three business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.
- 12.3. Any notice, consent, information, application or request is to be treated or given or made at the following time:
 - (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, two business days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

- 12.4. If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

13. **APPROVALS AND CONSENT**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14. **ASSIGNMENT AND DEALINGS**

- 14.1. The Developer agrees with the Council that the Developer will not transfer or mortgage its interest in the Land prior to the registration of this Agreement as a planning agreement upon the title of the Land as contemplated in clause 8 of this Agreement.
- 14.2. Notwithstanding clause 14.1 the Council shall not unreasonably withhold its consent to any transfer or mortgage of the type contemplated in clause 14.1 provided that the proposed transferee or mortgagee consents on terms acceptable to the Council to permit and facilitate registration of this Agreement at LPI in the manner contemplated in clause 8. Nothing in this clause shall permit a mortgage over Lots 2 and/or 3 in DP ## contrary to the requirements of clause 5.6(c).
- 14.3. The Developer must not lodge any caveat or other instrument upon the title of the Land which will prohibit or hinder registration of this Agreement at LPI in the manner contemplated in clause 8 of this Agreement.

15. **COSTS**

- 15.1. Each Party must bear its own costs in relation to negotiation and preparation of this Agreement.
- 15.2. The Developer must bear the cost of the registration of this Agreement as a planning agreement at LPI and the removal of the recording of any such registration from the title of the Land.

16. **ENTIRE AGREEMENT**

- 16.1. This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party before this Agreement was executed, except as permitted by law.

17. **FURTHER ACTS**

Each Party must promptly execute all documents and do all such things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

18. GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales, Australia. The parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The parties will not object to the exercise of jurisdiction by those Courts on any basis provided that the dispute resolution provisions in clause 10 of this Agreement have first been satisfied.

19. JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

20. NO FETTER

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

21. REPRESENTATIONS AND WARRANTIES

The parties represent and warrant that they have power to enter into this Agreement and will comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

22. SEVERABILITY

If a clause or part of a clause in this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

23. MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.

24. WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25. GST

If any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then the recipient of the supply must pay an additional amount equal to the GST on that supply and the supplier of the supply must provide a tax invoice within the meaning of GST Law to such recipient.

EXECUTED as an Agreement

The Common Seal of KU-RING-GAI COUNCIL
was hereunto affixed on the day of
200 pursuant to a resolution of the Council
made on the day of 200 :

General Manager

Mayor

Executed for and on behalf of the Developer
in accordance with section 127(1) of the
Corporations Act:

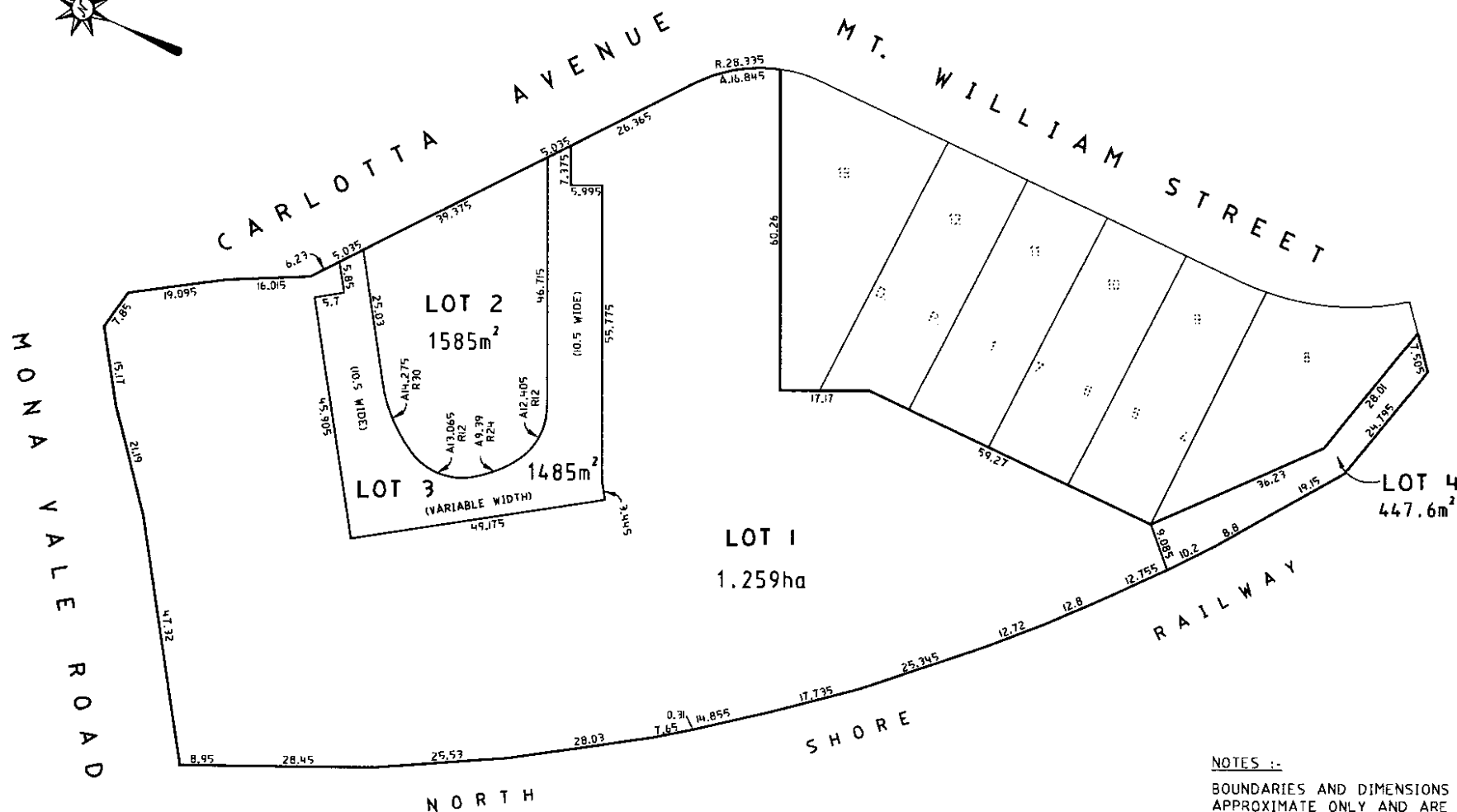
Director/Secretary [if not Sole Director]

Director/Sole Director

Name [BLOCK LETTERS]

Name [BLOCK LETTERS]

A3



NOTES :-

BOUNDARIES AND DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY AND PLAN REGISTRATION. BOUNDARIES FOR INTERNAL LOTS HAVE BEEN TAKEN FROM THE KU-RING-GAI COUNCIL DEPOT MASTERPLAN ADOPTED BY COUNCIL 5/4/2005 AND AMENDED FOR TRAFFIC CONSIDERATIONS.

ISSUE B	LOT AREAS ADJUSTED	21/09/05
L.G.A. KU-RING-GAI	SCALE 1:800	
DATE 21/09/05	FILE No. 30591A01.DWG	

PLAN OF PROPOSED SUBDIVISION
OF LOTS 11-15 (INCL) D.P. 712122 AND
LOTS 2, 10 & 11 D.P. 218590
KU-RING-GAI COUNCIL DEPOT
No.'s 1-7 CARLOTTA AVENUE, GORDON

Degotardi, Smith & Partners
Consulting Surveyors
Incorporating Morrow & Young
Email: surveys@degotardi.com.au
11/18-23 Bridge Street, Pymble NSW 2073 - (02) 9440 1100 - FAX (02) 9440 1055 - DX8720 GORDON
Winner : "Sir Thomas Mitchell Excellence in Surveying & Mapping Award 2004"



LICENCE AGREEMENTS - PERFORMING ARTS RESOURCE CENTRE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider the granting of licence agreements to a number of organisations, and to adopt a Management Plan for the Performing Arts Resource Centre.

BACKGROUND:

A revised Charter of Responsibility for the 377 Committee to manage the Performing Arts Resource Centre was adopted by Council in 1994. A Plan of Management for this site was subsequently adopted by Council in 2001.

COMMENTS:

The usage requirements under the 377 Committee were somewhat restrictive. As a consequence, the facility has not been able to reach its full potential. The introduction of a Management Plan will enable a number of organisations to now enter into licence agreements with Council.

RECOMMENDATION:

That Council adopt the new Management Plan as presented in this report in place of the current 377 Committee for the Performing Arts Resource Centre, and that licence formalised agreements be negotiated with interested organisations.

PURPOSE OF REPORT

To consider the granting of licence agreements to a number of organisations, and to adopt a Management Plan for the Performing Arts Resource Centre.

BACKGROUND

Council is the owner of the property described as Lot 1 DP 86583, zoned Special Uses 'A' Municipal Purposes and has heritage status under the Ku-ring-gai (Heritage Conservation) Local Environment Plan number 1.

The site is also subject to the following restrictive covenant which can only be removed with the approval of the Catholic Church of the Diocese of Broken Bay:

"The land hereby transferred shall not be used for any purpose other than for community or Municipal Council purposes and without limiting the generality of the foregoing community purposes shall include use for public health, recreation, enjoyment or any other public purpose of the like nature or any use authorised by Part XIII of the Local Government Act 1991 (as amended)"

The Performing Arts Resource Centre (PARC) was formally the Presbytery to the adjoining Sacred Heart Catholic Church. The combined site was purchased by Council in 1989.

In 1992 Council endorsed the use of the PARC by non-profit community groups with expressions of interest being sought from eligible groups within Ku-ring-gai. Following this, Council endorsed the establishment of a Section 527 Management Committee to manage the PARC under the conditions of the current Local Government Act 1919 and Council's leasing policy. Council also endorsed the drafting of a Charter of Responsibility for the Committee and subsequently approved this Charter of Responsibility.

In 1994 Council agreed to reframe the Charter of Responsibility to take into account guidelines as suggested by an independent consultant, and to reconstitute the Management Committee under Section 377 of the Local Government Act 1993. In the reframed Charter the following user eligibility criteria was included:

To be eligible to be a user of the Ku-ring-gai Performing Arts Resource Centre, organisations would need to:

- *Be non-profit arts groups.*
- *Be prepared to use the office space on a regular basis, including staffing the space (volunteer or other) during the day, every week of the year (excluding holidays and periods of recess).*
- *Provide services/activities for Ku-ring-gai residents.*
- *Provide concerts, performances and/or workshops for the public on a regular basis at the Ku-ring-gai Town Hall and other Council venues.*
- *Ensure that the unique feature of the site and the facility are used to maximum benefit.*

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- *Ensure that usage is regular and compatible with the zoning and the surrounding area.*
- *Acknowledge Ku-ring-gai Council's assistance in providing office accommodation at the Ku-ring-gai Performing Arts Resource Centre in appropriate printed material.*

The management and operation of the PARC has remained unchanged since 1994.

COMMENTS

In 2001 the Plan of Management for the site was adopted by Council, with the following organisations occupying rooms within the building:

- Ku-ring-gai Philharmonic Orchestra
- Ku-ring-gai Arts Society
- Suzuki Talent Education Association
- Australian Dance Vision
- Cavalcade of History and Fashion
- ARTSEEN
- Knitters Guild NSW Inc.

At this time it was acknowledged by some of the resident organisations that they had been unable to meet the eligibility requirements as prescribed in the Charter of Responsibility. At the time some internal reorganisation of the PARC was made which would create space for other organisations.

Following these changes the following organisations remained at the PARC.

- Ku-ring-gai Philharmonic Orchestra
- Ku-ring-gai Arts Society
- Suzuki Talent Education Association
- Australian Dance Vision

It is important that Council manages its facilities consistent with the conditions of its Policy for Leasing Council Property to Community Organisations. The current situation at the PARC does not reflect this as the groups currently occupying the building, except for Suzuki Talent Education, do so under the original charter and pay no rent to Council.

Equity and consistency is an issue with this site, as identified in the Plan of Management, as the PARC is the only facility in Ku-ring-gai where accommodation is provided free of charge to community organisations.

With the PARC operating under the conditions of the original charter it is difficult for Council to meet the aims of the Plan of Management for the site, especially in relation to:

- Enabling the Council to negotiate and/or enter into contracts, leases licences or hire agreements that relate to the use, development, maintenance or improvements to the land/or buildings
- Providing an effective program of asset management, maintenance and improvement

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- Include the core objectives for management of community land categorised as general community use as set out in the Local Government Act as amended for land categorised as General Community Use:

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Expressions of interest were sought from suitably qualified organisations to occupy rooms within the facility, with all of the current tenants expressing an interest in remaining at the premises.

As a result of this process negotiations have been held with the Ku-ring-gai Philharmonic Orchestra and the Ku-ring-gai Art Society, regarding their continued accommodation at the PARC. As the suggested increase in rental would have a financial impact on these groups, even with a 90% rental rebate, alternate accommodation has been found at little cost to them. As these groups use the rooms predominantly for storage purposes, their relocation enables Council to better utilise what would be considered underutilised areas.

Negotiations have also been held with Australian Dance Vision and Suzuki Talent Education who are happy to enter into formal agreements with Council.

Council also received interest from the Australian International Conservatorium of Music (AICM) who was prepared to occupy the entire top floor of the building. Negotiations were held with AICM over a lengthy period but due to logistical problems associated with their relocation they decided to withdraw their interest in the building.

In the meantime Suzuki Talent Education were restructuring their organisation and expressed interest in occupying the top floor of the building in addition to the two rooms they already occupy Attachment A. This area comprises two vacant rooms and the rooms vacated by Ku-ring-gai Philharmonic Orchestra and the Ku-ring-gai Art Society.

It is suggested that the occupation of the premises be as follows:

AREA	CURRENT OCCUPANT	PROPOSED OCCUPANT
Room 1	Suzuki Talent Education	Suzuki Talent Education
Room 2	Australian Dance Vision	Australian Dance Vision
Room 3	Suzuki Talent Education	Suzuki Talent Education
Area 4/Storage	Vacant	Ku-ring-gai Art Society
Room 5	Vacant	Suzuki Talent Education
Room 6	Vacant	Suzuki Talent Education
Room 7	Vacant	Suzuki Talent Education
Room 8	Vacant	Suzuki Talent Education
Verandah	Australian Dance Vision	Australian Dance Vision

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As the future of the site is undecided it is recommended that the interested parties be given a 12 month licence under delegation of authority from the General Manager. As Council will determine the future of the site from the Property Portfolio Review, or from the findings of the Cultural Facilities Feasibility Study, it would not be appropriate at this stage to enter into any long term agreements.

CONSULTATION

A formal expression of interest for the occupancy of the PARC has been carried out. Accordingly the interested groups have been consulted regarding this matter and agree with the new arrangements as negotiated.

FINANCIAL CONSIDERATIONS

TENANT	CURRENT RENTAL	PROPOSED RENTAL
Australian Dance Vision	\$0	\$820pa
Suzuki Talent Education	\$8,040pa	\$22,000pa
Ku-ring-gai Art Society	\$0	\$200pa
TOTAL	\$8,040pa	\$23,220pa

It can be seen that there is a financial gain to Council of approximately \$15,000 which will assist Council in covering the operating expenses at the PARC.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

In 1994 Council agreed to reframe the Charter of Responsibility to take into account guidelines as suggested by an independent consultant and reconstitute the Management Committee under Section 377 of the Local Government Act 1993.

The management and operation of the PARC has remained unchanged since 1994. In order for Council to manage this facility consistent with its Leasing Policy, and in an equitable manner, the Charter of Responsibility and Section 377 Committee needs to be dismissed.

Expressions of Interest were called for and interest was received from several organisations including the existing occupants. It is recommended that the future occupation of the PARC be as indicated in this report.

As the future of the site is undecided it is recommended that the interested parties be given a 12 month licence under delegation of authority from the General Manager.

RECOMMENDATION

- A. That Council dismiss the Section 377 Management Committee.
- B. That Council adopt the attached Management Plan for the Performing Arts Resource Centre.
- C. That as an interim measure, occupancy to any organisation at the PARC be for a period of 12 months on any occasion, reviewed annually, and not exceeding five (5) years.
- D. That under Delegation of Authority the General Manager executes any licence agreements.
- E. 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.

Stephen Plumb
Community Facilities Co-ordinator

Janice Bevan
Director Community Services

Attachment: Ku-ring-gai Performing Arts Resource Centre Management Plan - 553634

KU-RING-GAI PERFORMING ARTS RESOURCE CENTRE MANAGEMENT PLAN

AIM

To ensure that the Ku-ring-gai Arts Resource Centre is maintained in a satisfactory condition from all licensees, with particular regard to the use of the building to ensure its ongoing conservation as an identified heritage item.

COMMITTEE MEMBERSHIP

- Membership of the committee will comprise of at least one representative from each of the tenant organisations and Council.
- Council will nominate one member of staff from the Community Services Department as Council's representative to the Committee.

ROLE OF COMMITTEE

The committee will ensure:

- The Centre is maintained in a satisfactory condition with particular regard in the use of the building to ensure its ongoing conservation as an identified heritage item.
- That the centre is maintained in a satisfactory condition and common areas are kept clean and tidy.
- All collective bills eg. electricity, cleaning etc. are paid on time.
- Any dispute between tenants over utilisation of the building are settled by negotiation.

MEETING PROCEDURE

- Council to chair the meeting
- Each organisation within the committee will have the right to exercise one vote.
- A quorum of at least half the committee plus one other is required for a meeting to be held. Should a quorum not be present, the meeting will be adjourned to the next convenient time for a quorum to be present.
- Meetings to be held bi-monthly or as required from time to time.

MAINTENANCE

- The committee shall be responsible for notifying Council's Community Facilities Co-ordinator, Stephen Plumb, for any maintenance requests.
- Council will be responsible for any major maintenance (eg. Plumbing, painting, drainage, structural repairs, roof sewerage graffiti removal etc.) to the building.
- Minor maintenance is the responsibility of the Licensees and includes the replacing of tap washers and light globes and must be carried out by competent personnel.
- Any alterations that an organisation may wish to make to the building would need Council's written approval.
- Maintenance of the front and rear gardens will be the responsibility of Council.
- It is the responsibility of the committee to ensure that nothing is attached to the walls via means of nails, screws, tape, blue tack or any other means other than the use of hooks and wires from the existing picture rails.
- The committee will also ensure there is no interference with, removal or alteration of any fixtures or fittings installed by Council.

LICENCE CONDITIONS

Each organisation to provide the following information to Council:

- Certificate of incorporation
- Public Liability with \$10 million cover, Certificate of Currency stating Council as a principal.

Licences will be for a 12 month period, reviewed annually. If a licensee wishes to sublet the premises during the licence period, written permission must be sought from Council. Conditions will be as per Council's Policy for Leasing Council Buildings to Community Organisations for organisations receiving a rental rebate.

CLEANING

- Tenants shall be responsible for cleaning their own rented areas to the satisfaction of Council.
- Common areas eg. toilet bathroom, kitchen, stairway and entry shall be kept clean by the committee to the satisfaction of Council.
- Costs for cleaning common areas shall be shared equally amongst all tenants.

FINANCIAL MANAGEMENT

- The committee will elect a committee Treasurer who will be responsible for implementing accounting control and carrying out accounting procedures.
- An account shall be kept with the local Westpac Bank.
- With the exception of cleaning common areas the proportional share paid by each group for electricity shall be determined by the floor space rented by that group.
- Should the floor space licensed by a tenant alter, the proportional amount will change automatically as determined by Council to take that change into consideration.

MEETING ROOM

- The meeting room is available for use by the “resident” tenants as required. Usage will be arranged through Council’s Bookings Officer and, if other Council or community groups wish to use the room, bookings will be made in line with Council’s Condition of Hire.

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 20 October 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 20 October 2005 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 20 October 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

Not applicable.

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 20 October 2005 be received and noted.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community Services

Attachments: Minutes of Ku-ring-gai Access Advisory Committee meeting 20 October 2005 - 553024

KU-RING-GAI ACCESS ADVISORY COMMITTEE

Thursday 20 October 2005
Meeting commenced at 2:45 pm
Ante Room, Level 3, 818 Pacific Hwy, Gordon

Minutes

1. Present/Apologies

Present:

Clr Michael Lane
Arthur Gillott
Loch Townsend
Eileen Lyons
Joyce Cribb
Ivan Cribb
Kate Boyd
Alan Faulkner
Beverly Schultz

In Attendance

Martin Butcher
Carol Harper
Roger Guerin
Colin Johnston

Apologies:

Cr Graeme Innes
Heike Fabig
Peter Chapple
Greg Piconi
Janice Bevan
Tom Cooper
Danny Houseas

2. Confirmation of Minutes 18 August 2005
(Header included wrong date and “agenda” instead of “minutes”)
The minutes were accepted with amendments.
3. Business Arising
 - a. **Post Office** – letters have been drafted and are awaiting endorsement by the Council before the General Manager signs them. Letters will be sent to the NSW Operations Manager of Australia Post and Dr Brendan Nelson, Member for Bradfield. The request to send the letters was approved by Council at the General Meeting of Council held on 11 October 2005.
 - b. **Nominations for Access Committee** – The nominating time to be extended to allow for advertising and responses from prospective members – Nominations received to date to be accepted. Terms of Reference allow for up to 15 members appointed on merit. It was suggested that a hearing impaired person be approached to join the Committee. The Chairperson and Community Development Officer

(Aged and Disability Services) will discuss nominations before making recommendations to Council.

4. Technical Services – Progress Report (Roger Guerin)
 - a. **Access to entrance of Chambers** – The Architect has asked for and been given additional survey data around the entrance. He is now working on the design and it is anticipated a plan will be available for review shortly.
 - b. **Town Centre Planning** – Bev Schultze. Asked about access within the Town Centre Planning studies. (Colin Johnston) – extensive surveys have been completed for a number of Town Centres including questions about disabled access. The responses have provided some good qualitative data on issues of access – eg to Gordon Centre that a lift be provided to all shop levels currently only accessible by steps from streets.
 - c. **Prams and locations for access:** (Roger Guerin) Access and parking issues are being reviewed as part of the Town Centre Planning process.
 - d. **Problems with wheelchair access at Horace Park:** (Roger Guerin) will look into path surfaces for wheelchair use.
 - e. **Kate Boyd** requested a progress report regarding repairs to Horace Street near St Ives High School. Question taken on notice to report at next meeting

Notes obtained after the meeting

Repairs are included in this years work schedule and should be completed within the next three months.

5. Open Space – Progress Report (Carol Harper)
 - a. **Bicentennial Park – Stage 2:** pavement works have been finished, more tables are due for the picnic area; recognising and reviewing loose blue metal surfaces, being a problem for wheelchair access.
6. Planning and Environment Report Colin Johnston
 - a. **Draft DCP 54 – Commercial use of footpaths, plazas, public areas** – now adopted by Council and is now being implemented.
 - b. **St Ives and Turrumurra Town Centre Master Plans** – these are progressing well, with access issues surveyed, evaluated and included in the report. The Kuring-gai News to be distributed to all households during late October will contain a report on Town Centre studies. St Ives’ master planning expected completion date is Autumn 2006.
7. Development & Regulatory Services
 - a. Chairman noted report postponed to next meeting due to area’s current workload.
8. Community Services Report - Martin Butcher
 - a. **Access Policy and DDA Action Plan Update** – adopted by Council 2 weeks ago, with progressive implementation to be reported in future meetings (eg audio loop in Seniors Centres)

- b. **Access Walk** (Friday 2 December 2005) - The Access Walk will conclude at House in the Park, Wahroonga – with a talk and presentation of certificate to Council, recognising the new DDA Action Plan by Dr Sev Ozdowski OAM, and BBQ afterwards.

9. Correspondence In:

- a. Dr Sev Ozdowski OAM – Accepted invitation to speak at Access Walk
- b. Self Help For the Hard of Hearing – Journal August 2005
- c. Spinal Cord Injuries Australia – Accord Journal - Spring 2005
- d. Hornsby Ku-ring-gai Health Newsletter.
- e. Technical Aid For the Disabled – TAD Journal Winter 2005
- f. Citizen Advocacy Northside Newsletter Spring 2005
- g. DADHC Connections
- h. ParaQuad News Spring 2005-10-12
- i. InSite – Oct/Nov 2005

10. Correspondence Out:

- a. Dr Sev Ozdowski OAM – Invitation to speak at Access Walk

11. General Business.

- a. **Access Awards** – Cr Innes has requested that the Access Committee consider having an Access Award similar to the ones being organised by Willoughby City Council this could be in conjunction with the North Shore Times & Hornsby Advocate.
- b. **Missed Business** – Missed Business brochure is currently with the graphic designer who is modifying it for use by Ku-ring-gai Council.

Access Awards could be used to promote and acknowledge initiatives undertaken to improve access and be promoted in conjunction with the Missed Business Guide.

Action: The Chairman requested Martin prepare an options paper on this for the next meeting. This matter to be discussed. Check with Janice Bevan (DCS) regarding funding, scope,

- c. **Bushfires & Bobbin Head Road Access** - Alan Faulkner asked whether residents of North Turrumurra would have access to Bobin Head Road if there was a bush fire in the Ku-ring-gai Chase National Park. He has heard that the road would be closed to all non emergency vehicles. The Chairman indicated the Rural Fire Service would have a key role in planning for this, and this question would be taken on notice. Martin is to report at the next meeting.

Notes obtained after the meeting

During emergency situations the Police have the responsibility of traffic control. Their primary concern will be to protect property and life and maintain good access for emergency services. The Police may prevent residents of North Turrumurra from returning home if it is assessed as unsafe. If Bobbin Head road is closed, the police will assess the situation on an hour by hour basis.

12. Date of Next Meeting: Thursday 15 December 2005. Meeting closed 4.15pm.

REVISED DRAFT KU-RING-GAI COMMUNITY PLAN 2005 TO 2009

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the revised draft Ku-ring-gai Community Plan 2005-2009.
BACKGROUND:	At the Ordinary Meeting of Council on 28 June 2005 it was resolved: <i>"That the matter be deferred and that the Community Plan be referred to the Community Development Committee for consideration."</i>
COMMENTS:	The revised draft Community Plan 2005-2009 reflects the priority needs and issues which were raised during consultations held with the local community during the second half of 2004.
RECOMMENDATION:	That the revised draft Community Plan 2005-2009 be placed on public exhibition for a period of 28 days then reported back to Council.

PURPOSE OF REPORT

To present to Council the revised draft Ku-ring-gai Community Plan 2005-2009.

BACKGROUND

At the Ordinary Meeting of Council on 28 June 2005 it was resolved:

“That the matter be deferred and that the Community Plan be referred to the Community Development Committee for consideration”

The Community Plan was placed on the agenda at a number of Community Development Committee meetings for discussion, and input was sought from Councillors and representatives of community groups. Written and verbal feedback was received and incorporated into the revised draft Community Plan. The revised version of the Community Plan is now presented using a different format with significant sections re-written and condensed to avoid repetition throughout the document.

The Local Government (General) Regulation 1999 requires all Councils in NSW to develop a social/community plan and report on identified access and equity activities in their annual reports. The regulation aims to recognise and build on the many existing Council efforts to promote the well-being of their community members and effectively meet their needs through social/community planning. The regulation was introduced to assist councils to:

- promote fairness in the distribution of resources, particularly for those most in need
- recognise and promote people's rights and improve the accountability of decision makers
- ensure that people have fairer access to the economic resources and services essential to meeting their basic needs and improving their quality of life
- give people better opportunities for genuine participation and consultation about decisions affecting their lives.

What is a Community Plan?

A Community Plan is a way of examining quality of life issues for those living and working in Ku-ring-gai. It also provides valuable data by which Council can plan for the future. The plan is a product of a participatory process which aims to forge working relationships between Council, other key government and non government agencies, and community and business groups, so that important community issues can be identified and addressed in a co-operative way.

Issues identified through the Community Plan will contribute to Council's planning processes across the range of Council functions, and ensure that its services are, as far as possible, accessible and responsive to all members of the community.

All of these outcomes are arrived at through broad-based community consultation and a commitment by Council to include residents in decision making processes. By engaging in the

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development of a Community Plan, Council is also producing a document by which it can monitor its activities and measure progress in terms of well-being in Ku-ring-gai.

A Community Plan enables Council to:

- Respond to diverse social needs
- Ensure services are equitable and accessible
- Encourage citizen participation
- Focus on prevention and early intervention
- Identify emerging social issues
- Work collaboratively with the community and service providers
- Build community connectedness
- Resource communities to find their own solutions
- Promote innovation and creativity
- Increase capacity and resilience

In addition, the Community Plan will interface with the following Council planning processes and policies:

- Council's Management Plan
- Council's Access and Equity Policy & Plan
- Council's Access Policy and Disability Discrimination Act Action Plan
- Council's Budget Development
- Council's State of Environment Report
- Council's Residential Development Strategy
- Council's Environmental and Planning Instruments ie Plans, Policies and Codes
- Development Applications
- Council's Section 94 Contributions Plan

COMMENTS

The draft Community Plan 2005-2009 reflects the priority needs and issues raised at a number of community consultations and sets out recommendations on the roles that Council and others can take in addressing these issues.

The draft Community Plan 2005-2009 is a way that councils can demonstrate that they are responsive to their communities needs and aspirations. One of the key objectives of this Community Plan was to ensure that it related across the various areas of Council's business, as opposed to exclusively focussing on community services. Council has been undertaking planning and programs in a range of areas and the Community Plan has identified opportunities for building upon and linking with these initiatives.

Priorities for our Community

During the development of the Community Plan a number of issues frequently arose in consultation. These needs and issues were identified as not specific to any particular target group, but generic across the community. Rather than repeating these issues into each target group section, they have been identified separately to highlight their importance and provide some dissection and

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focus for Council and stakeholders in addressing broad based needs. The issues identified through the community consultation process included:

- (i) managing growth and development
- (ii) mobility and accessibility
- (iii) community facilities
- (iv) information, communication and consultation.

For each identified issue area, broad directional priorities have been proposed to be incorporated in Council's management planning and business planning processes.

Target Group Plans

To satisfy the Local Government (General) Regulation 1999, a needs assessment was conducted based on the mandatory target group, as well as the broad community issues. These included:

- (i) Children and Families
- (ii) Young People
- (iii) People with Disabilities
- (iv) People from Culturally and Linguistically Diverse Backgrounds
- (v) Women

Issues and strategies for Aboriginal and Torres Strait Islander people are not included in the Plan. These will be developed in conjunction with other councils and communities as part of the updated Northern Sydney Aboriginal Social Plan.

Where possible, an attempt was made to consider both State and Commonwealth Government social policy frameworks and their relevance to the Ku-ring-gai area. An understanding of the government policies and programs can assist to clarify Council's role in various areas and identify possible courses of actions relating to specific identified community needs. Community needs and gaps in services arising from the various consultations have been documented in the Community Plan. At the conclusion of each target group plan, a number of priority areas have been identified for Council's consideration and further investigation.

CONSULTATION

In developing the Community Plan it was important to acknowledge that Council had already undertaken a great deal of consultation. With this in mind, the following approach was undertaken.

- Carefully review what residents/community groups have already told Ku-ring-gai Council through an intensive document/literature review.
- Use existing forums/consultation processes to explore community planning priorities.
- Provide opportunities for contributors to the Community Plan to work together to identify practical solutions to the main issues identified (as opposed to simply raising the same issues again)
- Invite comment from, and make it as easy as possible for, any resident or group who wishes to contribute to the development of the Community Plan.
- Explore ways of connecting the Community Plan to other plans being undertaken by Council.

The range of consultation techniques included; interviews internal/external, professional networks, workshops/focus groups, surveys, written submissions, website and public notices in local papers. This material, the ideas and insights, were drawn upon in the needs assessment and helped to shape the priorities in the Community Plan.

FINANCIAL CONSIDERATIONS

The financial implications of this plan at this stage only relates to placing this document on public exhibition. The cost of placing the Community Plan on public exhibition will be funded from the existing Community Services budget. Cost implications for any actions in the Community Plan that are not covered by existing budgets will be reported to Council for consideration through Council's Management Planning process.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Interviews were held with the Mayor, General Manager, Directors and staff from various Council Departments. Joint consultations were also held with Open Space. Regular briefings and updates were provided through Council's Community Services Committee.

SUMMARY

A range of findings and priority areas have been identified in the Community Plan to address issues raised by the community. A number of the strategies will require an inter-departmental approach and the involvement of residents, community groups and other levels of government to effect change that will lead to improvements in the quality of life of Ku-ring-gai residents. The areas identified with the Community Plan reflect a diversity of roles for Council, including; lobbying, advocacy, service planning and coordination, policy development, enhancement in service provision and further research.

A key component in the development of the Community Plan will be the public exhibition process. This will provide residents, community organisations, professional networks, local businesses and other levels of government the opportunity to give Council feedback in issues and priorities identified in the Community Plan. It is likely therefore, that this additional feedback, when incorporated in the Community Plan, will further enhance the original document.

RECOMMENDATION

That the draft Ku-ring-gai Community Plan 2005-2009 be placed on public exhibition for a period of 28 days and then reported back to Council.

Danny Houseas
Manager Community Development

Janice Bevan
Director Community Services

Attachment: Revised Draft Ku-ring-gai Community Plan 2005 to 2009 - 553679

Draft Ku-ring-gai Community Plan 2005-2009

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Introducing the Ku-ring-gai Community Plan

What is a Community Plan?

A Community Plan is a statement of what we are now and what we want to become as a community in the future. It is a framework to guide Council, government and community decision-making about community services and infrastructure over the next five years.

It is the role of the Community Plan to:

- identify key community values and areas of need in Ku-ring-gai
- summarise the major issues facing this community,
- enable community members and other spheres of government to participate in the planning process, and
- formulate strategies which Council and other key government and non government agencies could implement to meet local community needs.

Issues identified through the community planning process help Council to put together its business plans across the range of Council functions, decide priorities for spending and the key partners it needs to engage in order to meet community needs.

Why Produce a Plan?

Ku-ring-gai Council, along with all NSW Local Councils, is required to produce a Community Plan every five years. Community planning enables Council to focus on understanding and addressing community needs and aspirations.

The Ku-ring-gai Community Plan enables Council to:

- understand and respond to diverse social needs
- ensure services are equitable and accessible
- monitor service provision and gaps and plan future service improvements
- produce efficiencies and economic benefits through a planned, collaborative approach
- identify emerging social issues, and
- promote community consultation and participation in decision making.

Council has limited ability to address social issues on its own. Community planning is an important opportunity for Council to collaborate with other government agencies, community groups and organisations in trying to improve the social well-being of the people of Ku-ring-gai.

The Legislative Basis for Community Planning

In 1996, the NSW Government released a policy known as the NSW Social Justice Directions Statement 'Fair Go, Fair Share, Fair Say'. This committed the NSW Government and the Department of Local Government to promoting a more inclusive community by ensuring that Government Services are responsive to community need and diversity. To further this aim, the *Local Government (General) Amendment (Community and Social Plans) Regulation*, 1998 was introduced to assist Councils to:

- Promote fairness in the distribution of resources, particularly for those most in need;
- Recognise and promote people's rights and improve the accountability of decision makers;
- Ensure fairer access to the economic resources and services essential to meeting people's basic needs and improving their quality of life; and
- Give people better opportunities for genuine participation and consultation about decisions affecting their lives.

In accordance with the requirements of the *Local Government (General) Amendment (Community and Social Plans) Regulation*, the Community Plan must include data and information about the needs of the seven mandatory target groups. These groups are:

- Children
- Young people
- Women
- Older people
- People with a disability (including people with HIV/AIDS)
- People from culturally and linguistically diverse backgrounds (CALD), and
- Aboriginal and Torres Straight Islander people (ATSI).

Issues and strategies for Aboriginal and Torres Straight Islander people are not included in this Plan. These will be developed in conjunction with other Councils and communities as part of the updated Northern Sydney Aboriginal Social Plan.

Council's Role in Addressing Social Needs

Council's legislative responsibilities are outlined within the *Local Government Act 1993*. These functions are far-reaching. Some are mandatory, others are discretionary, allowing Council to provide services if the community requires them. In relation to social issues and needs, the "Councils' Charter" in Section 8 of the Act requires councils to:

- provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- exercise community leadership
- exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- provide and plan for the needs of children
- have regard to the long term and cumulative effects of its decisions, and
- facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government.

Section 24 of the *Local Government Act 1993* also provides councils with considerable latitude to meet community needs in relation to social issues. The Act states that "*A council may provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and of the wider public, subject to this Act, the regulations and any other law.*"

Ku-ring-gai Council has been involved in meeting community needs in a number of ways. These include:

Service development

Council employs staff whose role is to work with services to improve service delivery and to represent community needs in advisory, planning and policy making roles within Council, and to other levels of government. These officers are responsible for conducting consultations and researching local needs.

Council plays an important role in terms of community advocacy and leadership. Recent local examples include advocating for: the retention of the Northern Sydney HACC worker; changes to SEPP 5 Housing for Older People; and the need for improved childcare services in the area.

Community development and provision of information

Council also plays an important role fostering the health and well-being of the population. This role includes involvement in a diversity of community support and development programs. It includes promoting collaboration and exchange between groups in Ku-ring-gai, involving people in events and festivals that build 'social capital' such as Seniors Week, Youth Week and Children's Week, and helping residents to connect with others in the community through playgroups, seniors groups and recreational activities.

Council's website is an important source of information to residents about activities and services on offer. The website is currently being reviewed to improve its functionality, navigation and to increase the range of on-line services to residents.

Provision of community facilities

Council is a major provider of community facilities such as community centres where groups meet for social and learning activities, as well as providing public infrastructure such as pools, sporting facilities, and library buildings. It also supplies accommodation at subsidised rentals to local services including childcare centres, pre-schools and HACC services. Council also gives financial support to local community services through the annual Ku-ring-gai Financial Assistance to Community Groups Program and the provision of meeting areas.

Provision of community services

Council also provides direct services to the community. For example, Council provides community development workers in children's services, youth services and aged and disability services. Council provides direct services in the areas of library services, a childcare centre, family day care scheme, vacation care for primary school students, senior's leisure programs and an immunisation clinic.

Land Use Planning

Planning Ku-ring-gai's development is an important role for Council. Council is required to evaluate the social impacts of development before development consent is given. Council also uses Development Control Plans and Local Environment Plans to plan for the appropriate location of services. For example, Council has recently prepared a new Development Control Plan relating to childcare centres. Land use planning instruments are also important tools for ensuring that

commercial uses of land do not intrude on residential or open space areas, thus maintaining the quality of living that attracts residents to Ku-ring-gai.

Relationship of the Community Plan to other Council Plans

In order to be relevant, the Community Plan is linked to a suite of plans used by Council to plan Ku-ring-gai's future.

Primary among these is Council's Management Plan 2005 to 2009, an umbrella document that sets out our goals and objectives and how we plan to operate across all the services and facilities we provide. It contains a detailed budget for the first year and an assessment of the longer-term financial position of Council. Council has identified the following principal activities:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment
- Built Environment
- Council's Corporate Services, and
- Financial Sustainability.

In addition to the Management Plan, Council has a number of other plans and policies that directly affect the community. These include Local Environmental and Development Control Plans, Section 94 Contributions Plan, the Cultural Plan, Access Policy and Disability Discrimination Act Action Plan, Draft Open Space Strategy, Ku-ring-gai Sporting Fields and Courts Strategic Plan, Residential Development Strategy, Traffic and Transport Policy, Facility Management Plan, and Policies for Leasing Council Properties. In drafting the Community Plan, we have drawn from these documents, and the Community Plan will inform the future development of these plans and policies.

In terms of strategic direction, the recommendations of this Community Plan are consistent with those in the Management Plan. Actions in the Community Plan will be considered for implementation through incorporation in the annual Management Plan.

This Community Plan fits within a policy horizon beyond that developed within local government. Where appropriate, the Community Plan introduces and incorporates policies formulated by the NSW and Commonwealth governments.

How the Community Plan was Developed

Councils are required to consult residents in developing their Community Plans. As Council has already undertaken a great deal of consultation and planning, the approach for the current Community Plan involved:

- carefully reviewing what residents/community groups have already told us through an extensive document/literature review
- using existing forums/consultation processes to explore community planning priorities
- providing opportunities for contributors to the Community Plan to work together to identify practical solutions to the main issues identified (as opposed to simply raising the same issues again)
- inviting comment from, and making it as easy as possible for, any resident or group who wished to contribute to the development of the Community Plan, and
- exploring ways of connecting the community plan to other plans being undertaken by Council.

The range of consultation techniques included: interviews with elected representatives, Council officers and external stakeholders, meetings with local professional networks, workshops and focus groups, a youth survey, written submissions, website and public notices in local papers.

A draft Community Plan was then developed to allow for further community feedback. It was also distributed to key Council staff, including Directors and Managers, who were asked to identify key activities that could be implemented over the next five years. The recommended strategies outlined provide the community with a significant account of the policy framework in which Council services are delivered, as well as the range of roles and specific activities we are pursuing to address the identified concerns.

Once endorsed by Council, the Community Plan will be implemented in line with Divisional operational plans, and reviewed with the community and as part of quarterly performance reporting on Council's Management Plan. Council's Community Development Committee will oversee the implementation and evaluation of the Community Plan. It is intended to review and update the Community Plan annually and a formal evaluation will occur every five years.

Assessment of our Previous Community Plan

Ku-ring-gai Council has a history of social planning dating back to 1985, when it was one of the first councils in NSW to undertake such a planning initiative.

Ku-ring-gai's Social Plan 2000-2005 provided detailed information about the City, its needs, and the actions proposed to meet these needs. The strength of our previous Social Plan was the commitment to ensuring that it connected with Council's Plan of Management. This Plan became effective at the beginning of Council's 2000/2001 Management Plan. It outlined Council's strategies in relation to children, young people, families, older people, people with disabilities and community issues including: safety; community well being; participation; information; transport; physical access; traffic; environment; housing; and, recreation and leisure.

The majority of the 84 actions included in the Social Plan 2000–2005 have been completed or are being undertaken on an ongoing basis. A detailed report on outcomes is included at **Appendix 2** of this report. Some of the major activities have included:

- continuing to work cooperatively on a regional basis to improve community services and support in Ku-ring-gai and the Northern Sydney Region
- a major review of childcare planning policy resulting in a Development Control Plan that provides clear guidelines for the establishment of children's services and facilities
- collaboration with private sector interests to provide additional childcare in Ku-ring-gai
- developing a Disability Discrimination Act Disability Action Plan to achieve improvements in access by people with disabilities to public space and Council services
- establishing partnerships with key agencies to improve support services for children with special needs and from culturally and linguistically diverse backgrounds
- increasing Council information provided in community languages
- advocating on behalf of residents to ensure they have access to safe, affordable, reliable and accessible public transport systems
- capital improvements to playgrounds and skate parks, and
- developing a range of leisure and recreation opportunities suited to people of all ages and abilities
- continuation of Council's community development role.

What Makes Ku-ring-gai Special?

Ku-ring-gai's History and Character

Urban settlement began in earnest in Ku-ring-gai in the 1890s with the opening of the North Shore Rail line. The line initially ran from Hornsby to St Leonards with stations at Wahroonga, Pymble, Gordon, Lindfield, Roseville and Chatswood. It was extended to Milson's Point in 1893 and additional stations were progressively added between 1895 and 1900. A service directly connecting the North Shore to the city could not be established until 1932, after the Harbour Bridge was completed.

Then, as now, Ku-ring-gai was valued for its 'gentlemen's residences' set on large garden blocks. The area offered space and a healthy lifestyle for the middle classes, in marked contrast to the terrace row houses of the inner city.

After the Second World War, urban development in Ku-ring-gai increased with unprecedented demands for housing and employment. Soaring land values encouraged many large landholders to sub-divide their properties and prompted speculative development of Californian bungalow housing. While many of these homes have been demolished to make way for more contemporary houses, attempts to introduce higher densities have been actively resisted.

Reasons people choose to live in Ku-ring-gai have changed little over the years. Residents enjoy the larger than average suburban blocks, open space, lack of congestion, close proximity to Chatswood and Sydney CBD and a range of excellent schools and facilities to support family life. There is a strong desire to maintain the unique character of the area and the surrounding natural environment, and the connecting urban bushland within its neighbourhoods. Ku-ring-gai is green, clean and safe and the community expects Council to preserve and enhance these qualities.

Urban consolidation and increased housing density are highly contentious issues in the Ku-ring-gai LGA and are frequently raised issues of concern in resident's surveys. Ku-ring-gai Council is currently seeking to meet its local development demands and its share of accommodating metropolitan growth through the Residential Development Strategy, which identifies the location and extent of future housing provision within the LGA.

Ku-ring-gai's People Today

Ku-ring-gai had a population of 101,346 people on Census night 2001, including 1,194 overseas visitors. This was around 2.5% of Sydney's population of 3,997,321. Between 1996 and 2001, Ku-ring-gai's population increased by just 2,314 persons, or by 0.5 % a year. The rate of growth was lower than Sydney's growth of 1.3 % over the same period. However, Ku-ring-gai's population has grown considerably since that time. The Australian Bureau of Statistic's 'medium variant' Series B Projections (ABS 2003) estimates that the current population at approximately 109,000 and it is estimated to reach 117,500 by 2022. The population included 108 indigenous people.

With an area of 85.5 sq.km., Ku-ring-gai had a population density of 1190 people per sq.km. Our low density in comparison to other LGAs in the Northern Sydney region, such as Willoughby (2858 people per sq km) Lane Cove (3058 people per sq km) and Ryde (2456 people per sq km) is influenced by the significant area of National Park within the LGA. The average number of people per household was three.

The Census gives us a good picture of the composition of our community. If we imagine Ku-ring-gai as a village of precisely 100 people, with the current composition of the community remaining the same, in 2001 our community looked something like this:

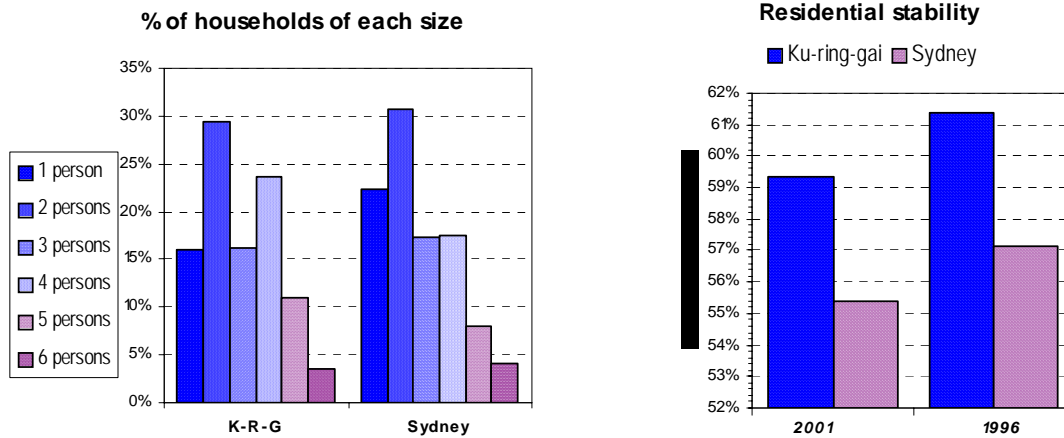
- 53 were female
- 47 were male
- Five were aged 0-4 years
- 10 were aged 5-11 years
- 10 were aged 12-17 years
- 10 were aged 18-24 years
- 14 were aged 25-39 years
- 31 were aged 40-59 years
- 12 were aged 60-74 years
- Six were aged 75-84 years
- Two were aged 85 years and over
- 65 were Australian citizens of voting age
- 87 lived in a family household, while eight lived alone
- Three were separated or divorced
- Three lived in non-private dwellings (eg nursing homes, hospitals and boarding schools).
- 31 were born overseas, 17 in non-English speaking countries
- 81 spoke English only, while 16 spoke a language other than English at home
- 17 had some form of disability
- 69 were Christian, four Jewish, two Buddhist, one a Muslim and one a Hindu
- 14 had no religion
- 47 were in the workforce. Of these, 28 were working full-time, 17 were working part-time and two were looking for work
- 28 had a university degree and 10 were at university then
- 53 owned their homes outright and 11 lived in rented premises
- 31 had a computer at home and 60 used the internet (at home, school or at work)

Ku-ring-gai's Households

In 2001, Ku-ring-gai had some 32,800 households (up 456 since 1996), of which overwhelming majority (82%) were family households, including about 340 with more than one family. The average family household had 3.4 people. There were also 497 group households (of unrelated people) which averaged 2.5 people. Ku-ring-gai's overall average household size, including its 5,280 single-person households, was 2.81 persons, greater than Sydney's 2.50.

Amongst Ku-ring-gai's households, the most common sizes were two persons (29% of households) and four persons (24%). Altogether, 38% of Ku-ring-gai's households had four or more people, housing 58% of the community. By way of comparison, 30% of Sydney's households had four or more people, housing 50% of the community.

The stability of a community is indicated by the proportion of people who have remained for a reasonable period of time. In Ku-ring-gai, 59% of people aged over five were living in the same Council area as in 1996. This residential stability is greater than Sydney's (55%) and is similar to Ku-ring-gai's stability in 1996 (61%). Relative to Sydney, Ku-ring-gai's residential stability was steady since 1996.

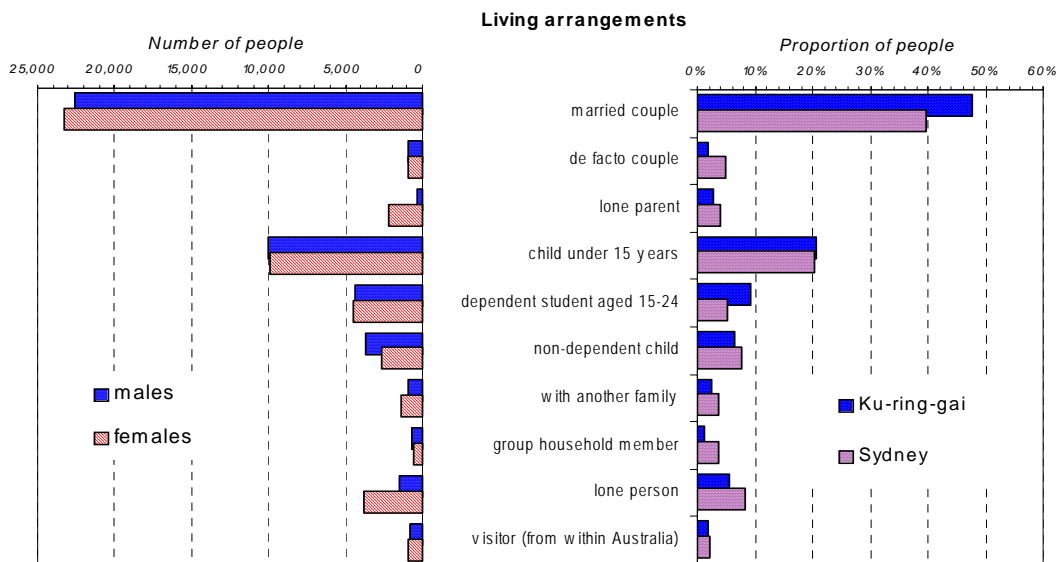


Household Arrangement

Most commonly, people live as a part of couple, with 50% of people living this way in Ku-ring-gai (greater than Sydney's 45%). About 4% of couples were not married in 2001, much lower than Sydney's rate of 11%. As well, there were 2,559 lone parents, 2.7% of the population (Vs 4.1% for Sydney), with six-sevenths of them being women.

Living with the couple- and single-parents were some 37,000 children and young people, most commonly a child under 15 years. These represented 37% of the people compared with 39% of Sydney.

The other people in Ku-ring-gai lived either alone (5,280 people or 8%) or in group households (1,222 or 1%). Among those living alone (a smaller proportion compared with Sydney), the number of women was much greater than the number of men with 3,829 women and 1,451 men; lone people constituted 8% of females and 3% of males. Group households were less common, relative to Sydney.



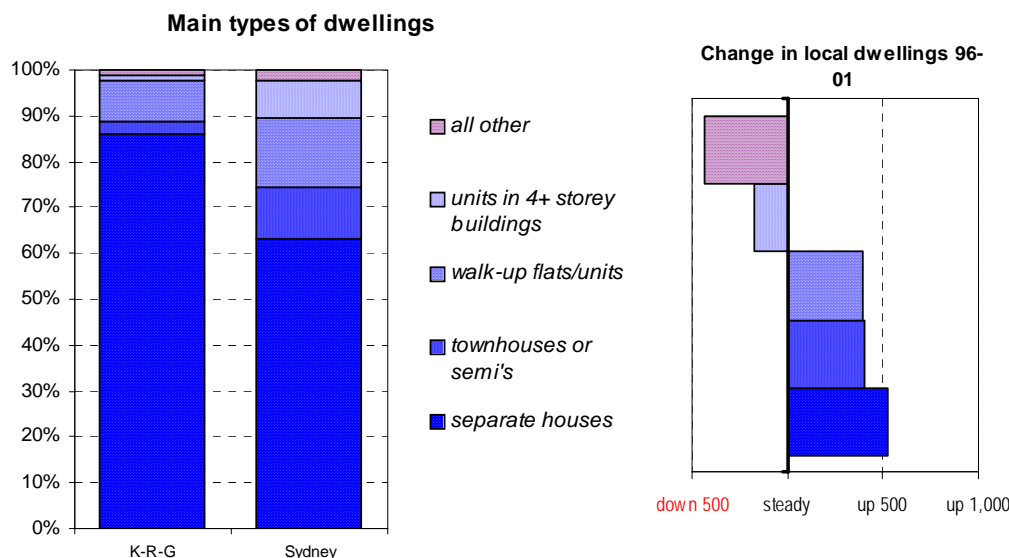
Types of dwellings in Ku-ring-gai

In 2001, Ku-ring-gai had 35,537 dwellings, an increase of 620 since 1996. Some 1,864 dwellings were vacant, giving a vacancy rate of 5.2% of dwellings, less than Sydney's 7.0%. Lower vacancy rates at the mid-winter census are more common in stable communities and in winter holiday places.

The most common kind of dwellings in Ku-ring-gai is separate houses, of which there were some 29,000 in 2001 (86% of Ku-ring-gai's dwellings; 63% over Sydney). Of other types of dwellings, there were about 3,000 walk-up flats/units, 910 townhouses or semi's and 430 units in 4+ storey buildings.

The most commonly-built types of dwelling over the previous five years were separate houses, with 522 more dwellings since 1996, and townhouses or semis with 402 more. The number of walk-up flats/units was 395 larger. The number of units in 4+ storey buildings decreased by 177.

Among the less common types of dwellings, Ku-ring-gai had 121 "granny" flats on houses (down by 56 since 1996) and 52 flats on shops / offices (down by 12).

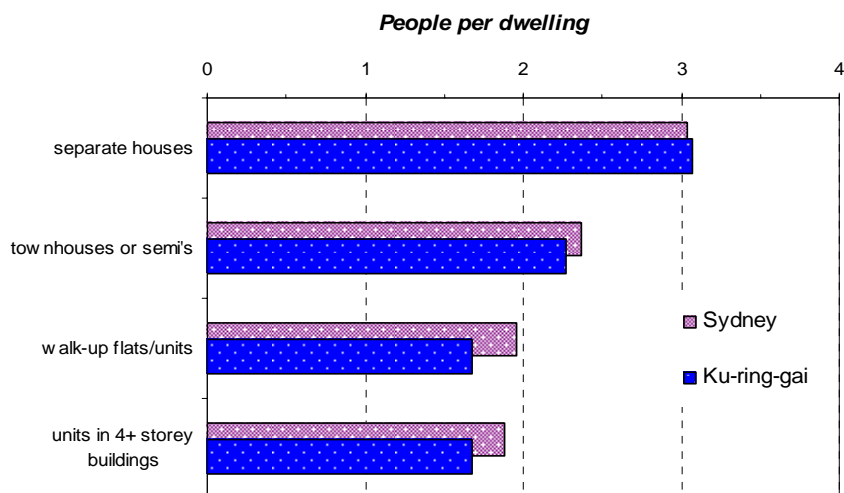


Dwelling occupancy in Ku-ring-gai

The average number of people in each occupied dwelling in Ku-ring-gai is 2.89 which is marginally higher than Sydney's average occupancy rate of 2.68.

Since 1996, Ku-ring-gai's average occupancy rate has risen by 0.01 or 0.4%. This is because the population living in private dwellings increased by 2.5% while the number of occupied private dwellings increased by 2.1%. By comparison, Sydney's average occupancy decreased by 4%.

Among separate houses, the average occupancy was 3.07 people per house, an increase of 0.02 since 1996. This occupancy rate was 1% higher than Sydney's rate of 3.04. The average occupancy of semis and townhouses was 2.27 persons, down 0.06 since 1996 and 4% lower than Sydney's. Ku-ring-gai's occupancy rate for walk-up flats/units was 1.68, up 0.07 since 1996 and 14% lower than in Sydney's. The rate for units in 4+ storey buildings was 1.68, which was 11% lower to Sydney's.



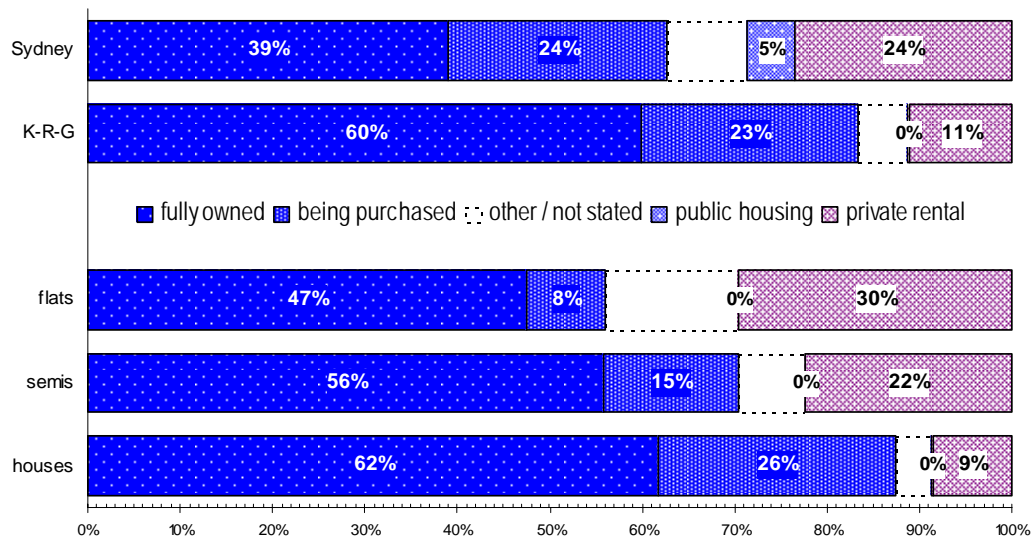
Owning and renting in Ku-ring-gai

In Ku-ring-gai, it is most common for dwellings to be fully owned, with 20,187 dwellings or 60% of the occupied dwelling stock in this form of tenure in 2001. The remaining dwellings were being purchased (23%), private rental (11%) or public housing (0.1%). Ku-ring-gai's much higher proportion of dwellings which were fully owned, relative to Sydney, indicates this community has much more longer-term or wealthier residents.

In all, some 87% of detached houses in Ku-ring-gai were owner-occupied (either fully owned or being purchased), compared with 56% of units or flats. Conversely, 30% of units and flats were rented, either privately or through public housing, compared with 9% of separate houses and 22% of semis and townhouses.

The proportion of dwellings which were rented privately was less than that of Sydney (24%), indicating Ku-ring-gai may have lower population turnover than Sydney. The share of dwellings in public housing was 0.1%, which was 2% of Sydney's proportion.

Home owners, purchasers, public and private tenants

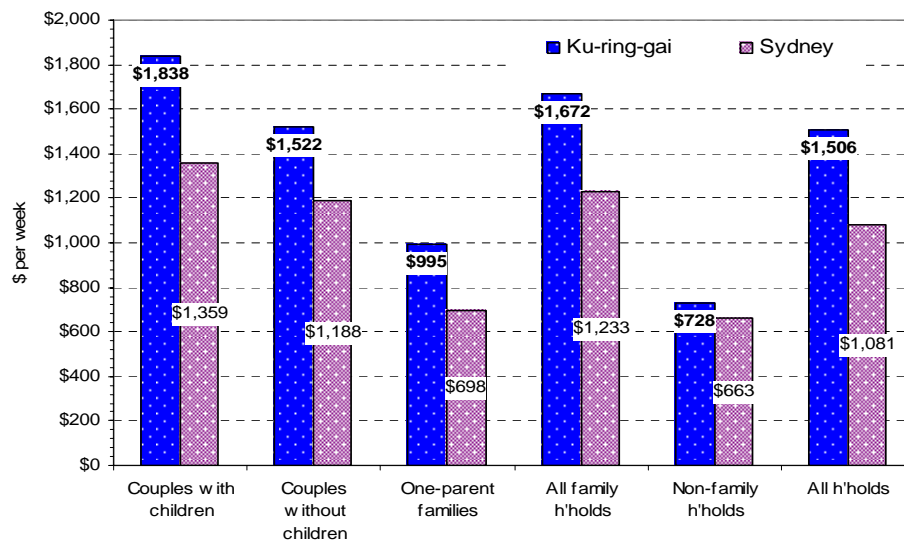


Ku-ring-gai's average household incomes

The average family income in Ku-ring-gai in 2001 was around \$1,700 a week or \$86,900 a year, much greater than Sydney's average of \$64,100 pa (36% higher). The median or mid-point household income was about \$1,750 a week (Sydney's was \$900).

Couples with children had the highest average family incomes at about \$1,800 a week. One-parent families had the lowest average family incomes at about \$1,000 a week. Non-family households in Ku-ring-gai had lower average incomes than family households, at about \$730 a week, due to many being single-person households.

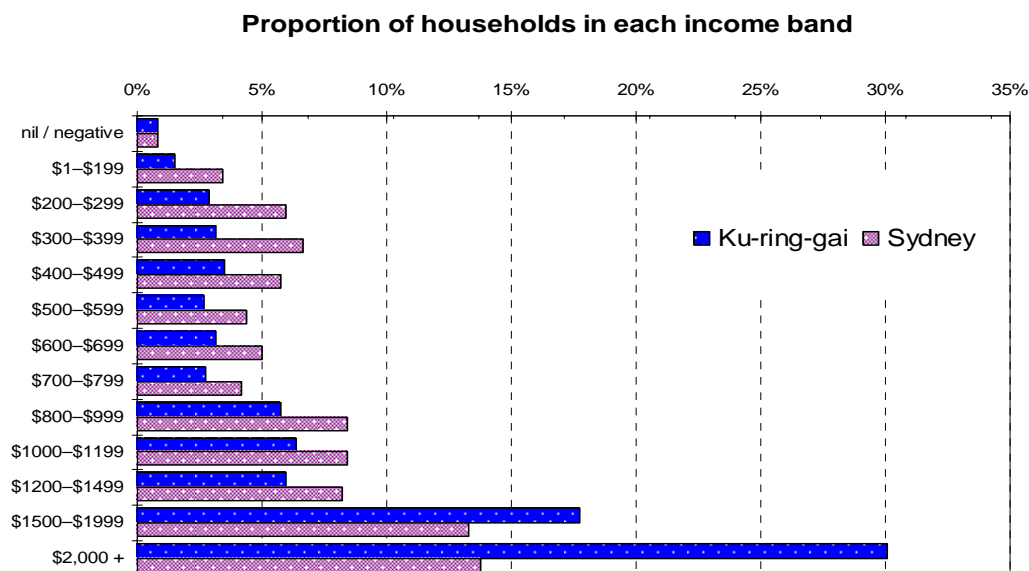
Average incomes for different families and households



Ku-ring-gai's household income variations

Compared with Sydney, Ku-ring-gai's household incomes differed most in the proportion in the \$2,000 + income band, which had 30% of Ku-ring-gai's households compared with 14% of Sydney's (i.e. one and one-fifth larger). The \$1500–\$1999 income band, with 13% of Ku-ring-gai's households, was one-third larger than across Sydney.

Conversely, Ku-ring-gai's households were most under-represented in the \$1–\$199 income band, which had 1.5% of Ku-ring-gai's households compared with 3.4% in Sydney (i.e. three-sevenths the size) and the \$300–\$399 income band (3.1% of Ku-ring-gai's households, half the size in Sydney).



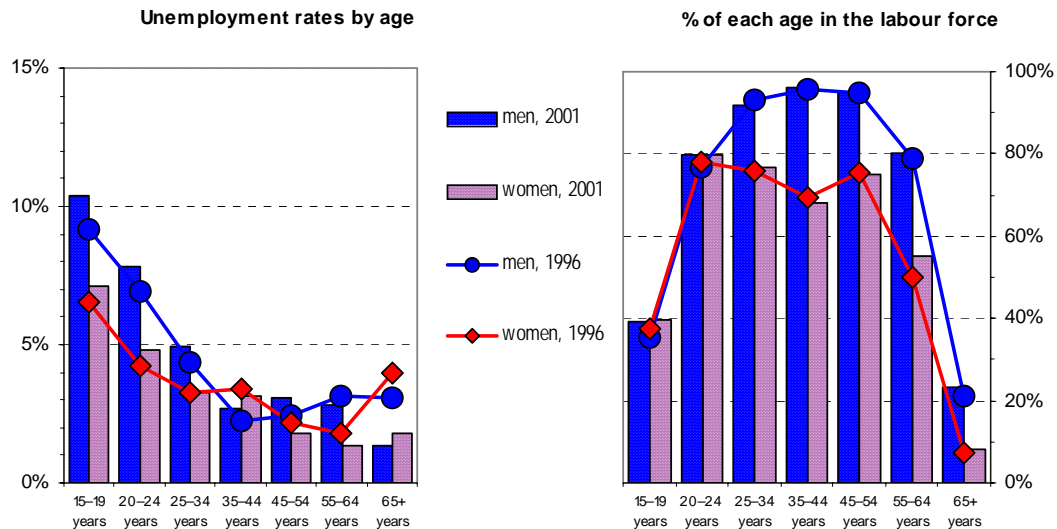
Employment in Ku-ring-gai

Ku-ring-gai provided a total labour force (people working or seeking work) of around 48,300 people in 2001 (26,200 men and 22,200 women), an increase of 744 or 2% since 1996. This labour force represents 63% of the working-age population (aged 15+), a rate lower than Sydney's 65%.

The unemployment rate amongst Ku-ring-gai's workforce in mid-2001 was 3.5% when Sydney's was 6.1%. Over 1996 to 2001, the male unemployment rate increased from 3.7% to 4.0% while the female unemployment rate decreased from 3.2% to 3.0%.

Among male workers, 72% were employed full-time. Unemployment rates ranged from 10% among those aged 15–19 years and 8% among those 20–24 years to 1% among those aged 65+ years and 3% among those aged 35–44 years.

Among female workers, 43% were employed full-time. Unemployment rates ranged from 10% among those aged 15–19 years and 8% among those 20–24 years, to 1% among those aged 55–64 years and 2% among those aged 65+ years.



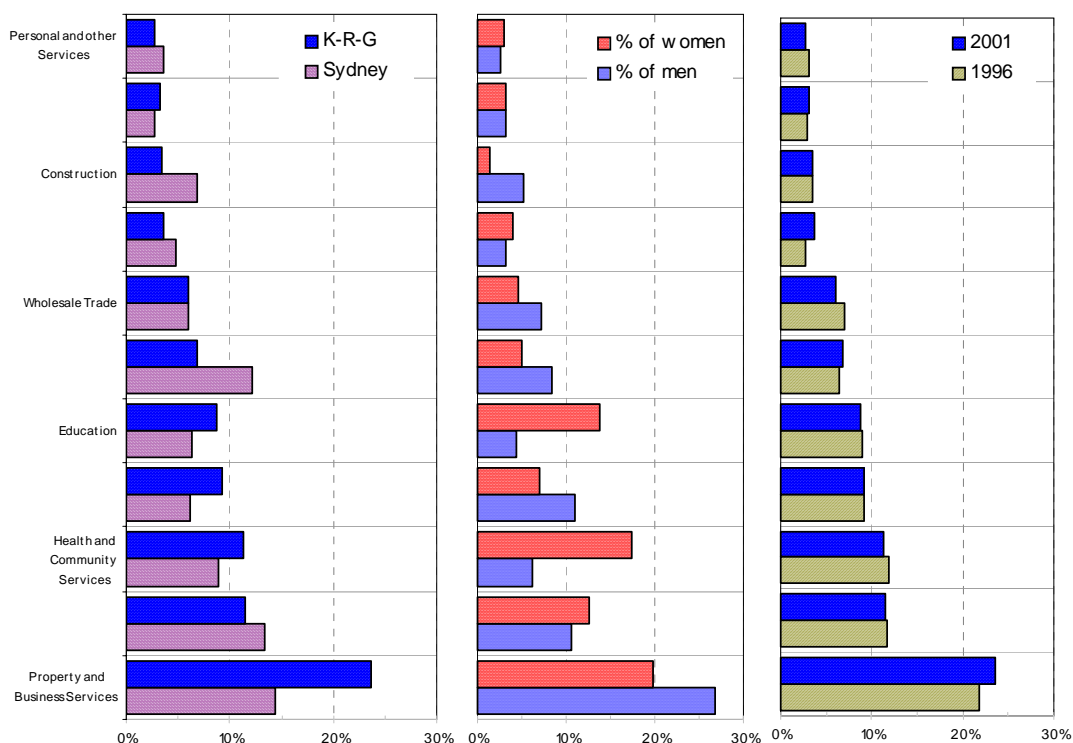
The industries where Ku-ring-gai works

The industry providing the most Ku-ring-gai residents with work in 2001 was Property and Business Services, which employed some 11,000 people: 27% of men and 20% of women in Ku-ring-gai's workforce. The next largest employers were Retail Trade (about 5,400 workers), Health and Community Services (about 5,300) and Finance and Insurance (about 4,300).

Between 1996 and 2001, the fastest growing industries amongst Ku-ring-gai workers were Property and Business Services (up 949), Accommodation or Cafes/Restaurants (up 390), Communication Services (up 264) and Manufacturing (up 203). There were fewer workers in Wholesale Trade (down 418) and Health and Community Services (down 142).

The biggest differences in the workforce's industries from Sydney were:

- larger proportions in Property and Business Services (23.6% in Ku-ring-gai compared with 14.4% in Sydney), Finance and Insurance (9.2% v. 6.1%) and Health and Community Services (11.3% v. 8.9%),
- smaller proportions in Manufacturing (6.9% v. 12.2%), Construction (3.4% v. 6.9%) and Transport and Storage (2.6% v. 5.0%).



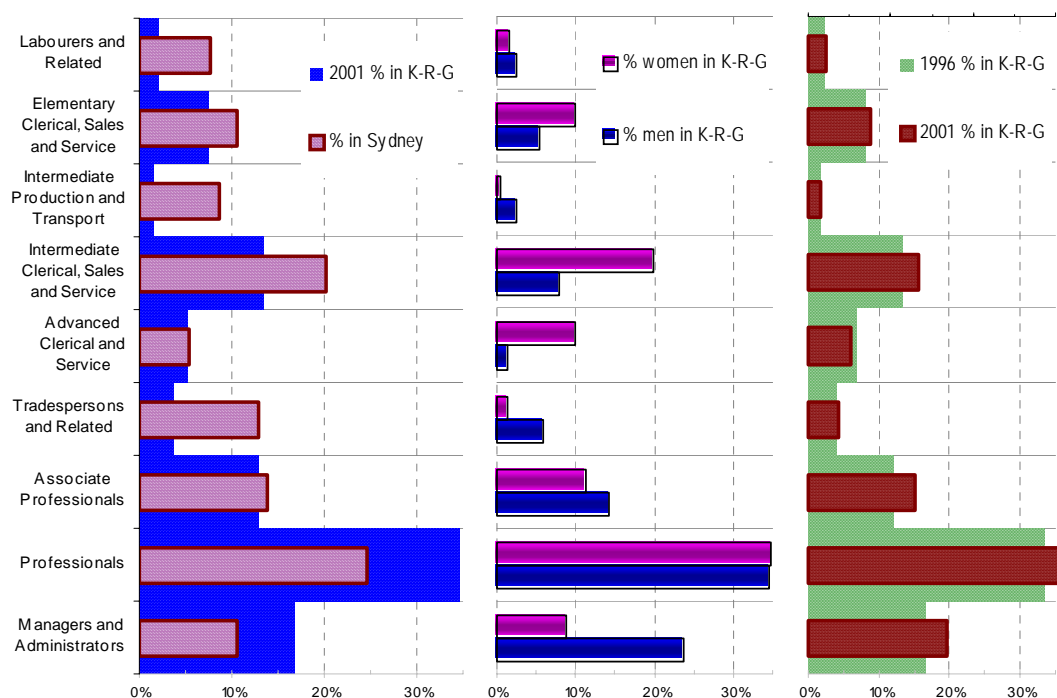
Occupations in Ku-ring-gai

The most common type of occupation in Ku-ring-gai in 2001 was Professionals with some 16,000 people or 35% of the local workforce, followed by Managers and Administrators (around 7,800), Intermediate Clerical, Sales and Service (about 6,300) and Associate Professionals (about 6,000).

The biggest occupational differences between the sexes were that men were much more likely to work as Managers and Administrators (24% of men but just 9% of women), Tradespersons and Related (6% of men; 1% of women) and Associate Professionals (14% of men; 11% of women).

Women were more likely to work in Intermediate Clerical, Sales and Service (20% of women but 8% of men), Advanced Clerical and Service (10% of women; 1% of men) and Elementary Clerical, Sales and Service (10% of women; 6% of men).

Since 1996, the occupations in Ku-ring-gai whose workforce share grew most were Professionals, up by 1.3%, Associate Professionals, up 0.7% and Managers and Administrators, up 0.3%. The fastest declining occupations were Advanced Clerical and Service, down by 1.4%, Elementary Clerical, Sales and Service, down 0.4%, and Tradespersons and Related, down 0.2%.



How Ku-ring-gai gets to work

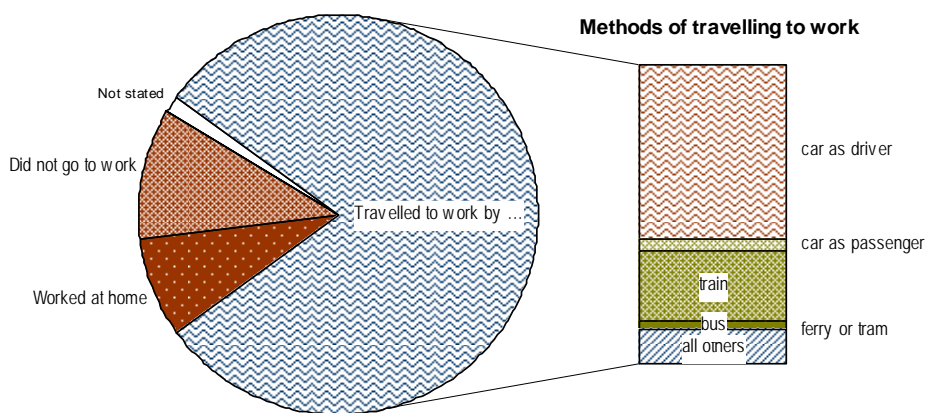
Of the 46,600-person workforce in Ku-ring-gai, some 78% travelled to work in 2001 (72% of women and 84% of men). Another 9% worked at home, much higher than Sydney's rate. The proportion working at home was 153% higher amongst women than men in the workforce.

Around 5,400 people in the workforce did not attend work on Census day, representing 12% of the workforce (compared with 10% for Sydney). Some 1,100 people were unemployed, while the others may have been employed only part-time or having a day off.

Of those travelling to work, the most common means were by car as driver (58% of the trips) and by train (23%). Compared with Sydney, there were larger proportions travelling by train and smaller proportions travelling by ferry or tram.

Since 1996, the number travelling to work in Ku-ring-gai was relatively static while their overall travel patterns changed little. The number travelling by car decreased by 4% with the number of drivers down by 3%. The number travelling by public transport (train, bus, ferry etc) increased by 9% with travel by train up by 12%.

The proportion of workers using only their own effort to get to work was less than Sydney with 2.0% walking and 0.3% cycling, a total of 1,037 people. The number walking to work fell by 10% since 1996 while the number cycling rose by 24%.



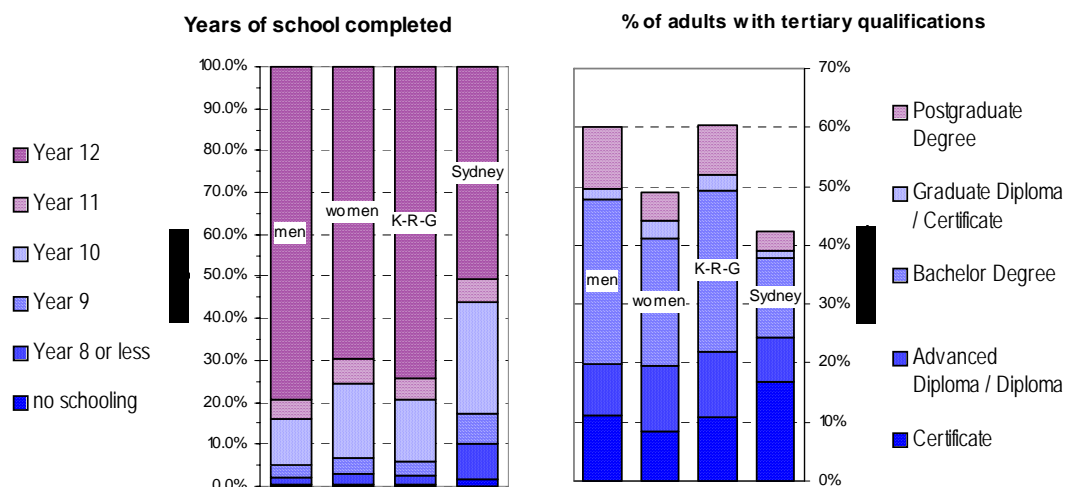
Ku-ring-gai's education levels

The average number of years of school completed by adults is a good indicator of the overall education of a community. In Ku-ring-gai, the average final year of school was Year 11.4 meaning a 'typical' adult left school after completing 11 years and 5 months. This was much higher than Sydney's average of 10 years and 7 months.

Some 74% of Ku-ring-gai's adults completed Year 12, while 6% left school before completing Year 10. By way of comparison, 50% of Sydney's adults completed Year 12 and 17% left school before completing Year 10. The Year 12 completion rate for men in Ku-ring-gai was greater than women's (79% to 69%).

Ku-ring-gai's tertiary education levels were far higher than Sydney's, with 60% of people aged 15+ having a tertiary qualification, versus 42% for Sydney. The biggest difference was in the number with a Bachelor Degree (27.5% of Ku-ring-gai's adults compared with 13.5% of Sydney's).

Since 1996, the fastest growing qualifications in Ku-ring-gai were Bachelor Degrees, up by 3,083 and Postgraduate Degrees, up by 1,207.



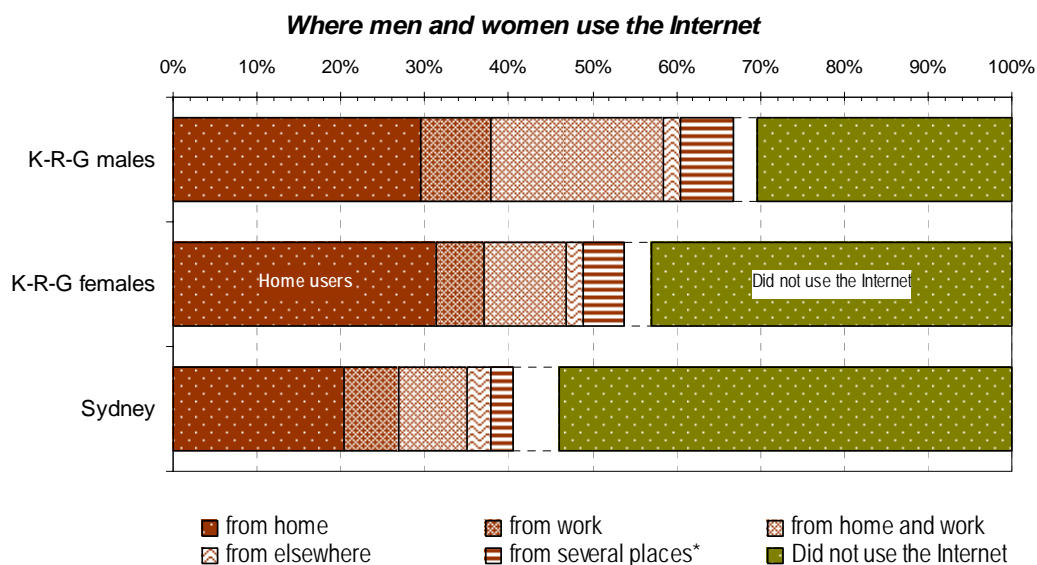
Internet usage in Ku-ring-gai

Three-fifths of Ku-ring-gai's people (60%) used the internet each week in 2001, compared with 41% over Sydney. Some 54% of women used the internet, a lower proportion than for men (67%).

The main places where people in Ku-ring-gai used the Internet were at home (31%), at work (7%) and at both home and work (15%). Compared with Sydney, Ku-ring-gai had much higher proportions using the Internet from home (10.2 percentage points above Sydney) and lower proportions using the Internet from elsewhere (0.9 percentage points below Sydney).

Among home computer users, women more often used the Internet - some 53% of women and 42% of men using their home computer accessed the internet over the Census week. By way of comparison, among Sydney's home computer users, 48% of women and 45% of men used the internet that week.

Some 7,000 people used the Internet at work, representing 15% of the employed workforce of around 47,000. This was similar to Sydney's rate of 14%. Internet usage amongst male workers in Ku-ring-gai was 16% while amongst female workers it was 14%.



More detailed profiles of each of the social planning target groups appear in the sections below. A comprehensive demographic profile of the Ku-ring-gai LGA can be found on Council's website at www.kmc.nsw.gov.au and follow the demographic profile link. Hard copies may be obtained from the Council offices.

Priorities for our Community

During the development of the Community Plan a number of issues frequently arose in consultations. These needs and issues were identified as not specific to any one particular target group but generic across the community.

Rather than repeating these issues into each target group section they have been placed here to highlight their importance and to provide some direction and focus for Council and stakeholders in addressing broad based needs.

Managing Growth and Development

When asked what they like most about living in Ku-ring-gai, most residents mention the lack of crowding, peace and quiet, established trees and gardens, heritage buildings, family friendly environment and access to the natural environment through urban bushland and National Parks. These qualities are either absent or rapidly disappearing from many parts of the metropolitan area. Residents want to preserve these aspects of their environment and are deeply concerned about the prospect of over-development.

It is clear that some development is inevitable in Ku-ring-gai over the next five to ten years. In 2004, the NSW Government asked Ku-ring-gai Council to prepare plans for extra housing options in and around our main commercial centres of St Ives, Turramurra, Gordon, Pymble, Roseville and Lindfield. Council is currently working on a Residential Development Strategy that restricts the bulk of medium density housing to the highway/railway corridor, and leave densities lower in other parts of Ku-ring-gai. The new centres will offer a mix of uses including shop-top housing, retail, commercial and offices, community and open spaces.

As part of this process, Council is undertaking extensive community consultation to find out what residents think about their local centres. Household surveys are being conducted in each of the areas subject to redevelopment seeking ideas and ways of improving the town centres. The results are being used to create a 'vision' for each town centre, to underpin new amenity, land-use and community initiatives for the area. To complement the surveys, Council is seeking the views of local businesses and retailers, local residents' groups, shoppers, retirement village residents, and young people.

From these initial consultations, land-use options are being developed for each town centre and canvassed at meetings of landowners, local businesses and residents selected from those who responded to the household survey. Participants are asked their views on each option as well as other possible initiatives for open space, residential development and traffic changes. This process is expected to bring about change that is acceptable to residents and produce more vibrant town centres.

Priorities for Council will be

- Finalising Town Centre Plans for St Ives, Pymble, Turramurra, Roseville, Gordon and Lindfield by the end of 2006.
- Achieving revitalised commercial centres that incorporate improved access in centres divided by the railway line, the Pacific Highway or both; landscaped public open spaces; greater retail choice; retail services such as medical practitioners; and a mix of land uses including medium density residential buildings and 'shop-top' housing.

- Designing public spaces to encourage walking and cycling and provide residents and visitors with greater safety, security and opportunities for social interaction, and
- Ensuring housing choice and promoting a socially diverse and vibrant community.

Mobility and Accessibility

Many of the environmental elements that are central to the concept of an accessible community are within the province of Council to shape or influence. These include: key aspects of the urban environment; making the environment accessible to all through "universal design"; setting standards for traffic regulation, transport systems, quality of street lighting and pavements; and facilitating or supporting community participation.

While many of the initiatives that support accessible communities such as low floor buses and wheel-chair accessible trains came from the disability lobby, they represent good design that benefits everyone. Parents with prams, cyclists taking their bikes on the train, and over-laden shoppers all benefit greatly from accessible transport.

Design elements that promote easy access to public spaces include:

- Continuous, level pathways free from obstruction
- Appropriate signage that can be used by people with varying abilities, and
- A network of public transport and pathways/ramps that facilitate the use of wheelchairs, other mobility aids, prams and cycles.

Consultations with residents found that most people who live in Ku-ring-gai rely on their cars as their major form of transport. Many residents also visit the town centres on foot and the need to improve pedestrian and cycle routes to the main shopping areas to minimise the impediments of the highway and railway has been identified.

Outside of peak commuter services, residents find public transport unreliable and difficult to use. The need to upgrade bus interchanges and to upgrade and improve access to train stations has been identified.

Those without cars – young people, older people and people with disabilities – are forced to rely on buses, trains, expensive taxi services and limited community transport options to meet their needs. These target groups identified inadequate public transport as an issue of major concern during community consultations.

Priorities for Council will be

- Continuing its program of footpath and signage improvements
- Liaising with State Government in developing strategies to make public transport more accessible to older people and people with a disability
- Levying Section 94 Contributions for traffic, pedestrian and cycleway facilities and public domain improvements as appropriate
- Providing guidance to private developers on access standards for people with disabilities
- Implementing universal design principles in new public buildings and developments
- Facilitating the safe and efficient passage of traffic and transport within Ku-ring-gai
- Improving the amenity of transport interchanges, bus stops and street lighting around bus stops, and

- Placing some car parks underground to provide greater public space and pedestrian amenity within the revitalised town centres.

Community Facilities

High quality community facilities such as libraries, childcare centres, recreational facilities and other community service facilities offer benefits for present and future generations and are indicators of the community's overall strength. Within Ku-ring-gai, community facilities create opportunities for residents to access services and come together in social, educational, artistic, sporting, religious and recreational activity. They enhance quality of life, enable services to reach those most in need and foster the conditions necessary for community engagement, service take-up and voluntary activity.

Ku-ring-gai Council provides a large number of community use facilities that are used by Council and community development and support agencies throughout the LGA. In many parts of Ku-ring-gai these facilities are ageing and need to be upgraded or replaced in order to meet the requirements of modern service provision. Community expectations regarding the range and quality of facilities needed also have increased.

While Section 94 Developer Contributions provide a mechanism for obtaining funds to meet the demands from incoming population, it is not sufficient to meet our current needs. Key needs identified include library extensions, multi-purpose community facilities, multi-purpose leisure centres, childcare centres, youth facilities and facilities to accommodate home and community support services. In order for Council to plan and prioritise requirements for community facilities, it will be important to develop a strategic overview of the current situation and the likely demands from population growth.

In addition, the Ku-ring-gai Open Space and Recreation Study (2004) found a demand for greater diversity of recreational opportunities within existing parks and open spaces. Specific needs included:

- More linkages –walking tracks and bicycles paths
- Improved barbecue facilities, shade and toilet improvements in parks
- More equipment in parks and opportunities for unstructured recreation for youth
- Large group/family picnic opportunities (shelters, tables, seating) in major parks
- More dog 'off-lease' areas
- Integration of play and informal sports facilities with formal sports facilities, and
- More commercial facilities in parks (kiosks).

Priorities for Council will be

- Producing a community facilities plan that will identify and characterise the existing community buildings, facilities and land holdings, their current usage, associated costs and assess their relevance to address the needs of Ku-ring-gai residents now and in the future
- Developing a range of strategies and practical solutions within the community facilities plan to meet the identified needs across Ku-ring-gai, including some retiring or consolidation of community assets
- Developing partnerships with private sector providers to meet some community needs in childcare and leisure, and
- Working with the State Government to identify a range of funding sources and options.

Information, Communication and Consultation

The issue of access to information was raised at every community consultation and service provider workshop. The need for appropriate information is enormous, yet in public venues all over Ku-ring-gai such as libraries, community centres and council offices, there is a wealth of printed information in pamphlet form. In addition, Council provides information in the community newspaper, in our own newsletters to residents, and on our website.

The main difficulty with access to information is for residents to be able to find the relevant information *when they need it*. Information may be interesting, but is of no real use until it is needed by the individual. The issues for Council are how to foster information seeking skills rather than simply supplying information and how to target the information we provide more effectively.

Council has recently established a Resident Feedback Register (RFR). The RFR will consist of 200 randomly selected residents across the Ku-ring-gai Local Government Area, who are representative of Ku-ring-gai's population characteristics. The RFR will assist Council by considering issues of importance and will provide advice that is broadly reflective of the community. Residents participating in the register may be interviewed or surveyed 4-6 times per year. Prior to being surveyed, RFR participants are provided with written briefs about the issue and given time to think about it, during which time they are encouraged to discuss with friends, family and neighbours.

Priorities for Council will be

- Redeveloping Council's website to improve navigation within the site and to offer a wider range of interactive online services
- Continuing a program of inclusive community engagement or consultation strategies for involving a broad cross-section of residents
- Developing mechanisms to harness local community skills and knowledge
- Promoting internet use to source information, in conjunction with local libraries
- Working with our community partners to provide the most up to date and accurate information on services, programs and facilities
- Researching information needs of particular groups in the community and the best channels for reaching them
- Providing information in a range of accessible formats including community languages, and
- Promoting the existence of new residents' kits to ensure that all new residents are aware of the available and location of facilities and services that they need in the LGA.

Community Target Groups

Children and Families

Definition

Council's Children and Families Strategy focuses on families with dependent children aged between 0-11 years of age. The two main cohorts within the population of children are infants and young children aged 0-4 years and primary school aged children aged 5-11 years.

About our Children

In 2001, Ku-ring-gai had a population of 15,800 children aged 0-11 years, comprising 5,387 pre-school aged children aged 0-4 years (up 452 since 1996) and 10,413 primary school children aged 5-11 years (up 939). This accounts for approximately 15.8% of the Ku-ring-gai LGA's total population and was only slightly higher than comparative figure for the Northern Sydney region (14.4%), but somewhat lower than the State average (17.9%).

Between 1996 and 2001, the number of children aged 0-11 years has risen dramatically by 9.2%. The rise follows a period of marginal negative growth between 1991 and 1996, when the number of children in the population fell by 1.2%. The proportion of children aged 0-11 years rose by 1.1% between 1996 and 2001, against the Sydney average trend of -0.4%.

Numerically, the largest numbers of infants and young children aged 0-4 are found in St Ives (736) and Lindfield (717). However, as a proportion of the population, West Pymble and South Turramurra have the highest ratios of children aged 0-4 years where they constituted 8% and 7% of the populations of those suburbs in 2001.

The larger suburbs of St Ives and Lindfield also had the largest absolute numbers of children aged 5-11. However, structurally the highest proportions of children were found in St Ives Chase and West Pymble where they constituted 13% and 12% of the population in 2001. North Turramurra (8%) and Gordon (9%) had the lowest percentages of children 5-11 years as a proportion of the total population.

The majority of children in Ku-ring-gai live in intact families. In 2001, the Ku-ring-gai LGA had the highest proportion of couple families with children (58.1%) and the lowest proportion of lone parent families in the Northern Sydney area. In 2001 there were 907 births recorded for the Ku-ring-gai LGA, with a high proportion (40%) of these births to females aged 35 years or older. More recent data obtained from Northern Sydney Health shows that in 2003 the birth rate in Ku-ring-gai had experienced a slight decrease to 880 births.

In 2001, Ku-ring-gai had 1902 children attending pre-school (up by 134), 10,100 at infant/primary school (up by 833). Fifty seven percent of primary students attended government schools compared to the Sydney average of 68%. Non-Catholic private schools attracted 30% of primary students, much higher than Sydney's rates of 10% and 16%. Attendance at Catholic schools by 13% of Ku-ring-gai's primary students was at a lower rate than the Sydney average of 21%. Since 1996, preference for private primary school education has increased by approximately 3%.

Pre-school participation is strong in the area. In 2001, 1,902 children or with approximately 51% of the population of 3-5 year olds were reported as attending preschool. When children attending long day care are taken into account, Ku-ring-gai is well above the NSW average of 62% of 3-5 years olds

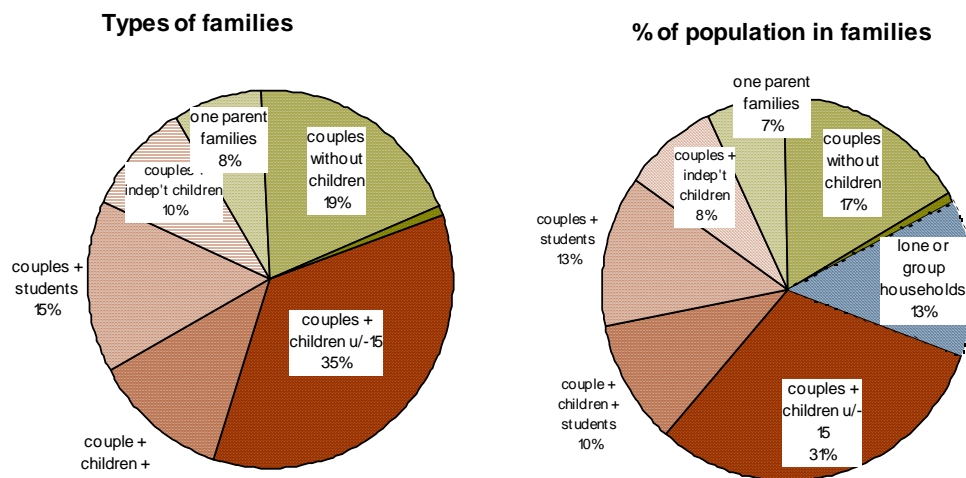
receiving early childhood education. The primary school participation rate of 97% also was markedly higher than for Sydney (91%).

Families in Ku-ring-gai

Families are a dominant feature of the social composition of the Ku-ring-gai LGA. Altogether, 87% of Ku-ring-gai's people live in families, with some 87,000 people in some 27,400 families of an average size of 3.2 people. This is similar to Sydney's average family size of 3.1 people.

Ku-ring-gai has some 16,000 couples with children, with 48% having all their children aged under 15. They constitute 58% of all families and have 63% of Ku-ring-gai's people. Another 31% of families are couples without children, home to 17% of the population. In addition, there are 2,560 single-parent families (with 7% of the population) and 365 families of other types.

Since 1996, the average family size in Ku-ring-gai has decreased by 5.7% while across Sydney it decreased by 7.3%. The average size of couple families with children has decreased by 4.6% from 4.12 to 3.93 persons, while the average size of single-parent families has decreased by 8.2% from 2.81 to 2.58 persons.



Government Policies Affecting Children's Services

Responsibility for the needs of children and families is shared by Local, State and Federal Government agencies. Below is a summary of key policy directions at Federal, State and Local Government level in relation to supporting children and families.

Federal Government Policy

The main national strategic policy frameworks for children and families include the *Stronger Families and Communities Strategy*, the *National Agenda for Early Childhood* and the *National Public Health Strategic Framework for Children 2005-2008* (draft).

Through the *Stronger Families and Communities Strategy*, the Federal Government aims to provide a range of services to support families with children, and to strengthen family relationships and community networks. The Strategy provides funding for prevention and early intervention programs for families and communities, with particular benefits for those at risk of social, economic and geographic isolation.

This Strategy is also providing funding for the "Growing up in Australia" Longitudinal Study. The study will track 10,000 children – 5,000 infants and 5,000 four-year-olds – from regional and metropolitan areas across Australia for nine years in an attempt to identify health, parenting, childcare, and early education factors that impact on children's development.

In August 2004, the Federal Government released the draft framework document *The National Agenda for Early Childhood*. This draft framework incorporates consultation feedback and proposes a number of specific areas where the Australian Government and State and Territory governments might usefully commit to in order to improve outcomes for young children and their families now.

The draft framework paper sets out goals, principles and priorities in the following key action areas:

- healthy young families
- early learning and care
- supporting families and parenting, and
- creating child friendly communities.

The National Public Health Partnership has recently released a draft strategic framework, *Healthy Children – Strengthening Promotion and Prevention across Australia. The National Public Health Strategic Framework for Children 2005–2008*. The framework is designed to strengthen the capacity of the health sector and the wider community to respond to a range of public health issues identified in national strategies for children aged 0–12 years, including maternal health and wellbeing during the antenatal period. It is based on health promotion and illness prevention, including early intervention approaches and emphasises opportunities to address health inequalities. A particular focus is on strengthening the capacity of systems to support communities, families, parents and professionals to support the health of children.

New South Wales State Government Policy

New South Wales State Government policy initiatives to support families with children have focused on early intervention and prevention, and child protection. The major initiatives include Families First, *Better Futures*, the *Early Intervention Program* and legislative changes to enhance child protection.

Families First is the NSW Government's prevention and early intervention strategy that helps parents give their children a good start in life. *Families First* is a coordinated strategy involving several government departments as well as non-government agencies. The program aims to:

- Increase the effectiveness of early intervention and prevention services in helping families to raise healthy, well-adjusted children.
- Better link preventative, early intervention and community development programs to form a comprehensive network of services capable of providing a wide range of support to families raising young children (from birth to 8 years of age).
- Support parents and carers raising children and help them solve problems early before those problems become entrenched.

Better Futures is designed to increase the effectiveness of services across NSW for vulnerable young people between nine and eighteen years of age. It combines with *Families First* to enable the NSW government to provide ongoing care and support for children and young people from birth through adolescence.

Better Futures introduces three additional Fields of Activity to the *Families First* framework to respond to the needs of children and young people. These are:

- keeping young people at school and improving their educational attainment
- strengthening key protective factors for young people and reducing risks
- supporting young people at very high risk.

The program is initially being introduced to six locations across NSW, but will eventually be introduced statewide.

The Department of Community Services (DoCS) *Early Intervention Program* aims to provide targeted support to vulnerable families to prevent problems from escalating. The DoCS *Early Intervention Program* is being rolled out across New South Wales over five years (2003/04-2007/08). Over this time, DoCS will spend \$150 million to fund a range of new community based government and non-government services.

Given current State Government funding priorities, Ku-ring-gai is unlikely to benefit from Better Futures or the Early Intervention Program in the short to medium term.

Since 1998 child protection legislation has been strengthened. Four key Acts have been passed by the NSW parliament to initiate a range of reforms to ensure the protection of children. This legislation includes:

- *The Ombudsman Amendment (Child Protection and Community Services) Act 1998* which oversees the monitoring and handling of child abuse allegations involving employees.
- *The Commission for Children and Young People Act 1998* which requires that potential employees be screened before commencing employment in jobs that bring them into high-level contact with children.
- *The Child Protection (Prohibited Employment) Act 1998* which makes it an offence for service providers to employ a person who has been convicted of a serious sex offence, where the employment involves direct contact with children and young people less than 18 years of age.
- *Children and Young Persons (Care and Protection) Act 1998* which requires mandatory reporting to the NSW government when there is reasonable ground to suspect that a child or young person is at risk or harm.

Childcare Policy Issues

The provision of childcare services has undergone a marked policy shift in the past decade coinciding with significant increases in demand for childcare services. In January 1994, the Commonwealth Government withdrew capital funding to acquire and build new centres and subsidies to trained staff in community based childcare centres. As compensatory measures the Commonwealth introduced the Childcare Benefit (CCB) payment to families and the Quality Improvement and Accreditation System (QIAS) for long day care services.

The CCB provides a payment to help families who use approved and registered childcare, including long day care, family day care, out of school hours care (OOSH), vacation care and occasional care. It is paid directly to childcare services to reduce the fees charged, or retrospectively as a lump sum to parents. It is subject to an income test but not to an assets test.

In its most recent Budget, the Commonwealth Government announced plans to introduce a 30 per cent Childcare Tax Rebate of rebate on out of pocket childcare expenses up to \$4000 per year per child. Effectively, the Commonwealth has shifted childcare expenditures (\$1.04 Billion in the 2005/06 Budget) from funding of community infrastructure to subsidising individual family expenditures on childcare.

The aim of QIAS is to monitor and assess levels of quality service provision beyond those principals outlined in the State regulations, which set standards for minimum requirements that must be met in order for childcare centres to remain operating. It is designed to complement State licensing regulations and Local Government guidelines which specify minimum standard of operation for services. The accreditation process requires centres to engage in a process of self-evaluation against 35 principles of quality care.

The NSW Government is the key provider of preschool services. However, base levels of funding to services in NSW were frozen in 1989/90 having a major impact on viability for community based services and affordability for families. The Commonwealth Government ceased funding preschools in 1985 and now provides no funding for preschool education, other than Indigenous services. Indexation for services has failed to keep pace with the increased cost of service delivery, including salaries, rental costs, superannuation, insurance (particularly public liability), IT, training and equipment costs. A two-tiered system has evolved whereby the Department of Education and Training (DET) fully funds centres for staffing and building costs and a larger community based system (over 800 preschools) receives a lower level of funding support through the Department of Community Services. The NSW Government has committed to building 100 new preschools within existing school lands bringing the total number of DET preschools to 279 statewide by the end of 2005. These new preschools will primarily target disadvantaged communities and will not enhance supply to Ku-ring-gai.

The NSW Government has responsibility for regulation and licensing childcare services including occasional care services and family day care. Licensing covers aspects of a service's operation such as:

- the number of children in care;
- the size of rooms and playgrounds;
- the required number of staff and their qualifications, and
- health and safety requirements.

OOSH services remain unregulated at this time.

The implication for Local Government of the policy and funding changes has been:

- cost-shifting of the capital funding responsibility for childcare facilities from Commonwealth and State Governments to Local Government;
- reliance on private sector provision to meet growing demand for long day care, and
- a market-driven approach to childcare provision that does not always place services in the areas of greatest need.

Council's Role in Children's Services

Ku-ring-gai Council supports children's services within its region directly and indirectly. The table below outlines the ways in which Council is involved.

Service development	<p>Council employs a Community Development Officer (CDO), Children's Services, to work with parents, community groups and State and Commonwealth agencies. The CDO Children's Services facilitates, resources and develops a broad range of quality children's services in the Ku-ring-gai area.</p> <p>Council resources children's service providers networks and forums. The aim of the forums is to help existing services keep up to date with new regulations, changes in service provision and to obtain input and feedback on children's services issues.</p>
Community facilities	<p>Council provides assistance through a rental rebate to 15 children's services that are housed in Council owned properties but independently managed. These services include 11 pre-schools, 1 long day care centre, 1 before and after school centre (including vacation care), 1 occasional care centre and 1 playgroup service.</p> <p>Council is responsible for providing, maintaining and refurbishing public children's playgrounds, parks and sporting ovals through Ku-ring-gai.</p>
Community services	<p>Council operates the Thomas Carlyle Children's Centre, a long day care centre at East Lindfield which provides 53 care places per day.</p> <p>Council operates a family day care scheme to coordinate the provision of 160 long day care places per day throughout Ku-ring-gai.</p> <p>Council operates 3 vacation care centres which provide approximately 160 places per day for children aged 5-9 years and 10-14 years. School holiday programs are also offered at the library, the Bushland Education Centre and the Ku-ring-gai Art Centre.</p> <p>Council employs a children's librarian and offers a range of children's library services including story time and author's visits.</p> <p>Council provided grants of approximately \$14,000 to childcare centres and preschools for the purchase of additional resources and equipment.</p> <p>Council provides a free immunisation clinic at Council Chambers one day per month.</p> <p>Children's art classes are offered at the Ku-ring-gai Art Centre</p>
Land Use Planning	<p>Council's Strategic Planning team is responsible for developing and reviewing Council's Child Care Centres Development Control Plan No.57. This plan outlines the development requirements for centre-based childcare centres in Ku-ring-gai.</p>

Community information and development	<p>A children's services directory is maintained on the Council's website and updated on an annual basis.</p> <p>Council provides information about immunisation clinics, childcare benefits, children's services web sites.</p> <p>Council contributes financially towards the production and distribution of the Ku-ring-gai Zone Playgroup Association's newsletter.</p> <p>Council's Bushland Education Centre offers field study programs to children based on themes on urban bush ecosystems.</p> <p>Council provides outreach to local schools on road safety and dog safety.</p>
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Current Provision for Children

A variety of different services, programs, facilities and activities are currently available for children and families throughout Ku-ring-gai. While Council is responsible for providing some activities and services, others are provided in partnership with or by the NSW State or Federal Government, community organisations and the private sector. The key services for children currently on offer in the Ku-ring-gai Local Government Area are:

- 18 long day care services (697 places)
- 28 pre-schools (1010 places)
- 3 occasional care services (64 places)
- 9 home based care providers (45 places)
- 1 family day care scheme (160 places)
- 15 before school care services (455 places)
- 16 after school care services (855 places)
- 9 vacation care programs (410 places)
- 2 early Childhood Health Centres
- 3 health and support services (2 within Hornsby LGA, but covering Ku-ring-gai)
- 96 children's playgrounds
- 16 playgroups (affiliated with NSW Playgroup Association)
- 16 public primary schools
- 20 private primary schools
- 4 special schools
- 1 early childhood immunisation clinic

How Children's Issues in the Area were Identified

Children's issues have been identified through consultation with service providers and the community. A number of consultations were conducted specifically for the Community Plan, while others were conducted as a result of the Hornsby Ku-ring-gai Families First project.

Over a six month period, from April to September 2004, the Hornsby Ku-ring-gai Families First project consulted parents using a range of methods including:

- Focus Groups with an estimated 49 parents using children's services, mother's groups and playgroups
- Brief Interviews with 188 Parents and other carers, including grandparents and nannies using services and attending events
- 148 self-completed parent/carers questionnaires distributed through children's services, and
- In depth interviews with five families who need extra support.

Consultations specific to the Community Plan were held with 14 children's services and approximately 10 playgroup parents in July and August 2004. Additional consultations with the Community Development Officer, Children's Services and a total of 15 children's services and child related services occurred in February and March of 2005.

Discussion of Children's Issues

Five key issues emerged in the consultations with parents and service providers. These include a critical shortage of childcare places; need for improvements to children's recreational spaces; social isolation of parents; waiting lists to access essential health and support services and lack of accessible information.

Shortages of childcare services

Shortages in childcare services are keenly felt by parents and carers of young children in the Ku-ring-gai LGA. Some 49% of parents interviewed in the Hornsby Ku-ring-gai Families First Project consultations identified a shortage of services as a difficulty. The shortfall in required childcare places in the Ku-ring-gai LGA is currently estimated at 207 places or 20%, a situation that has persisted since the 1990s.

The majority of children's services for children 0-6 years of age are fully utilised and have long waiting lists. Consultations with current service providers suggest that there is limited capacity for existing services to expand their childcare places. Financial considerations due to changes in staffing ratios and/or space restrictions are seen as the major barriers to expanding existing services.

Long day care centres in Ku-ring-gai report waiting lists of between 20 and 400. The Thomas Carlyle Children's Centre, a Council operated long day care centre currently has a waiting list of over 300 names, with care places for children 0-3 years of age in greatest demand. Pre-schools have similar high levels of demand. In 2004, preschools in the area had an average waiting list of 132 for care places in 2005. All centres maintain long waiting lists, although waiting lists in themselves are not an accurate measure of demand as many families place their children's names on multiple waiting lists in the hope of obtaining a service.

It is anticipated that the growth in demand for childcare places will continue with population growth. The number of children in the Ku-ring-gai LGA is expected to grow by 730 children between 2004 and 2009. Ku-ring-gai Council's *Section 94 Plan 2004-2009 – Residential Development* has estimated that the number of required childcare places for long day care to increase by 46 places. With the expected increase in numbers of children in the next few years and the existing shortfall of childcare places, the under-supply of childcare places in Ku-ring-gai is predicted to continue.

The under-resourcing of child-care provision by Commonwealth and State Governments underpins the barriers that parents and caregivers in the Ku-ring-gai LGA face in accessing childcare services. Neither the Commonwealth nor the State provides any capital funding for the construction of childcare centres and their current policies support a free market approach to development of new childcare services. This is most apparent in relation to long day care service places, which the Commonwealth do not cap.

As in other parts of the North Shore, private sector provision has been relatively effective in increasing the number of long day care places in the Ku-ring-gai LGA. Of 162 additional licensed long day care places established in Ku-ring-gai, 131 were in new private childcare centres and expanding existing private centres achieved 18 extra places. Development Consent has been granted by Council for the construction of five additional long day care centres in the Ku-ring-gai LGA. If the proposed centres proceed, approximately 307 new childcare places will be available to the

community. The proposed new centres will address critical shortages and will provide places needed for anticipated population growth in Ku-ring-gai.

Council plans to bridge the gap between supply and demand and meet the need of new residents through construction of a new, 47+ place, multi-purpose children's services centre within five years. This proposed centre will include services for long day care and occasional care and have meeting rooms and offices for other children related services. It is proposed that \$3,435,287 be collected from Section 94 residential development contributions to develop the multi-purpose children's centre to meet the needs of new residents.

Private providers have proven less willing to meet demand for preschool places in the LGA. Based on a conservative assessment of waiting lists, 160 place pre-schools are needed in Ku-ring-gai to meet immediate and near future demands for services.

Consultations with service providers also indicate that there is substantial unmet need for Occasional Childcare and Out of School Hours Care services, which are capped by the Commonwealth. At present users of Occasional Care services need to book two weeks in advance. There is also anecdotal evidence to suggest that occasional care places are being used on a regular basis as substitute for long day care places. This is putting significant pressure on these services and is disadvantaging people with a genuine need for occasional care.

Returning to work after parental leave, with or without a preferred childcare option means families may have to hire a private nanny while waiting for a childcare place, or settle for one service provider while waiting for their preferred choice to become available. Many grandparents are taking on the responsibility for the day to day care of their grandchildren, even if just for interim periods while families are seeking centre based care.

The wait list system for children's services particularly disadvantages new residents, who may require immediate services but go to the bottom of the list, and may not have any informal support systems in place to meet their needs. Lower income families also may have difficulty paying waitlist deposits at more than one centre in order to secure a place.

Rental rebates from Council to non-profit children's services are seen as a critical factor in the viability of these services. Additional costs in rental or operational costs imposed by Council or other organisations onto the centre, will have ramifications to fee structure and access to childcare for families.

Improving children's recreational spaces

Overall, parents and care-givers consulted acknowledged that Ku-ring-gai was a well resourced area of Sydney in which to raise children and that this had influenced their decision to settle in the area.

Positive recreational opportunities mentioned included good parks, playgroups, libraries, and indoor play centres. Families with young children are the main users of parks in the Ku-ring-gai LGA. They want to see that parks that are designed with families in mind, including enclosed playgrounds, picnic shelters, toilets and barbecue areas. Consultations with parents reported concerns about outdated play equipment and broken glass in parks and playgrounds.

Parents wanted to see more:

- Low cost, family oriented entertainment such as communal fetes, fairs or street events
- Parental meeting places, such as cafes incorporated in playgrounds
- Challenging but safe playground equipment
- Tables and chairs in parks

- Accessible toilets facilities in parks and near playgrounds
- Walking paths, parks, places for families to meet
- Maintenance and cleanliness of parks (especially reduction of broken glass) and bins
- Control over dogs in children's playgrounds

Older children's recreational needs included:

- Bike tracks within parks
- Safe cycle ways
- Skate parks
- Children's sport clubs
- Night lighting of public tennis courts and sports fields

Tackling parental social isolation

Consultations found that parents are seeking more informal contacts and community spaces to network. Parents with very young children often look to informal networks and services for reassurance and support. Particular difficulties are felt by families who are distant or not receiving support from their extended families. As a result, parents are looking to form other informal networks but sometimes find it difficult to make contact. The most prevalent form of informal support networks are new mother's group and playgroups.

The consultation findings suggest that there is an emerging need for support programs that are specifically directed towards fathers (particularly those with primary care responsibilities), mature aged parents and grandparents

There is an opportunity for existing children's services to promote family supports and networking among their clients. Some examples cited during consultations include:

- Informal gatherings for families at the service
- Babysitting clubs
- Take home meals
- After-drop off playgroups for younger siblings at pre-schools, and
- Parenting programs as part of coffee clubs.

Delays in accessing health and support services

The consultation evidence suggests that some families in the Ku-ring-gai area are experiencing difficulty in accessing the health and support services they need. Particular issues raised include:

- Reductions in opening hours of Early Childhood Health Clinics
- Long waiting times to access the Child and Family Health Service, sometimes resulting in delays in diagnosis and access to specialist services
- Services geared to crisis provision not prevention/early intervention, and
- Lengthy delays in child psychologist services.

Those surveyed were also concerned that parents were not informed about alternative private providers. In some cases, parents were prepared to pay for earlier intervention rather than wait for an unacceptably long time for the publicly provided services.

Accessible information

There was a view that new parents in particular are poorly informed about children's services generally in the area. In general, people find out about children's services and activities in Ku-ring-gai by:

- word of mouth
- local newspaper
- Community noticeboards in the Early Childhood Health Centre and other community centres
- Library
- Council's Children's Services Directory
- Sydney's Child magazine, and
- School newsletters

Timing of information provision was seen to be critically important. For example, information about childcare services is needed in the early post-natal period so that parents can enrol early and increase their chances of receiving the service they need when they plan to return to work. Council's "Welcome Pack" for new residents was updated in 2005 to include information about accessing children's services in the area. It was also suggested that more information about playgroups and children's services should be translated into common community languages such as Chinese and Korean.

A large percentage of respondents to the parents' survey (68%) wanted information about where to seek help in managing challenging behaviours in children and for parenting education in general. There was a perception that much of the information provided to parents, especially when children are very young, was conflicting or unhelpful.

Recommended Actions for Children

Objective	Strategies	Actions
Affordable and flexible childcare services that suit the needs of families	<p>Undertake further research to identify the child/family needs throughout the LGA</p> <p>Continue to promote private sector involvement in the provision of childcare places in Ku-ring-gai</p>	<p>Council to undertake a Childcare Needs Study to determine the required childcare places needed in Ku-ring-gai for all forms of childcare services</p> <p>Based on the outcomes of the Childcare Needs Study, Council consider fast tracking its plans to build a multi-purpose children's services centre to meet current and expected childcare needs</p> <p>Make Section 94 Plan amendments to cover additional childcare demands, if required.</p> <p>Make information available to prospective private childcare operators</p> <p>Guide the development of childcare centres in residential and other areas through Council's Child Care Centre Development Control Plan No. 57</p> <p>Continue to collaborate with the childcare industry with regard to supporting the inclusion of CALD children with special needs in mainstream services</p> <p>Council continues support of a variety of children's services via the Council's Leasing Policy</p>

Objective	Strategies	Actions
Families are better informed of the activities and services for children and families offered by Council and their community partners	Provide timely information to parents of infants and young children about the range of services in the community	<p>Investigate options for providing information to parents on the birth of their child, about enrolment procedures and waiting lists at long day care, pre-schools, occasional care centres and other relevant local services</p> <p>Develop and promote the children's services directory on Council's website</p> <p>Utilise the Immunisation Clinic at Council and local schools to disseminate information about children's services</p> <p>Seek funding opportunities to research the needs of grandparents caring for infants and children</p>
Children and families who need extra support receive the services they need	<p>Investigate further options for service collaboration to enhance current service delivery</p> <p>Monitor demand and service provider plans for expansion of services</p>	<p>Continue to work with Families First Projects operating in the Region to improve strategies for service collaboration and information dissemination</p> <p>Work with other Government agencies to coordinate and facilitate a children's services interagency</p> <p>Liaise with NSW Health to improve services at local Early Childhood Health Centres</p> <p>Investigate options for a review of service access hours and develop and pilot a collaborative response to provide support for families outside 9am - 5pm weekdays</p> <p>Council continues to provide funds through its Annual Grants Program for projects which address identified needs of children and families</p>
More affordable and accessible opportunities for recreational and leisure activities for children and their families	<p>Monitor population trends to ensure local neighbourhood facilities and programs meet leisure needs of the community</p> <p>A whole of Council approach to ensure children's safety issues are taken into account with planning and operations</p>	<p>Promote the location and accessibility of local playgrounds</p> <p>Incorporate children's and families' amenity requirements in Plans of Management for Council-owned parks and outdoor recreational areas</p> <p>Promote playgroups and other activities that enable neighbourhoods and families in the community to get together and share a common interest.</p> <p>Facilitate a range of activities in Children's Week and other appropriate occasions for celebration</p> <p>Continue to offer holiday programs in Council's libraries and children's vacation care programs</p>

Young People

Definition

Young people are generally defined as being between 12 and 24 years of age. There are two main age cohorts within this group: high school aged youth from 12 to 17 years and young adults aged between 18 and 24 years.

About our Youth

In 2001 there were 19,618 young people in Ku-ring-gai. They comprise 19.6% of Ku-ring-gai's population which is slightly higher than the Sydney average of 18%. Of all young people in Ku-ring-gai, 10,051 were aged 12 to 17 years and 9,567 were aged 18 to 24 years. Between 1996 and 2001, the population share of high-school aged fell by 0.6%; that of young adults fell by 0.7%. The ABS estimates the current population of 15-19 year olds at 8,845 and 20-24 year olds at 7,545. It is expected that the youth population will remain fairly stable until 2022.

The largest numbers of high school aged youth are found in the suburbs of Wahroonga (1,362) and St Ives (1,335). Structurally, the largest proportions of high school aged young people live in Wahroonga, North Wahroonga and Warrawee (all 12%). Young adults are most numerous in St Ives (1,210) and Wahroonga (1,153). East Killara (12%), Killara (11%) and North Wahroonga (11%) have the highest proportions of 18 to 25 year olds.

Young people in Ku-ring-gai tend to live with their families and are unlikely to be married or living in a de facto relationship. In 2001, only fifteen 15-19 year olds in Ku-ring-gai were married or living in a de facto relationship. The percentages rose marginally for 20-24 year olds. Just over 2% of men and 5.3% of women aged 20-24 were married or living in de facto relationships in 2001 compared with NSW averages of 7% and 17% respectively. Teen pregnancy is a rarity in Ku-ring-gai. Department of Health records for 2001, indicate that only three women under 20 years of age gave birth in that year.

Education and Training

In 2001, high school students numbered 9,527 in Ku-ring-gai, a decrease of 611 from the previous Census. The participation rate for high school students of 95% was significantly higher than the Sydney average of 84%. There is also a strong trend to private education in Ku-ring-gai with only 28% of secondary students attending public schools, compared with 58% across Sydney. Of the 72% of students attending non-Government schools, 57% attended private schools and 15% attended Catholic schools. Attendance at Catholic schools was at a lower rate than the Sydney average of 26% and declined slightly between 1996 and 2001.

Ku-ring-gai had a total of 9,871 people studying at university, TAFE or other tertiary places in 2001, with five-ninths attending full-time. The number of students was equivalent to 103% of the number of 18-24 year-olds living in Ku-ring-gai, compared with 84% for Sydney, suggesting Ku-ring-gai has significantly higher participation in tertiary education by those aged over 25 years. Participation in tertiary education amongst adult women is greater than amongst men (equivalent to 114% of the 18-24 year-old female population, 93% of the male).

There were 7,048 university students (47% male and 53% female), an increase of 255 since 1996. About two-thirds of Ku-ring-gai's university students attended full-time. The number of university students represented 74% of the 18-24 year old population.

Approximately 70% of Ku-ring-gai's 1,870 TAFE students attended part-time. The majority of students were women, with 882 men to 988 women. TAFE numbers were equivalent to 20% of the 18-24 year old population.

Ku-ring-gai's tertiary students were far more likely to be at university than elsewhere in Sydney, with 71% of students at university when the Sydney proportion was 52%. They were far less likely to be at TAFE, attended by 20% of the student population compared with 36% for Sydney.

Income and Employment

Among 15-19 year olds, only 5.2% were working full-time. This is higher than the state average of 4.7% of 15-19 year olds in full-time work.

By the age of 20-24, this proportion had risen to approximately 40%. This is lower than the NSW average of around 50%. Approximately 26% of 15-19 year olds and 30% of 19-24 year olds worked part-time.

The unemployment rate among teenage workers was 8%, significantly lower than the NSW average of 17.9%.

Government Policies Affecting Youth Services

Strategic directions and outcomes for young people have been set out in the *NSW Youth Policy 2002-2006: Working Together Working for Young People*. It is a universal framework targeting all young people in this state. The policy aims to ensure that young people already doing well continue to do so and that those who require additional support receive the help they need. The policy framework includes a number of key principles. These include:

- youth participation in the development of policies, programs and services and in decision-making that impacts upon their lives;
- connection to family, school, community and other young people is an essential component in supporting and protecting young people;
- fair access to opportunities and services;
- early intervention and prevention to address problems before they become acute, and
- inter-sectoral collaboration to improve the delivery of services to young people.

The outcomes sought from implementation of the policy include:

- increased participation by young people in all areas of community life;
- better educational and training outcomes for young people;
- broader opportunities for appropriate developmental, sporting and recreational activities;
- improved health, safety and well-being of young people;
- a reduction in risk-taking behaviour and crime among young people, and
- communities and services that are more responsive to, and supportive of, young people and their families.

The main mechanism for delivering support services to young people in NSW are through the Community Services Grants Program (CSGP), administered by the Department of Community Services and Supported Accommodation Assistance Program (SAAP) services (jointly funded by Commonwealth and State Governments).

CSGP services include community information, sexual assault counselling, building social capital, support to families in crisis and social support to young people. While CSGP funding to youth services grew by 18.7 per cent funding between 2001 and 2004, virtually none of \$69.72 million CSGP funding is allocated within the Ku-ring-gai LGA. This is due to the current State Government

policy of applying growth funding only in areas with high levels of disadvantage. SAAP services, which are jointly funded by Commonwealth and State Governments, provide accommodation and support homeless young people and those at risk of homelessness. As at 2001/02, the SAAP program supported 16 services in the Northern Sydney Region. None were in the Ku-ring-gai LGA.

Under the National Mental Health Strategy and National Suicide Prevention Strategy the Commonwealth Government is developing and implementing a major mental health promotion, prevention and early intervention and suicide prevention agenda for children and young people, primarily in schools but also targeting a number of special needs groups in the community.

Council's Role in Youth Services

Ku-ring-gai Council supports youth services within its region directly and indirectly. The table below outlines the ways in which Council is involved.

Service development	<p>Council employs a Youth Services Officer who:</p> <ul style="list-style-type: none"> assists with the co-ordination/ management of community based services for young people participates in planning for new and improved services resources and supports local groups and community organisations for young people, and provides information and advocacy. <p>Council participates in the Hornsby Ku-ring-gai Youth Network.</p>
Community facilities	<p>Council currently provides the Fitz Youth Centre at St Ives and the Student Resource Centre at Gordon Library.</p> <p>A Council-owned skate park is located opposite the Fitz.</p> <p>Accommodation including a 90% rental rebate is provided to a number of community groups who provide services to young people.</p> <p>Council owns and maintains numerous parks, sporting fields and outdoor recreation areas used by young people.</p> <p>Council land is made available for a large number of scout and girl guide halls.</p>
Community services	<p>Drop-in and information services are provided at The Fitz and the Student Resource Centre.</p> <p>A mobile youth outreach service provides services which are accessible to young people throughout the LGA.</p> <p>Council coordinates a live youth entertainment program at The Fitz.</p> <p>Financial assistance is available to community groups through Council's donation program.</p>
Community information and development	<p>Council facilitates and resources the Ku-ring-gai Youth Council.</p> <p>In partnership with Hornsby Council, Council produces the Hornsby/Ku-ring-gai Youth Services Guide and youth information card.</p> <p>Activities are held annually to celebrate Youth Week.</p> <p>Council offers work experience to young people across a number of Council Departments.</p>

Current Provision for Young People

Council is one of the key providers of youth services and facilities in Ku-ring-gai. Other services are provided by the NSW State or Federal Government and community organisations on a regional basis. The key services for young people currently on offer in the Ku-ring-gai Local Government Area are:

- 2 youth centres (The Fitz at St Ives and the student resource centre at Gordon Library)
- 1 mobile outreach project
- 4 public libraries
- 4 public high schools
- 9 private high schools
- 4 special schools for students with learning impairments or severe disabilities
- 1 skate park
- 44 sports fields
- 5 half basketball courts
- 71 tennis courts
- 20 netball and tennis courts
- 1 public swimming pool
- 1 web-based youth information service
- 1 drug, alcohol and gambling service, based at Hornsby Hospital
- 2 family support, counselling and crisis services
- 1 financial counselling service

How Youth Issues in the Area have been Identified

Focus groups and many one to one interviews were conducted with, or concerning, young people across the Ku-ring-gai LGA. These included:

- Meetings with young people at various high schools
- Interviews with young people at the Student Resource Centre
- Meeting with young people at Christ Church, St Ives Youth Group
- Consultation with Youth Council meeting
- Survey of young people as part of the Turramurra Town Centre Plan
- Observing the Council's Youth Outreach service, and
- Inviting comments from service providers attending two youth service networks
- Survey of high school students.

Discussion of Youth Issues

The consultations with young people and youth service providers indicated that there are several areas where needs are not currently perceived to be met. In particular, facilities, services and programs appear to be needed to address the following issues:

- Multi-purpose venues for entertainment, recreation and youth drop-in services
- Regular live music entertainment programs for under 18 year olds
- Provision of spaces and resources for study in public libraries
- More access to public transport for young people at nights and on weekends
- Improved access to early intervention services for mental health, relationships counselling, and drug and alcohol issues, and
- Availability of crisis accommodation beds within the Ku-ring-gai/Hornsby region.

There was also a strong message from young people that they want to feel valued and to participate actively in the community.

Recreation and entertainment

Having a place to hang out with friends and have fun was a high priority for young people in Ku-ring-gai. Affordability of entertainment options is also important in attracting high-school-aged people. At present there are too few places where young people in Ku-ring-gai can gather safely for social, recreational or cultural activities.

Council operates two specific youth facilities – The Fitz Youth Centre at St Ives and Gordon Student Resource Centre attached to Gordon Library - see Library Facilities. The Fitz is open each Friday from 4pm - 11pm and provides a general space for young people to meet and socialise, and offers a variety of supervised activities including electronic games, music and pool tables. The centre is equipped for live music performances and discos, and hosts a range of activities such as band nights, dance parties, aerosol art workshops, video nights and barbecues.

While live-music entertainment events at The Fitz attract large numbers of young people, the drop-in program requires development to attract young people at a sustainable level. Youth service staff are currently trying to address issues related to public transport, opening hours, promotion of programs, equipment and activities on offer. Some young people and their families may regard the drop-in centre as a place for disadvantaged young people. There is a need to work with young people to create programs that are attractive and for further promotion of the centre. Recently Artstart workshops 'Almost Famous' and 'Jump on the Hump' run at the St Ives Resource Centre proved to be extremely popular with young people.

The need for an aquatic/multi purpose leisure centre was mentioned frequently in consultations with young people, as was skateboarding. Council has constructed the St Ives Skate Park adjacent to The Fitz Youth Centre and this proved popular with young people in the area. It offers a variety of jumps and ramps designed by young people that are suitable for all ages. Regular competitions and exhibitions are held at the Skate Park for all ages, including a division for young female skaters. For instance, in June 2004 the Greenswell Skate Challenge was undertaken at St Ives Skate Park. The event proved to be very popular with hundreds of young people attending.

There is strong support for the establishment of an additional youth centre at Turramurra near the rail station. Locating the service within the Turramurra Library basement area has been considered, however the need will remain unmet in the short-term as the resources are not available to commence a new service. Council is currently carrying out a feasibility study for a leisure centre in Ku-ring-gai, although the final location is yet to be determined. It would be appropriate to incorporate youth service related elements in any leisure centre proposal.

Other recreational options in the LGA include Scout and Guide Groups and various church-based youth groups.

Library Facilities

Young people reported that they found space in public libraries for individual quiet study difficult to obtain after school. Students would like to see more facilities for research, including multi-media resources, databases and study carrels in Ku-ring-gai's libraries. These views were supported in the Ku-ring-gai Library Facilities Study conducted in 2004 which found that branch libraries in Ku-ring-gai were too small for the catchment population and lacked specific youth spaces.

Perhaps conversely, they also would like to be able to access their libraries for recreational purposes. Those able to access the Student Resource Centre, adjacent to the Ku-ring-gai Library at Gordon

were very satisfied with the Centre which is open three days a week after school and in the evenings. The Centre provides a 'time out' from study for young people and is equipped with pool tables, electronic games, videos, air hockey, chess and cards. Street newspapers targeting young people and a variety of resources and information relevant to young people are available. Topics covered include youth health, careers, housing and accommodation options, Youth Allowance, and University and TAFE booklets. Council's Youth Services regularly holds barbeques for young people in the Secret Garden at the Student Resource Centre.

Facilities of this nature and additional resources for students should be given a high priority for inclusion in any library redevelopment or new library proposals. It may be that Council's new model of multipurpose complexes, if extended LGA wide over time, will assist in this objective.

Transport and mobility

Access to transport has a significant impact on access to leisure, work and education and training opportunities. From consultations with young people, it is apparent that increased services on weekends and after hours are required to meet the needs of young people.

Young people who lived along the spine of the Pacific Highway, with ready access to rail, were generally more advantaged by public transport access than those who lived in parts of the LGA that relied on bus services. Rail transport was seen as providing a good link to entertainment at Hornsby, Chatswood and Sydney CBD.

Young people told us that they feel unsafe on public transport. Some also expressed safety concerns about walking up to several kilometers in the dark from the railway stations to home. The main public transport interchanges outside of Ku-ring-gai (Chatswood and Hornsby) are also perceived as being unsafe at night.

Teenagers generally do not have cars though access to them may be easier in Ku-ring-gai given the average household has more than one vehicle. The average number of vehicles per household is 1.79 compared with 1.45 for Sydney as a whole. Young people perceive driver training to be expensive and its requirements stringent. They are also concerned about the high incidence of road deaths and trauma among young people.

Bicycles can provide a mobility option for young people and encourage movement within the locality. Bike paths in Ku-ring-gai have been limited but Council is currently increasing bike paths within recreational areas and is working with the RTA to increase the network of on-road cycleways within the LGA.

Safety

Concerns and issues around young people's safety in Ku-ring-gai were also mentioned in consultations and reports. Young people can be particularly vulnerable to threats against their personal safety, yet are more often stigmatised as perpetrators of crime, rather than victims. This perception has no basis in recorded crime statistics.

The key safety issues for young people included:

- Feeling safe in public spaces and on public transport (especially women and girls)
- Road safety, including the road safety of non-motorists
- Sexual harassment and assault
- Bullying in schools and public places, and
- Racial abuse and harassment

There is substantial anecdotal evidence of drug and alcohol use amongst Ku-ring-gai's young people, particularly at private parties. Campaigns focused on the prevention of drink driving and safe partying are needed.

Young people should be further encouraged to work with Council to address these issues and participate in the Ku-ring-gai Police and Community Safety Committee.

Lack of services for young people who need extra assistance

Although many young people recognise that they are relatively well off in Ku-ring-gai, as with any area there are young people who need significant individualised assistance to achieve productive futures. These young people have circumstances in their lives such as family conflict, mental illness, sexual abuse, eating disorders, intellectual disability and drug and alcohol dependency, or may have experienced homelessness or involvement with the juvenile justice system. The human and financial cost to the community will continue to be high if they are not provided with ongoing support to overcome personal issues, develop skills and confidence.

However, the provision of health and community services in Ku-ring-gai has been persistently reported as undersupplied, with lack of funding in these areas being the main cause. Health services in the area are extremely limited and there are long waiting periods to access services. The Ku-ring-gai Youth Development Service recently established by the Lindfield Club of Rotary and The Hillview Community Centre at Turramurra, operated by NSW Health, are the only providers of formal counselling service for young people within the Ku-ring-gai LGA. Most young people rely on counselling provided by school counsellors and pastoral advice from religious leaders. There is also an identified need for adolescent parenting programs which focus on the changing needs of young people during adolescence and identify communication and behaviour management strategies.

For over four years, Council has operated a Youth Outreach Service each Friday night from 7.00-11.00pm. Youth Workers drive around Ku-ring-gai in a mini-bus visiting areas where young people congregate including shopping centres, parks and railway stations. The service began at a time when there were a number of incidents connected with groups of young people in such areas.

As well as just stopping to have a chat, these workers provide young people with information and referral contacts if required, and let them know about the range of activities and services that are provided specifically for young people by Council. The next stage of this project was to develop a mobile youth service accessible to young people throughout the Ku-ring-gai Area. This would require the use of a purpose built vehicle incorporating a range of features including audio visual equipment, multi media resources, information display units and sporting equipment.

This vehicle would be made available to provide a mobile youth service throughout Ku-ring-gai as well as used by our vacation care programs, special events and festivals. In Council's Section 94 Plan it is proposed that such a vehicle be acquired and could be fast tracked if this project would be developed to the next phase.

There are considerable issues surrounding mental health, including depression, body image and eating disorders, anxiety disorders, conduct disorders, self harm and risky sexual behaviours. Research by the New South Wales Centre for the Advancement of Adolescent Health suggests that between 10% and 15% of Australians up to the age of 18 suffer from mental health disorders or problems. Of these, up to 5% require specialist psychiatric treatment. Based on these averages, mental health issues could effect up to 1,700 young people in Ku-ring-gai, with around 600 of these young people aged requiring specialised support. Better data about prevalence could assist in having much needed services directed to the region.

Other health needs include sexual health services and information, gay and lesbian support, and suicide prevention.

Service providers also have identified youth homelessness and the lack of public housing and Supported Accommodation Assistance Program (SAAP) services in Ku-ring-gai LGA and adjoining Council areas as an issue. Given current State funding priorities, it is unlikely that Ku-ring-gai will receive recurrent funding for a youth crisis accommodation service in the near future. Therefore, it will be necessary to identify alternative models of service delivery to accommodate young people who are unable to live at home. Brokerage support through existing service providers may enable a cost effective option for agencies to consider.

Information

Awareness of and access to services during a period of crisis is critical to young people. Invariably young people are sometimes not sure who to talk to or contact. Consultations with young people showed that there was some awareness of web sites designed to assist them.

Despite the availability of the YouthSource website, a general lack of information about existing services was evident amongst young people and youth workers. A coordinated approach appears to be required to the preparation and dissemination of appropriate information and this needs to include a proactive promotion of services and facilities. There is a particular need identified for improved information on school holiday activities and this should be provided in community languages. It has been suggested that a map showing the location of facilities and services for young people would be useful. Appropriate venues for the dissemination of information to young people suggested include careers markets, Student Representative Councils or a young people's section in the local newspapers.

Community participation

Council has established the Ku-ring-gai Youth Council to provide advice on youth issues, make recommendations in relation to projects, policy and events developed by Council and represent young people and youth issues in the Ku-ring-gai area. The Youth Council meets monthly and comprises young people aged between 12 and 24 years who live, work, study or have an active interest in the Ku-ring-gai area.

The Youth Council participates actively in the provision and planning of youth activities and entertainment and special projects including Youth Week and ArtStart. In 2004, the Youth Council worked on Shoreshocked Youth Festival, ArtAttack Exhibition and the Greenswell Skate Challenge.

There is also an opportunity to strengthen the relationship between the Youth Council and elected representatives. In consultations, Youth Council members indicated that they wanted the chance to present their views on a broader range of policy matters and local issues being considered by Council.

Recommended Actions for Young People

Objective	Strategies	Actions
Young people through the LGA have access to safe and enjoyable entertainment	To increase the number and range of youth specific leisure and recreation programs on offer	<p>Involve a broad spectrum of local youth in the development of youth programs in Ku-ring-gai</p> <p>Explore the feasibility of establishing an additional Youth Centre at Turramurra</p> <p>Investigate the establishment of a 2nd skate facility within Ku-ring-gai.</p> <p>Extend the youth-led entertainment program at The Fitz Youth Centre and incorporate the provision of community transport to and from the venue at night</p> <p>Continue to host the Greenswell Skate Challenge at St Ives Skate Park</p> <p>Consider the needs of young people in new library developments and extensions in Ku-ring-gai</p> <p>Continue to promote and support youth music events such as the Fitz Band Comp, Youth Weeks projects and Festivals.</p> <p>Improve signage at the Fitz to increase visibility of the Centre</p> <p>Ensure that major residential developments provide safe, user friendly, recreational and social areas that can be used by young people</p>
Improved mobility and safety for young people in Ku-ring-gai	<p>Continue to advocate on behalf of young people to ensure they have access to safe, affordable, reliable and accessible public transport systems.</p> <p>Continue to address specific issues relating to young people in co-operation with the Ku-ring-gai Police and Community Safety Committee.</p>	<p>Liaise with RailCorp and Sydney Buses and private operators to improve public transport services on weekends and off peak</p> <p>Improve street lighting around bus stops and main bus routes to improve safety</p> <p>Consider the transport needs of young people when planning and developing youth services and activities</p> <p>Provide late night transport information and opportunities to test personal alcohol limits in licensed premises</p> <p>Continue to support community development and education programs targeted at reducing youth road trauma</p>

Objective	Strategies	Actions
Improved mobility and safety for young people in Ku-ring-gai cont....		<p>Broaden the representation of young people on the current Police and Community Safety Committee to provide a specific focus on youth issues</p> <p>Promote 'PartySafe' kits to young people and their parents within Ku-ring-gai</p> <p>Explore the potential to work with the Manly Drug Education Centre to introduce peer-led drug and alcohol education programs at The Fitz</p> <p>Advocate for the development of planned cycleways from Hornsby to South Turrumurra (2009), Turrumurra to Chatswood (2010) and Gordon to Mona Vale (2010) set out in the NSW Bike Plan</p> <p>Seek RTA sponsorship to conduct a bike safety event in Ku-ring-gai during Bike Week</p>
Increased youth access to relevant and effective programs and services	Continue to work with community partners to advocate for increased funding and services to meet youth needs in Ku-ring-gai	<p>Continue to participate in the Hornsby Ku-ring-gai Youth Network with a focus on increasing awareness of the prevalence of youth issues in Ku-ring-gai</p> <p>Continue to provide funding through the Annual Grants program for projects that meet identified youth needs</p> <p>Work with local youth service providers and schools to establish formal links between schools and services in order to provide better access for young people in need of support</p> <p>Develop partnerships with the Area Health Service Mental Health Service and other relevant services to develop and implement programs and actions that meet the mental health needs of young people</p> <p>With our community partners, sponsor or facilitate parent education programs which address the special needs of young people and their impact on family relationships</p> <p>Undertake research to determine the extent of youth homelessness and the reasons for the level of youth homelessness in Ku-ring-gai and surrounding districts.</p>

Objective	Strategies	Actions
Improved image of young people and relations with the wider community	<p>Support young people to contribute to Council's decision making processes</p> <p>Support local projects promoting a positive image of young people</p>	<p>Continue Ku-ring-gai Youth Council and develop a range of strategies to facilitate direct input of young people into planning of youth activities</p> <p>Develop mechanisms for Council to refer more matters to the Youth Council for comment</p> <p>Liaise with the media to encourage a more positive presentation of young people and promote them through their participation in cultural and community events</p> <p>Support and promote Youth Week activities in Ku-ring-gai</p> <p>Continue to promote a positive image of the Fitz Youth Centre and its facilities to wider community</p> <p>Investigate the relevance and local implementation of the Department of Urban Affairs and Planning's '<i>Urban Design Guidelines with Young People in Mind</i>'</p> <p>Council to introduce a Young Achievers Award to promote positive images of young people in the local media</p> <p>Encourage youth participation in public art programs eg. sculpture and murals</p>
Improvement in the delivery of youth specific and general information to young people, and about young people, to the wider community.	Youth Services continue to seek creative methods of distributing and promoting information of relevance to young people	<p>Improve distribution of relevant youth program information potentially through a regular youth electronic newsletter</p> <p>Promote the Youthsource website to young people in Ku-ring-gai and other useful statewide websites that promote service awareness</p> <p>Review the youth outreach service and Council to consider fast tracking the purchase of a dedicated vehicle to enhance the image, visibility and recognition of the youth outreach service</p> <p>Youth services to host information nights for parents, in conjunction with local schools, government departments and local service providers.</p>

Older People

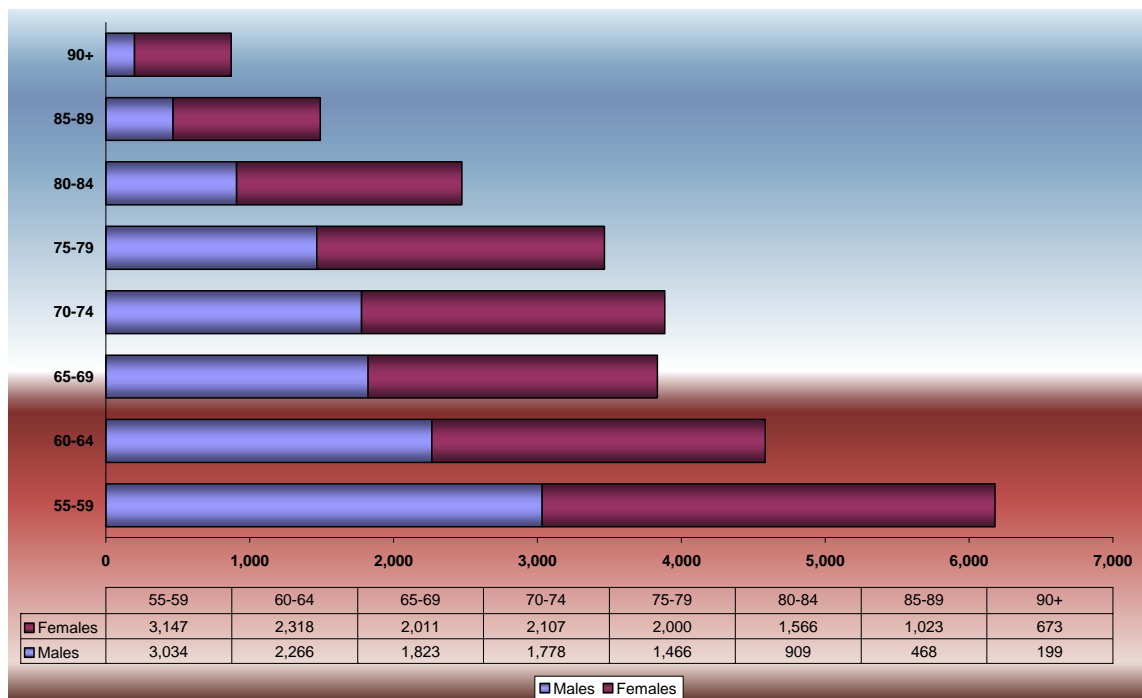
Definition

The ABS defines older people as people aged 65 years and over. However, contemporary policy approaches tend to define the commencement of ageing at 55 years. The four main cohorts of older people are 55-64 year olds, 65-74 year olds, 75 to 84 year olds and people aged over 85 years. An alternative approach is not strictly aged based, but rather delineates stages of life that are relevant to social planning. They are:

- mature 'baby boomers' (aged over 50) who, over the next decade, will reach retirement age. Some of this group will opt to remain in the workforce
- active retired people who are active with their family and friends and/or in their community
- seniors living independently with low care needs, and
- frail and dependent older people who, due to illness, injury and frailty, are in need of support for activities of daily living.

About our Older People

The ABS Census 2001 found that the total population aged over 55 years was 26,788 persons, 26.7% of Ku-ring-gai's total population. The table below shows the relative sizes of the various age groupings and the breakdown of males to females. It is apparent that women after 70 years of age, women begin to outlive men in the population. Older people aged 55-74 were more prevalent in South Turrumurra and North Turrumurra and people aged 75+ were most common in North Turrumurra and Lindfield where a number of larger retirement and aged care facilities are located.



A very significant demographic group for Ku-ring-gai is mature people aged 55-74, the generation going through retirement. There were 18,484 in this age group in 2001, or 18% of the population, which is one-quarter larger than Sydney's proportion. This group's size rose by 415 from 1996.

The Australian Bureau of Statistics (ABS) estimates that the population of older people in Ku-ring-gai will continue to grow. The current population of 55-74 years is estimated at 21,823 and by 2022 it is expected to grow by 28.6% to 28,065.

Older people, aged 75 years and over and entering frailty numbered 8,306, a rise of 1,163 or 1.0% of the population from 1996 (0.6% across Sydney). Some 8% of the population was aged 75+, greater than Sydney's 6%.

ABS data also raises expectations of dramatic increases in the population aged 75 years and over. The current population estimate is 9,406 and it is expected to rise by 34.6% to 12,665 by 2022. Significantly, very high levels of growth are predicted for the population aged over 85 years. It is expected that the current estimated population of 2,740 will increase by 58.6% to 4,345 in 2002. This will have considerable implications for service provision in the area.

Government Policies Affecting Aged Services

Over the past decade, governments at both the National and State levels have promoted the importance of healthy ageing to enable a greater number of older people to remain healthy and independent for as long as possible and remain in their own home. As well as increasing opportunities for older people to participate fully in economic and social activities, the policy documents have underlined the need to develop services that help older people, especially those who are very frail or disabled, to be as independent as possible. In parallel with the policy interest in preventing and delaying dependency, there has been a corresponding drive towards meeting the growing demand for accessible, appropriate and high quality health and aged care services.

Two major policy frameworks set the directions for the delivery of programs and services for older people in local communities. These are the National Strategy for an Ageing Australia and the NSW Healthy Ageing Framework (1998–2003). Both promote older people's lifelong contribution to society and set out principles that espouse older people's rights to access services that maximise independence and well-being and to fair and equitable treatment.

The NSW Healthy Ageing Framework identifies six key areas of action for the NSW Government, these being:

- Attitudes to ageing and older people
- Participation in community life
- Making your own decisions
- Supportive neighbourhoods and communities
- Health, accommodation, care and support, and
- Making the best use of resources

In terms of service provision for aged care services, the Commonwealth Government provides the majority of funding. In 2004-05, Commonwealth expenditure is expected to rise to \$6.5 billion from \$5.6 billion in the previous financial year. The bulk of this funding is directed to residential aged care. The States and Territories make a substantial contribution to the funding of Home and Community Care providing \$434.1 million of the total \$1.1 billion in 2002-03. They also provide some funding for public sector residential care beds and for Aged Care Assessment Teams.

Council's Role in Aged Services

Ku-ring-gai Council supports its older residents through a number of services, projects and the provision of facilities as outlined below.

Service development	<p>Council employs a Community Development Officer (Aged & Disability Services) who:</p> <ul style="list-style-type: none"> ▪ assists with the co-ordination/ management of community based services for older people ▪ participates in planning for new and improved services ▪ resources and supports local seniors and disability groups and community organisations ▪ provides information and advocacy ▪ comments on housing applications for older people and people with a disability ▪ organises events including Senior Week events and Seminars throughout the year. <p>Council employs a Leisure and Cultural Programmer whose role includes developing the 'Spring Into Action' Seniors' Leisure Program for people over 55 years.</p> <p>Council participates in the Hornsby/Ku-ring-gai ageing & disability services network and forums</p>
Community facilities	<p>Council resources a Seniors' Centre Management Committee to oversee the management of the three seniors' centres in Ku-ring-gai. A range of community and seniors groups operate out of the centres.</p> <p>Council provides affordable accommodation for a number of services that cater for older people and people with a disability eg. Meals on Wheels, Community Transport and Easy Care Gardening.</p> <p>The Ku-ring-gai Art Centre is used extensively by older people.</p> <p>Seniors Card discounts are available at the swimming pool, wildflower garden, and golf course.</p> <p>Council provides land for the KOPWA aged care hostel units in Lindfield.</p>
Community services	<p>Council provides community grants to organisations that offer programs and services for older people. In 2004, funding of \$10,191.00 was provided.</p> <p>Council auspices a Volunteer Recruitment Referral and Training Service to recruit volunteers for organisations that support older people and people with a disability and their carers.</p> <p>Council's 'Spring into Action' Seniors Leisure Program offers an extensive program of outings for seniors over 55 years.</p> <p>In addition to the multi-media library collection, Council provides a number of services for older people & people with a disability, including:</p> <ul style="list-style-type: none"> ▪ an extensive range of large print books, talking books, audio cassettes and CDs ▪ a free, door-to-door Libribus service to transport people from their homes to the libraries ▪ a Housebound Library Service to deliver books to people unable to leave their homes, either on a temporary or permanent basis. <p>Council works in partnership with the Ku-ring-gai Old People's Welfare Association (KOPWA) to manage and support the Meals on Wheels service which operates from both the Turramurra Community Support Services Centre and a kitchen at Gordon.</p>

Land Use Planning	<p>Council provides guidelines for developers on accessibility and adaptable housing standards for older people and people with disabilities.</p> <p>Council considers development applications under the Seniors Living State Environment Planning Policy (SEPP).</p>
Community information and development	<p>Council provides pensioner rebates on rates and domestic waste management charges.</p> <p>Council works with seniors' committees to coordinate a comprehensive program of activities for seniors during Seniors Week.</p> <p>Council works in partnership with five other councils to develop the Northern Sydney Seniors and Aged Care Guide, A directory of services for seniors This guide includes the full range of HACC services which are largely provided by non-government organisations. It also lists leisure and education activities for people who are more active.</p>

Current Provision for Older People

3 Seniors' Centres (including the Seniors Resource Centre at Lindfield and centres at Lindfield and Turramurra)

4 public libraries (including Libribus and homebound services)

1 art centre

1 community college

1 aquatic centre (West Pymble Pool)

3 golf courses

3 lawn bowls clubs

20 tennis centres

Numerous clubs and groups of interest to older people

1 Community Health Resource and Information Centre

1 HACC food service

4 HACC aged and disabled transport services

6 HACC domestic assistance/personal care services

1 HACC home modification and maintenance service

1 HACC gardening/lawn-mowing services

1 HACC funded Personal Alarm Monitoring Service.

1 Volunteer Recruitment Referral and Training Service

3 respite day centres

12 High care residential aged care facilities with 648 beds

10 Low care residential aged care facilities with 509 beds

313 Community Aged Care Packages to cover both Hornsby and Ku-ring-gai.

How Older People's Issues in the Area have been Identified

Compared with young people and parents of young children and fewer interviews and focus groups were conducted with older people owing to the extensive level of consultation already undertaken throughout the year for the Department of Ageing, Disability and Home Care, and the Commonwealth Department of Health and Ageing. The needs of older people were explored by joining in with existing forums and by conducting interviews with some older people and service providers.

Discussion of Older People's Issues

Discussions with older people and service providers tend to indicate that there are quite different issues facing older people who are well and active and those who may be frail, have a disability or are not as mobile as they used to. Council is not able to address many of the issues affecting frail older people directly, but has a significant role in assessing local needs and advocating for services.

Healthy ageing

Participants at the consultations held in Ku-ring-gai indicated a need for more leisure services and a wider variety of leisure and recreation opportunities. Particular needs expressed were:

- an indoor swimming pool for year round exercise
- more regular social events such as walks, movies, concerts and lectures supported by appropriate transport
- additional multi-purpose community centres where older people can meet
- encouragement of inter-generational activities , and
- promotion of lifelong learning and increased technology uptake

There was a view that Ku-ring-gai Council is very good at providing library and arts services and specialist senior's activities (eg Seniors Week) and that these services should be continued and expanded.

Recreational walking could be encouraged by improvement of footpath conditions in some areas and attention to kerbs. In addition, the Ku-ring-gai Section 94 Plan 2004 identified the need to improve access to parks, open spaces and sporting facilities for older people and people with disabilities. Special places with shade and good lighting and well-spaced seats for regular rests for frail people are desirable.

Social Isolation

Social isolation is an increasing issue. Many children of older people live outside the LGA for reasons related to property values. This affects social integration and limits family support for ageing residents. Socially isolated people can become invisible in their communities and are the most difficult group to provide with information about the community services they may need. When social isolation is further compounded by poor English language skills, or illnesses such as depression or dementia, it is particularly difficult to engage potential clients. Older men living alone may be more prone to isolation. They may become increasingly housebound, and be disinclined to go out or seek out social contact.

Further investigation of the extent of social isolation of older people in Ku-ring-gai and development of creative strategies to communicate with isolated people and engage them in services if needed is warranted. There is also a need to increase Culturally and Linguistically Diverse (CALD) community awareness of current facilities and services and to tap into the potential pool of volunteers from CALD communities to provide support.

Safety

While the statistical evidence suggests that older people are less likely than other groups in the community to be a victim crime, they often feel vulnerable and worry about their personal safety. Council is working in conjunction with Ku-ring-gai's Police and Community Safety Committee, Seniors Week Committee and The Local Area Command to address these issues by offering seminars on personal safety and security.

Maintenance of the built environment is important to older people to prevent injury through falls, and to allow access and ease of movement. Council's Access Policy and Disability Discrimination Act

Disability Action Plan contains actions to ensure that the built environment is safe and accessible for older people with declining ability. Council currently gives priority to providing footways near aged care facilities and retirement villages. It distributes 'Stepping out Safely' kits containing information and advice on pedestrian safety, motorist safety and medications to older people.

Frail older people and older people living alone are also vulnerable to accidents in the home. Council has a role in providing falls prevention information. The possibility of establishing a "community care register" to monitor vulnerable older people also warrants investigation. It is possible this type of initiative could be linked to the Police and Community Safety Committee and community initiatives such as Neighbourhood Watch.

Capacity to age 'in place'

A major change in the way we approach older age is that older people are remaining in their homes and living independently for as long as possible. For many this choice requires a high degree of support to meet their home and personal care needs. There has been a steady increase in demands for Home and Community Care (HACC) services such as in-home care, meals provision, home maintenance and modification services and garden maintenance.

Numerous consultations were held in 2004, funded mainly through the Dept of Ageing, Disability and Home Care. The need for additional home care services is widely acknowledged. Specific issues identified by the various stakeholders included:

- need for better collaboration and partnership within the service system to reduce fragmentation and maximise the available resources
- the incapacity in system to respond to changing/fluctuating needs and people with high needs.
- the potential to optimise the use of community assets by collocating services from a central point in the Hornsby-Kur-ing-gai area
- need for more case management services to help individuals navigate the service system
- increasing numbers of people with complex needs remaining in their homes seeking support from HACC services, shifting the balance of service away from people who have low support needs
- growing demand for community transport, escorted transport and transport to medical appointments and transport to social and recreational activities
- need for improvements in volunteer training and support when assisting people with complex needs including dementia
- more focus on the needs of older people from CALD communities such as better-translated information products and increased diversity in home and centre-based meals
- lack of resources in the area of respite care, case management and dementia planning, and
- greater emphasis on recruitment, retention, support, training and acknowledgement of volunteers and staff.

Housing Options

At present, Ku-ring-gai has limited housing choices for older people. Older residents who are 'downsizing' have difficulty finding appropriate alternative housing to suit their stage of life. The large houses and gardens that are common in Ku-ring-gai are difficult for older people to maintain. While many older residents would prefer to remain in the area, they may not be able to obtain affordable, low rise, low maintenance alternatives. For many older people this means that they either stay until

they can no longer manage at all (often moving to residential care after having a fall), or they decide to move to another area for lifestyle or health reasons.

In recent times, there has been growth in older people's housing developments and medium density housing in Ku-ring-gai. The first stage of urban densification in Ku-ring-gai has introduced around 10,000 new dwellings along the main road and rail corridors. A proportion of this housing has included SEPP 5 and Seniors Housing SEPP developments however, the overall impact on housing choice for older people is yet to be determined.

In comparison with Commonwealth Department of Health and Ageing benchmarks, Ku-ring-gai is well served with high care (nursing home level) beds. There are currently 648 nursing home beds within 12 facilities. However, is slightly under-provided with low care hostel beds. There are currently 509 beds in 10 facilities.

Carers

Many older people are carers who are caring for a frail spouse or for an adult disabled son or daughter. It is also common older women for to be carers of their own elderly parents.

Consultations with service providers have identified a lack of services for carers, including respite services. Issues of long-standing concern to carers, and carers' associations include:

- the physical, psychological and emotional demands of caring and the tendency of carers to seek support only when their resilience is low and they are reaching a crisis point
- the need for appropriate support services
- problems of access to services and delays in service, including HACC
- the accessibility, affordability and lack of flexibility of respite care services
- providing information about services and other supports to isolated carers
- the financial and personal cost of caring to carers
- lack of recognition of carers, and
- the appropriateness of services for diverse community groups.

The main issue for Council is in the provision of accurate information on services for carers in Ku-ring-gai. While the Aged and Disability Services Directory can assist in addressing this need, there is a need to develop other approaches.

There is also anecdotal evidence to suggest that grandparents caring for very young children may lack support in their caring roles. This issue warrants further investigation within a broader childcare needs study.

Transport

Public transport plays a key role in fostering and maintaining independence of older people in the community. Significant numbers of the current generation of older people, especially women over the age of 75, have never held a driver's licence. In addition, health and disability issues may cause older people who are car owners/drivers to minimise their private car usage, or cease driving altogether.

The Ku-ring-gai LGA is relatively well-served by public transport having both bus and train services run through the region and linking it to the Sydney CBD and the main transport hubs of Chatswood and Hornsby. However, older people have expressed concerns about:

- the lack of services off-peak
- difficulty in accessing particular facilities such as the Royal North Shore Hospital
- physical access to trains and buses, due to lack of lifts or escalators at rail stations, gaps between the train and platforms and steps on buses
- lack of bus shelters with seating, and
- concerns for physical safety while travelling.

In addition, there are some transport services addressing special needs groups in Ku-ring-gai. The most significant of these are the HACC-funded transport services which meet shopping and other transport requirements of residents who have low-level care needs. There is growing demand for these services and some unmet need. Transport services would be further enhanced by the availability of some form of community transport that would enable residents to make short local flexible journeys without using a car. A pilot service has commenced to provide a flexi bus service along the Pacific Highway between Berowra and St Ives.

Recommended Actions for Older People

Objective	Strategies	Actions
Older people and their carers are well informed about services and opportunities in Ku-ring-gai and surrounding districts	Adopt a broad range of strategies for providing information on a regular basis to older residents	<p>Continue to promote seniors programs and activities through:</p> <ul style="list-style-type: none"> ▪ information updates on rates notices ▪ regular information bulletins in newsletters ▪ current information section in the local community newspapers ▪ Council's website, and ▪ community information boards <p>Update the Aged and Disability Services Directory with community partners</p> <p>Council's Communications and Library Information areas to work with service providers, Access Committee and older people to establish information dissemination points and methods.</p> <p>Promote internet access and training as important for access to information</p> <p>Promote the NSW Government Seniors Info Line as a good general information source about services, eligibility and entitlements</p> <p>Increase information translated in community languages</p> <p>Organise regular seminars aimed at providing information relevant to older people</p>

Objective	Strategies	Actions
Increase opportunities to meet the social, cultural, learning and development needs of older people	Develop additional recreational services and a wider range of places where older people can socialise	<p>Continue to provide community grants to organisations with programs that will assist older residents</p> <p>Maintain and expand the Seniors' Leisure Program and activities during Seniors Week and other times during the year.</p> <p>Explore development of multipurpose centre or enhancement options for existing facilities in conjunction with Town Centre Planning.</p> <p>Ku-ring-gai's libraries to take a key role in the provision of information on learning opportunities in the local area</p> <p>Actively promote volunteering opportunities and acknowledge voluntary contributions at events such as the Seniors Week Luncheon and the annual reception to recognise volunteers in Ku-ring-gai in co-operation with community groups.</p> <p>Develop outreach and specialist programs with appropriate transport for older people who are experiencing or vulnerable to social isolation</p>
Improved mobility of older people	Continue to plan and advocate for improved physical access to transport and public spaces	<p>Liaise with RailCorp, Sydney Buses and private operators to improve station access and achieve accessible bus replacements within the area</p> <p>Investigate and implement solutions to address the accessibility needs of older people such as positioning of bus stops and more covered bus shelters</p> <p>Continue Council's program of footpath improvements</p> <p>Develop pedestrian and footpaths plan as part of an active transport strategy to meet the needs of all people with restricted mobility</p> <p>Continue working with providers and funders to expand community transport options for older people and people with disabilities</p>

Objective	Strategies	Actions
Increased capacity of older people to age 'in-place'	<p>Seek to improve access to low level in-home support for older people</p> <p>Improve coordinated support for older people with complex needs including dementia</p> <p>Liaising with planners about older people's housing needs and the development of 'age-friendly' public spaces</p>	<p>Improve coordination and planning of support services in partnership with service providers</p> <p>Work with government and community partners to improve the availability and accessibility of assisted transport for health/medical and social purposes</p> <p>Develop collaborative partnerships between organisations, government agencies and programs to improve service delivery</p> <p>Consider use of S94 or other capital funds to co-locate services, and/or expand existing facilities in areas of high demand/low supply</p> <p>Consistent with Council's Residential Development Strategy, ensure more diversity of housing choice close to transport and services that creates options for older people and people with disabilities</p> <p>Research the extent of social isolation of older people in Ku-ring-gai and work with community partners to develop programs to address needs</p>
Older people have increased feeling of safety and security	Continue to work with police and older people with regard to safety issues	<p>Conduct seminars on personal safety for older people</p> <p>Distribute 'Stepping Out Safety' kits and other relevant information to older people</p> <p>Implement Crime Prevention through Environmental Design principles to promote safety in public places</p> <p>Through the Police and Community Safety Committee, consider the feasibility of a 'Community Care Register' to monitor and provide assistance to vulnerable older people living alone.</p>
Carers receive appropriate support and respite	Develop a policy to foster support for carers and to incorporate the needs of carers in a broad range of programs and services including information, housing options, and transport	<p>Advocate for improved funding to carers support services</p> <p>Provide information for carers and promote carers support groups</p> <p>Ensure that respite for carers is acknowledged in HACC planning</p>

Objective	Strategies	Actions
Carers receive appropriate support and respite cont...	Consider the needs of grandparents as carers within a broader childcare needs study	Investigate the needs of grandparents as care givers and if need identified seek funding for appropriate services and programs Promote existing grandparenting groups
Increased cultural sensitivity to older residents from non-English speaking backgrounds	Focus on development of staff and volunteers and recruitment of bilingual workers to meet key CALD community needs	Provide cross-cultural training for key support workers in cooperation with the Hornsby Ku-ring-gai Multicultural Network, the Northern Sydney Multicultural Networks Forum and HACC NESB Project. Promote diversity in meals provided by centre based and in-home meals providers Develop strategies to increase volunteering among older people from CALD communities

People with Disabilities

Definition

There is a wide definition of people with disabilities. It includes all obvious categories of disability, such as physical, sensory, psychiatric and intellectual disability, and extends to other conditions such as people who are HIV positive or have AIDS-related conditions and people with attention deficit disorder.

The Commonwealth *Disability Discrimination Act 1992* defines 'disability' as:

- total or partial loss of the person's bodily or mental functions, or
- total or partial loss of a part of the body, or
- the presence in the body of organisms causing disease or illness, or
- the presence in the body of organisms capable of causing disease or illness, or
- the malfunction, malformation or disfigurement of a part of a person's body, or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment, or that results in disturbed behaviour.

The definition includes disability that:

- presently exists, or
- previously existed but no longer exists, or
- may exist in the future, or
- is imputed to a person (eg, assumes a person has a disease).

About our Residents with a Disability

Accurate statistics on the prevalence of disability in the community are difficult to obtain, due to the varying definitions and the fact that the Census of Population and Housing does not include questions on disability.

The NSW Department of Ageing, Disability and Home Care (DADHC) estimate that 17,516 people in Ku-ring-gai have a disability. This represents 17.3% of the population. Of these 1,197 (1.2%) are classed as having a moderate, severe, or profound level of disability that restricts activity and requires assistance with self-care, communication or mobility. While accurate, age-based statistics on the numbers of people with disabilities are not available, DADHC estimates the HACC target population of people with disabilities under 65 years at 5,904 persons. This population includes 143 children under the age of 5 years.

There is no reliable data on the types of disabilities experienced by residents in Ku-ring-gai.

Government Policies Affecting Disability Services

The main legislative requirements for meeting the needs of people with a disability are incorporated in the Commonwealth *Disability Discrimination Act 1992*, *Commonwealth Disability Services Act 1986* and the NSW *Disability Services Act 1993*. The *Disability Discrimination Act* outlaws discrimination against a person with a disability and requires that all government agencies have policies and strategies in place to improve access to mainstream and specialist services. The

Disability Services Act sets standards for disability services in NSW and the requirements for reasonable adjustment in mainstream services and Government agencies to make their programs and services accessible.

The Commonwealth Government is a key provider of services to people with disabilities. Services include income support through the Disability Support Pension and Child Disability Allowance, rehabilitation services, and specialist employment services. Under the Commonwealth State Disability Agreement, the Commonwealth is responsible for employment support services and the States and Territories are responsible for accommodation support, respite care, day services and other support.

In NSW the Department of Ageing Disability and Home Care (DADHC) is responsible for policy, planning, resource allocation and performance for the delivery of support and services for people with a disability and their carers. DADHC administers the Home and Community Care (HACC) and Disability Services programs. DADHC is also specifically responsible for support people with an intellectual disability to develop their skills and abilities so they can be more independent within the community. This includes delivering a range of community support services, respite care and supported accommodation services for children and adults, as well as early intervention services to babies and young children who have a developmental delay.

DADHC also monitors adjustment programs by other State agencies to provide access to mainstream services. For example, the Department of Education and Training is required to make physical modifications and provide appropriate supports to enable children with disabilities to attend local public school. The NSW Government's Disability Policy Framework (1998) assists State Government service providers to systematically identify the adjustments they need to make so that their services and facilities become more accessible to people with disabilities.

Council's Role in Disability Services

Service development	<p>Council employs a Community Development Officer (Aged & Disability Services) who:</p> <ul style="list-style-type: none"> ▪ assists with the co-ordination of community based services ▪ participates in planning for new and improved services ▪ resources and supports local disability groups and community organisations ▪ provides information and advocacy. <p>An Access Committee involving members of the community and Council officers meet on a bi-monthly basis to consider the needs of people who experience access issues and recommend strategies on how to resolve these issues.</p> <p>Council participates in the Northern Region Disability Network.</p>
Community facilities	<p>Council's Policy and Disability Discrimination Act Action Plan 2005 to 2009 sets out goals and strategies for ensuring that Council's services and facilities are accessible for the whole community.</p> <p>Council provides affordable accommodation for a number of services that cater for older people and people with a disability eg. Lifestart, Action for People with a Disability and Sunshine Home.</p>

Community services	<p>Council provides community grants for programs and services that provide assistance to people with disabilities.</p> <p>Council auspices a Volunteer Recruitment Referral and Training Service to recruit volunteers for organisations that support older people and people with a disability.</p> <p>In addition to the multi-media library collection, Council provides a number of services for older people & people with a disability, including:</p> <ul style="list-style-type: none"> ▪ an extensive range of large print books, talking books, audio cassettes and CDs ▪ a free, door-to-door Libribus service to transport people from their homes to the libraries ▪ a Housebound Library Service to deliver books to people unable to leave their homes, either on a temporary or permanent basis.
Land Use Planning	<p>Council's Access Policy and Development Control Plan 31 sets out policy and guidelines for providing access to new and existing buildings and developments.</p> <p>Council's Access Awareness Kit promotes the design of buildings and facilities that are accessible for the whole community.</p> <p>Council's Housing Code for Older People and People with a Disability provides guidelines for developers.</p>
Community information and development	<p>Council's Customer Service Centre provides Telephone Typewriter phone access to enable people who are hearing or speech impaired to access Council services.</p> <p>Council's Customer Services Counter has been designed to provide for the needs of people who use wheelchairs and those who need to sit to conduct their Council business. The counter has also been fitted with an audio-loop for people with a hearing impairment.</p> <p>Council provides an Accessible Events Checklist for Council staff and others to ensure that events and consultations organised are accessible to people with a disability.</p> <p>Ku-ring-gai and Hornsby Councils have produced a Directory of Services for Seniors and people with a disability in the Hornsby and Ku-ring-gai local government areas. This includes the full range of HACC services which are largely provided by non-government organisations.</p>

How Issues for Residents with in a Disability have been Identified

Compared with families and young people, fewer interviews and focus groups were conducted with people with disabilities owing to the extensive level of consultation already undertaken throughout the year for the Department of Ageing, Disability and Home Care, and the Commonwealth Department of Health and Ageing.

The Ku-ring-gai Access Committee, Northern Region Disability Network and other individuals interviewed raised a number of points in relation to their specific needs. Meetings were also held with various forums, networks and committees. Issues explored included physical access issues, the range of community services, the needs of carers, housing, and community attitudes and education.

Discussion of Issues for People with Disabilities

A number of issues affect people with disabilities in Ku-ring-gai. Some are capable of being addressed at the local level, while others are systemic issues that are common throughout the state. Council is not a direct service provider but plays a role in planning, advocacy, information provision and supporting services in the community.

Information and community awareness

Consultations suggest that people with disabilities are not always aware of Council services such as libraries, special rubbish collection services and community centres. Council also has an important role in raising community awareness of access issues. Council runs disability awareness training for its staff and the broader community aimed at raising awareness and understanding of disability issues and legislation.

Availability of support services

Access to services remains a key issue for people with disabilities and their families and carers, especially if they have high needs. The major issues identified through various local planning mechanisms and HACC consultations include:

- need for better case management of clients, particularly for people with complex needs
- need for a more integrated planning approach focused on the needs of individuals rather than in response to program needs
- chronic shortages in respite services. Many families receive as little as five hours per week.
- need for more flexible forms of respite, so that the individual needs of both the carer and the person with the disability are met
- a high level of unmet demand for HACC services including personal care and domestic assistance
- long waiting lists for early intervention services for children such as speech therapy. This situation may lead to immediate and developmental needs of young children not being met
- need for educational services for young people with a disability
- people with challenging behaviour are being denied services due to lack of suitable options and concerns about the occupational health and safety risks.
- growing numbers of people with disabilities from CALD backgrounds and cultural barriers to accessing services
- difficulties in staff recruitment and retention and in training and supervision of HACC services staff, and
- future support needs of middle aged people with severe disabilities with ageing parental carers.

Equity in accessing services is also an emerging issue. Consultations found that it is difficult for new clients to enter the service system, creating particular difficulties for people with acquired disabilities such as brain injury to receive the services they need. Those “born into the system” tend to have greater access. There is an imbalance in the service system towards meeting high support needs rather than providing early intervention and low support services before problems become acute. A further area of inequity is respite. Service providers acknowledge that some carers receive numerous hours of respite from a variety of service providers, while other families/carers are on waiting lists to receive any services at all.

Access

There is growing acceptance of the rights of people with a disability to participate fully in the community, and to have access to public buildings, shopping centres, public offices such as banks, consulting rooms, community facilities, entertainment venues, places of worship, parks and outdoor recreational areas. Council is the lead agency to make this happen more quickly.

Access to government services and amenities, and to public buildings are now required under Commonwealth and State anti-discrimination legislation. However, accessibility brings benefits to the whole community through improvements to streetscapes, public spaces and buildings.

Ku-ring-gai's *Access Policy and Disability Discrimination Act Action Plan 2005-2009* identified a number of specific improvements required to enhance disability access throughout the LGA. Barriers to movement by people with disabilities that have been recognised include:

- uneven footpaths
- lack of ramps for crossing roads
- inaccessible public toilets, public buildings and public transport facilities
- insufficient disabled parking spaces, and
- lack of access into and within outdoor recreational areas.

Transport and mobility

The concerns of people with a disability regarding transport are similar to those of older people. While the Commonwealth introduced *Disability Standards for Accessible Public Transport* in 2002 as a practical application of *Disability Discrimination Act*, there has been limited progress in reaching its goals. Compliance timeframes stipulating that 25% of all buses and coaches fleets and rail stock must be accessible by 2007 and 100% by 2022 and 2032 respectively will gradually alleviate the disadvantage that people with a disability experience when accessing public transport. There is also a requirement that by 2007 wheelchair accessible taxi booking response times match those of other taxi services.

For its part, Council is active in lobbying transport authorities to improve services and to hasten the timeframe for accessible services. It is also working to ensure that our roads and streets support low-floor buses. This means that bus stops meet the 150 mm kerb requirement and that roundabouts and speed humps do not hamper use of low floor buses.

Community transport provides an alternative source of transport for people with a disability when other transport sources are unavailable or inaccessible. However, access to community transport services in Ku-ring-gai is limited and not all needs can be met. Most of the individual services are provided by volunteers and this is unreliable. Priority is medical appointments. Little transport is available for social activities, or to assist people on a regular basis.

Community Transport is not available for children under five years as buses are not fitted with child restraints and the cost of fitting them is prohibitive for services.

Leisure and recreation

Being able to access recreational facilities is important to people with physical disabilities. Barriers can be caused by lack of wheelchair access within outdoor recreational areas, uneven paths that impede progress, lack of disabled toilets or inadequate provision of ramps. Public amenities for adults with disabilities are improving but still inadequate, especially for people with very high support needs.

There are major shortfalls in structured recreation for people with disabilities of all ages. A particular need is for adults with intellectual disabilities. Access to mainstream recreation programs (including vacation care) is often limited for young people and children with disabilities.

Recommended Actions for People with a Disability

Objective	Strategies	Actions
Improved community acceptance of people with disabilities and awareness of access issues and other challenges they face	<p>Advocate for and support actions that will improve accessibility for all people in the local area and promote community awareness of access needs</p> <p>Promote awareness and provide services that help to address the practical challenges of living with a disability</p> <p>Promote the inclusion of people with a disability in all areas of the community</p>	<p>Provide disability awareness training to Council staff in order to enhance service provision to people with a disability</p> <p>Maintain and resource the Access Advisory Committee to provide advice to Council on access and other issues concerning people with disabilities</p> <p>Conduct annual review of implementation of the Disability Discrimination Action Plan</p> <p>Conduct 'access audits' to identify where people with disabilities may be excluded from programs, policies, services and facilities</p> <p>Council to take a lead role in providing accessible facilities and open space where it is achievable within the landform</p> <p>Develop and distribute a guide to assist small business to make their services and facilities more accessible</p>
Improved access to in-home and community supports for people with disabilities and their families and carers	Advocate for additional resources to address unmet need in HACC and Disability Services Programs	<p>Provide community grants annually to organisations with programs that will assist people with disabilities</p> <p>Continue to support and participate in networks that discuss issues and plan coordinated responses to current and emerging needs</p> <p>Work with DADHC and local disability networks to increase respite and support services for people with disabilities</p> <p>Consult with people with disabilities to establish leisure and recreational facilities.</p> <p>Advocate for additional programs that meet the developmental needs of children and young people with disabilities</p>

Objective	Strategies	Actions
Improved access to public and community transport or people with disabilities	Continue to plan and advocate for improved physical access to transport and public spaces	<p>Council to negotiate with RailCorp to improve access to all Ku-ring-gai railway stations</p> <p>Council to liaise with government and private bus operators for the introduction of a timetabled accessible bus services in Ku-ring-gai</p> <p>Upgrade bus shelters and taxi ranks to bring them up to Accessible Transport Standard (2000)</p> <p>Participate in the DAD HACC Working Group to review community transport services with a view to maximising resources and developing new transport alternatives</p> <p>Explore with Community Transport the possibility of accessing Council's 12 seater FDC bus (fitted with restraints) to provide transport for children under-5 with disabilities</p>
Access to the built environment is enhanced	<p>Facilitate the provision of access to all new buildings and buildings undergoing major renovation in accordance with relevant policies, standards and legislation</p> <p>Implement the strategies outlined in Council's Access Policy Disability Action Plan</p>	<p>Review and update Council's Development Control Plan 31 - Access to ensure that it complies with current and future standards</p> <p>Ensure that building and facilities to meet access standards including AS1428.2 - Design for Access and Ability - AS 4299 Adaptable Housing; - AS 2890 Parking Facilities</p> <p>Distribute the Access Awareness Kit and brochures to developers, to increase their awareness of relevant legislation and standards</p> <p>Access Committee to advise staff on DA assessments for major public buildings and developments</p> <p>Implement maintenance schedule to improve access to Council-owned buildings, including construction of ramps, handrails and removal of trip hazards</p> <p>Directional and informational signage are readable and easily understood</p> <p>Accessible car parking is available to authorised people</p>

Objective	Strategies	Actions
People with disabilities are aware of community services available to them	<p>Work with community partners to promote service awareness</p> <p>Provide information in accessible formats</p>	<p>Conduct an annual Disability Expo</p> <p>Update the Ageing and Disability Services Directory with community partners</p> <p>Council information is provided in accessible formats eg CD Roms, audio, publications in contrasting colours and larger font</p> <p>Develop a page on Council's web site and other communication mediums providing access information including location of accessible toilets and access maps</p> <p>Provide waste management services which are appropriate to older people and people with disabilities</p>

People from Culturally and Linguistically Diverse Backgrounds

Definition

Definitions of what constitutes an 'culturally and linguistically diverse background' (CALD) is subject to much discussion. In fact, there is no consensus on what constitutes a 'CALD group' and the terminology used to describe these groups has changed significantly over time.

This is because membership of any CALD community is something that is subjectively meaningful to the person concerned, and can be based upon a combination of categories such as:

- country of birth
- nationality
- language spoken at home
- parents' country of birth in conjunction with country of birth
- skin colour
- national/geographical origin
- racial group, and
- religion.

About our Residents from Culturally and Linguistically Diverse Backgrounds

People from over 30 different countries of birth live in the Ku-ring-gai LGA with more than 30 languages spoken and 29 different religions practiced.

Birthplaces of Ku-ring-gai's people

According to the 2001 ABS Census statistics, 16.9% of people living in the Ku-ring-gai LGA were born in a non-English speaking (NES) country. This proportion rose 3.1% between 1996 and 2001 and is continuing to rise.

In 2001, some 65,100 of Ku-ring-gai's people (65%) were born in Australia with 31,500 (31%) born overseas and the rest unknown. The proportion born overseas was similar to the Sydney average of 31%. The number of overseas born had risen by 1,744 since 1996. The most common overseas birthplace in Ku-ring-gai was the United Kingdom with 6,898 people, followed by South Africa with 3,851, Hong Kong with 2,779 and New Zealand with 2,245 people.

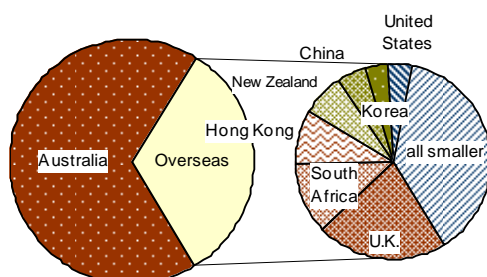
The largest increases since 1996 were among those born in South Africa (up by 834 people), China (up by 347) and New Zealand (up by 211). The overseas-born populations with the largest fall was from Japan (down by 340), Hong Kong (down by 201), and Taiwan (down by 148).

12.9% of residents in Ku-ring-gai (excluding overseas visitors) are not Australian citizens, which is under the Sydney average of 14%.

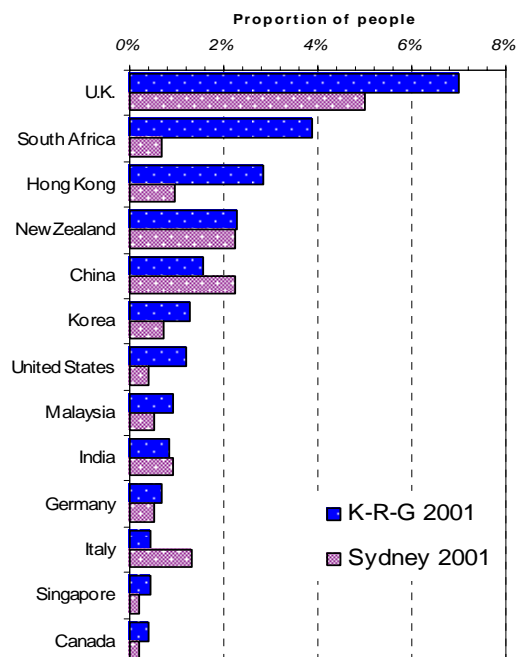
New Settlers

From 1996 to 2001, 6,576 new settlers came to Ku-ring-gai. Of the new arrivals, 2,966 arrived from NES countries. The majority of new arrivals have been from the Skilled Migration Stream. The main source countries for skilled migrants from NES countries include China, India, Indonesia, Korea and the Philippines.

Where people were born



Comparing common foreign birthplaces



Languages spoken at home

Ku-ring-gai has a high proportion of people who speak only English (81.2%), while 16% speak another language (compared with 29% in Sydney). There was a total 61,428 people (61.3%) who were born in Australia and speak English, 19,853 people (19.8%) who spoke English but were born overseas, and 2,889 people (2.9%) who were born in Australia but spoke a language other than English at home.

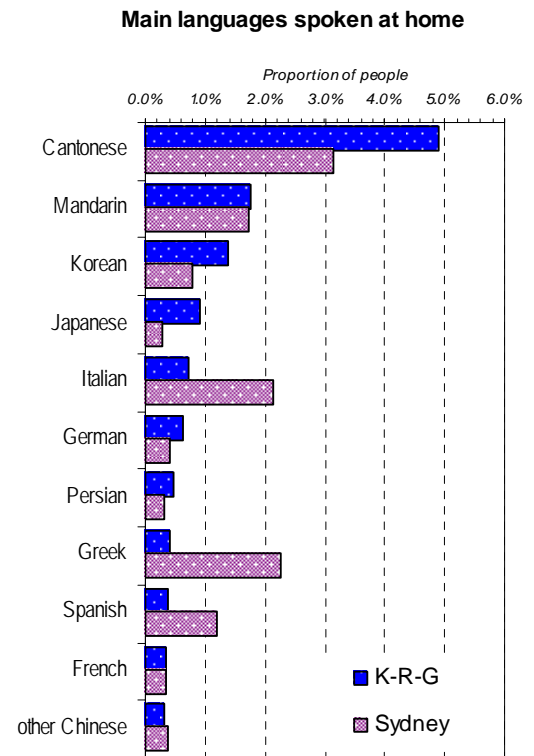
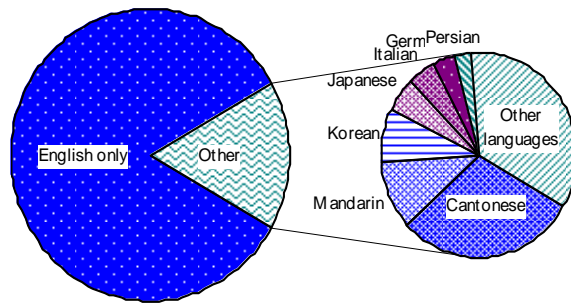
There does not seem to be a significant problem of English usage among those born overseas. Only 5% of overseas-born (1,712 people) speak English poorly, (1.7% of the total population). This is the lowest proportion in the Northern Sydney region and is well below the State average.

Asian, rather than European or Arabic languages tend to be prominent in the Ku-ring-gai LGA. The most commonly spoken language in 2001 was Cantonese, spoken by 4,765 people (4.9%). The majority of Cantonese speakers were born in North East Asia (3,287 persons) with another 455 born in South East Asia and 708 born in Australia. Children aged 0-18 years made up 24% of all Cantonese speakers.

The second most commonly spoken language was Mandarin (1,705 or 1.8%), followed by Korean (1,329 persons) and Japanese (871 persons).

Ku-ring-gai's fastest growing community languages were Mandarin, spoken by 386 more people than in 1996; Cantonese, spoken by 289 more, and Italian, spoken by 124 more. The biggest falls were in German, down by 142 from 1996, and other Chinese, down by 80.

Among local Indigenous people, none spoke Indigenous languages at home. In Sydney, 1.4% of the indigenous people did so.



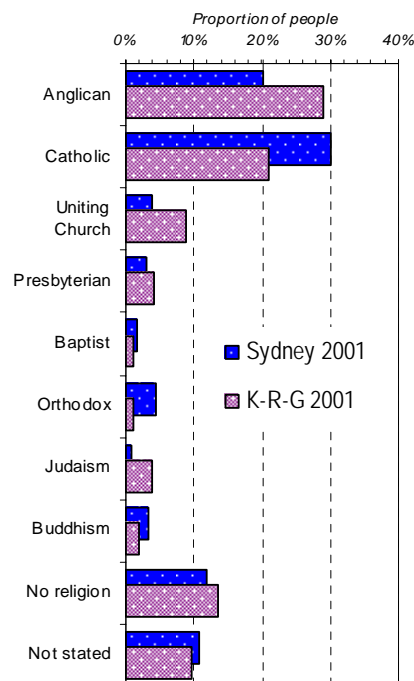
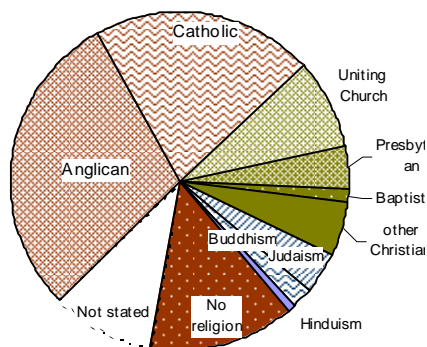
Religion in Ku-ring-gai

Ku-ring-gai's main religious belief in 2001 was Christianity, followed by 69% of the community. The main Christian churches were Anglican (29%), Catholic (21%), Uniting Church (9%) and Presbyterian (4%). The most significant differences from Sydney among Christian beliefs were Ku-ring-gai's larger Anglican and Uniting Church communities (8.8% and 4.8% more of the population than in Sydney), and the smaller Catholic and Orthodox communities (9.0% and 3.4% less).

The most common non-Christian religion was Judaism, with some 3,800 followers or 3.8% of the community (0.8% for Sydney). Other religions included Buddhism with about 2,000 followers and Hinduism with about 700.

From 1996 to 2001, the religion with the largest increase was Catholic with a rise of some 1,300 while the biggest fall was about 1,100 for Uniting Church. By comparison, the number of people with no religion decreased by 1,313 but the number who did not give their religion rose by 1,793.

Most common beliefs



Government Policies Affecting Services for Culturally and Linguistically Diverse Backgrounds

The NSW *Community Relations Commission and Principles of Multiculturalism Act 2000* recognises and values the different linguistic, religious, racial and ethnic backgrounds of residents of NSW, and promotes equal rights and responsibilities for all residents of NSW. The Act requires local councils in NSW to implement the principles of multiculturalism in the delivery of their services.

Four main principles underpin the requirements of the *Community Relations Commission and Principles of Multiculturalism Act*. These principles stipulate that:

1. All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate.
2. All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.
3. All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.
4. All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

Councils are required under section 428 (2)(j) of the *Local Government Act 1993* to provide details in their annual report of programs they have undertaken in that year to promote services, and access to services, for people with diverse cultural and linguistic backgrounds. Councils are required to report against results in three key areas – Social Justice, Community Harmony, and Economic and Cultural Opportunities.

To assist local councils in NSW to bring their multicultural activities into alignment with legislated requirements, the Community Relations Commission in partnership with the Department of Local Government has commenced the *Local Government Planning for Diversity* project. The aim of the project is to develop a mechanism for reporting progress in implementing the cultural and linguistic diversity component of their social plan and cultural diversity strategies. The framework is being piloted with a number of metropolitan and rural/regional councils in 2005.

Another key Act is the *NSW Anti-Discrimination Act (1977)* which prohibits discrimination and vilification on the basis of race, gender, sexual preference, HIV/AIDS, marital status, age or disability. This legislation affects councils in the types of services offered to the community and within their facilities, how they run meetings and make decisions, and in their employment practices.

Council's Role in Services for Residents from Culturally and Linguistically Diverse Backgrounds

Ku-ring-gai Council supports services for people from culturally and linguistically diverse backgrounds within its region directly and indirectly. The table below outlines the ways in which Council is involved.

Service development	<p>Council has established the Ku-ring-gai Council Multicultural Forum to build links between Council and the culturally and linguistically diverse communities of Ku-ring-gai and to identify key community issues and develop strategies to address them.</p> <p>Council resources and participates in the Hornsby Ku-ring-gai Multicultural Networks and the Northern Sydney Multicultural Networks Forum.</p> <p>Council provides training for its customer relations staff in effective communication with non-English speakers including use of interpreters, language aides, ethno-specific services and other communication resources.</p> <p>Children's services operate under multicultural and anti-bias policies.</p>
Community facilities	<p>As a provider of community facilities, Council considers the needs of culturally diverse groups and their access to facilities.</p> <p>Council provides subsidies for community groups to rent space.</p>
Community services	<p>Council's libraries include a range of titles in community languages.</p> <p>Council's Family Day Care Scheme operates a multi-cultural resource library.</p> <p>Council sponsors events and festivals which can promote cultural diversity in the community.</p> <p>Council presents over 900 citizenship certificates at public events each year.</p>
Community information and development	<p>Council publicises its services by translating information in relevant community languages where appropriate.</p> <p>Council develops and maintains an up-to-date list of ethnic specific organisations for significant cultural groups living in the Ku-ring-gai Local Government Area.</p>

How Issues for Residents from Culturally and Linguistically Diverse Backgrounds have been Identified

Council hosted the Ku-ring-gai Multicultural Forum on 5 November 2003. Outcomes from the first forum meeting are incorporated in the Community Plan.

Special Community Planning consultations were undertaken with the Hornsby/Ku-ring-gai Multicultural Network and with participants of the Citizenship Ceremony held in Council Chambers. Interviews with young people and other groups also involved exploring issues of racism and appreciation of different cultures.

Council also participated in a number of settlement planning and need identification processes involving the Northern Sydney Multicultural Networks Forum and the NSW Department of Community Services CALD Advisory Committee.

Discussion of Issues for People from Culturally and Linguistically Diverse Backgrounds

Gaining Information and Access to Services

A primary concern of the Council is the lower access and lower awareness by CALD communities to a wide spectrum of available services.

There is a need to increase awareness among CALD communities about available services and facilities particularly in relation to Council services (eg waste and recycling), health services, and the public transport system. Council recently hosted a multicultural information forum in cooperation with the Hornsby/Ku-ring-gai Migrant Settlement Project in Council Chambers. Council has also commenced a pilot project working with CALD groups to orient new residents to services and programs run by Council.

Currently, few Council materials are prepared in languages other than English. In recognition of the growing numbers of residents from non-English speaking countries, Council will need to progressively increase information provision in translated mediums (print and broadcast) as well as in plain English. The ethnic media needs to be used more frequently to promote services and local activities. Translated products are also needed to describe and outline the broader service system and the types of services that are available.

There is increasing demand on local libraries to provide English learning materials and light popular fiction in community languages in their collections.

Access to interpreter services within local community services will also need to be improved. While interpreter services are readily available, not all services are aware of their existence or have workers skilled in using these services.

It is apparent from the consultations, that better language services alone will not resolve the challenges faced by people of CALD backgrounds may find communicating with Council and other service organisations. There is strong evidence to suggest that cross-cultural training would be appropriate in areas such as customer services and in direct support services. For example, a recent Families First survey found that parents of CALD background using child and family support services often felt that staff were impatient with their lack of English. This issue would be addressed by employing staff with bi-lingual skills relevant to the local community and fully utilising the language skills of existing staff.

Consultations also identified a need for culturally specific services in the area of case management and for bi-lingual workers who can support people from CALD backgrounds in navigating the service system and in accessing services.

Settlement issues

Although new migrants settling in Ku-ring-gai have been selected for migration because of their positive employment and settlement prospects, upon arrival in Australia the settlement experience for many is characterised by delays in gaining recognition for their overseas qualifications and long-term difficulties securing employment in their relevant field of expertise. There are currently no specialist employment services for skilled migrants in the region.

Newly arrived residents are disadvantaged by a lack of local knowledge about services and infrastructure. Spouses and other family members may face particular problems including lower levels of proficiency in English, social isolation and difficulties accessing mainstream services. Bi-lingual community workers can assist in breaking down these barriers and helping to establish social networks.

Ageing of CALD populations

Cultural and linguistic diversity is increasing in older age groups which is likely to place increasing pressure on service providers. As at 2001, 34.4% of all residents who speak English poorly or not at all were aged 55 years and over. Research has shown that frail older people often revert to their native tongue, even after years of fluency in a second language. Such a finding suggests that the need for bi-lingual or culturally specific services is likely to grow as the population ages and ethnic diversity increases.

Some specific needs that are likely to grow include:

- Translated materials about community and residential aged care services, dementia and carer support services to help CALD people with disabilities or frail aged and their carers make informed decisions about their future
- Lack of casework and information and referral services for recently arrived older people
- Provision of ethnic and kosher meals through meals providers
- Improved translation services, and
- Cross cultural training for volunteers.

Celebrating Diversity

There is a feeling among some residents and service providers that Council should do more to reflect and celebrate diversity and to enhance Ku-ring-gai's image as a welcoming multicultural community. While Ku-ring-gai is a highly educated community, consultations with young people suggest that some prejudice and racism is experienced.

CALD communities want greater opportunities for community recognition and participation. Examples put forward during consultations include promoting the cultural and linguistic skills of the community to attract business to the region and fully utilising the pool of volunteers in CALD communities that remains relatively untapped.

Recommended Actions for People from Culturally and Linguistically Diverse Backgrounds

Objective	Strategies	Actions
Advocate the needs and concerns of culturally and linguistically diverse (CALD) communities	Establish a process to investigate, consult on and identify issues for community advocacy	Work with the Northern Sydney Multicultural Networks Forum and the Hornsby/Ku-ring-gai Multicultural Forums to identify issues, share best practice and increase understanding of issues affecting newly arrived residents
Encourage and facilitate participation of Ku-ring-gai's CALD communities in civic life	Ensure that CALD community representatives and organisations are included in all Council consultations.	<p>Provide cross-cultural training to Council officers to assist them in working effectively with CALD communities</p> <p>Provide or make provision for interpreters at community consultations targeting CALD communities</p> <p>Continue funding multicultural projects through Council's Annual Grants Program</p> <p>Invite speakers from CALD backgrounds to address Citizenship Ceremonies and other civic functions</p> <p>Include representatives from CALD communities on reference groups for events such as the Ku-ring-gai Festival, Seniors' Week and Youth Week</p>
Increase accessibility of Council services to CALD groups	<p>Implement the Ku-ring-gai Access and Equity Policy</p> <p>Develop culturally sensitive work practices that address access and equity issues</p>	<p>Ensure that Council's communications and publications are appropriate to the information needs of people from CALD backgrounds</p> <p>Use specialist interpreter and translation services where required to communicate more effectively with CALD communities</p> <p>Regularly monitor service utilisation by CALD communities in key service areas such as childcare, immunisation, library services</p> <p>Maximise the use of multi-lingual and CALD community media</p> <p>Introduce signage that includes languages other than English, international symbols and pictograms</p> <p>Incorporate the needs of CALD groups in the planning of public parks and recreation areas</p>

Objective	Strategies	Actions
Ensure service planning, development and coordination are appropriate and responsive to diverse communities	<p>Ensure that planning and policy is responsive to the needs of diverse cultural groups</p> <p>Undertake population research and study current emerging trend data to enable better planning and service provision within the LGA</p>	<p>Continue to support the Hornsby/ Ku-ring-gai Migrant Settlement Project</p> <p>Council officers to participate in and work with the Hornsby/Ku-ring-gai Multicultural Network and the Northern Sydney Multicultural Networks Forum</p> <p>Identify and promote the use of an appropriate CALD cultural awareness training program for use by local community service providers</p> <p>Advocate for the development of bi-lingual services in the Ku-ring-gai area.</p> <p>Work with Meals on Wheels providers to assess the need and develop strategies to improve the cultural appropriateness of meals provided in the Ku-ring-gai LGA</p> <p>Work with a range of government agencies to develop models of service provision to assist people disadvantaged by linguistic and cultural barriers.</p>
Recognise and promote community diversity to build community spirit and pride	Seek opportunities to promote community understanding and acceptance of the different cultures within Ku-ring-gai	<p>Update the community database to include the identification and recording of multicultural and indigenous organisations, key individuals and community artists</p> <p>Liaise with local schools and Department of Education regarding programs in place to address issues of racism</p> <p>Promote cultural diversity through events and festivals that are inclusive of the whole community</p> <p>Ensure that future Council facilities, public art and building visually reflect the cultural diversity of Ku-ring-gai</p> <p>Encourage CALD groups to utilise Council facilities for culturally specific events</p>

Women

About Gender in our Community

Women are slightly more than half the population of Ku-ring-gai and are engaged in the social, environmental, cultural and economic life of their families and the community. They care for children, partners, members of extended families and friends. Women have been among the strongest advocates for preserving Ku-ring-gai's unique environment and promoting our suburbs as safe and attractive places to raise children.

Among those living alone in Ku-ring-gai women significantly outnumber men with 3,829 women and 1,451 men. Lone people constituted 8% of females and 3% of males.

While the overall unemployment rate amongst Ku-ring-gai's workforce in mid-2001 was 3.5% when Sydney's was 6.1%, over 1996 to 2001, the male unemployment rate increased from 3.7% to 4.0% while the female unemployment rate decreased from 3.2% to 3.0%.

The biggest occupational differences between the sexes were that men were much more likely to work as Managers and Administrators (24% of men but just 9% of women), Tradespersons and Related (6% of men; 1% of women) and Associate Professionals (14% of men; 11% of women).

Women were more likely to work in Intermediate Clerical, Sales and Service (20% of women but 8% of men), Advanced Clerical and Service (10% of women; 1% of men) and Elementary Clerical, Sales and Service (10% of women; 6% of men).

Council's Role in Women's Services

Council does not provide any services specifically for women. However, Council's services and programs are widely used by women and our social planning processes are grounded on the principles of equity, access, rights and participation of all residents. There is a particular focus on making services more accessible and responsive to the needs of women with the least access to social and economic resources, such as older women, women with poor English language skills, women who are carers and women with a disability.

How Women's Issues in the Area have been Identified

No specific women's consultations were conducted. However, a number of interviews and focus groups were conducted with Ku-ring-gai women, mostly parents and young women. In addition, a range of service providers and community groups were spoken to in relation to issues such as domestic violence and sexual harassment.

Discussion of Women's Issues

Social Isolation

The statistics show that many women in Ku-ring-gai are widows who live alone. While the majority of these women live full and active lives, some may be vulnerable to social isolation. This is more pronounced among women who are frail, or have an illness or disability that prevents them from travelling outside their home independently.

In consultations, younger women also raised issues about loneliness and the isolation that can arise from being at home with children. This is intensified for new residents and for women from CALD backgrounds. Consultations in local schools also suggest that some adolescent women may experience isolation and marginalisation.

Accessibility in urban environments

During consultations, women raised issues the difficulty of moving around Ku-ring-gai with prams and small children. This forced them to be reliant on private motor vehicles and they felt that it discouraged them from fully enjoying their environment. Older women and women with disabilities also expressed concerns about broken footpaths and uneven walking surfaces hindering mobility.

Domestic violence and sexual assault

Ku-ring-gai is a comparatively safe environment for women. NSW Bureau of Crime Statistics and Research data for 2002 shows that the Central Northern Sydney region (including the Ku-ring-gai LGA) had the lowest rate of Apprehended Domestic Violence Orders in NSW at 90.4 per 100,000 residents. By way of comparison, the rate for Outer Western Sydney is 334.8 per 100,000. Similarly, the rate of sexual assault is very low at 15.6 per 100,000 residents compared with a NSW average of 56 per 100,000.

However, issues such as child abuse and domestic violence do occur in Ku-ring-gai and there may be some under reporting of the incidence of domestic violence within CALD communities. There are few locally available supports to assist its victims. In particular, the lack of crisis accommodation options for women in Ku-ring-gai has been noted.

Council's direct involvement with Domestic Violence Community Reference Group has not been as strong in recent years, which has led to a perceived lack of interest by some members of the committee. Knowing who to approach during a crisis is not straightforward to many people. Council is not generally regarded as a place where women can go in order to receive advice/referral, especially about domestic violence.

Recommended Actions for Women

Objective	Strategies	Actions
Increased participation by women of all ages in community development, leadership and decision making	Develop and promote women's contribution in the community	<p>Support local activities to celebrate International Women's Day</p> <p>Promote volunteering in the community</p> <p>Encourage young women to participate in youth leadership and youth development programs</p> <p>Ensure women are equally represented in all Council's consultation processes.</p>
Breakdown of social isolation experienced by women	Using affirmative action principles develop and expand recreation and leisure programs provided to local women	<p>Creating more places for women to socialise informally, especially cafes or accessible picnic grounds where children can safely play nearby.</p> <p>Provide opportunities for older women living alone to meet with others in similar circumstances</p> <p>Develop innovative strategies to encourage women from CALD backgrounds to build community links, participate in social gatherings and lessen isolation</p>
Enhanced safety of women in Ku-ring-gai	<p>Incorporate 'Crime Prevention Through Environmental Design' (CPTED) principles into all relevant planning instruments</p> <p>Raise awareness of women's safety issues in a variety of contexts</p>	<p>Work with the Police and Community Safety Committee to address safety of women, particularly in licensed premises and on public transport</p> <p>Continue to work with service providers to raise awareness of issues such as domestic violence and child abuse and to provide information about relevant support services available to the women of Ku-ring-gai</p>
Community services meet women's needs	<p>Advocate for improved services, families and programs that support women and promote a family friendly community</p> <p>Maintain links with 'Family First' in the provision of services to families and women</p>	<p>Participate in local and regional networks on women's issues</p> <p>Provide funds through Council's annual grants program for projects that address the identified needs of women of all ages</p> <p>Promote the NSW Government Women's Gateway website as a source of online access to services and information on important life events, such as having a baby or going back to work</p> <p>Seek to ensure that women who are carers access general support services including counselling</p>

Objective	Strategies	Actions
Women's health issues are adequately addressed	<p>Use Council's information function to improve health outcomes for women</p> <p>Promote women's involvement in sport and general exercise</p>	<p>Promote awareness of post-natal depression and provide information about services to support women experiencing the condition</p> <p>Through youth services, promote awareness and provide information issues such as eating disorders and sexual health</p> <p>Ensure equitable access by women of all ages to local sporting and recreational facilities</p>

Appendix 1 – Consultation Interviews and Meetings

Interviews

Interviews were conducted with various individuals who were identified as having a critical contribution to make to the community plan. These included a number from within Council as well as numerous external individuals. The following is the list of people interviewed.

Internal

- Mayor of Ku-ring-gai
- General Manager, Ku-ring-gai Council
- Directors of Ku-ring-gai Council
- Manager Community Development
- Acting Manager Natural Environment & Bushland
- Manager Strategic Planning
- Communications Officer

External

Representatives of:

- Department of Disability, Ageing and Home Care
- Department of Community Services
- Families First Coordinator
- North Sydney Area Health Promotion
- Northern Region Violence Against Women Specialist
- Project Officer, Aboriginal and Torres Strait Islander Social Plan
- Police and Community Safety Committee
- Hornsby Volunteer Recruitment and Referral Service

Meetings

We arranged to participate in a number of meetings that were already scheduled. At each of these meetings, we explored issues related to Ku-ring-gai and the development of the Community Plan. These meetings were:

Internal

- Community Services Committee
- Directors Meeting
- Council meeting
- Community Development Team Meeting
- Open Space and Heritage Meeting
- Open Space Focus Groups

External

- Out of School Hours Network – Hornsby and Ku-ring-gai
- Lower North Shore Interagency
- Hornsby Ku-ring-gai Youth Network
- Ku-ring-gai Youth Council
- St Ives Youth Group
- Access Committee
- Hornsby Ku-ring-gai Disability Forum
- Multicultural Forum
- Citizenship Ceremony
- Age Care Consultations, DADHC

Appendix 2 – Outcomes from Previous Social Plan

CHILDREN

Recommendation	Action	Status
That Council continue to investigate the needs of children with special needs and from culturally and linguistically diverse backgrounds and work in partnership with other key stakeholders to promote their inclusion in mainstream children's services.	<ul style="list-style-type: none"> Annual consultations with children's services tenants included questions about access to CALD/ATSI background children and children with disabilities 	Completed
	<ul style="list-style-type: none"> Aboriginal Early Childhood Service Support Unit to address CSIN meeting. 	Completed
	<ul style="list-style-type: none"> An Aboriginal Issues Awareness workshop organised for local workers 	Completed
	<ul style="list-style-type: none"> Refugee issues discussed at local CSIN networks, CSIN and KHOOSH 	Completed
	<ul style="list-style-type: none"> Information on refugees and NESB issues disseminated. 	Completed
	<ul style="list-style-type: none"> Introduction of Children's Services Directory (inside cover) is translated into Chinese, Japanese and Korean 	Completed
	<ul style="list-style-type: none"> Member of Scheme for Children with Additional Needs (SCAN) working party, area reference group and state reference group to formulate local and state funding models for children's services to assist children. SCAN assists with funding to access children from CALD, ATSI background, children with disabilities and children with challenging behaviours to attend DoCS funded pre-schools, occasional care and vacation care services. 	Continuing
	<ul style="list-style-type: none"> Member of DOCS Special Needs Working Party which produced the Managing Challenging Behaviour Folder for children's services in Northern Sydney. 	Completed
	<ul style="list-style-type: none"> Production of a bilingual Child Safety Calender in Chinese and English and distribution through Chinese community networks and libraries 	Completed
	<ul style="list-style-type: none"> Continued network/liaison with local SUPS team. Meeting with SUPS workers via local children's services meetings 	Ongoing
That Council carry out an audit of existing Council managed playgrounds and prepare a report regarding improvements.	<ul style="list-style-type: none"> No action by CDO:CS. Open Space has an external contractor to audit playgrounds bi-annually. Auditors check for playground safety and 	Completed

Recommendation	Action	Status
	Australian Standards requirements. Report received by Open Space. Audit timetable may change in future.	
The Council investigate the potential of establishing more flexible and/or additional support services for families in Ku-ring-gai, in partnership with Northern Sydney Area Health Service and other agencies.	<ul style="list-style-type: none"> • Hornsby/Ku-ring-gai Families First Project involvement with Hornsby Shire Council to improve local networks and information strategies 	Ongoing
	<ul style="list-style-type: none"> • Involvement of Early Childhood Health Centre staff in local children's services networks 	Ongoing
	<ul style="list-style-type: none"> • Partnership with Northern Sydney Health Promotion and Ryde and Hornsby Shire Council in the production of child safety calendars 	Completed
That Council continue to investigate the provision of additional child care places and/or facilities in Ku-ring-gai for children aged 0-12 years, including for children with special needs.	<ul style="list-style-type: none"> • Yearly annual consultations with Council tenants expressed limited intention for expansion 	Completed
	<ul style="list-style-type: none"> • 2002 Surveys of all children's services indicated minimal plans by centres to expand 	Completed
	<ul style="list-style-type: none"> • Advice readily provided by staff to potential child care centre developers. 	Ongoing
	<ul style="list-style-type: none"> • Comment on Development Applications for new children's services. DAs commented on and approved include: <ul style="list-style-type: none"> ○ 56 place LDC centre in Wahroonga the SAN ○ 24 place LDC centre in Turramurra ○ 2 new HBC services in St Ives (7 places) and Lindfield (7 places) ○ An increase of 4 places at Roseville and 10 places at Killara to extend pre-school places 	Completed
	<ul style="list-style-type: none"> • Council site list for possible children's services investigated • Vacation Care Services: <ul style="list-style-type: none"> ○ Review of Council's School Holiday Program occurred ○ Negotiations to retain vacation care places in Ku-ring-gai ○ Vacation Care Forum to investigate issues surrounding 	Completed. Updates ongoing Completed

Recommendation	Action	Status
	<p>falling numbers of children attending programs</p> <ul style="list-style-type: none"> ○ Liaison with UTS about their withdrawal of vacation care services in Ku-ring-gai • Investigations on extension of children's services places at: <ul style="list-style-type: none"> ○ TCCC ○ Family Day Cares Children's Res/ Centre ○ West Pymble Pre-school ○ South Turramurra Kindergarten ○ Playgroups • Investigate housing new playgroups at Hamilton Park facilities 	<p>Completed</p> <p>Completed</p>
<p>That Council complete the review of the existing Draft Childcare Planning Policy (1988) to establish clearer guidelines for the establishment of children's services and facilities.</p>	<ul style="list-style-type: none"> • Policy completed and adopted by Council 2005. 	<p>Completed</p>
<p>That Council consider the access, interests and needs of children aged 0-12 years in the provision of leisure services.</p>	<p>Incorporated into Council's specialised Children's Programs.</p>	<p>Completed</p>
<p>That Council develop specific strategies to address the particular needs of families with children aged 0-12 years when addressing road and traffic safety issues.</p>	<ul style="list-style-type: none"> • Driveway Safety Exercise brought into Ku-ring-gai area. The exercise was piloted in many local venues eg. TCCC, Gordon Centre shops and Hornsby shopping centre and at local Ku-ring-gai pre-schools. • Child care policy looks at traffic issues associated with centres. • Children's Week Activity included checking child restraints in cars. 	<p>Completed</p> <p>Ongoing</p> <p>Completed</p>
<p>That Council continue the dissemination of information, provides opportunities for consultation and advocates for and promotes the need for children's services in Ku-ring-gai.</p>	<ul style="list-style-type: none"> • Dissemination of information: <ul style="list-style-type: none"> ○ Children's services directory 2000, 2001, 2002, 2004 ○ Eg. Foyer displays, FDC/TCCC morning teas, Fun Days, Shopping Centre events, etc ○ Policy on Child Care Centre ○ Child Safety Calendar 2002, 2003 ○ Children's Services Worker 	<p>Completed</p>

Recommendation	Action	Status
	<p>Networks eg. CSIN and KHOOSH</p> <ul style="list-style-type: none"> ○ Children's Week Events 2000 - 2004 ○ Information Kits to establish new centres • Consultation opportunities: <ul style="list-style-type: none"> ○ Children's Services Worker Networks eg. CSIN and KHOOSH ○ Parent inquiries by phone and in person with CDO:CS ○ Workers networks; eg. LGCSA-Children's Services Division Meeting, North Sydney Funded Services, Pre-school additional needs funding, Children's Services Team Meeting, ○ Telephone polls ○ Questionnaires ○ Annual Consultation visits to Councils 15 tenants that run children's services • Advocacy: <ul style="list-style-type: none"> ○ DoCS, DFACS and other government consultations ○ Families First Project input ○ Other children's services forums ○ LGCSA – Understanding Building Plans ○ Draft regulation comments 	<p>Completed</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Completed</p> <p>Completed</p>
That Council investigate the capacity of existing children's services in Ku-ring-gai to broaden the range.	<ul style="list-style-type: none"> • Investigations occurred on proposed expansions to: <ul style="list-style-type: none"> ○ FDC Children's Resource Centre ○ West Pymble Pre-school ○ Council tenants expansion mentioned in annual consultations ○ TCCC ○ South Turramurra Kindergarten 	Completed
That Council continue to investigate	Regular contact with DoCS and DFACS in relation	Ongoing

Recommendation	Action	Status
funding for the provision of children's services.	to funding opportunities. No capital funding available by either state or Commonwealth for new long day care	

YOUNG PEOPLE

Recommendation	Action	Status
That Ku-ring-gai Council continue to advocate on behalf of young people to ensure they have access to safe, affordable, reliable and accessible public transport systems.	Ongoing lobbying and planning within Council. Issues raised at Youth Council.	Partially completed Ongoing
That the transport needs of young people be considered in planning and development of youth services and facilities in Ku-ring-gai.	Transport provided to a number of youth service special events. Ongoing lobbying and planning within Council. Gordon Student Resource Centre and Youth outreach Service established in response to issues raised at Youth Council.	Ongoing
That Council work with the local media and community groups to address negative portrayals and perceptions of young people in Ku-ring-gai	ArtAttack art exhibition at Ku-ring-gai Arts Centre. ArtStart skills festival	Ongoing Ongoing (every two years)
That Council work with local young people and community groups on initiatives to promote and encourage diversity and tolerance within the Ku-ring-gai community	ArtAttack art exhibition at Ku-ring-gai Arts Centre. Multicultural Forum held to address issues relating to cultural diversity and access to services Greenswell Skate Challenge	Ongoing Completed Ongoing
That Council endorse and encourage inter-generational activities and initiatives to develop positive relationships between younger and older residents.	Youth Services worked with Aged and Disability Services to involve young people in Intergenerational Public Speaking competition 2004 "Voice of the Ages" Festivals and special events provided to cater for different age groups, such as October Fest and Community Fair.	Ongoing
That Council work with local young people to improve access to its structures and processes for these groups within the community.	Ku-ring-gai Youth Council meetings (General & Exec.) attended A youth entertainment committee ("Indent") established June 2004	Ongoing Ongoing
That Council liaise with relevant government agencies and community organisations regarding the provision of youth accommodation services in Ku-ring-gai.	10 Hornsby Ku-ring-gai Youth Network meetings (Gen & Exec) attended YSO chaired the HKYN network and facilitated the distribution of minutes Provided information for forum to discuss ways of increasing housing options for young people who are homeless or at risk of being homeless as part Northern Sydney SAAP Youth Services Integrated Youth Project	Ongoing Ongoing Ongoing

Recommendation	Action	Status
That Council further investigate options available to broaden the educations, employment and training options and opportunities available for young people	Youth skills / workshops organised Youth Council Chairperson attended Rotary Youth Leadership Camp Spray Art workshops conducted Breakdancing workshops conducted Band jamming sessions Spray Art Sessions	Completed Completed Completed Completed Completed Completed
That Council in co-operation with the Ku-ring-gai Crime Prevention Strategy Taskforce and Ku-ring-gai Police and Community Safety Committee address specific issues relating to young people and safety.	Young person (2) on Crime Prevention Strategy Taskforce Young person invited onto Village Green Advisory Committee Young person invited onto Police and Community Safety Committee YSO attended Ku-ring-gai Police and Community Safety Sub Committee YSO facilitated youth public safety workshops Report prepared on safety workshops	Completed Completed Completed / Ongoing Ongoing Completed Completed
That council investigate the feasibility of establishing a skate facility in the southern part of the Ku-ring-gai local Government Area	Skate park report to council Working party was established to look at Skate Park in Turramurra, however this folded in November 2003	Ongoing
That Council work with local young people to provide safe and accessible skating areas throughout the municipality.	Despite some funding, lighting is still an issue at Skate Bowl. Inadequate although enhanced lighting from Village Green offers some light. A Community liaison group has been formed to follow this up.	Completed
That Council, in consultation with community members develop a range of leisure and recreation opportunities for young women in Ku-ring-gai.	Current leisure and recreation events and programs are well attended by young women; such as band nights, vacation care, art centre classes, specialist workshops.	Progress being made/ Ongoing.
That council investigate the establishment of a multipurpose leisure/recreation facility in Ku-ring-gai	Feasibility studies conducted and recommended locations identified.	Completed
That Council continue to liaise with local high schools to provide environmental education to students in Ku-ring-gai	Initiatives have been undertaken by various Departments of Council to involve young people in a number of projects.	Ongoing

Recommendation	Action	Status
That Council work with local youth service providers to investigate the establishment of a multipurpose youth service to provide a 'one-stop shop' for young people in Ku-ring-gai.	This matter will be investigated as part of the Council facility planning, and considered in Section 94 planning.	Ongoing
That Council work with local youth service providers and schools to establish formal links between schools and services in order to provide better access for young people in need of support.	Hornsby Ku-ring-gai Youth Network meetings (Gen & Exec) attended Outreach programme every Friday night during school term. Regular contact with high schools, church groups, other community groups to promote youth forums/events/activities.	Ongoing Ongoing
That Council youth programs and activities incorporate design and staffing considerations that encourage the inclusion of young people with disabilities.	Council youth services and vacation care programs accessible to children with special needs. Council also works with local schools to offer work experience opportunities.	Ongoing
That Council work with schools to address the issues of isolation and exclusion experienced by young people from culturally and linguistically diverse backgrounds.	Council youth services are well accessed by young people of CALD backgrounds. Consultation at high schools involves pro-active efforts to seek out young people of CALD. Also several young people of CALD participate in Youth Council.	Ongoing
That Council undertake further research into the needs of young people from culturally and linguistically diverse background in Ku-ring-gai during the implementation phase of the Social Plan	Currently under investigation, has been incorporated in planning of all programs.	Ongoing
That Council investigate the feasibility of establishing additional youth facilities close to transport in Ku-ring-gai **ADDED ON**	YSO, in conjunction with Wahroonga Rotary facilitated consultations with young people re proposal for Turramurra Youth Centre. Business plan updated and further consultations held re: proposal for Turramurra Youth Centre. Lindfield Rotary business plan for Ku-ring-gai Youth Development Service put to Council.	Ongoing. Ongoing.
That Council continue to provide and facilitate the provision of accessible youth entertainment options. **ADDED ON**	10 Entertainment events conducted YSO attended Street active workshop conducted by Australian Sports Commission and Skate Australia to establish community partnership Youth Services, Leisure Services and Open Space working in a collaborative way to keep youth leisure needs on the agenda. Greenswell Skate Challenge Ku-ring-gai Sperswell Skate Comp	Completed / Ongoing Completed / Ongoing Completed / Ongoing Completed / Ongoing

Recommendation	Action	Status
OLDER PEOPLE		
Transport		
Ku-ring-gai Continue to advocate on behalf residents to ensure safe, affordable, Accessible reliable public transport	Provided input into the Regional transport social plan for community Transport	Ongoing
That the Council's Access Committee continue to liaise with the State Rail Authority to improve access to railway stations in Ku-ring-gai	Access committee lobbied for access to Turramurra station Railcorp has submitted a DA to install lifts a Gordon Station November 03	Ongoing
That Council liaise with bus transport providers in Ku-ring-gai to discuss new approaches to improving bus transport in the Municipality	Shorelink has 6 low floor busses and have timetabled them on a number of routs on weekends. More routes will be timetabled as more buses come available	Ongoing
That Council liaise with bus transport providers in Ku-ring-gai to discuss new approaches to improving bus transport in the Municipality	Council officer had input into development of the Regional Strategic plan for Community Transport.	Ongoing
Safety		
That council liaise with community transport providers in the area to develop models for providing more flexible individual transport service for Ku-ring-gai residents.	Community Safety Police Committee Consultative. Council has developed a 3 year plan to upgrade footpaths. The access committee was consulted as part of the planning process	Ongoing
Council, in partnership with Police and Community Committee, continue to seek opportunities to promote safer neighbourhoods that will maximise the safety of older people.	Council organised community safety forum as part of Seniors Week. Consulted with older people regarding community safety	Ongoing
Leisure Recreation and social activities		
That the Council consider increasing the range of leisure activities and options available to identified older people.	Facilitated and resourced the Senior Centre Management Committee. Spring into Action program was incorporated into the senior week program increasing the number of recreation activities available to older people	Ongoing
That Council seek opportunities to consult with older people in order to assist them to participate in decisions that affect them	Seniors Week Committee Senior Committee	Ongoing
Access to support services		
That Council continues to support services currently in the area and lobby on behalf of local services to attract additional resources as identified	CDO chaired the HACC forum and facilitated the distribution of minutes	Ongoing
That Council seek opportunities to established services that focus on meeting	Liaised with migrant settlement worker re senior week multicultural activities to promote services	Ongoing

Recommendation	Action	Status
the needs of older people from COLD Backgrounds	available to people in the CALD community Multi Cultural Forum held. Worked with Refugee Settlement Project Officer	
Information		
That Council enhance the provision of information relevant to older people in Kuring-gai and ensure that the information is available in different languages where appropriate	Information service directory updated. Electronic version put on the web and updated.	Ongoing
Affordable and appropriate housing		
That Council consider the housing needs of older people then developing strategies, policies and plans	Developed a brief for consultants to look at SEPP 5 developments. Completed housing needs study in December 02 Electronic version put on the web.	Ongoing
Health		
That Council lobby on behalf of older people and explore partnership opportunities with existing service providers to ensure that older people have access to appropriate health facilities and services.	Completed housing needs study in December 02. Discussed affordable housing on the agenda of the disability Network Attended Division GP cons Consumer network and O 60 Falls prevention Project	Ongoing

PEOPLE WITH DISABILITIES

Recommendation	Action	Status
Transport		
That Council's Access Committee continue to liaise with the State Rail Authority to improve access railway stations in Ku-ring-gai eg. Turramurra Station.	Access committee lobbied for access to Turramurra station Railcorp has submitted a DA to install lifts a Gordon Station. The Access committee has viewed plan.	Ongoing
That Council liaise with bus transport providers in Ku-ring-gai to discuss new approaches to improving bus transport in the Municipality.	Shorelink has 6 low floor busses and have timetabled them on a number of routes on weekends. More routes will be timetabled as more buses come available.	Ongoing
That Council liaise with Community Transport providers in the area to develop models for providing more flexible individual transport services for Ku-ring-gai residents.	Council officer had input into development of the Regional Strategic plan for Community Transport.	Ongoing
Services		
That Council facilitates communication, information sharing, planning and networking between organisations providing services to people with a disability.	CDO assisted in the facilitation of the Northern Region disability Network and HACC Forum.	Ongoing
That Council continue the role of identifying local issues for people with a disability, raising awareness, networking with local services and other levels of government, and lobbying to meet these needs.	Facilitate H/K Disability Interagency and Regional disability network	Ongoing
That Council take a proactive role in encouraging inclusion of people with a disability into mainstream services.	CDO support the Art Centre regarding including people with disabilities in activities. Ran a training course for tutors	Ongoing
Council services and facilities		
That Council provide access to Council facilities and activities, to enable participation by people with a disability	Council has improved access to facilities through the maintenance scheduled.	Ongoing
That all Council staff involved in the delivery of services have an understanding of the needs of people with a disability.	All Council staff have been provided with training addressing needs of people with disabilities.	Ongoing
That Council hold an access awareness activity annually to highlight the access needs in different locations.	Access awareness program held. Recommendations to be considered in next year's budget	Ongoing
That Council support and facilitate the inclusion of people with a disability in leisure/recreation opportunities.	Council implemented the Building on Ability package project.	Completed
Streetscape		
That Council staff continue to work with the Access Committee and other appropriate disability organisations in constructing and upgrading Council facilities and physical infrastructure.	Started development new DDA Action Plan. Development and implementation of DDA Action Plan.	Ongoing
That Council builds into its DDA Action	Tech Services has a 3 year plan to fix foot paths	Ongoing

Recommendation	Action	Status
Plan strategies for systematically addressing existing problems regarding footpaths, curb ramps, crossings and bus shelters as they are identified.		
Parking		
That people with a disability have access to adequate and appropriate designated parking spaces, and that these are patrolled to ensure their proper use.	Access including plan of management Car parks	Completed
Information provision		
That Council information is provided in appropriate formats for people with a disability and their carers.	Information service directory updated. Electronic version put on the web. Link database went live on the web.	Continuing
Developmental Control		
That Council review, with input from the Access Committee, it's Disability Development Control Plan, and considers implementing an adaptable housing strategy	Council updated the DCP Council have had input into development housing policy. Access Committee was consulted	Ongoing

TESTING OF TREATED PINE AT CHILD CARE CENTRES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the test results carried out on the treated pine play equipment and soils at various child care centres.

BACKGROUND:

At Council's meeting of 19 July 2005, Council called for a report on the extent of treated pine equipment at child care centres and the possible health implications and cost of replacement.

COMMENTS:

A report was prepared for Council from an independent building consultant on the testing of the treated pine timber play equipment and the adjacent soils.

RECOMMENDATION:

That the report be received and noted and that the two child care centres be advised of Council's offer of up to \$500 from the Building Maintenance budget for replacement material.

PURPOSE OF REPORT

The purpose of this report is to advise Council of the test results carried out on the treated pine play equipment and soils at various child care centres.

BACKGROUND

Following recent reports in the media on issues associated with treated pine and the likely dangers associated with the possible leaching of heavy metals from the treated pine timber, concerns were raised over the safety of play equipment at child care centres.

Council at its meeting of 19 July 2005 considered a Notice of motion on the likely health implications associated with treated pine play equipment and resolved as follows:

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

COMMENTS

A contractor was engaged to test the play equipment and soils adjacent to the play equipment in all Council owned child care centres. Sixteen (16) centres were advised that Council would be carrying out the testing and the purpose of the testing.

An initial report was forwarded to Council in September 2005 and the outcome of the testing showed that fourteen (14) of the centres recorded levels that were within the current regulatory health guidelines. A copy of the initial report is attached as **Attachment 1**.

On receipt of the report, further testing was required for two of the child care centres that recorded higher than acceptable levels of soil contamination. The testing was carried out to determine the extent of the contamination throughout the site.

The results of the additional testing were reported in October 2005 and attached as **Attachment 2** is a copy of the result of this additional testing.

Essentially, the testing showed slightly higher levels of heavy metals in the soils surrounding the equipment than is allowed under the health guidelines for child care facilities.

Under the current leasing arrangements for these sites, it is the centre's responsibility for undertaking maintenance work on the play equipment and this would therefore involve the replacement of the soils adjacent to the play equipment at the centre's cost.

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S04278
4 November 2005

The two centres have been advised of the test results and requested to consult with Council and the consultant to determine the most appropriate course of action to remediate the site and remove the risk to children at the centre.

Although it is the child care centre's responsibility for the maintenance of play equipment, Council may be able to assist by providing replacement material such as sand or wood chip.

CONSULTATION

Consultation was undertaken with all Council owned child care centres who were advised that Council was undertaking the testing and also of the findings of the testing.

FINANCIAL CONSIDERATIONS

Of the centres tested, two child care centres had results that showed higher than acceptable levels of heavy metals and were requested to consult with the company on what action should be taken to minimise the risk to children.

Under the maintenance agreement, the child care centres are responsible for the replacement of any play equipment or any remedial work associated with the replacement of contaminated soils.

Whilst the maintenance of play equipment and the provision of soft fall material is not covered under the maintenance agreement with these child care centres, Council could supply replacement material to these two centres up to a maximum value of \$500 each. This could be funded from council's building maintenance budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Both Technical Services and Community Services have been involved in the consultation with the various child care centres and the testing of the play equipment.

SUMMARY

Following Council's resolution, testing was done on the play equipment of all Council owned child care centres. The initial test results revealed that all but two centres had achieved results that were within acceptable guidelines for child care centres.

Further testing was then carried out at the two centres where the test results were greater than the health guidelines, to determine the extent of the contamination. The consultant has recommended removal and replacement of the contaminated soils even though it is not considered to represent a real danger to the children, provided good hygiene practices are followed.

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However, to assist the centres in remediation of the soils, Council could supply replacement materials up to a maximum value of \$500 per site. This amount is considered to be more than adequate to cover the cost of the replacement material.

RECOMMENDATION

- A. That the report be received and noted.
- B. That the two child care centres which have contaminated soils be advised that council can assist with the supply of replacement material up to a value of \$500 for each site.
- C. That funds for this purpose be made available from Council's Building Maintenance budget.

Greg Piconi
Director Technical Services

Janice Bevan
Director Community Services

Attachments:

- 1. Report dated 7 September 2005 - 531671**
- 2. Report dated 4 October 2005 - 553182**

HBI

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Mr Greg Piconi
Director Technical Services
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

7th September 2005

Job # 50810

Ref : JRE 5054

Dear Mr Piconi

Ku-ring-gai Council Treated Pine Issue in Children's Services Buildings.

Thank you for inviting HBI to inspect and report on the presence and condition of treated pine log materials in the Council's Services Buildings.

This report is not intended to be a formal contaminated site audit but rather an informed assessment of these logs and their condition together with an assessment of the soils immediately beneath the logs. We understand there has been considerable speculation in the media regarding such materials much of which does not appear to be supported by the facts. Nevertheless we understand people's concerns and we trust this report might go some way towards addressing those concerns.

We have reviewed the literature regarding treated pine and find that the majority of concerns expressed about these materials centres around the possibility of copper chrome arsenate (CCA) leaching from the products and entering the soils where it might be ingested by children. A further concern is the possible presence of CCA on the timbers where children play which might find its way into the mouths of children.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) is the statutory government authority responsible for the regulation of pesticides and veterinary medicines up to the point of retail sale.

In 2003 the APVMA called for a review of arsenic based timber treatments following the receipt of new information from both Australia and overseas that highlighted public concern for human exposure to arsenic from treated timber structures. There was particular concern where there was likely to be frequent and intimate contact with the treated timbers by children.

After extensive consultation with other regulatory bodies, the Treated Timber Industry, the Office of Chemical Safety in the Department of Health and

Ageing, the National Occupational Health & Safety Commission, and other State Regulators, APVMA found that amongst other things; *it had insufficient information to be satisfied that the continuing use of CCA is safe for timber used in structures with which the general community (and particularly children) are likely to come into frequent and intimate contact.* This information was found on the APVMA website on 18th August 2005.

Accordingly it was decided that the use of CCA for the treatment of timbers for some end users was to be phased out, and that the use of CCA materials will be prohibited for use in garden furniture, picnic tables, exterior seating, children's play equipment, patio and domestic decking and handrails.

Use of the materials however is still permitted where frequent and intimate contact with people does not occur. These include the use of CCA treated wood in Power and Telegraph Poles and Fencing.

Various stakeholders have sought advice from APVMA on the safety of existing CCA treated structures, particularly children's playground equipment. The APVMA has no regulatory authority over existing structures constructed of CCA treated timber and so it has made no recommendations with respect to future action for existing structures.

The APVMA intends to consult with agencies that have responsibility for existing structures and will make all scientific information available to them to assist them in making their own risk management decisions. In addition the APVMA intends to keep abreast of developments overseas and will keep regulatory bodies informed. At this time however, regulatory authorities in the USA, Canada, and Europe have not recommended dismantling existing structures.

The APVMA advises parents and others in charge of young children to "manage the risks" to their children by observing good hygiene practices such as washing of hands etc. They should not place food in direct contact with treated wood when, for example eating from a picnic table.

Information is limited regarding the beneficial effects if any of painting treated timber to reduce the risk of arsenic leaching to the surfaces of the wood. Some scientific studies have shown that certain penetrating coatings such as oil based semi transparent stains when used regularly may reduce the potential for CCA exposure, but others have questioned this when for example the film coating or non penetrating stains crack, peel or flake. Accordingly the APVMA make no recommendations with regards to painting of existing structures.

Leaching: An independent study by the CSIRO (Determination and Comment on CCA Retentions in Waste Pallets Made from Treated Pine; Humphrey D.G; Cookson L. J; and Gradev J. November 2000) into the retention of CCA in aged wood pallets suggests that *there is significant variation as to the amounts of CCA leaching from, and or retained within these wood pallets.*

As HBI was unable to confirm from Council records or material safety data sheets (MSDS) what treatments were used in the timber materials that are to be found in the Ku-Ring-Gai Council Children's Services Buildings, we assumed that worst case conditions existed, i.e., that all timbers were treated with CCA.

Tests carried out on the timbers used in Council's Children's Services Buildings later confirmed that CCA had been used in a majority of cases.

Accordingly soil samples were collected from immediately beneath the "treated" pine Logs in all the various sites where Ku-Ring-Gai Council Children's Services Buildings are located, in an attempt to ascertain if significant leaching had occurred and if the soils were indeed contaminated.

All the samples were analysed for the presence of poly-aromatic hydrocarbons (PAHs) and for twelve (12) common heavy metals, in a NATA accredited laboratory.

The results indicated that only two of the 16 soil samples collected contained either the PAHs or heavy metals in concentrations worthy of further investigation. In terms of the current regulatory health guidelines, only one of the soils tested exceeded the most stringent SIL level, one equaled the SIL level, and most were orders of magnitude less.

This suggests that for the most part, that if there ever was significant leaching from these logs, it must have occurred some time ago or it was so gradual that it has since washed away as there is no evidence within the laboratories limits of detection, of these markers currently being present in the soils above background levels.

There exists what are known as health-based Soil Investigation Levels (SILs). These are levels of certain chemicals and heavy metals in soils which, if exceeded, require further investigation. The SILs Health-based investigation levels are broken down further into five categories the most stringent of which is for soils in which fruit and vegetables are grown or where soils are to be found in children's day care centres. Some substances do not have known SILs.

It is of course possible that the CCA may not have leached to any significant degree at all. As the processes involved in treating timbers with CCA are designed to retain the chemicals to prevent termites eating the timbers we suspect that the latter is a more likely scenario. Indeed the tests that were conducted to ascertain the presence of heavy metals and PAHs in the timber materials not surprisingly proved positive.

The full laboratory analytical results identifying the 12 heavy metals, which included arsenic and copper chromate levels that we tested for and the PAH levels in both the soils and the timber are appended to this report for the benefit of interested parties.

WHERE TO FROM HERE?

It seems evident that on the scientific knowledge as it stands today, there is little or no risk to children's health from these CCA treated woods located on Council properties, **provided sensible hygiene practices are followed and careful supervision is exercised.** By this we mean that children in particular should not be allowed to eat food of any type directly from the treated timber surfaces, and they should be supervised to ensure they carefully wash their hands after sitting or playing on such timbers.

This is not mean to imply that **all** children and adults will experience **no effect** levels because there remains a possibility that some children or adults may suffer from a particular sensitivity to one or more of the constituents of these products, however it is likely that normal healthy children or adults will experience no effects.

Generally speaking all the heavy metals and PAHs we tested for, already exist at background levels in our soils and elsewhere, so we are all, to some extent, exposed to these background levels.

The reason the APVMA are concerned with these levels is that they wish to avoid adding to the heavy metal and chemical exposure loads that humans are inevitably exposed through in the air and through the food chain, hence the most stringent level of SILs for soils in which fruit and vegetables are grown. Airborne pollution transports most of these chemicals and heavy metals into the soils.

RECOMMENDATION

No jurisdiction in the world has so far recommended the immediate removal of such materials. As there is no evidence that painting or otherwise coating these timbers provides any measurable reduction in leaching, and as there is no evidence of significant levels of CCA in all but two of the soils collected from the existing Council owned properties, we are inclined to recommend Council do nothing on these sites in the immediate sense, but that Council adopt a philosophy of replacing these materials over time with alternatively treated timbers or perhaps metal or plastic materials.

In those two areas where elevated readings were found we recommend further testing to firstly confirm that the levels found were not an aberration and secondly to ascertain the extent of the contamination at these locations.

Sample # 6 in which the total PAHs were less than one half of the SIL is the least sample of concern in that only one of these PAHs (benzo(a)pyrene) was equal to the SIL for that substance.

Sample #14 contained 148 mg/kg of arsenic against an SIL of 100 mg/kg. This level is within the SIL for secondary schools but outside the level for child care centres.

HBI is willing to respond to any further requests for information with regards to the above. Parties interested in learning more about CCA treated timber should visit the APVMA web site.

Kind regards

A handwritten signature in black ink that reads "Joe Robertson". The signature is written in a cursive, flowing style.

Joe Robertson
Managing Director



Soil Tests for the presence of PAHs

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-1 S1 Soil	39196-2 S2 Soil	39196-3 S3 Soil	39196-4 S4 Soil	39196-5 S5 Soil	(SILs) *
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Flourene	mg/kg	<0.1	<0.2	<0.1	<0.1	<0.4	-
Phenathrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.2	-
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.2	-
Fluoranthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.2	-
Benzo(a)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.4	<0.1	-
Chrysene	mg/kg	<0.1	<0.1	<0.1	<0.3	<0.1	-
Benzo(b,k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2	-
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	1
Indeno(123-cd)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	-
Dibenzo(ah)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Benzo(ghi)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Total +ve PAHs	mg/kg	0.00	0.00	0.00	0.00	0.00	20
Surrogate	%	107	87	92	89	101	-

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-6 S6 Soil	39196-7 S7 Soil	39196-8 S8 Soil	39196-9 S9 Soil	39196-10 S10 Soil	(SILs) *
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Flourene	mg/kg	<0.1	<0.1	<0.1	<0.4	<0.1	-
Phenathrene	mg/kg	0.1	0.1	<0.1	<0.1	<0.1	-
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Fluoranthene	mg/kg	1.5	0.2	<0.1	<0.1	<0.1	-
Pyrene	mg/kg	1.7	0.2	<0.1	<0.1	<0.1	-
Benzo(a)anthracene	mg/kg	1.3	0.1	<0.1	<0.1	<0.1	-
Chrysene	mg/kg	1.0	0.1	<0.1	<0.1	<0.1	-
Benzo(b,k)fluoranthene	mg/kg	1.6	0.3	<0.2	<0.2	<0.2	-
Benzo(a)pyrene	mg/kg	1	0.1	<0.05	<0.05	<0.05	1
Indeno(123-cd)pyrene	mg/kg	0.5	0.1	<0.1	<0.1	<0.1	-
Dibenzo(ah)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	-
Benzo(ghi)perylene	mg/kg	0.5	0.1	<0.1	<0.1	<0.1	-
Total +ve PAHs	mg/kg	9.2	1.3	0.00	0.00	0.00	20
Surrogate	%	104	102	97	99	99	-

* (SILs) Health-based Soil Investigation levels. These are concentration levels above which further investigation and evaluation are required. The critical row above is the total PAH, which has a SIL of 20 when compared with the highest total reading found of 9.2. Sample #6 has this level and a Benzo(a)Pyrene level of 1 Mg/kg compared to a SIL of 1 Mg/kg which suggests a second closer look at this location is warranted.

Soil Tests for the presence of PAHs (continued)

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-11 S11 Soil	39196-12 S12 Soil	39196-13 S13 Soil	39196-14 S14 Soil	(SILs) *
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Flourene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Phenathrene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Fluoranthene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Benzo(a)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Chrysene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Benzo(b,k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	-
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	1
Indeno(123-cd)pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Dibenzo(ah)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Benzo(ghi)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	-
Total +ve PAHs	mg/kg	0.00	0.00	0.00	0.00	20
Surrogate	%	100	93	90	98	-

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-15 S15 Soil	39196-16 S16 Soil	(SILs) *
Naphthalene	mg/kg	<0.1	<0.1	-
Acenaphthylene	mg/kg	<0.1	<0.1	-
Acenaphthene	mg/kg	<0.1	<0.1	-
Flourene	mg/kg	<0.1	<0.1	-
Phenathrene	mg/kg	<0.1	<0.1	-
Anthracene	mg/kg	<0.1	<0.1	-
Fluoranthene	mg/kg	<0.1	<0.1	-
Pyrene	mg/kg	<0.1	<0.1	-
Benzo(a)anthracene	mg/kg	<0.1	<0.1	-
Chrysene	mg/kg	<0.1	<0.1	-
Benzo(b,k)fluoranthene	mg/kg	<0.2	<0.2	-
Benzo(a)pyrene	mg/kg	<0.05	<0.05	1
Indeno(123-cd)pyrene	mg/kg	<0.1	<0.1	-
Dibenzo(ah)anthracene	mg/kg	<0.1	<0.1	-
Benzo(ghi)perylene	mg/kg	<0.1	<0.1	-
Total +ve PAHs	mg/kg	0.00	0.00	20
Surrogate	%	100	95	-

*(SILs) Health-based Soil Investigation levels. These are concentration levels above which further investigation and evaluation are required. All these samples (1-16 inclusive) except sample #6 are below the SILs and are thus considered as safe.

< Means below the limits of the laboratory's detection levels.

Soil tests for the presence of 12 common Heavy Metals

12 Heavy Metals in Soil SGS Laboratory Ref HBI Reference Sample Type	Units	39196-1 S1 Soil	39196-2 S2 Soil	39196-3 S3 Soil	39196-4 S4 Soil	39196-5 S5 Soil	(SILs) *
Arsenic	mg/kg	6	9	12	5	4	100
Beryllium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Boron	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	-
Cadmium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Chromium	mg/kg	3	6	9	4	1	100
Cobalt	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.06	-
Copper	mg/kg	3	11	17	9	0.7	1000
Lead	mg/kg	<2	2	4	6	<2	300
Manganese	mg/kg	6	27	20	27	5	1500
Mercury	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	15
Nickel	mg/kg	0.2	0.6	1	1	0.2	600
Zinc	mg/kg	5	17	39	79	4	7000

12 Heavy Metals in Soil SGS Laboratory Ref HBI Reference Sample Type	Units	39196-6 S6 Soil	39196-7 S7 Soil	39196-8 S8 Soil	39196-9 S9 Soil	39196-10 S10 Soil	(SILs) *
Arsenic	mg/kg	4	61	6	8	27	100
Beryllium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Boron	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	-
Cadmium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Chromium	mg/kg	4	46	2	3	9	100
Cobalt	mg/kg	0.6	4	<0.5	<0.5	0.6	-
Copper	mg/kg	12	93	6	4	27	1000
Lead	mg/kg	9	46	<2	4	<2	300
Manganese	mg/kg	73	210	32	27	65	1500
Mercury	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	15
Nickel	mg/kg	1	8	0.4	0.7	0.8	600
Zinc	mg/kg	65	140	9	21	26	7000

(SILs) Health-based Soil Investigation levels. These are concentration levels above which further investigation and evaluation are required.

No problems with any of these samples (1-10 inclusive). Levels found were only tiny fractions of the SILs.

Soil tests for the presence of 12 common Heavy Metals (continued)

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-11 S11 Soil	39196-12 S12 Soil	39196-13 S13 Soil	39196-14 S14 Soil	(SILs) *
Arsenic	mg/kg	25	5	3	148	100
Beryllium	mg/kg	<0.05	<0.05	<0.05	<0.05	20
Boron	mg/kg	<0.05	<0.05	<0.05	<0.05	-
Cadmium	mg/kg	<0.05	<0.05	<0.05	<0.05	20
Chromium	mg/kg	14	1	0.8	130	200
Cobalt	mg/kg	<0.05	<0.05	<0.05	2	-
Copper	mg/kg	24	0.6	<0.05	230	1000
Lead	mg/kg	<2	<2	<2	12	300
Manganese	mg/kg	16	4	3	110	1500
Mercury	mg/kg	<0.05	<0.05	<0.05	<0.05	15
Nickel	mg/kg	0.5	<0.2	<0.2	3	600
Zinc	mg/kg	11	2	2	34	7000

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-15 S15 Soil	39196-16 S16 Soil	(SILs) *
Arsenic	mg/kg	14	12	100
Beryllium	mg/kg	<0.05	<0.05	20
Boron	mg/kg	<0.05	<0.05	-
Cadmium	mg/kg	<0.05	<0.05	20
Chromium	mg/kg	16	16	100
Cobalt	mg/kg	0.7	1	-
Copper	mg/kg	60	52	1000
Lead	mg/kg	5	9	300
Manganese	mg/kg	50	140	1500
Mercury	mg/kg	<0.05	<0.05	15
Nickel	mg/kg	2	3	600
Zinc	mg/kg	33	130	7000

*(SILs) Health-based Soil Investigation levels. These are concentration levels above which further investigation and evaluation are required.

No problems with any of these samples (11-16 inclusive) except for sample # 14 where arsenic levels exceeded the SIL. Further evaluation of this site is warranted.

Timber tests for the presence of PAHs

PAHs in Timber SGS Laboratory Ref HBI Reference Sample Type	Units	39196-17 S17 Timber	39196-18 S18 Timber	39196-19 S19 Timber	39196-20 S20 Timber	39196-21 S21 Timber
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Flourene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Phenathrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(b,k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno(123-cd)pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(ah)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Total +ve PAHs	mg/kg	0.00	0.00	0.00	0.00	0.00
Surrogate	%	82	72	79	88	81

PAHs in Timber SGS Laboratory Ref HBI Reference Sample Type	Units	39196-22 S22 Timber	39196-23 S23 Timber	39196-24 S24 Timber	39196-25 S25 Timber	39196-26 S26 Timber
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Flourene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Phenathrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(b,k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno(123-cd)pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(ah)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Total +ve PAHs	mg/kg	0.00	0.00	0.00	0.00	0.00
Surrogate	%	80	83	76	84	83

Timber tests for the presence of PAHs (continued)

PAHs in Timber SGS Laboratory Ref HBI Reference Sample Type	Units	39196-27 S27 Timber	39196-28 S28 Timber	39196-29 S29 Timber	39196-30 S30 Timber
Naphthalene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Acenaphthene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Flourene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Phenathrene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Anthracene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Fluoranthene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Pyrene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Chrysene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Benzo(b,k)fluoranthene	Mg/kg	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	Mg/kg	<0.05	<0.05	<0.05	<0.05
Indeno(123-cd)pyrene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Dibenzo(ah)anthracene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Benzo(ghi)perylene	Mg/kg	<0.1	<0.1	<0.1	<0.1
Total +ve PAHs	Mg/kg	0.00	0.00	0.00	0.00
Surrogate	%	91	89	86	78

PAHs in Timber SGS Laboratory Ref HBI Reference Sample Type	Units	39196-31 S31 Timber	39196-32 S32 Timber
Naphthalene	Mg/kg	<0.1	<0.1
Acenaphthylene	Mg/kg	<0.1	<0.1
Acenaphthene	Mg/kg	<0.1	<0.1
Flourene	Mg/kg	<0.1	<0.1
Phenathrene	Mg/kg	<0.1	<0.1
Anthracene	Mg/kg	<0.1	<0.1
Fluoranthene	Mg/kg	<0.1	<0.1
Pyrene	Mg/kg	<0.1	<0.1
Benzo(a)anthracene	Mg/kg	<0.1	<0.1
Chrysene	Mg/kg	<0.1	<0.1
Benzo(b,k)fluoranthene	Mg/kg	<0.2	<0.2
Benzo(a)pyrene	Mg/kg	<0.05	<0.05
Indeno(123-cd)pyrene	Mg/kg	<0.1	<0.1
Dibenzo(ah)anthracene	Mg/kg	<0.1	<0.1
Benzo(ghi)perylene	Mg/kg	<0.1	<0.1
Total +ve PAHs	Mg/kg	0.00	0.00
Surrogate	%	84	92

PAH levels in all the timber samples were for all practical purposes non existent. All the readings were below the laboratory's limits of detection.

Timber tests for the presence of 12 common heavy metals

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-17 S17 Timber	39196-18 S18 Timber	39196-19 S19 Timber	39196-20 S20 Timber	39196-21 S21 Timber
Arsenic	Mg/kg	1294	3077	3499	5328	1290
Beryllium	Mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Boron	Mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Cadmium	Mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Chromium	Mg/kg	2028	5946	5750	6537	2071
Cobalt	Mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Copper	Mg/kg	940	1963	1773	2486	950
Lead	Mg/kg	3	10	11	6	<2
Manganese	Mg/kg	49	36	16	48	29
Mercury	Mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Nickel	Mg/kg	0.4	0.6	10	2	0.4
Zinc	Mg/kg	24	68	37	110	36

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-22 S22 Timber	39196-23 S23 Timber	39196-24 S24 Timber	39196-25 S25 Timber	39196-26 S26 Timber
Arsenic	Mg/kg	3832	2045	3851	822	2949
Beryllium	Mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Boron	Mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Cadmium	Mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Chromium	Mg/kg	5021	2826	5522	1666	4693
Cobalt	Mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Copper	Mg/kg	1906	1322	1944	820	2092
Lead	Mg/kg	8	4	2	<2	3
Manganese	Mg/kg	47	5	31	36	13
Mercury	Mg/kg	0.08	0.06	<0.05	<0.05	<0.05
Nickel	Mg/kg	0.5	0.6	0.5	0.5	0.9
Zinc	Mg/kg	49	11	14	87	43

Not surprisingly heavy metals in varying amounts were found in all the above samples.
This indicates that the timbers still retain there termite resistant qualities

Timber tests for the presence of 12 common heavy metals (continued)

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-27 S27 Timber	39196-28 S28 Timber	39196-29 S29 Timber	39196-30 S30 Timber
Arsenic	Mg/kg	1148	1971	2287	2811
Beryllium	Mg/kg	<0.05	<0.05	<0.05	<0.05
Boron	Mg/kg	<0.05	<0.05	<0.05	<0.05
Cadmium	Mg/kg	<0.05	<0.05	<0.05	<0.05
Chromium	Mg/kg	1919	2689	3023	3940
Cobalt	Mg/kg	<0.5	<0.5	<0.5	<0.5
Copper	Mg/kg	840	1382	1456	1842
Lead	Mg/kg	3	6	4	4
Manganese	Mg/kg	25	47	21	72
Mercury	Mg/kg	0.06	0.16	0.15	<0.05
Nickel	Mg/kg	0.4	1	2	6
Zinc	Mg/kg	29	42	84	18

SGS Laboratory Ref HBI Reference Sample Type	Units	39196-31 S31 Timber	39196-32 S32 Timber
Arsenic	Mg/kg	3471	3247
Beryllium	Mg/kg	<0.05	<0.05
Boron	Mg/kg	<0.05	<0.05
Cadmium	Mg/kg	<0.05	<0.05
Chromium	Mg/kg	5571	7409
Cobalt	Mg/kg	<0.5	<0.5
Copper	Mg/kg	2311	2775
Lead	Mg/kg	4	7
Manganese	Mg/kg	31	82
Mercury	Mg/kg	0.05	0.10
Nickel	Mg/kg	0.9	0.8
Zinc	Mg/kg	24	24

Not surprisingly heavy metals in varying amounts were found in all the above samples. This indicates that the timbers still retain there termite resistant qualities

HBi

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Mr Greg Piconi
Director Technical Services
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

4th October 2005

Job # 50906

Ref : JRE 5054

Dear Mr Piconi

Ku-ring-gai Council Treated Pine Issue in Children's Services Buildings.

Thank you for inviting HBI to further inspect and report on the presence of suspect materials in the Chase and the Pymble/Turrumurra Kindergartens, following our earlier report of 7th September 2005 in which we identified the two kindergartens as the only two Ku-Ring-Gai Council Children's Services Building locations, where there might be cause for concern over the presence of Poly-aromatic Hydrocarbons (PAHs) or Heavy Metals in the soils.

Once again this report is not intended to be a formal contaminated site audit but rather an informed assessment of these logs and their condition together with an assessment of the soils immediately beneath the logs. As stated in our earlier report we understand people's concerns and we trust this report might go some way towards addressing those concerns.

On this occasion we elected to take six soil samples from each of the two kindergartens to assess how widespread any contamination might be. Our photos show the precise location of where these samples were collected and the tables indicate the results as reported by our laboratory. (SGS Laboratories which is NATA accredited to report on PAHs and Heavy Metals).

A further specific wood sample was collected from woodchip in exactly the same location as the original suspect soil sample at the Chase Kindergarten because we felt that our original soil sample may possibly have been contaminated from the wood chip at this location. In the event the woodchip was found to be essentially free of heavy metals. This effectively dismisses our "contamination" theory.

Shown below are pictures depicting the locations tested and the results tables together with our comments.

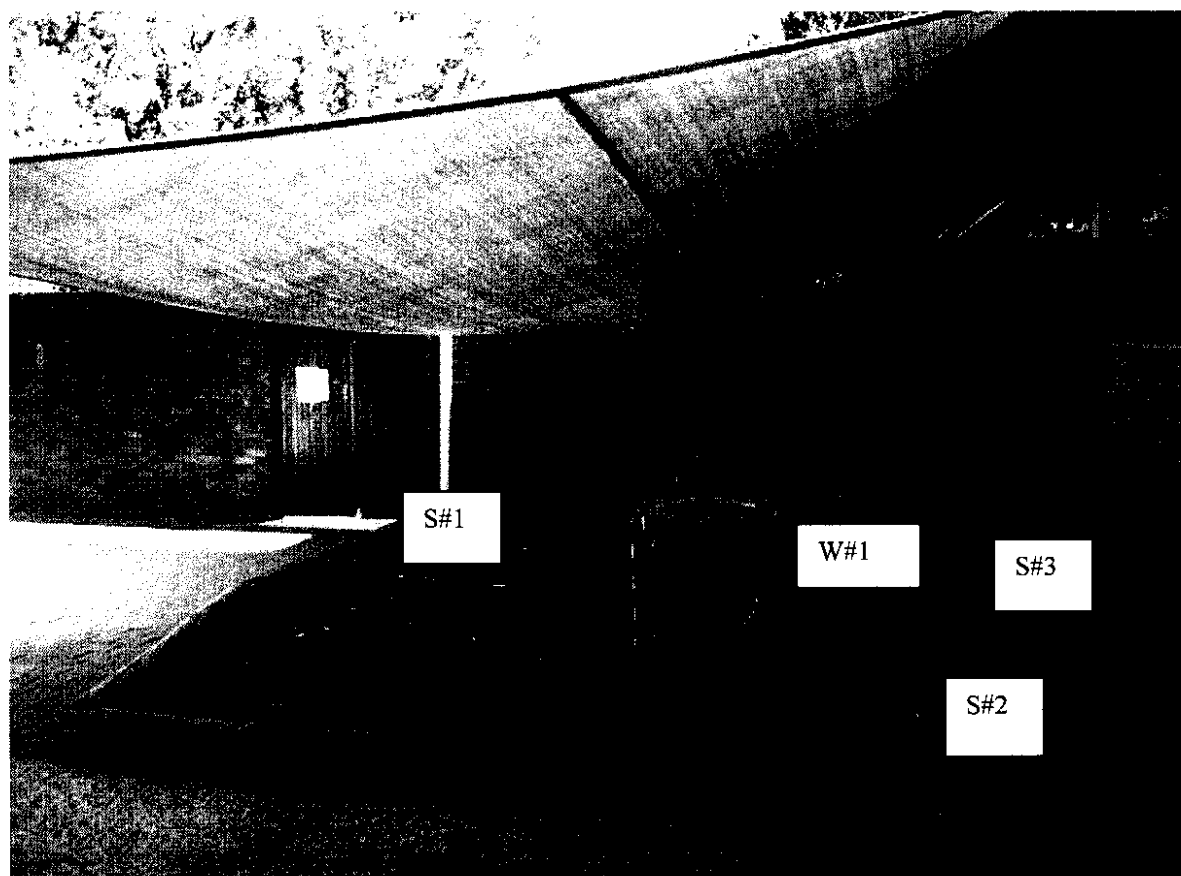


Figure 1 Location of soil samples 1; 2 & 3 and wood sample 1 at the Chase Kindergarten



Figure 2 Soil sample 4 at the Chase Kindergarten

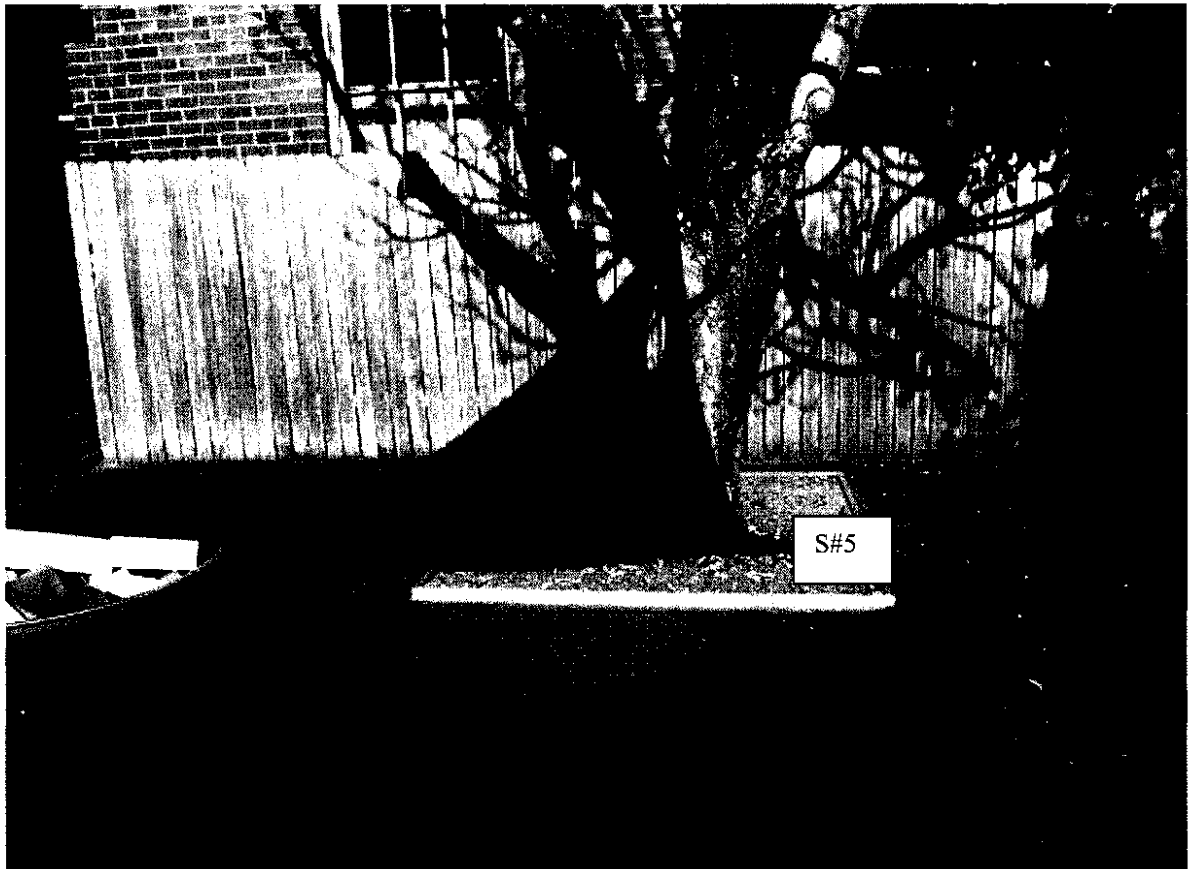


Figure 3 Soil sample 5 at the Chase Kindergarten



Figure 4 Soil sample 6 at the Chase Kindergarten

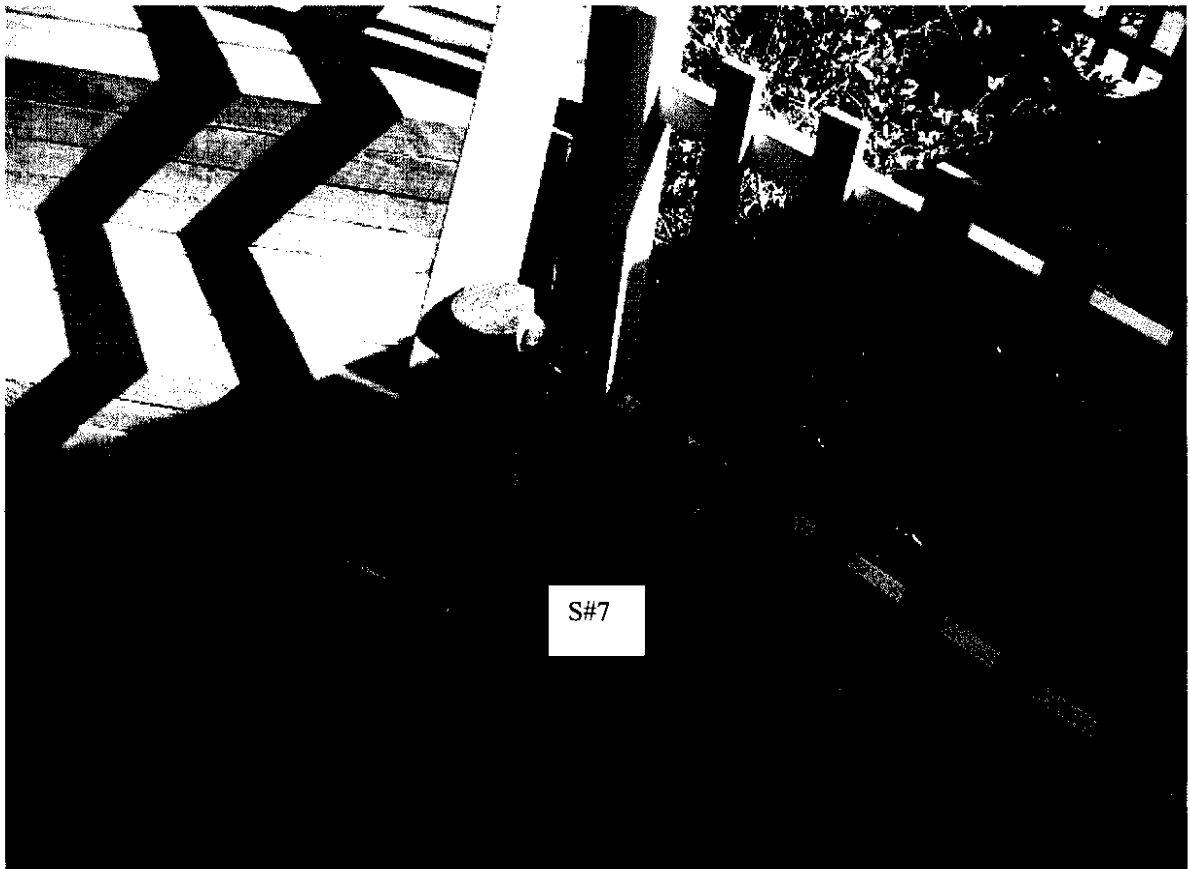


Figure 5 Soil sample 7 at the Pymble Turramurra Kindergarten



Figure 6 Soil sample 8 at the Pymble Turramurra Kindergarten



Figure 7 Soil sample 9 at the Pymble Turramurra Kindergarten



Figure 8 Soil sample 10 at the Pymble Turramurra Kindergarten



Figure 9 Soil sample 11 at the Pymble Turramurra Kindergarten



Figure 10 Soil sample 12 at the Pymble Turramurra Kindergarten

Soil Tests for the presence of PAHs

SGS Laboratory Ref HBI Reference Sample Type	Units	40092-1 S1 Soil	40092-2 S2 Soil	40092-3 S3 Soil	40092-4 S4 Soil	40092-5 S5 Soil	(SILs) *
Naphthalene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Acenaphthylene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Acenaphthene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Flourene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Phenathrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Fluoranthene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Pyrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Benzo(a)anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Chrysene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Benzo(b,k)fluoranthene	mg/kg	<0.20	<0.20	<0.20	<0.20	<0.20	-
Benzo(a)pyrene	mg/kg	<0.05	<0.050	<0.050	<0.050	<0.050	1
Indeno(123-cd)pyrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Dibenzo(ah)anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Benzo(ghi)perylene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Total +ve PAHs	mg/kg	0.00	0.00	0.00	0.00	0.00	20
Surrogate	%	111	96	102	99	100	-

SGS Laboratory Ref HBI Reference Sample Type	Units	40092-6 S6 Soil	40092-7 S7 Soil	40092-8 S8 Soil	40092-9 S9 Soil	40092-10 S10 Soil	(SILs) *
Naphthalene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Acenaphthylene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Acenaphthene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Flourene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Phenathrene	mg/kg	0.10	0.10	<0.10	<0.10	<0.10	-
Anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Fluoranthene	mg/kg	0.10	<0.10	<0.10	<0.10	<0.10	-
Pyrene	mg/kg	0.16	<0.10	<0.10	<0.10	<0.10	-
Benzo(a)anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Chrysene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Benzo(b,k)fluoranthene	mg/kg	<0.20	<0.20	<0.20	<0.20	<0.20	-
Benzo(a)pyrene	mg/kg	0.060	<0.050	<0.050	<0.050	<0.050	1
Indeno(123-cd)pyrene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Dibenzo(ah)anthracene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Benzo(ghi)perylene	mg/kg	<0.10	<0.10	<0.10	<0.10	<0.10	-
Total +ve PAHs	mg/kg	0.32	1.3	0.00	0.00	0.00	20
Surrogate	%	105	101	98	79	101	-

Soil Tests for the presence of PAHs (continued)

SGS Laboratory Ref HBI Reference Sample Type	Units	40092-11 S11 Soil	40092-12 S12 Soil	(SILs) *
Naphthalene	mg/kg	<0.10	<0.10	-
Acenaphthylene	mg/kg	<0.10	<0.10	-
Acenaphthene	mg/kg	<0.10	<0.10	-
Flourene	mg/kg	<0.10	<0.10	-
Phenathrene	mg/kg	0.10	0.10	-
Anthracene	mg/kg	<0.10	<0.10	-
Fluoranthene	mg/kg	0.10	<0.10	-
Pyrene	mg/kg	0.10	<0.10	-
Benzo(a)anthracene	mg/kg	<0.10	<0.10	-
Chrysene	mg/kg	<0.10	<0.10	-
Benzo(b,k)flouranthene	mg/kg	<0.20	<0.20	-
Benzo(a)pyrene	mg/kg	<0.050	<0.050	1
Indeno(123-cd)pyrene	mg/kg	<0.10	<0.10	-
Dibenzo(ah)anthracene	mg/kg	<0.10	<0.10	-
Benzo(ghi)perylene	mg/kg	<0.10	<0.10	-
Total +ve PAHs	mg/kg	0.00	0.00	20
Surrogate	%	98	98	-

Comment on PAHs in Soils: As can be seen from the above, none of the tests indicated PAHs at levels of concern.

Soil tests for the presence of 12 common Heavy Metals

12 Heavy Metals in Soil SGS Laboratory Ref HBI Reference Sample Type	Units	40092-1 S1 Soil	40092-2 S2 Soil	40092-3 S3 Soil	40092-4 S4 Soil	40092-5 S5 Soil	(SILs) *
Arsenic	mg/kg	18	30	53	7	17	100
Beryllium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Boron	mg/kg	3.9	4.9	10	1.1	7.3	3000
Cadmium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Chromium	mg/kg	15	12	46	3	19	100
Cobalt	mg/kg	0.9	1	3	<0.05	3	100
Copper	mg/kg	29	29	110	3	20	1000
Lead	mg/kg	30	42	160	<2	34	300
Manganese	mg/kg	49	68	190	8	130	1500
Mercury	mg/kg	<0.05	0.06	<0.05	<0.05	<0.05	15
Nickel	mg/kg	2	2	5	0.3	4	600
Zinc	mg/kg	62	43	490	7	43	7000

Soil tests for the presence of 12 common Heavy Metals (continued)

12 Heavy Metals in Soil SGS Laboratory Ref HBI Reference Sample Type	Units	40092-1 S6 Soil	40092-2 S7 Soil	40092-3 S8 Soil	40092-4 S9 Soil	40092-5 S10 Soil	(SILs) *
Arsenic	mg/kg	5	175	32	33	11	100
Beryllium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Boron	mg/kg	7.6	7.3	9.1	8.8	8.8	3000
Cadmium	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	20
Chromium	mg/kg	12	170	25	18	12	100
Cobalt	mg/kg	4	2	3	2	5	100
Copper	mg/kg	13	150	29	29	14	1000
Lead	mg/kg	24	12	15	10	7	300
Manganese	mg/kg	120	130	130	110	210	1500
Mercury	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	15
Nickel	mg/kg	9	4	6	4	4	600
Zinc	mg/kg	41	36	45	42	24	7000

12 Heavy Metals in Soil SGS Laboratory Ref HBI Reference Sample Type	Units	40092-1 S11 Soil	40092-2 S12 Soil	(SILs) *
Arsenic	mg/kg	90	91	100
Beryllium	mg/kg	<0.05	<0.05	20
Boron	mg/kg	16	13	3000
Cadmium	mg/kg	<0.05	<0.6	20
Chromium	mg/kg	190	320	100
Cobalt	mg/kg	3	3	100
Copper	mg/kg	140	280	1000
Lead	mg/kg	10	12	300
Manganese	mg/kg	330	380	1500
Mercury	mg/kg	<0.05	<0.05	15
Nickel	mg/kg	7	5	600
Zinc	mg/kg	130	160	7000

Comment on Heavy Metals in Soil Results:

Samples 1-6 inclusive were collected from the Chase Kindergarten. All these samples produced results below the most stringent soil investigation levels for children's play areas and kindergartens etc., indicating that there is no cause for concern at this location.

Samples 7-12 inclusive were collected from the Pymble/Turramurra kindergarten. For the most part these samples were also below the most stringent soil investigation levels, however sample #7 did show slightly elevated arsenic and chromium levels, and sample numbers 11 & 12 did show slightly elevated chromium levels.

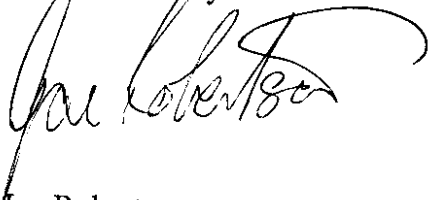
It needs to be understood that levels slightly in excess of these investigation levels do not imply unacceptability or levels likely to pose a significant health risk. There are many variables when assessing concentrations of heavy metals in soils and overt health effects would not be expected to occur until contamination is present at levels well in excess of response levels.

However in light of the relatively small areas involved, and the recent publicity surrounding the issue of "Treated Timbers," Council may deem it prudent to remove some of the soils and/or add clean soils/sand/wood chip to remove all doubt about safety at this site. Other surface coatings such as the rubberised matting would also suffice to separate children from the soils in these areas and thus ameliorate any public concern.

Interested readers should refer to Health Based Soil Investigation Levels, a document published by The Commonwealth of Australia 2001 ISBN 0 7308 5674 7 for the enHealth Council and the Department of Health and Aged Care.

We trust the above is clear and acceptable to Ku-Ring-Gai Council however we are available to assist with further information if required.

Yours Faithfully



Joe Robertson
Managing Director

2 TO 8 BURLEIGH STREET, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 31 UNITS, BASEMENT CAR PARKING & LANDSCAPING - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To respond to issues raised at the Council site inspection and seek Council's determination of the development application.

BACKGROUND:

- Application lodged 27 January 2005
- Council considered a report at its' meeting on 18 October 2005
- Consideration pending site inspection which took place on 5 November 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 and seek Council's determination of the development application.

BACKGROUND

- Application lodged 27 January 2005.
- Council considered a report at its' meeting on 18 October 2005.
- Consideration pending site inspection which took place on 5 November 2005.

COMMENTS

1. Number of Storeys

- The north-west elevation (Drawing No. DA-2.03/A amended 9/9/05) indicates that the proposed development will present as a 6 storey development given the location of Unit 1 on Basement Level 1, yet the proposal is described as a 5 storey residential flat building. Staff to address.

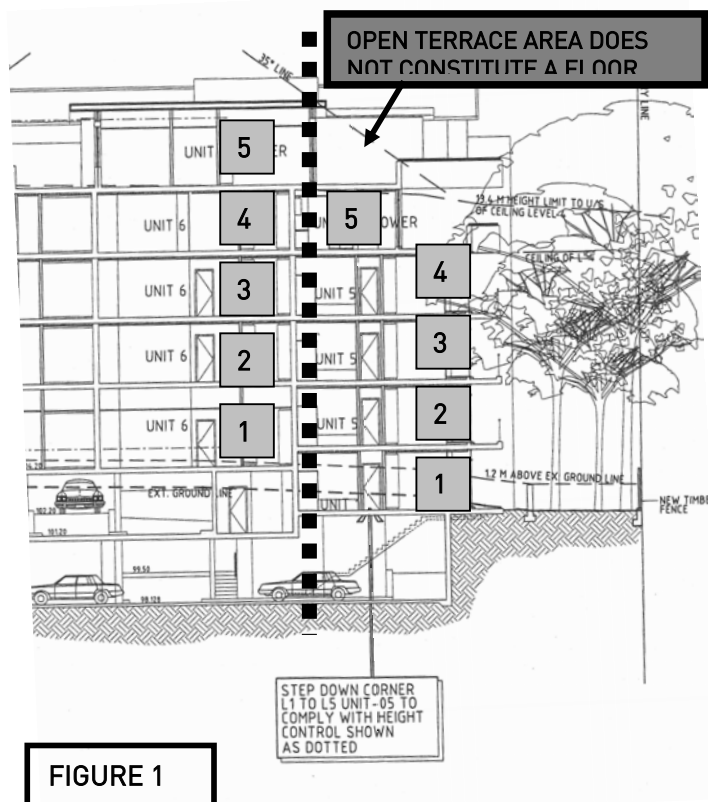


Figure No. 1 is a section of the proposal and illustrates more clearly than the elevation that the building does not have a 6 storey component. The basement level unit is not overlapped by a top floor unit and the roof area directly above it (on the top level) is utilised as an open terrace area with no roof.

To further protect the amenity of No. 10 Burleigh Street **Condition No. 75** is amended to include the construction of an acoustic masonry wall along the common boundary with the development.

2. Construction Traffic Management

- a) Staff are requested to provide recommended conditions of development consent to ensure that the Construction Management Plan contains a requirement for the applicant to issue written correspondence to the principal of the nearby school to recommend that parents be advised not to drop children off in Burleigh Street due to the likely conflict with construction traffic associated with the removal of 5,000m³ of excavated material from the site.

Condition No. 97 partly addresses this concern and includes the following requirement:

For traffic and pedestrian amenity purposes, no truck movements shall occur in Llewellyn Street or Burleigh Street during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm).

Council's Development Engineer, Kathy Hawken, recommended that the following wording be added to that condition:

Written communication is to be issued to the principal of the Lindfield Public School (with a copy to Council) advising of commencement of works and requesting that parents be notified and advised not to drop children off in Burleigh Street due to construction traffic movements.

- b) Staff are requested to draft conditions to address temporary one way access along the existing lane way between Llewellyn Street and Burleigh Street whilst having regard to the following:
 - The need for relocation or alteration of low overhead cables;
 - The need for any pruning of overgrown vegetation;
 - Provision of temporary construction traffic lights (if appropriate) to avoid conflict between trucks and resident's vehicles.

Council's Strategic Traffic Engineer, Joseph Piccoli, commented as follows:

During construction, alternate one-way flow in Llewellyn Lane could be implemented and managed, preferably by traffic controllers. This would reduce the risk of conflict between trucks and resident vehicles in the lane during construction. Condition No. 97 has been amended to include this requirement.

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- c) **Council's Traffic Engineer is requested to provide comment on the appropriateness of the 6.1 metre wide lane way adjoining the main northern railway line becoming permanently 1 way, thereby allowing all traffic to enter via Llewellyn Street, then travel south bound via the lane way into Burleigh Street for an exit onto the Pacific Highway.**

Council's Strategic Traffic Engineer, Joseph Piccoli, commented as follows:

The proposed development at Nos 2-8 Burleigh Street is not likely to increase the traffic flow significantly in the Lane. However, there are other LEP194 sites within the Burleigh Street precinct, that once constructed, could increase the traffic flow in the Lane to an estimated 40-60 vehicles per hour (from an estimated 15vph) depending on route choice. According to Amcord, for this amount of traffic, a road width of 13m and a carriageway width of 5m-5.5m is suggested, to maintain 2-way flow. This would be difficult to achieve, therefore a one-way system (southbound suggested) in the Lane would be useful to reduce the potential for conflicts.

The benefits of one-way conditions in Llewellyn Lane (once all surrounding LEP194 sites are developed) would be:

- *will reduce the potential for head-on conflicts in the lane,*
- *will significantly reduce the sight distance difficulties at the ends of the lane (unless splays are introduced on the corners),*
- *the opportunity may exist to formalise a footpath in Llewellyn lane.*

The disadvantages would be:

- *removes access into Llewellyn Street from Grosvenor Rd/Burleigh St/Llewellyn Lane route. Access into Llewellyn Street (arriving from the south on Pacific Highway) would have to be from further north.*
- *may result in increased queues at Burleigh Street traffic signals, as Llewellyn Lane/Llewellyn St gives the opportunity to get left turn access onto Pacific Highway without waiting for every 2nd cycle for a green signal during peak periods.*

It is considered that the advantages outweigh the disadvantages, and a one-way flow should be implemented in Llewellyn Lane (southbound) prior to all LEP194 sites being developed.

- d) **It was noted that scheduled surface repairs to the lane way between Llewellyn Street and Burleigh Street adjoining the main northern railway line have not been undertaken. Furthermore, this matter is noted as being unrelated to the proposed development.**

This issue is unrelated to the application but was referred to the Director: Technical Services for comment in due course.

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CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered 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 62/05 for the demolition of existing structures on site and the construction of 20 x 2 bedroom and 11 x 3 bedroom dwellings within a single building, associated access, basement parking and landscaping on land at 2-4, 6 and 8 Burleigh Street, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

- The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

Architectural Plans					
Dwg. No.	Scale	Description	Author	Dated	Lodged
DA-100/A	1:125	SITE PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-101/A	1:100	BASEMENT – 3 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-102/A	1:100	BASEMENT – 2 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-103/A	1:100	BASEMENT – 1 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
		PART LOWER L1 PLAN			
DA-104/A	1:100	LEVEL 1 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-105/A	1:100	LEVEL 2 AND 3 PLANS	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-106/A	1:100	LEVEL 4 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-107/A	1:100	LEVEL 5 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-108/A	1:100	ROOF PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-201/A	1:100	BURLEIGH STREET ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-202/A	1:100	PACIFIC HIGHWAY ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-203/A	1:100	NORTH / WEST ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-204/A	1:100	NORTH / EAST ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-251/A	1:100	SECTION A - A	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-252/A	1:100	SECTION B - B	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
Landscape Plans					
LA01B	As shown	LANDSCAPE CONCEPT PLAN	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA02A	As shown	LANDSCAPE HARDWORKS PLAN	Taylor Brammer	20 Jan 2005	12 Sept 2005
LA03B	As shown	LANDSCAPE PLANTING PLAN – B1 & L1	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA04A	As shown	PLANTING PLAN	Taylor Brammer	12 Sept 2005	12 Sept 2005

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LA05A	As shown	LEVELS 2, 3, 4 & 5 LANDSCAPE DETAILS AND SECTION	Taylor Brammer	20 Dec 2004	12 Sept 2005
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- 2a. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
- 2b. All building works shall comply with the Building Code of Australia.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall

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or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

24. 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.
25. 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.
26. 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.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. 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.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Fire hoses are to be maintained on site during the course of demolition.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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- 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. Compliance with the notations overdrawn on the consent plans.

Engineering

39. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system.
40. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The minimum total storage volume of the rainwater tank is to be 50m³ or as otherwise determined using the current revision of Council's DCP 47, and the prescribed re-use of the water on site is to be for toilet flushing and irrigation as a minimum.
41. 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 is to be 40m³ or as otherwise determined using the current revision of Council's 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.
42. For stormwater control a minimum 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
43. 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.
44. 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

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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.

45. 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.
46. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
47. 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.**
48. 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.
49. 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".
50. 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

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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.

51. 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.
52. 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.

Must be undertaken in accordance with the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas 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.

Landscaping

53. 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 residential building 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.

54. Landscape works shall be carried out in accordance with Landscape Drawing No LA01 Rev B, LA02 Rev A, LA03 Rev B, LA04 Rev A, LA05 Rev A prepared by Taylor Brammer and dated 07/09/2005 submitted with the Development Application, except as amended by the following:
 - Tree #7 Jacaranda mimosifolia (Jacaranda) located adjacent to the northern site boundary is to be retained.

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- The proposed pedestrian footpath beneath tree #7 is to be relocated to enable the retention of tree #7.
 - Tree #29 *Chamaecyparis obtusa* 'Crispii' (Hinoki Cypress) is to be removed.
 - Tree #30 *Fraxinus* spp (Ash) is to be removed.
 - Tree #31 *Acer pseudoplatanus* cv. *Atropurpureum* (Sycamore Maple) is to be removed.
 - Tree #32 *Cupressus sempervirens* (Italian Cypress) is to be removed.
 - Tree #33 *Cupressus macrocarpa* 'Brunniana Aurea' (Golden Cypress) is to be removed.
 - Tree #35 *Cedrus deodar* (Himalayan Cedar) located adjacent to the southern site corner/Pacific Hwy Burleigh St corner is to be removed. The *Cedrus* is to be replaced with a single planting, minimum pot size 75 litre, of *Eucalyptus saligna* (Sydney Bluegum).
 - Tree #36 *Cupressus sempervirens* (Italian Cypress) located on Council's Burleigh St nature strip is to be removed.
 - Detail H on sheet LA05 Rev A is to be amended to show a maximum height of 1.8m rather than the 2.2m shown.
55. To maximise landscape and neighbour amenity tree #7 *Jacaranda mimosifolia* (Jacaranda) is to be retained.
56. 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.
57. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.
- | Tree/Location | Radius From Trunk |
|---|-------------------|
| Tree numbers refer to Arborists report/Landscape Plan | |
| T4 <i>Jacaranda mimosifolia</i> (Jacaranda)
Adjacent to northern site boundary | 5.0m |
| T7 <i>Jacaranda mimosifolia</i> (Jacaranda)
Adjacent to northern site boundary | 3.0m |
58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
59. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

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Tree/Location	Radius From Trunk
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	7.0m

60. 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.

61. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Burleigh St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Syncarpia glomulifera (Turpentine) x 4

62. Following removal of the existing trees from Council's Burleigh St nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
63. 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.

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

64. 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.

65. 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).

66. 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

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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.

67. 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.
68. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWENTY EIGHT (28) ADDITIONAL DWELLINGS IS CURRENTLY \$583,191.33. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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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

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

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

70. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. (Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).

Special

71. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.
- 71a. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the EPA Environmental Criteria for Road Traffic Noise, 1999 and Rail Infrastructure Corporation and State Rail Authority: Interim Guidelines – Consideration of Rail Noise and the Planning Process.
72. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate
(Reason: To preserve community health and ensure compliance with acceptable standards).

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73. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. *(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population).*
74. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. *(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality).*
75. To ensure privacy and amenity to the adjoining property at No. 10 Burleigh Street the following amendments shall be made to the north-eastern elevation:
- Adjustable and/or sliding privacy screens measuring 1.8 metres high shall be provided to Unit No's 6 and 7 to Level 2, 3 and 4 balconies as noted in red on the approved plans.

Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.
 - To ensure the amenity of No. 10 Burleigh Street is maintained an acoustic masonry fence shall be constructed along the common boundary with No. 8 Burleigh Street. The fence shall be 1.8 metres in height except for the front setback area where it shall be limited to 1.2 metres for a distance of 8 metres from the Burleigh Street frontage
76. 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. Retaining walls and associated drainage.
 - c. Wet area waterproofing details complying with the Building Code of Australia.
 - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
 - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

Landscape

77. 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

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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.

78. A CASH BOND/BANK GUARANTEE of \$2 500.00 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

T4 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to northern site boundary

T7 *Jacaranda mimosifolia* (Jacaranda) \$500.00
Adjacent to northern site boundary

Engineering

79. 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.
80. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are

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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.

81. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
 - a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
 - b) A clear height clearance of 2.44 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
 - d) Mirrors are to be provided at the ends of one way ramps, as recommended in the report prepared by Masson Wilson Twiney.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

82. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004) . A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

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83. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Rainwater storage tanks are to be sealed and lightproof.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater for toilet flushing and irrigation.
 - 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 Drawings SW-01 to -03, revision B, by J & M Group submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

84. The Applicant proposes to carry out the following infrastructure works in the Public Road:
- a. lay 375mm diameter pipe and construct a new kerb inlet pit in Burleigh Street.

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

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

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Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

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

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

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

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

85. 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.
86. 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

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

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88. 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
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	2.0m

89. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
90. 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:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
91. 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.
92. 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.
93. 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 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,

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frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.

94. 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.
95. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

Engineering

96. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth as a minimum. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
97. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
 1. **A plan view of the entire site and frontage roadways indicating:**
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - During construction, alternate one-way flow in Llewellyn Lane shall be implemented and managed, preferably by traffic controllers in order to reduce the

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risk of conflict between trucks and resident vehicles in the lane during construction.

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

2. Traffic Control Plan(s) for the site

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

Heavy construction vehicles are not to use the Eton Road/Ortona Road/Grosvenor Road route to access the site.

Heavy construction vehicles are to leave the site via Burleigh Street only, to remove the potential for two large vehicles to pass in Llewellyn Lane.

For traffic and pedestrian amenity purposes, no truck movements shall occur in Llewellyn Street or Burleigh Street during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm).

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

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

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.

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- Minimising construction related traffic movements during school peak periods.
Written communication is to be issued to the principal of the Lindfield Public School (with a copy to Council) advising of commencement of works and requesting that parents be notified and advised not to drop children off in Burleigh Street due to construction traffic movements.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

98. 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.
99. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
 - b) Pacific Highway southbound lanes along the frontage of the site.
 - c) All driveway crossings and laybacks opposite the subject site.

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

100. 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.
101. Without further written Consent of Council the development is to comply with the following indices:
 - a. Maximum floor space ratio 1.224:1.
 - b. Maximum building footprint area 967m² or 35% of site area.
 - c. Number of resident car parking spaces: 42.
 - d. Number of visitor car parking spaces: 8
 - e. Deep soil landscape area shall not be less than 1518m² or 55% of the site area.
 - f. Maximum height of 4th floor ceiling not to exceed RL 116.675.

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with the above prior to occupation.

Special

102. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.

- 102a. All works required by the Acoustic Report (Condition No.71a) are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

Engineering

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103. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- Construction of kerb inlet pit and 375mm diameter pipe in Burleigh Street in accordance with the approved plans.

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.

104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88 E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility,

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in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.
 - d) 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.
107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - a) That the as-constructed carpark complies with the approved Construction Certificate plans,
 - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - d) That mirrors have been provided at the end of each one way ramp as recommended in the report prepared by Masson Wilson Twiney.
 - e) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - f) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
109. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

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- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of other conditions of this consent have been achieved in full.
- c) That retained water is connected and available for uses including toilet flushing and irrigation.
- d) That retained water is stored in a sealed and lightproof container.
- e) 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.
- f) That all grates potentially accessible by children are secured.
- g) 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
- h) 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.

110. 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.

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All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

111. 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.
112. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - a) According the relevant Australian Standards and guidelines, and
 - b) According to any approved Geotechnical report undertaken for the development, and
 - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
114. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of all structures originally assessed prior to commencement of works.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate development consent, then no follow-up report is required.

115. Prior to issue of the Occupation Certificate the applicant shall submit **to Council** a follow up dilapidation report on the visible (including photos) and structural condition of the following roads and items originally assessed:
 - a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
 - b) Pacific Highway southbound lanes along the frontage of the site.
 - c) All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. The structural conditions of all structures originally assessed prior to the commencement of works, must be assessed and the results submitted to Council.

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Landscaping

116. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
117. On completion of the LANDSCAPE WORKS, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

118. 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.
119. 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.
120. 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.

121. 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.

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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.

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

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment – South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Original report to Council -18 October 2005**
- Location sketch - 542027**
- Zoning extract - 542028**
- Site plan - 542030**
- Basement - 542031**
- Roof plan - 542046**
- Elevation plans - 542052**
- Shadow diagrams - 542073**
- Landscape plans - 542083**

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 TO 8 BURLEIGH STREET, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 31 UNITS, 50 BASEMENT CARSPACES AND LANDSCAPING
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	62/05
SUBJECT LAND:	2 to 8 Burleigh Street, Lindfield
APPLICANT:	J & Q Investments Pty Ltd
OWNER:	J Ka-May-Wu : 2-4 Burleigh Street P & E Chien: 6 Burleigh Street RN Hale & CM Evans: 8 Burleigh Street
DESIGNER:	Brewster Murray Pty Ltd
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 40, DCP 43, DCP 47 and DCP 55
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	27 January 2005
40 DAY PERIOD EXPIRED:	8 March 2005
PROPOSAL:	Demolition of existing structures and construction of a residential flat building comprising 31 units, 50 basement car spaces and landscaping
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o

62/05

PREMISES:

**2 - 8 BURLEIGH STREET, LINDFIELD
DEMOLITION OF EXISTING STRUCTURES
AND CONSTRUCTION OF A RESIDENTIAL
FLAT BUILDING COMPRISING 31 UNITS,
50 BASEMENT CARSPACES AND
LANDSCAPING**

APPLICANT:

J & Q INVESTMENTS PTY LTD

OWNER:

**J KA-MAY-WU : 2-4 BURLEIGH STREET, P
& E CHIEN: 6 BURLEIGH STREET, RN
HALE & CM EVANS: 8 BURLEIGH STREET
BREWSTER MURRAY PTY LTD**

DESIGNER

PURPOSE FOR REPORT

To determine Development Application No. 62/05 which seeks consent for the demolition of existing structures, construction of a residential flat building comprising 31 units, including basement car parking and landscaping.

EXECUTIVE SUMMARY

Issues:

Setbacks, visual privacy

Submissions:

24 submissions to the original proposal and 11 submissions to the amended plans.

Pre-DA Consultation:

Yes.

Land & Environment Court Appeal: Not applicable.

Recommendation:

Approval.

HISTORY

Site history:

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

Development Application history:

DA 65/05

7 October 2004

Pre-development application consultation held between Council Officers and applicant.

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- 27 January 2005 Application lodged.
- 28 June 2005 Council requests certain amendments to the application. These included:
- Increased setback to Burleigh Street from a minimum of 8.5 metres to 13 metres.
 - Increase the side boundary setback to the driveway from approximately 2.5 metres to more than 4.8 metres.
 - Changes to improve unit layout, articulation and reduce the apparent bulk by limiting balcony projections.
- 12 September 2005 Amended plans received by Council.

THE SITE AND SURROUNDING DEVELOPMENT

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-1968
Lot Number:	Pt Lot 7, 8, 9 & 10
DP Number:	7770
Area:	3270 m ²
Side of Street:	Eastern
Cross Fall:	10%
Stormwater Drainage:	To Burleigh Street
Heritage Affected:	No
Required Setback:	10 to 12 metres (Pacific Highway) 13 to 15 metres (Burleigh Street)
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

Dimensions and topography

The site is a regular shaped corner allotment with a total area of 2761m². The frontages to Burleigh Street and Pacific Highway measure 51.195 metres and 40.96 metres, respectively.

The site slopes from the Pacific Highway toward the north-east corner at a grade of approximately 10%. It comprises three lots and is improved with double storey dwellings and associated structures, including an in ground swimming pool located at No. 8 Burleigh Street.

Existing landscaping comprises lawns with some mature trees and shrubs.

Zoning and surrounding land uses

A zoning map is attached to this report. The site forms part of the Pacific Highway and railway corridor, an area that comprises low density residential development that was rezoned to Residential

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2(D3) for multi unit residential development under LEP194. All boundaries of the site are shared with properties similarly zoned.

Existing development surrounding the site comprises a mix of single and double storey dwelling houses and residential flat buildings. The northern boundary is abutted by a double storey unit development consisting of 4 units (No's 1 to 3 Llewellyn Street) and two dwellings at No's 5 to 7 Llewellyn Street. No's 10 and 12 Burleigh Street to the east are developed as dwelling houses.

Lindfield Public School is located diagonally opposite the site, at the intersection of Pacific Highway and Grosvenor Road.

Development proposals in the vicinity of the site

Directly opposite and to the south at No's 1-11 Burleigh Street and No's 1-3 Eton Road approval was granted on 24 May 2005 for demolition of ten dwelling houses and construction of two 5 storey residential flat buildings containing 88 units and basement carparking for 136 vehicles (DA 1260/04).

Development consent DA328/04, granted on 25 August 2004, was for the demolition of three single storey dwellings and construction of two 3-storey residential flat buildings comprising 21 units at 2-4 Eton Road and 205 Pacific Highway, located directly opposite the subject site.

Development consent DA912/03, granted on 10 August 2004, was also for the demolition of the existing commercial/retail development and construction of a three storey residential flat building comprising 17 units at No 210-214 Pacific Highway located south of the subject site on the opposite side of Pacific Highway.

These developments are shown on the location sketch.

THE PROPOSAL

The application proposes the following:

- Demolition of existing dwellings and associated structures on site;
- Construction of a 5 storey residential flat building of 31 units comprising 20 x 2 bedroom apartments and 11 x 3-bedroom apartments.
- A total of 50 parking spaces, consisting of the 42 resident spaces and 8 visitor spaces over 3 basement levels.
- Vehicular access from Burleigh Street in the south-eastern corner of the site.
- Disposal of stormwater to Burleigh Street incorporating a retention and detention system with water re-use for toilet flushing and irrigation.

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The structures above and below ground are generally set back in excess of 13 metres from Burleigh Street and approximately 12 metres from Pacific Highway. The stormwater detention tank is located below ground level and is set back 8 metres from Burleigh Street.

The setback to the north-western (rear) boundary varies between 7 metres and 10 metres. The north eastern (side) boundary setback generally exceeds 6 metres. Some private courtyards project into these setback areas.

The building comprises 5 levels with a 3 level basement car park. All units are accessible by a single lift core that is serviced by an entry foyer located at RL 105.075. Due to the slope of the site a single unit is provided at Basement-1 level (RL 102.175). The remaining floor levels are as follows:

Level 1	RL 105.075
Level 2	RL 107.975
Level 3	RL 110.875
Level 4	RL 113.775
Level 5	RL 116.675

More than 400m² of communal open space is provided within the rear and side setbacks of the building.

Amended plans dated 12 September 2005

Amendments to the original design entailed the following:

- Increased setback to Burleigh Street from a minimum of 8.5 metres to 13 metres.
- Increase the side boundary setback to the driveway from approximately 2.5 metres to more than 4.8 metres.
- Changes to improve articulation and reduce the apparent bulk by limiting balcony projections.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, adjoining owners were given notice of the application on 7 February 2005. In response, submissions from the following were received:

1. Tandi Developments Lindfield Pty Ltd - -11 Burleigh Street and No's 1-3 Eton Road, Lindfield
2. M & J Macnamara - 9 Burleigh Street
3. YB Lim & TL Lee - 10 Burleigh Street
4. M Tozer - 12 Burleigh Street
5. M McCluskey c/o Gilbert Kemp - 5/20 St Johns Ave, Gordon
6. W Karpin - 3/1-3 Llewellyn Street
7. IC & GJ Lucas, F Roxburgh - 1 & 2/1-3 Llewellyn Street
8. J & B Fraser - 1/2-12 Llewellyn Street
9. G Reidy - 3/2-12 Llewellyn Street
10. LS Leeming - 4/2-12 Llewellyn Street

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11. M & I Sheriff - 12/2-12 Llewellyn Street
12. V Ireland - 13/2-12 Llewellyn Street
13. Owner's Corporation, c/o C Hallisey - 14/2-12 Llewellyn Street
14. JA Leamon - 21/2-12 Llewellyn Street
15. S Taylor - 23/2-12 Llewellyn Street
16. J Mitchell - 25/2-12 Llewellyn Street
17. I Taylor - 26/2-12 Llewellyn Street
18. JJ Wang & DJ Wang - 5 Llewellyn Street
19. D & M Chapman - 7 Llewellyn Street
20. M Hirananeek - 9a Llewellyn Street
21. Z Hirananeek - 9b Llewellyn Street
22. N Hirananeek - 11a Llewellyn Street
23. J Hirananeek - 11b Llewellyn Street
24. RH Frater - 35 Edmund Street

The submissions raised the following issues:

Cumulative effect of the development on traffic and parking

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.

At Council's meeting of 25 November 2003, a report (prepared by the Director – Technical Services) was considered on the traffic implications associated with the proposed rezonings. The report found that high density development along the Pacific Highway associated with the Targeted Sites under SEPP 53 and the Stage 1 Residential Development Strategy associated with LEP194 will place additional pressure and demand on the Pacific Highway during peak traffic conditions.

On 16 January 2004, Council advised the Department of Infrastructure, Planning and Natural Resources (DIPNR) on the findings of the study and suggested that DIPNR assess the level of improvements required to meet the expected traffic growth from urban consolidation. LEP 194 was subsequently gazetted by DIPNR on 28 May 2004.

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.

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Concerns relating to the provision of adequate car parking for the proposed development

The proposal provides basement car parking for 50 vehicles (42 resident and 8 visitor spaces). The level of car parking proposed is compliant with Council's Development Control Plan 43 – Car parking and DCP 55.

The applicant provided an Assessment of Traffic and Parking Implications which has been reviewed by Council's Development Engineer. Engineering comments state that car parking is adequate and the potential traffic generation is reasonable given the type of the development.

To ensure that the impacts of additional traffic generated during the construction phase are properly addressed a condition of consent will require the applicants to submit a traffic control plan providing details of heavy vehicle routes, traffic calming devices, parking controls and safe ingress and egress from the site (**see Condition No 97**).

Concerns over pedestrian safety for children walking to Lindfield Public School.

Vehicles will have adequate on site manoeuvring for forward entry and exit to the site to ensure that pedestrian safety is not compromised by vehicles manoeuvring on Burleigh Street. Drivers will have adequate sight lines in both directions of the street when entering and exiting the site.

Basic infrastructure such as electricity supply and sewer is inadequate

The application was referred to Energy Australia who raised no objections. Conditions are recommended requiring the applicant to liaise with Energy Australia and Sydney Water regarding their specific requirements. These requirements must be obtained prior to Construction Certificate issue and compliance prior to the issue of the Occupation Certificate (**See Conditions Nos 50 and 85**).

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 96 and 114**).

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 Olsson. Mr. Olsson finds that the development proposal satisfactorily addresses all ten SEPP 65 Design Principles and he considers the design to be of an acceptable standard.

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Overdevelopment and lack of cohesive approach to the development of the area

The development complies with all development standards in LEP 194 and complies with the majority of the controls DCP 55. Where the development does depart from DCP 55 numeric standards, it is considered that the development still satisfies the objectives of these DCP controls, with the departures being minor in nature and indiscernible in the context. Areas of non-compliance are indicated in the DCP 55 compliance table and discussed in detail in this report.

Overshadowing

An assessment of the applicant's shadow diagrams confirmed that no adverse shadow impacts will occur. Due to the orientation of the site, any overshadowing will be limited to Pacific Highway and Burleigh Street reserves. Some minor overshadowing occurs in the front setback area of No's 1-7 Burleigh Street but this is limited and reduces solar access by only 1 hour, between 2pm and 3pm on 21 June.

Overlooking

With development to the density and scale allowed by LEP 194, a degree of privacy loss is inevitable. At low densities, there is a reasonable expectation that a dwelling will retain high levels of privacy but at higher densities privacy impacts are harder to protect and the claim to retain it to the same level as low density development is not as strong. It should be noted that all the properties in the vicinity of the proposal are zoned 2(d3) which allows for unit development up to 5 storeys, similar in scale to the current proposal. When these properties are redeveloped, buildings would be set back further in accordance with DCP 55, improving future separation.

On average the proposal's setbacks to the rear and side boundaries exceed the minimum 6 metres required by DCP 55. Separation to No. 10 Burleigh Street ranges from 8 to 9 metres (**Figures Nos 1 and 2** illustrate that the development results in a greater separation compared to the existing situation). The amenity impacts can only be partly ameliorated by minimising fenestration and equipping balconies with sliding louvers but cannot be completely eliminated. Fenestration along this façade is limited to low-use, rooms such as bedrooms and physical screening is not considered appropriate. Condition No. 75 is recommended which requires the relevant balconies be equipped with suitable screening devices which would not inhibit solar access to the units (such as sliding louver screens).

The fifth storey element of the proposal also breaches the separation requirement of 18 metres between habitable rooms. The applicant has addressed this by providing planter boxes along the building edge facing No. 10 Burleigh Street and parts of the building edge facing north to the rear of No's 1-3, 5 and 7 Llewellyn Street.

These measures will reduce the opportunity for direct overlooking and ensure a reasonable degree of privacy is maintained, commensurate with a medium density environment.

Isolation of adjacent sites

The development will not result in any isolated lots smaller than 1200m². The combined area of Nos 1 to 11 Llewellyn Street, No's 10 and 12 Burleigh Street is more than 4700m².

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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. The proposal will discharge storm water to Burleigh Street and will in fact reduce the existing impervious area from 53% to 50%, thereby improving the current situation.

Concern over the extent of proposed excavation.

The proposal includes a total excavation volume of 5000m³ to accommodate basement level parking and provide a suitable grade for outdoor living space. Excavation is closest to the north-eastern and north-western boundaries, where setbacks vary from approximately 6 metres to more than 7 metres. Excavation associated with the basement car park will have a maximum depth of 5 metres to 10 metres below natural ground level. The deepest excavation is along the Pacific Highway frontage where it is sufficiently set back from the common boundaries to ensure no adverse impact on surrounding sites. Council's Development Engineer has raised no concerns in relation to the proposed earthworks.

The geotechnical report contains recommendations for dilapidation reporting, vibration monitoring, retention and periodic inspections of excavated faces. The report also states that no significant groundwater was noted during the investigation and the basement excavation is not expected to affect groundwater levels or surrounding structures.

All excavation will be adequately controlled by conditions of consent, including a construction management plan (**Condition No 97**).

Decrease in property values

The proposal is permissible under the zoning of the site. Potential impacts on property values are not a consideration under s79C of the Environmental Planning and Assessment Act 1979.

Amended Plans

Amended plans lodged on 12 September and notified in accordance with Council's Notification Policy on 15 September resulted in submissions from the following:

1. YB Lim & TL Lee - 10 Burleigh Street
2. M & S Tozer - 12 Burleigh Street
3. IC & GJ Lucas, F Roxburgh - 1 & 2/1-3 Llewellyn Street
4. J & B Fraser - 1/2-12 Llewellyn Street
5. LS Leeming - 4/2-12 Llewellyn Street
6. M & I Sheriff - 12/2-12 Llewellyn Street
7. JJ Wang & DJ Wang - 5 Llewellyn Street
8. HL Chu, 11/2 Llewellyn Street - 38 Warrington Avenue, East Killara
9. D & M Chapman - 7 Llewellyn Street
10. KH Hirananeek - 9 Llewellyn Street

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11. N Hiranamek - 11 Llewellyn Street

The issues raised did not differ from those raised in respect of the original plans.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's consultant Urban Design Consultant, Russell Olsson, commented on the original plans in the context of SEPP 65 and Residential Flat Design Code considerations as follows:

Context

The site is on the corner of the Pacific Highway and Burleigh Street Lindfield. The existing context is comprised of elements of the built environment and the natural environment. The existing built form context for this development is comprised of detached houses. The site is zoned for 2(d3) development, as are the adjoining sites. There are no zoning transitions required. The natural environment is an important characteristic of the Pacific Highway and Burleigh Street. The Pacific Highway is lined by large trees, which are planted predominantly in private properties. Burleigh Street also relies on trees in private properties for its landscaped character and also contains street trees.

The primary objective of DCP 55 is for buildings to be viewed in their landscaped setting, and this proposal partially achieves that objective, by providing sufficient setback distances. However, the car park ramp adjoining the eastern boundary reduces the opportunity for a sufficiently landscaped separation between this proposed development and the adjoining house (or future 2(d3) development).

It is recommended that the car park ramp is located under the building so that large scale tree planting can be made towards the centre of the 6m setback and additional low level bushes are planted to provide a visual screen to the neighbour and a fully landscaped setting to the building.

Scale

The building is excessively bulky, due in part to the footprint dimensions of approximately 27m x 33m, and due in part to the architectural expression of convex curved balconies, which emphasise the visual bulk of the building. The effective building depth is in no part greater than 18m, due to the central ventilation well / entry gallery on the southern elevation. While this may be acceptable from the point of view of providing ventilation, it does not assist with the visual bulk of the building, as the space is too narrow to provide sufficient visual articulation of the building, particularly when viewed from Pacific Highway. The convex balconies bulge out from the building, adding to its visual bulk.

It is recommended that the balconies are re-designed, with stepped rectilinear forms, to create strongly articulated, more vertical forms than the relatively long horizontal convex forms that are currently proposed.

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Built Form

The building complies with the DCP 55 setback controls to the lower levels and the top storey. The overall building form is acceptable, with the exception of the balcony design as described above.

Density

The density is acceptable.

Resource, energy and water efficiency

77 % of apartments have natural cross ventilation, which is acceptable. More than 70% of living rooms / balconies gain 3 hours sunlight between 9am and 3pm in mid-winter. Eight apartments are single aspect, and four of these apartments have kitchens which are further than 8m from a window. This will lead to greater use of electric light and mechanical ventilation.

It is recommended that the layout of these four apartments is revised to locate the kitchen closer to the window wall.

Landscape

The car park ramp adjoining the eastern boundary reduces the opportunity for a sufficiently landscaped separation between this proposed development and the adjoining house (or future 2(d3) development). The proposed tree planting along this boundary is in a narrow strip of soil and the proposed trees will substantially overhang the adjoining property boundary. It is recommended that the car park ramp be located under the building so that large scale tree planting can be made towards the centre of the 6m setback and additional low level bushes are planted to provide a visual screen to the neighbour and a fully landscaped setting to the building.

The landscape design is otherwise acceptable.

Amenity

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

Safety and Security

Safety and security is not an issue in this development.

Social Dimensions

The mix of apartments is acceptable.

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Aesthetics

The building is visually bulky, due to its overall dimensions, its uniform colour and materials and its convex, horizontally proportioned balcony design. A greater vertical emphasis in its façade proportions would assist in reducing its squat, bulky appearance. It is recommended that the balconies are re-designed, with stepped rectilinear forms, to create strongly articulated, more vertical forms than the relatively long horizontal convex forms that are currently proposed. A change of colour in the vertical elements of the building, such as blade walls, side balustrade walls and the entrance gallery would break down the overall uniform bulk of the building into discrete elements.

Conclusion and recommendations

It is recommended that

- *the car park ramp is located under the building so that large scale tree planting can be made towards the centre of the 6m setback and additional low level bushes are planted to provide a visual screen to the neighbour and a fully landscaped setting to the building.*
- *the balconies are re-designed, with stepped rectilinear forms, to create strongly articulated, more vertical forms than the relatively long horizontal convex forms that are currently proposed.*
- *the layout of the four single orientation apartments with kitchens greater than 8m from a window is revised to locate the kitchen closer to the window wall.*
- *A change of colour in the vertical elements of the building, such as blade walls, side balustrade walls and the entrance gallery, is used to break down the overall uniform bulk of the building into discrete elements.*

The Urban Design Consultant's comments on the amended plans:

A review of the amended plans has found that the amended design has satisfactorily addressed the above issues. It is recommended that the amended development application be approved based on SEPP 65 design issues.

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures on the amalgamated corner site of 2 761m² and construct a five storey residential flat building with three levels of basement car parking. The site is characterised by an established, modified urban garden setting with mature trees and shrubs within formal garden beds and lawn expanses. The site's Pacific Hwy frontage is dominated by mature Cypress Pines and a

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visually dominant Cedrus deodar (Himalayan Cedar) located on the site corner. The Burleigh St frontage is dominated by a mature Cypress Pine located on Council's nature strip. Vehicular access for the development is proposed from Burleigh Street.

Impacts on trees/trees to be removed/tree replenishment

The proposed development will result in the removal of the majority of existing vegetation located on site. The consulting Arborist has identified a total of 38 trees being located on, or associated with the site, of which it is proposed to remove 17, four (4) of which are exempt under Council's Tree Preservation Order and four are proposed to be retained (#'s 4, 32, 33, & 35). Of the four trees to be retained it is recommended that three be removed, despite their visual significance. Trees #32 and 33, are both Cypress Pines located adjacent to the Pacific Hwy frontage and although visually prominent are fully mature and in decline. #35 a mature Cedrus deodar (Himalayan Cedar) is likewise highly prominent on the site being located on the apex of the corner, but has previously been poorly pruned and is in moderate condition. It is preferred that these identified exotic trees be removed as part of development works to allow the replanting of the site frontages with super advanced native endemic tree species. If retained in the short term the trees will be out of character with the new streetscape and development works and reduce the area available for tree replenishment.

As a result of the above recommendations, only one tree located on site, #4 Jacaranda mimosifolia (jacaranda) with #7 Jacaranda mimosifolia (Jacaranda), will be retained. The two have grown together as one tree canopy and as such it will be required for both to be retained.

Arborists report

A fully detailed arborist's report has been submitted with the development application. The report identifies and details all existing trees located on and associated with the site. Landscape Services agrees with the recommendations and observations made by the arborist, with the exception of the retention of existing trees located adjacent to the site frontages.

Deep soil landscaping

The applicant's calculations state that as proposed the development will result in a deep soil area of 57% of the site. However, it should be noted that some areas have been included that should be excluded from the deep soil calculation. These include the paved entry court/pergola structure and the paved drying court located within the north east side setback that also acts as a turning bay for the garbage truck. Without having undertaken specific calculations, it must be noted even with the exclusion of these areas, by the applicant's calculations, the proposed development would still comply with deep soil landscaping calculations.

Landscape plan

A landscape plan and planting plan has been submitted with the application. Tree replenishment for the site is varied and consistent with native species that are endemic to the area, which in time will restore and enhance the treed canopy of the site.

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Screening to and from the site will be achieved with a mix of upper canopy trees and an understorey planting of evergreen screening shrubs. This will in time as the landscape matures, provide filtered views to and from the development.

Overall the landscape proposal can be supported with some minor changes, such as the retention of tree #7 and the minor relocation of the pedestrian path to accommodate the tree.

Drainage works

Landscape Services does not raise any issues with regard to the proposed drainage works for the site.

Fencing

It is noted on the landscape details that 2.2m high lap and cap fencing is proposed. This is inconsistent with what is shown on the landscape plan. It will be conditioned that any proposed fences be no higher than 1.8m above existing ground level.

Car parking entry

*Revised plans have addressed previous concerns regarding the setback of the proposed vehicular driveway from the north east site boundary. The Landscape Section finds the proposal acceptable in relation to landscape issues provided conditions are imposed.
(Refer Conditions Nos 54 to 63)*

Engineering

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

The application is for demolition of the three residences, consolidation of the existing lots and the construction of a multi-unit residential building comprising 11 x 3 bedroom and 20 x 2 bedroom units, with three levels of basement car parking and a combined driveway entry/ exit from Burleigh Street.

There is no strata subdivision proposed with this application.

The following documentation was used for the assessment:

- *Statement of Environmental Effects, January 2005, Ingham Planning;*
- *Geotechnical Report 19047Srpt, Jeffery and Katauskas;*
- *Stormwater Concept report and plans, J & M Group;*
- *Outline of Environmental Site Management Plan, January 2005, Brewster Murray;*
- *Architectural drawings, September 2005, Brewster Murray;*
- *Traffic Report, January 2005, Masson Wilson Twiney;*
- *Contour Survey, 25-11-2004, Gary Edwards and Associates.*

The application is supported with conditions.

Stormwater drainage

Three sheets of concept stormwater plans, a sediment control plan and a concept report, all by J & M Group, were submitted.

The report correctly states that the site is at the top of the catchment, hence no overland flow issues arise in relation to the design.

It is proposed to convey runoff from the development to an extension of the street drainage system, as described in Section 5.4.3 of DCP 47. A total storage of 90m³ is proposed, with 50m³ of on site retention and 40m³ of on site detention. This is generally in accordance with the requirements of DCP 47, Chapter 6. The retained roof runoff should be stored in a sealed, lightproof system to prevent mosquito infestation and algal growth. I have discussed this with the engineer and it is included in the recommended conditions.

Water quality measures are shown on the drawings and discussed in the report. This will achieve the intent of DCP 47 Chapter 8.

Waste collection

Internal waste collection is required under DCP 40. Provision has been made for access by the waste collection vehicle, including turning. This is confirmed in the Traffic Report.

Traffic and vehicular access

The traffic report confirms that the parking provision and layout complies with the relevant requirements, that is, LEP194 for number of spaces, AS2890.1:2004 for dimensions and DCP 40 for waste storage and collection.

The estimated net traffic generation as a result of the development would be 15 vehicle trips per peak hour, which is calculated to have a small to negligible effect on traffic conditions and on delays at the surrounding intersections.

The traffic engineer has recommended that mirrors be placed at each end of each one lane basement ramp, which is included in the conditions recommended below.

Construction management

The comprehensive outline Environmental Site Management Plan prepared by Brewster Murray contains an all-round discussion of the likely matters to be addressed during construction.

It includes the statement "all heavy vehicle access to the site will be undertaken in non-peak periods." This is consistent with the recommended conditions which include the requirement

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that no construction vehicle access be gained to the site during school drop-off and pick-up times.

The traffic engineer has recommended radio control of trucks approaching the site to prevent congestion in Burleigh Street. This appears desirable, however would not be if the result were to be queues along the Pacific Highway or in other local streets. It is also considered difficult to enforce, and has therefore been left to the applicant to implement if desired, and not included in the recommended conditions.

The traffic engineer has also recommended that construction vehicles exit via Burleigh Street only, to ensure that two large vehicles would not be using Llewellyn Lane at the same time. This recommendation has been included.

A works zone along the Burleigh Street frontage of the site is proposed, and the recommended conditions describe the process for obtaining traffic committee approval.

Infrastructure

There are no overhead services in Burleigh Street or the Pacific Highway along the frontage of this development. Therefore no undergrounding will be required. EnergyAustralia has advised that a substation will be necessary and the applicant will be required liaise with them at the appropriate time.

Geotechnical conditions

The site is underlain by about 500mm of fill on average, then residual clays grading to deeply weathered shale. The geotechnical report contains recommendations for dilapidation reporting, vibration monitoring, retention and periodic inspections of excavated faces. These recommendations have been incorporated into the recommended conditions.

Significant groundwater was not noted during the investigation, and the basement excavation is not expected to affect groundwater levels or surrounding structures.

Summary

The application can be supported by Development Engineers, subject to the imposition of the recommended engineering conditions of consent. (Refer Condition Nos 39 to 52, 79 to 86, 96 to 99 and 103 to 115)

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

The application includes a design verification statement by the project architect, Albert Auyeung of Brewster Murray Pty Ltd. Mr. Auyeung has verified that he is a qualified designer and member of

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the NSW Architects Registration Board and has designed the proposal in accordance with the Design Quality Principles set out in Part 2 of SEPP 65.

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

Context:

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

The development is permissible and complies with the prescribed requirements of LEP194, including maximum height, site coverage, number of storeys and deep soil landscaping. The building setbacks to Pacific Highway and Burleigh Street are also acceptable.

The development is well located for medium density residential accommodation, taking into account the constraints imposed by the Pacific Highway, rail corridor and adjoining development. Properties in the vicinity of the site are either zoned for multi-storey development under LEP194 or have been developed as such. With the exception of the dwellings adjoining the site to the north east and north-west, numerous development applications have been approved to allow construction of multi-level residential flat buildings.

Scale:

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

The development is of an appropriate scale, compatible with existing residential flat buildings and potential development in the locality. The proposed buildings are five storeys in height, with appropriate setbacks from the site boundaries.

Architectural relief is provided by incorporation of horizontal and vertical articulation by offset walls, balcony designs and varying window proportions to avoid a functional appearance that can contribute to visual bulk.

The scale of the development is appropriate and is consistent with the desired character of the area.

Built form:

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

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The built form is acceptable in terms of its height and setbacks. The proposal will have the appearance of an appropriately proportioned building set in a well landscaped context, due to a reasonable density, acceptable building configuration, generous setbacks and the substantial landscaping proposed.

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 FSR of 1.22:1 is less than the DCP 55 maximum of 1.3:1. The unit yield of the development is approximately 112 units per hectare which will result in development of an acceptable environmental quality.

Resource, energy and water efficiency:

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

The proposal is satisfactory in this regard. The environmental design of the proposal complies with SEPP 65 and Residential Flat Design Code guidelines. The scheme also complies with the minimum NatHERS thermal requirements specified in DCP 55 which is that 90% of units achieve a 4.5 star rating.

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 proposal provides for 55% of the site being a deep soil zone which is well compliant with the minimum requirement of 50%. The primary deep soil zone is provided to the rear/side of the site and measures more than 400m². The bulk of the deep soil area is common open space within the development and its ability to accommodate large canopy trees will not be restricted in the future.

The amount of landscaping provided is consistent with the desired future character of the area, which seeks canopy trees to soften the buildings and contribute to the streetscape. The deep soil zone will be able to accommodate sufficient canopy trees to the satisfaction of Council's Landscape Assessment Officer.

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.'

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The development provides for two and three bedroom dwellings, the majority of which attain a rating of 4.5 NatHERS stars. The units are all provided with good visual privacy, having good side and rear setbacks.

A minimum floor to ceiling height of 2.7 metres has been proposed, consistent with Council's requirement. Furthermore, the units are all of generous proportions, satisfying DCP 55 requirements.

The application provides adequate amounts of private open space to each of the units. Terraces and balconies generally exceed the requirements of DCP 55 and the Residential Flat Design Code.

The proposal provides acceptable levels of amenity to its future occupants and allows for reasonable levels of amenity to surrounding properties.

Safety and security:

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

There are no safety and security issues. The proposal provides for good levels of safety and security through:

- maximising opportunities for surveillance of public spaces on the site
- the provision of a number of public access ways which are clearly visible from the street
- the provision of a secure car park which is secured from external access
- lift and stair access being directly from the basement car parks to apartment levels

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.'

A reasonable mix of two (20) and three bedroom (11) apartments is provided to allow housing choice. The apartment sizes vary, ranging from 93m² to 134m² and would provide high quality living environments for those residents within the local area who wish to "downsize" to an apartment.

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

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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 external appearance and composition of building elements, textures, materials and colours satisfactorily reflects the use, internal design and structure of the development. The proposed buildings will be of brick construction, with a mix of render and facebrick finish which is considered to complement materials of surrounding buildings in the area.

The proposed development relates well to the existing character of the area and is compatible with development anticipated under the zoning and SEPP 65 within the locality.

Residential Flat Design Code

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

Relating to the local context:

The proposal, sited over three separate allotments, will require their consolidation. This amalgamation will result in a site of 2761m² which is capable of accommodating the proposed density of five storeys (see **Condition No.79**).

The development complies with the prescribed building envelope controls of LEP194 and DCP55. In particular, maximum building height, number of storeys, top floor percentage, site coverage, FSR and setbacks and is therefore of a scale and density anticipated for the area within these planning instruments and policy documents.

Surrounding sites have also been zoned for multi-unit development as discussed earlier in this report and reflect the future context of the area.

The development is satisfactory having regard to the anticipated future character of the locality.

Site analysis:

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

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

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 Pacific Highway and Burleigh Street.

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

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Building design:

The proposal is satisfactory in terms of internal configuration of the proposed buildings and will achieve the objectives of providing function and organised space and a high level of residential amenity. The proposal provides adequate habitable space with the majority of units having access to north-east and north-west 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.

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	2761m ²	YES
Deep landscaping (min): 50%	55%	YES
Street frontage (min): 30m	51.2m and 41m	YES
Storeys and ceiling height (max) (not inclusive of top floor): 5 storeys and 13.4m	5 storeys and <15 metres	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	58%	YES
Car parking spaces (min): 42 x resident, 8 x visitor	42 x resident, 8 x visitor	YES
Manageable housing (min): 10% (4 units)	4	YES
Lift access: required if greater than three storeys	1 lift provided	YES

Residential zone objectives

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

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:	Structure 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 = 414m ²	> 420m ²	YES
No. of tall trees required (min): 9 trees	1 tree to be retained 10 trees of 13 metres 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	1.224:1 (3379m ²)	YES
Part 4.3 Setbacks:		
Pacific Highway setback (min): 10 - 12 metres (<40% of the zone occupied by building footprint)	10-12 metres & app. 40%	YES
Burleigh Street (min): 13 - 15 metres (<40% of the zone occupied by building footprint)	13-15 metres & app. 40%	YES
North-west (rear) boundary setback (min): 6 metres	Generally in excess of 7 metres	YES
North-east (side) boundary setback (min): 6 metres	5 metres to building façade 4.8 metres to driveway	NO
Setback of ground floor terraces/courtyards to street boundary (min): Pacific Highway – 8m Burleigh Street - 11m	9 metres 8 metres	YES NO

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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 wall plane depths >600mm	YES
• Wall plane area <81m ²	<81m ²	YES
Built form:		
• Building width < 36m	39 metres to Burleigh Street 36 metres to Pacific Highway	NO YES
• Balcony projection < 1.2m	<2-2.5 metres	NO
Part 4.5 Residential amenity		
Solar access:		
• >70% of units receive 3+ hours direct sunlight in winter solstice	74% (23)	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 does not impact on the adjoining house at 10 Burleigh Street between 9am and 3pm on June 21	YES
• >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	>50%	YES
• <15% of the total units are single aspect with a western orientation	No single aspect units proposed with western orientation.	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> • Storeys 1 to 4 <ul style="list-style-type: none"> - 12m to windows of habitable rooms - 9m to windows of habitable and non-habitable rooms - 6m to windows of non-habitable rooms • 5th Storey <ul style="list-style-type: none"> - 18m b/w of habitable rooms - 13m b/w habitable and non-habitable rooms - 9m b/w non-habitable rooms 	<p>8-9 metres to house at 10 Burleigh Street</p> <p>8-9 metres to house at 10 Burleigh Street</p> <p>>6 metres</p> <p>9 metres to house at No. 10 Burleigh Street</p> <p>16 metres to units at No's 1-3 Llewellyn Street 17 metres to No 5 Llewellyn Street</p> <p>> 9 metres</p>	<p>NO</p> <p>NO</p> <p>YES</p> <p>NO</p> <p>YES</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> • Habitable rooms have a minimum floor to ceiling height of 2.7m • Non-habitable rooms have a minimum floor to ceiling height of 2.4m • 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms • Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.4m</p> <p>All bedrooms >3.0m</p> <p>Maximum 4 units</p> <p>>1.7m >2m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Outdoor living: <ul style="list-style-type: none"> Ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> 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>Greater than 30m²</p> <p>13m²</p> <p>13m² – 100m²</p> <p>2.4m</p>	<p>YES</p> <p>YES</p> <p>NO</p> <p>YES</p>
Part 4.7 Social dimensions:		
Visitable units (min): 70%	At least 70% (22 units)	YES
Housing mix: Mix of sizes and types	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 	<p>77% (24 units)</p> <p><8 metres</p> <p>>25%</p> <p>all kitchens have access to natural light and ventilation</p>	<p>YES</p> <p>YES</p> <p>YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<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 to 5 star rating = 90% (28) 3.5 star rating = 10% (3)	YES YES
Part 5 Parking and vehicular access:		
Car parking spaces (min): 42 x resident, 8 x visitor	42 x resident, 8 x visitor	YES

Part 4.3 Setbacks:

The 5 metres side setback to No. 10 Burleigh Street fails to comply with the requirement of DCP 55 that requires 6 metres. The variation is limited to a minor balcony encroachment of 1 metre that tapers to nil over a distance of 5 metres. The design compensates for this encroachment by stepping the building back 8 metres toward the Burleigh Street frontage, in effect increasing the average setback to more than 7 metres.

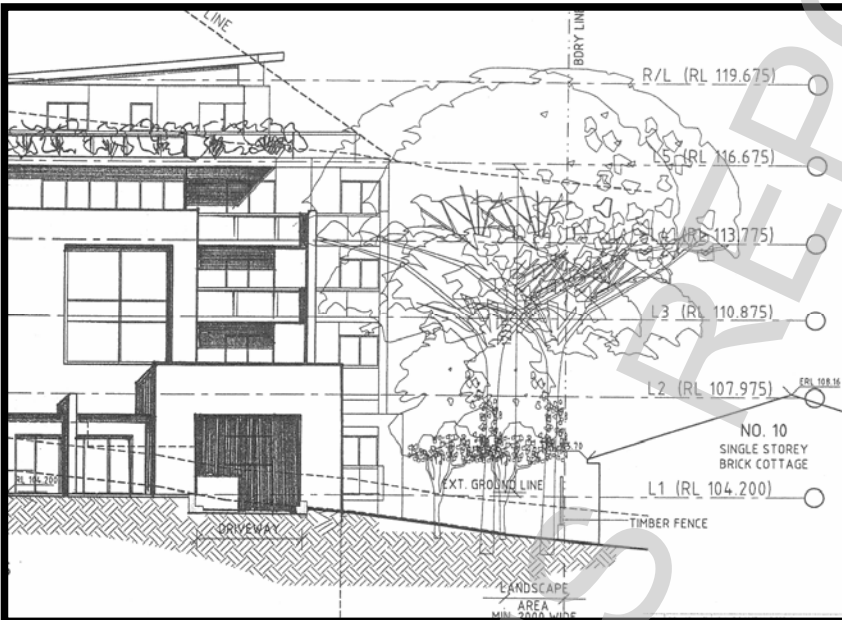
The Landscape Assessment Officer is satisfied that adequate screen planting can be established to ensure the amenity of No. 10 Burleigh Street is maintained. **Figure No. 1** illustrates the existing separation between the site and No. 10 Burleigh Street. Note the absence of any screening vegetation and limited physical separation.



Site No. 10 Burleigh Street
Figure 1

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The upper floor is recessed from the perimeter of the building and further set back from the boundary with No. 10 Burleigh Street by approximately 11 to 15 metres. The terraced areas are provided with planter boxes to minimise overlooking. **Figure No. 2** gives an indication of the level of separation provided by the development:



Site No.10 Burleigh Street

Figure 2

The driveway (within the side setback) does not comply with Clause 4.1 C-3 of DCP 55 as it only provides a 4.8 metres setback to No. 10 Burleigh Street. This encroachment measures 7.2m² and is acceptable as it is minor, constituting 1.2 metres over a distance of 6 metres along the length of the driveway. The driveway does not directly affect any living areas and can be adequately screened. Conditions are also recommended to ensure that the noise attenuation measures for the automatic gate to the car park are installed and maintained. **(Refer Conditions Nos 71 and 102).**

The courtyard to Unit 7 is set back 8 metres from Burleigh Street and results in a 3 metres encroachment into the setback area. This non-compliance is supported as the remainder of the Burleigh Street setback provides more than 13 metres of deep soil and relatively unencumbered landscaped area. The courtyard is also located on top of the storm water detention tank which position is supported in this location due to the slope of the site. The detention tank is located below ground level and the Landscape Assessment Officer is satisfied that adequate landscaping can be established in this area.

Part 4.4 Built form and articulation

The total building width to the Burleigh Street frontage is greater than 36 metres but reads to the street as two pavilions due to a recession of the central part of the building. These elements

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measure 19 metres and 15 metres, respectively, reduce the overall perceived scale and bulk of the built form and provide for extensive landscaped outdoor areas that contribute to on site amenity.

The elevations are strongly modelled and articulated. This is mainly achieved through recessed and projecting balconies, a deep central recess and the increased setback of the upper floor which contributes to reducing overall scale. The projecting balconies are limited to three along the Burleigh Street elevation and due to the stepping back of the façade, do not project into the front setback and do not add to the overall bulk of the building.

The pedestrian entrance to Burleigh Street is defined by a pathway and a 14.5 metres high blade wall that projects 5 metres past the building façade, resulting in a visible entry point to the site and a satisfactory address to the street.

Part 4.5 Visual privacy:

The non-compliance with the separation requirements of the DCP can be attributed to the site being a corner allotment which is subject to onerous front setback requirements. To ensure acceptable solar access the majority of units are orientated north-east and north-west, resulting in overlooking of the rear yards of surrounding properties. In this regard it should be noted that:

- On average the proposal's setbacks to these boundaries exceed the minimum 6 metres required by DCP 55.
- These properties are also zoned 2(d3) and may be redeveloped in which case some buildings would be set back further in accordance with DCP 55, improving future separation. No's 1-3 Llewellyn Street to the north is currently developed as 4 town houses.
- At low densities, there is a reasonable expectation that a dwelling will retain high levels of privacy but at higher densities privacy impacts are harder to minimise and the claim to retain it to the same level as low density development is not as strong.

Part 4.5 of DCP 55 requires 12 metres and 9 metres separation (for Levels 1-4) between habitable and non-habitable rooms on adjoining properties. Separation to No. 10 Burleigh Street ranges from 8 to 9 metres (Figure No's 1 and 2 illustrate that that the development results in a greater separation compared to the existing situation). The amenity impacts can only be partly ameliorated by minimising fenestration and equipping balconies with sliding louvers but cannot be completely eliminated. Fenestration along this façade is limited to low-use, rooms such as bedrooms and physical screening is not considered appropriate. **Condition No. 75** is recommended that requires the relevant balconies be equipped with suitable screening devices which would not inhibit solar access to the units (such as sliding louvre screens).

The fifth storey element of the proposal also breaches the separation requirement of 18 metres between habitable rooms. The applicant has addressed this by providing planter boxes along parts of the building edge facing No. 10 Burleigh Street and No's 1-3, 5 and 7 Llewellyn Street.

These measures will reduce the opportunity for direct overlooking and ensure a reasonable degree of privacy is maintained, commensurate with a medium density environment.

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The application fails to provide for outdoor living areas which are compliant with the provisions of DCP 55. Specifically, three units in the north-western corner of the block do not provide for at least 15m² as required for three bedroom units. This non-compliance is minor (2m²) and is supported as these units are located closer to the Pacific Highway where the use of balconies may be limited due to noise and pollution impacts.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$583,191.33 which is required to be paid (Refer Condition No. 68).

Likely Impacts

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

Suitability of The Site

The site is suitable for the proposed development.

Any Submissions

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

Public Interest

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

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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 62/05 for the demolition of existing structures on site and the construction of 20 x 2 bedroom and 11 x 3 bedroom dwellings within a single building, associated access, basement parking and landscaping on land at 2-4, 6 and 8 Burleigh Street, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

- The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

Architectural Plans

Dwg. No.	Scale	Description	Author	Dated	Lodged
DA-100/A	1:125	SITE PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-101/A	1:100	BASEMENT – 3 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-102/A	1:100	BASEMENT – 2 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-103/A	1:100	BASEMENT – 1 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
		PART LOWER L1 PLAN			
DA-104/A	1:100	LEVEL 1 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-105/A	1:100	LEVEL 2 AND 3 PLANS	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-106/A	1:100	LEVEL 4 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-107/A	1:100	LEVEL 5 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-108/A	1:100	ROOF PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-201/A	1:100	BURLEIGH STREET	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-202/A	1:100	PACIFIC HIGHWAY	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-203/A	1:100	NORTH / WEST	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-204/A	1:100	NORTH / EAST	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-251/A	1:100	SECTION A - A	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-252/A	1:100	SECTION B - B	Brewster Murray P/L	9 Sept 2005	12 Sept 2005

Landscape Plans

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LA01B	As shown	LANDSCAPE CONCEPT PLAN	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA02A	As shown	LANDSCAPE HARDWORKS PLAN	Taylor Brammer	20 Jan 2005	12 Sept 2005
LA03B	As shown	LANDSCAPE PLANTING PLAN – B1 & L1	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA04A	As shown	PLANTING PLAN LEVELS 2, 3, 4 & 5	Taylor Brammer	12 Sept 2005	12 Sept 2005
LA05A	As shown	LANDSCAPE DETAILS AND SECTION	Taylor Brammer	20 Dec 2004	12 Sept 2005

- 2a. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
- 2b. All building works shall comply with the Building Code of Australia.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the

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site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;

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- iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
- 29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 30. Fire hoses are to be maintained on site during the course of demolition.
- 31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
- 34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
- 35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and

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- 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. Compliance with the notations overdrawn on the consent plans.

Engineering

39. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system.
40. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The minimum total storage volume of the rainwater tank is to be 50m³ or as otherwise determined using the current revision of Council's DCP 47, and the prescribed re-use of the water on site is to be for toilet flushing and irrigation as a minimum.
41. 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 is to be 40m³ or as otherwise determined using the current revision of Council's 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.
42. For stormwater control a minimum 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
43. 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

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approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

44. 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.
45. 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.
46. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of 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.
47. 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.**
48. 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.

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49. 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".
50. 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.
51. 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.
52. 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.

Must be undertaken in accordance with the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas 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.

Landscaping

53. 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 residential building 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.

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54. Landscape works shall be carried out in accordance with Landscape Drawing No LA01 Rev B, LA02 Rev A, LA03 Rev B, LA04 Rev A, LA05 Rev A prepared by Taylor Brammer and dated 07/09/2005 submitted with the Development Application, except as amended by the following:

- Tree #7 *Jacaranda mimosifolia* (Jacaranda) located adjacent to the northern site boundary is to be retained.
- The proposed pedestrian footpath beneath tree #7 is to be relocated to enable the retention of tree #7.
- Tree #29 *Chamaecyparis obtusa* 'Crispii' (Hinoki Cypress) is to be removed.
- Tree #30 *Fraxinus* spp (Ash) is to be removed.
- Tree #31 *Acer pseudoplatanus* cv. *Atropurpureum* (Sycamore Maple) is to be removed.
- Tree #32 *Cupressus sempervirens* (Italian Cypress) is to be removed.
- Tree #33 *Cupressus macrocarpa* 'Brunniana Aurea' (Golden Cypress) is to be removed.
- Tree #35 *Cedrus deodar* (Himalayan Cedar) located adjacent to the southern site corner/Pacific Hwy Burleigh St corner is to be removed. The *Cedrus* is to be replaced with a single planting, minimum pot size 75 litre, of *Eucalyptus saligna* (Sydney Bluegum).
- Tree #36 *Cupressus sempervirens* (Italian Cypress) located on Council's Burleigh St nature strip is to be removed.
- Detail H on sheet LA05 Rev A is to be amended to show a maximum height of 1.8m rather than the 2.2m shown.

55. To maximise landscape and neighbour amenity tree #7 *Jacaranda mimosifolia* (Jacaranda) is to be retained.

56. 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.

57. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree numbers refer to Arborists report/Landscape Plan	
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m

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58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
59. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	7.0m

60. 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.
61. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Burleigh St. The tree/s used shall be 25 litre container size specimen/s:
- Tree Species
- Syncarpia glomulifera* (Turpentine) x 4
62. Following removal of the existing trees from Council's Burleigh St nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
63. 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.

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

64. 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.

65. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying

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Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

66. 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.
67. 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.
68. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWENTY EIGHT (28) ADDITIONAL DWELLINGS IS CURRENTLY \$583,191.33. 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

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Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

70. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. (Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).

Special

71. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

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- 71a. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the EPA Environmental Criteria for Road Traffic Noise, 1999 and Rail Infrastructure Corporation and State Rail Authority: Interim Guidelines – Consideration of Rail Noise and the Planning Process.
72. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
73. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
74. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
75. To ensure privacy and amenity to the adjoining property at No. 10 Burleigh Street the following amendments shall be made to the north-eastern elevation:
- Adjustable and/or sliding privacy screens measuring 1.8 metres high shall be provided to Unit No's 6 and 7 to Level 2, 3 and 4 balconies as notated in red on the approved plans.
- Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.
76. 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. Retaining walls and associated drainage.
 - c. Wet area waterproofing details complying with the Building Code of Australia.
 - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.

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- e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

Landscape

77. 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.

78. A CASH BOND/BANK GUARANTEE of \$2 500.00 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

T4 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to northern site boundary

T7 *Jacaranda mimosifolia* (Jacaranda) \$500.00
Adjacent to northern site boundary

Engineering

79. 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

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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.

80. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

81. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
 - a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
 - b) A clear height clearance of 2.44 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
 - d) Mirrors are to be provided at the ends of one way ramps, as recommended in the report prepared by Masson Wilson Twiney.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

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82. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004) . A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
83. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Rainwater storage tanks are to be sealed and lightproof.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater for toilet flushing and irrigation.
 - 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 Drawings SW-01 to -03, revision B, by J & M Group submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

84. The Applicant proposes to carry out the following infrastructure works in the Public Road:
- a. lay 375mm diameter pipe and construct a new kerb inlet pit in Burleigh Street.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public

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Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

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

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

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

85. 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.
86. 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.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

87. 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.

Landscaping

88. 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
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	2.0m

89. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
90. 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:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
91. 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.
92. 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.

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93. 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 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.
94. 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.
95. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

Engineering

96. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth as a minimum. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
97. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

2. Traffic Control Plan(s) for the site

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

Heavy construction vehicles are not to use the Eton Road/Ortona Road/Grosvenor Road route to access the site.

Heavy construction vehicles are to leave the site via Burleigh Street only, to remove the potential for two large vehicles to pass in Llewellyn Lane.

For traffic and pedestrian amenity purposes, no truck movements shall occur in Llewellyn Street or Burleigh Street during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm).

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

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

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.

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

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

98. 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.
99. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
 - b) Pacific Highway southbound lanes along the frontage of the site.
 - c) All driveway crossings and laybacks opposite the subject site.

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

100. 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.
101. Without further written Consent of Council the development is to comply with the following indices:
 - a. Maximum floor space ratio 1.224:1.
 - b. Maximum building footprint area 967m² or 35% of site area.
 - c. Number of resident car parking spaces: 42.
 - d. Number of visitor car parking spaces: 8
 - e. Deep soil landscape area shall not be less than 1518m² or 55% of the site area.
 - f. Maximum height of 4th floor ceiling not to exceed RL 116.675.

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with the above prior to occupation.

Special

102. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.
- 102a. All works required by the Acoustic Report (Condition No.71a) are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

Item 3

Engineering

103. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- Construction of kerb inlet pit and 375mm diameter pipe in Burleigh Street in accordance with the approved plans.

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.

104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88 E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a

Item 3

request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.
 - d) 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.
107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - a) That the as-constructed carpark complies with the approved Construction Certificate plans,
 - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - d) That mirrors have been provided at the end of each one way ramp as recommended in the report prepared by Masson Wilson Twiney.
 - e) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - f) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
109. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

Item 3

- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of other conditions of this consent have been achieved in full.
- c) That retained water is connected and available for uses including toilet flushing and irrigation.
- d) That retained water is stored in a sealed and lightproof container.
- e) 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.
- f) That all grates potentially accessible by children are secured.
- g) 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
- h) 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.
110. 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.

Item 3

- 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.

111. 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.
112. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :

- a) According the relevant Australian Standards and guidelines, and
- b) According to any approved Geotechnical report undertaken for the development, and
- c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
114. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of all structures originally assessed prior to commencement of works.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate development consent, then no follow-up report is required.

115. Prior to issue of the Occupation Certificate the applicant shall submit **to Council** a follow up dilapidation report on the visible (including photos) and structural condition of the following roads and items originally assessed:
 - a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
 - b) Pacific Highway southbound lanes along the frontage of the site.
 - c) All driveway crossings and laybacks opposite the subject site.

Item 3

The report must be completed by a consulting structural/civil engineer. The structural conditions of all structures originally assessed prior to the commencement of works, must be assessed and the results submitted to Council.

Landscaping

116. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
117. On completion of the LANDSCAPE WORKS, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

118. 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.
119. 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.
120. 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.
121. 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.

Item 3

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.

122. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
 - h. A Registered Surveyor's Report confirming approved levels of the ground floor.
 - i. A Registered Surveyor's Report confirming approved levels of the first floor.
 - j. A Registered Surveyor's Reports confirming approved floor levels for all floors.
 - k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader Development Assessment – South

M Prendergast
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

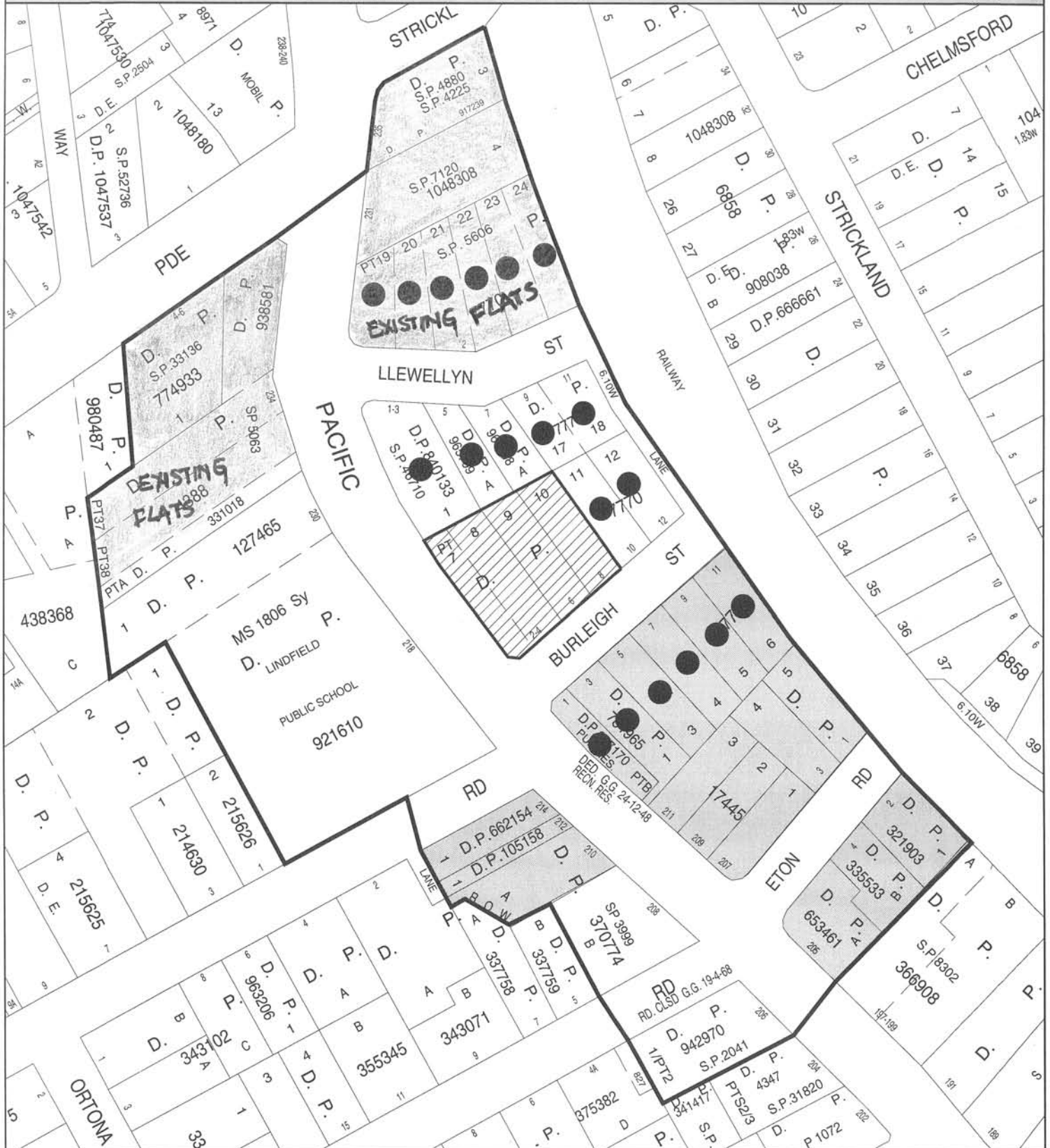
Attachments:

- Location Sketch - 542027**
- Zoning Extract - 542028**
- Site Plan - 542030**
- Basement Plan- 542031**
- Roof Plan - 542046**
- Elevation Plans - 542052**
- Shadow Diagrams - 542073**
- Landscape Plans - 542083**
- Confidential floor plans**

LOCATION SKETCH

2-8 Burleigh Street, LINDFIELD NSW

DEVELOPMENT APPLICATION No 62/05



● OBJECTION

Recent DA's approved for Residential Flat Buildings

SUBJECT LAND

CIRCULATED AREA

Scale : 1:2000

10-10-2005



2-8 BURLEIGH STREET LINDFIELD

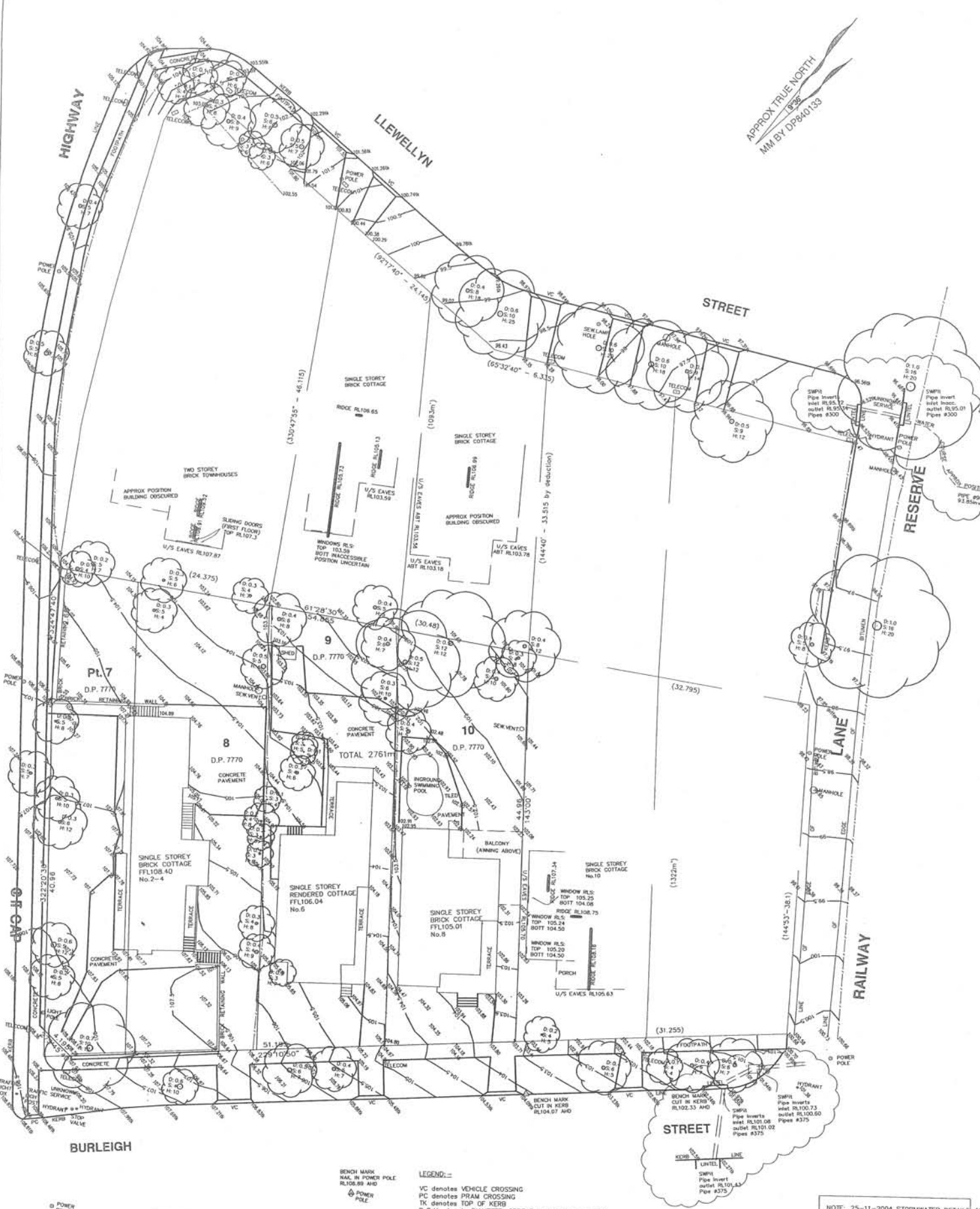


10-10-2005

Scale = 1:2000

- | | | | |
|---|--------------------------|---|---------------------------------|
|  | EXISTING COUNTY ROAD |  | SPECIAL USES 5(a) (Schools etc) |
|  | RECREATION EXISTING 6(a) |  | SPECIAL USES 5(b) (Railway) |
|  | RESIDENTIAL 2(a) | | |
|  | RESIDENTIAL 2(c2) | | |
|  | RESIDENTIAL 2(d) | | |
|  | RESIDENTIAL 2(d3) | | |





LEGEND:-

VC denotes VEHICLE CROSSING
 PC denotes PRAIRY CROSSING
 TK denotes TOP OF KERB
 D.S.H. denotes DIAMETER, SPREAD and HEIGHT of TREE

NOTES:-

- ONLY TREES GREATER THAN 3.5 METRES IN HEIGHT ARE SHOWN ON THIS PLAN AND THEIR POSITION IS DIAGRAMMATIC ONLY AND MAY REQUIRE ADDITIONAL SURVEY WHERE CRITICAL TO DESIGN.
- CONTOUR INTERVAL 0.5 m.
- THE ORIENTATION OF THIS PLAN IS APPROXIMATE TRUE NORTH BASED ON THE ASSUMPTION THAT THE VARIATION OF TRUE NORTH TO MAGNETIC NORTH IS 9°36'. THIS HAS NOT BEEN VERIFIED AS PART OF THIS PLAN AND SHOULD YOU REQUIRE A MORE ACCURATE DETERMINATION OF TRUE NORTH A FURTHER SURVEY IS NECESSARY.

DISCLAIMERS

1. THE BOUNDARIES OF THE LAND HAVE NOT BEEN SURVEYED AND THE FEATURES SHOWN ON THIS PLAN HAVE BEEN PLOTTED IN RELATION TO THE OCCUPATIONS.

2. THE BOUNDARY DIMENSIONS AND ORIENTATION OF NORTH HAVE BEEN COMPILED FROM DP7775 DP840133 AND HAVE NOT BEEN VERIFIED BY SURVEY.

3. ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND THE RELEVANT AUTHORITIES SHOULD BE CONTACTED TO DETERMINE THE FULL EXTENT OF SERVICES.

GARY EDWARDS AND ASSOCIATES Pty Ltd
 CONSULTING SURVEYORS
 100/101 and 102

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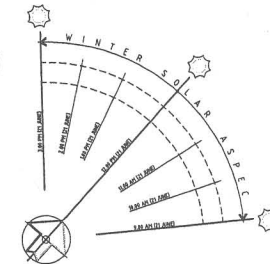
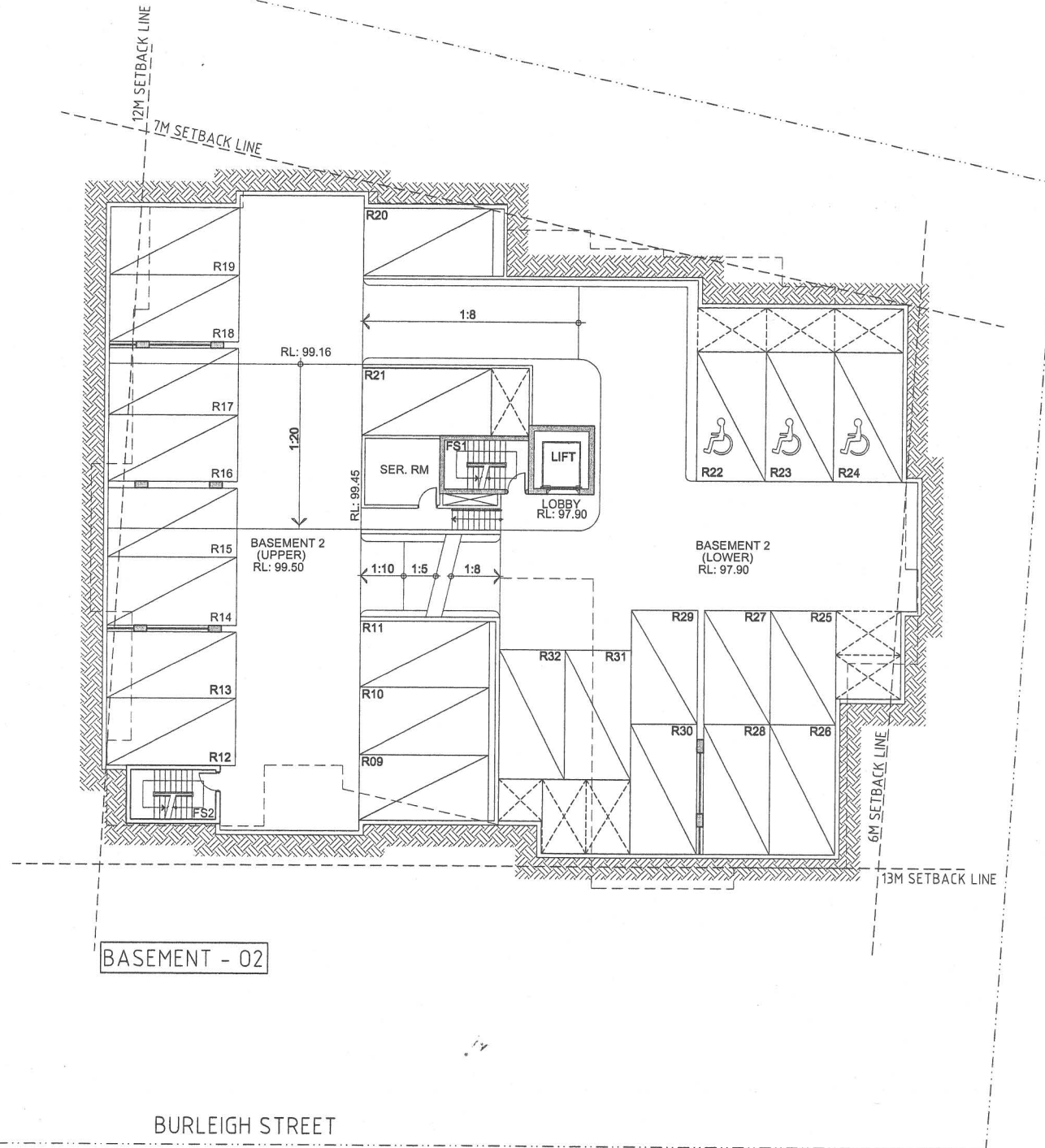
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DWG REF. 2439
 DATUM AHD
 DATE 25-8-2004
 PM 50535
 RL 106.589

SCALE 1:200
 DATE 25-8-2004
 DRAWN/ CHECKED RM/GE
 SHEET 1 OF 1

CONTOUR SURVEY
 2-8 BURLEIGH STREET
 LINDFIELD



REV	DATE	DESCRIPTION
1	28-01-05	DA COUNCIL SUBMISSION

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CLIENT

J & Q INVESTMENT PTY LTD

PROJECT
**RESIDENTIAL DEVELOPMENT
PROPOSAL**

2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

BASEMENT - 02

DWG STATUS

SK

DRAWING No.

SK-1.02

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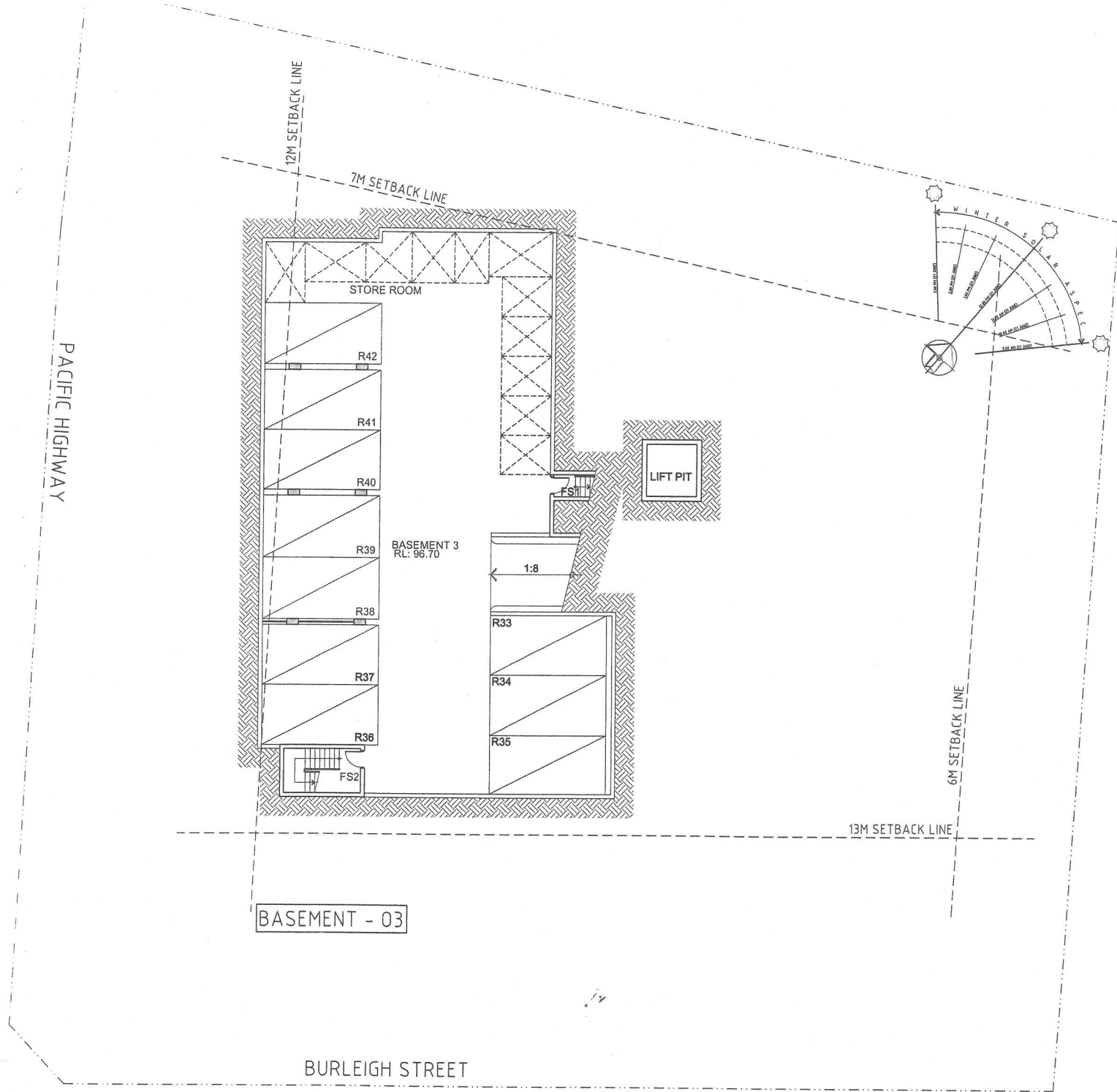
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PROJECT NO

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PROJECT
**RESIDENTIAL DEVELOPMENT
PROPOSAL**

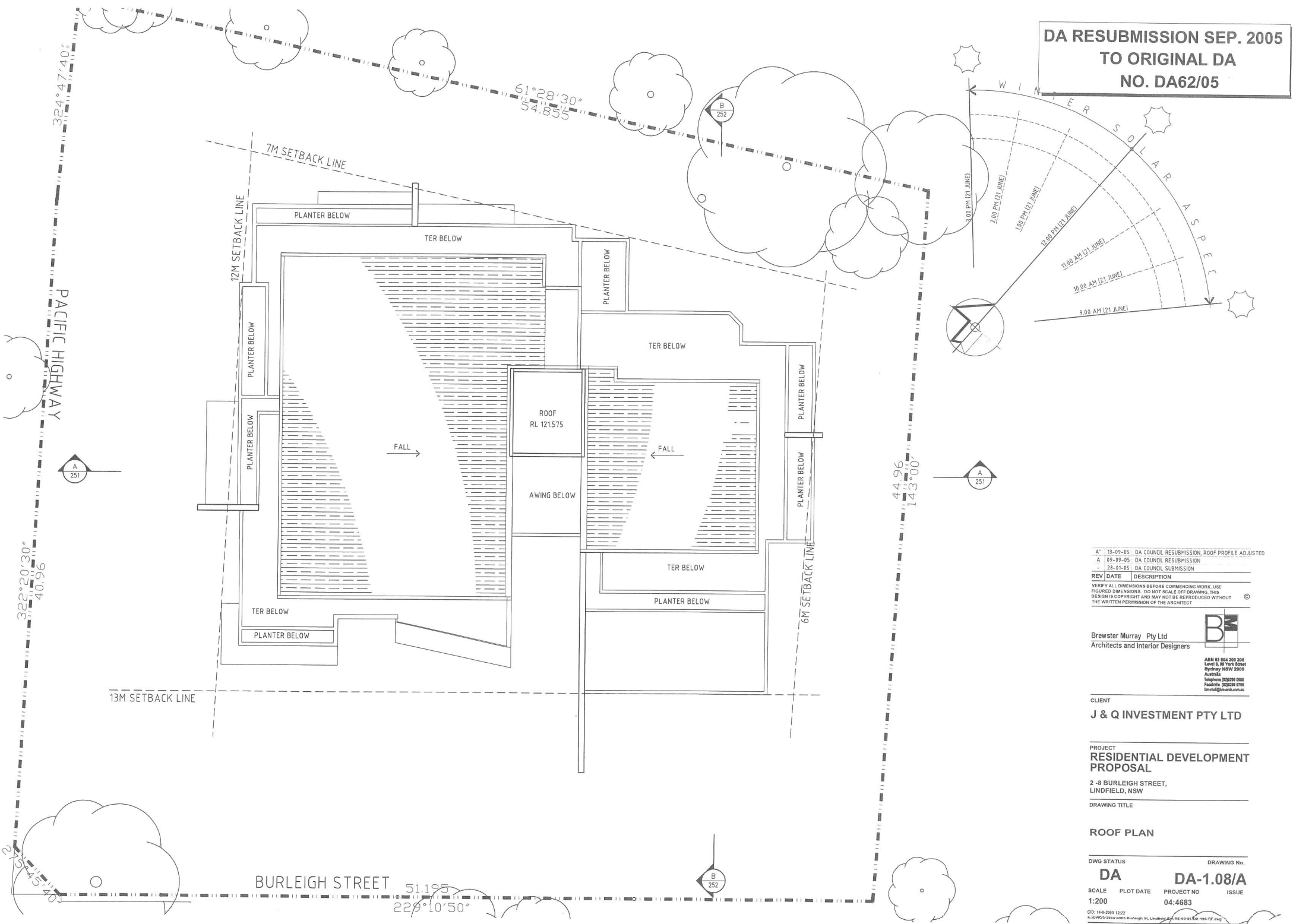
2-8 BURLEIGH STREET,
LINDFIELD, NSW

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BASEMENT - 03

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DA RESUBMISSION SEP. 2005
TO ORIGINAL DA
NO. DA62/05



A"	13-09-05	DA COUNCIL RESUBMISSION, ROOF PROFILE ADJUSTED
A	09-09-05	DA COUNCIL RESUBMISSION
-	28-01-05	DA COUNCIL SUBMISSION
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LINDFIELD, NSW

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ROOF PLAN

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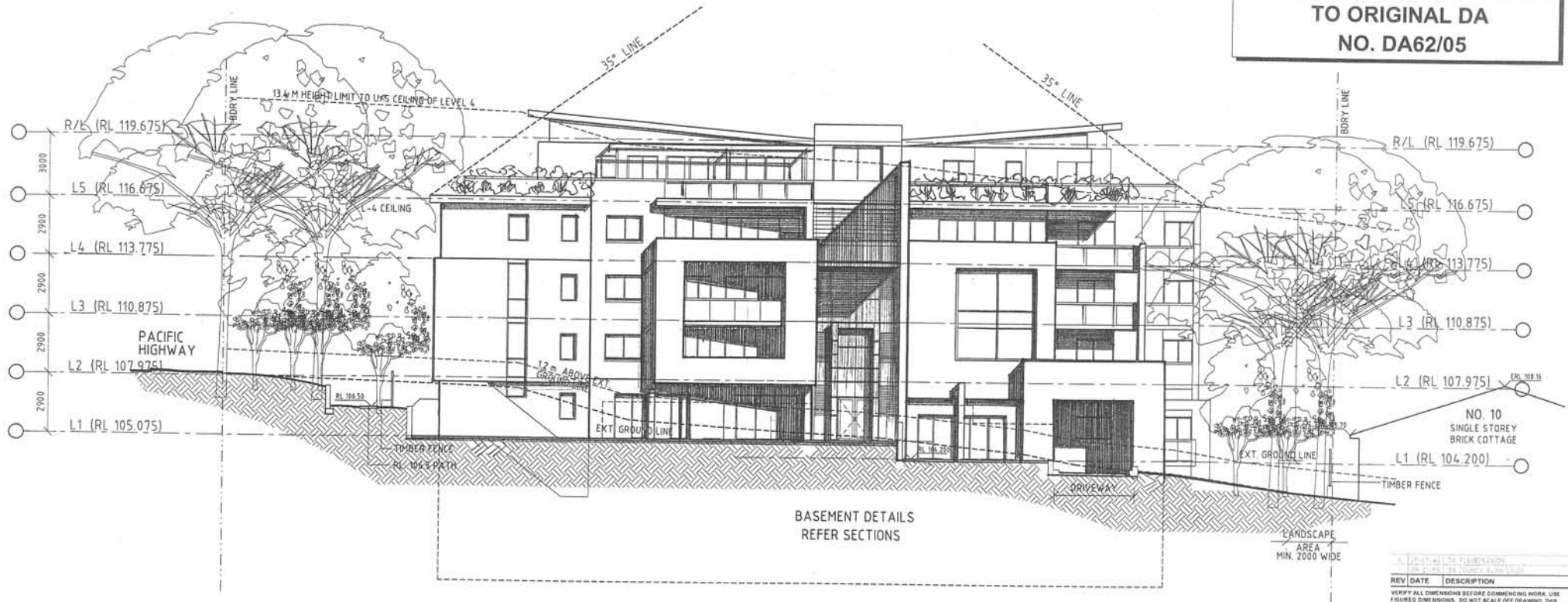
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NO. DA62/05**



REV	DATE	DESCRIPTION
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2	10/09/05	DA SUBMISSION

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**RESIDENTIAL DEVELOPMENT
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LINDFIELD, NSW

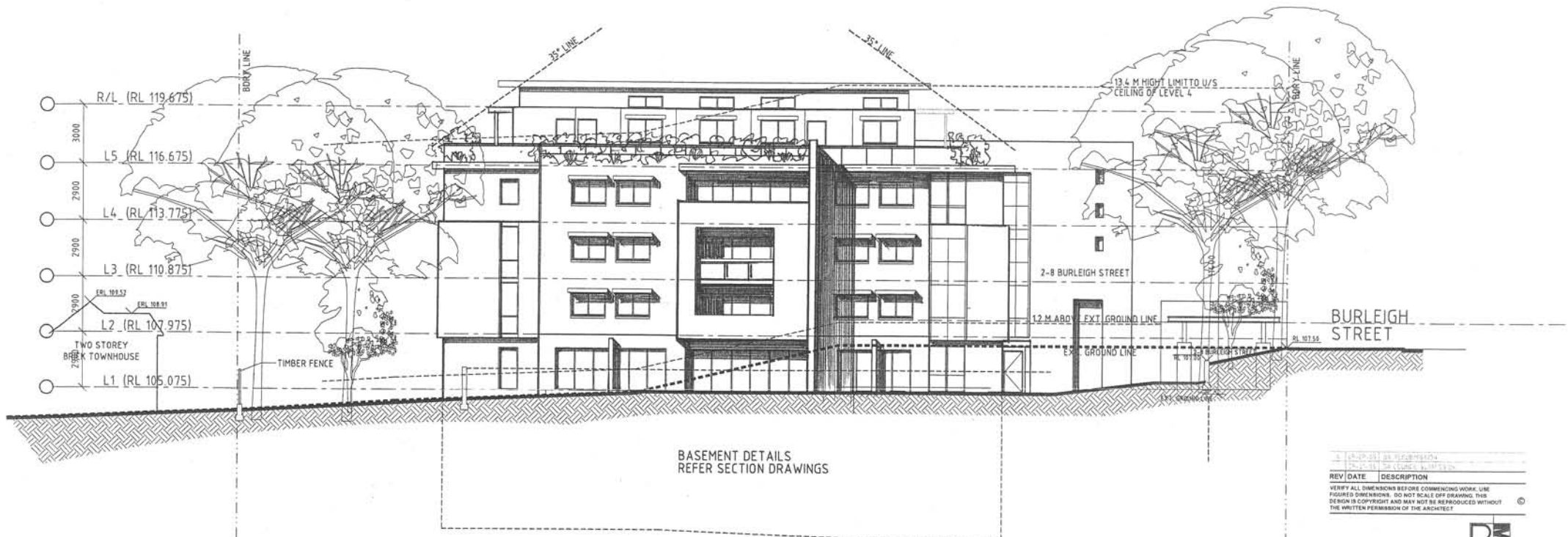
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**BURLEIGH STREET
ELEVATION (SOUTH)**

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DA	DA-2.01/A
SCALE	PLOT DATE PROJECT NO ISSUE
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DA RESUBMISSION SEP. 2005
TO ORIGINAL DA
NO. DA62/05



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RESIDENTIAL DEVELOPMENT
PROPOSAL

2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

PACIFIC HIGHWAY
ELEVATION

DWG STATUS
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DRAWING No.
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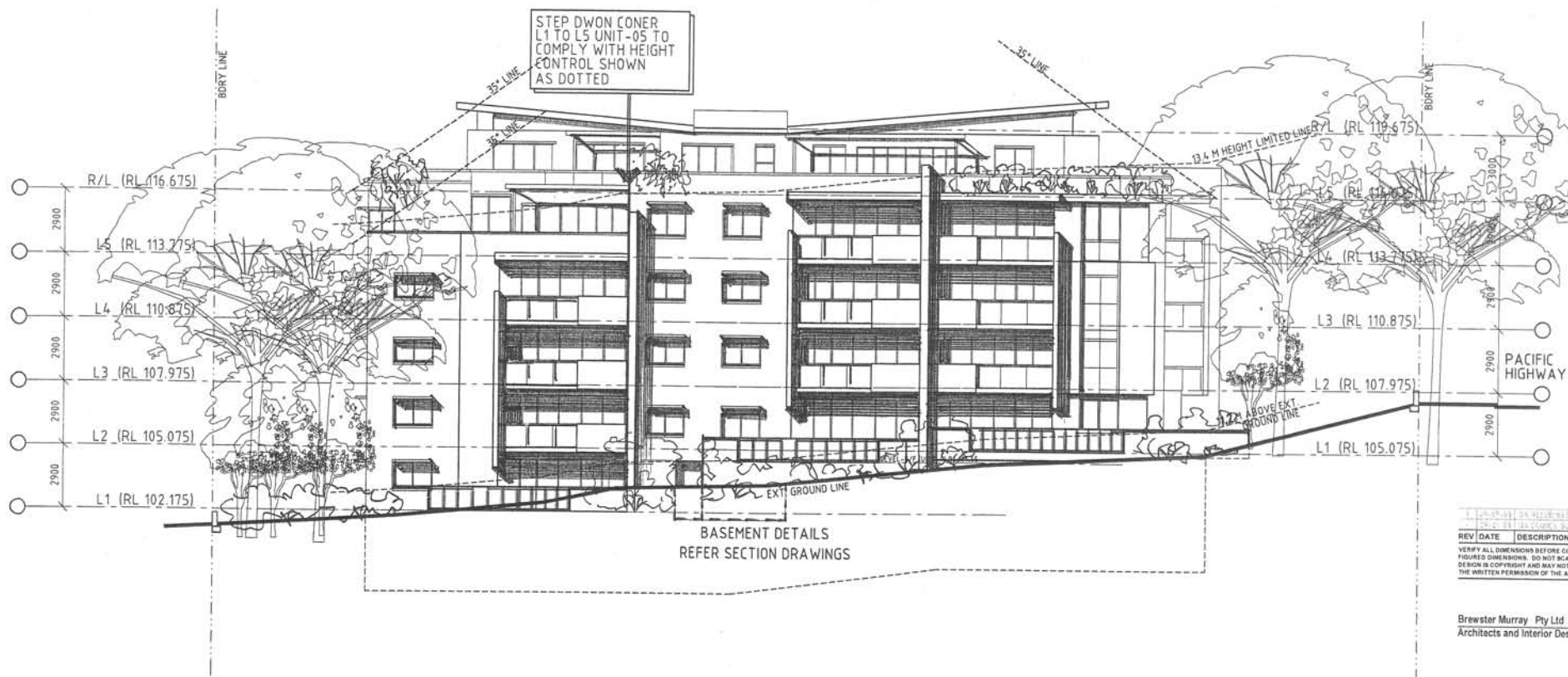
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04/683

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NO. DA62/05



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2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

NORTH-WEST
ELEVATION

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DA DA-2.03/A

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8	14-10-01	DA SUBMISSION
9	14-10-01	DA SUBMISSION
10	14-10-01	DA SUBMISSION

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CLIENT

J & Q INVESTMENT PTY LTD

PROJECT
RESIDENTIAL DEVELOPMENT
PROPOSAL

2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

NORTH - EASTEN
ELEVATION

DWG STATUS

DA

DRAWING No.

DA-2.04/A

SCALE PLOT DATE PROJECT NO

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SHPOCS DETERMINED FROM LUNING 3 SHAP IN
 RUSTLE 444. EMISSIONS OF B1 NATIONAL
 BUILDING TONING OUTLINE IN CONJUNCTION WITH
 FROM CURR. PLANE B1
 BR 4444 RUSTLE 4444
 PROJECT NO. 04-1665 DATED 10-12-2004
 DATE: 04-10-04 04-10-04

ADDITIONAL SHARD, SET OUTSIDE THE FUEL TANK AND
HAS BEEN HIGH LIGHTED

TREE SHADOW HAS NOT BEEN ASSESSED

DETAIL AND LEVEL - 14 IN 1 FROM DETAIL PLAN
B. CAPT. T. W. R. & ASSOCIATES P.C. LTD.
REF. 1010-2489 AND DATED 28.05.2004

DENOTES ADDITIONAL SHADOW
IN PLAN VIEW

TRUE
NORTH



THIS PLAN IS COPYRIGHT : REPRODUCTION
WITHOUT WRITTEN APPROVAL IS STRICTLY
PROHIBITED

SHEET 1 OF 1

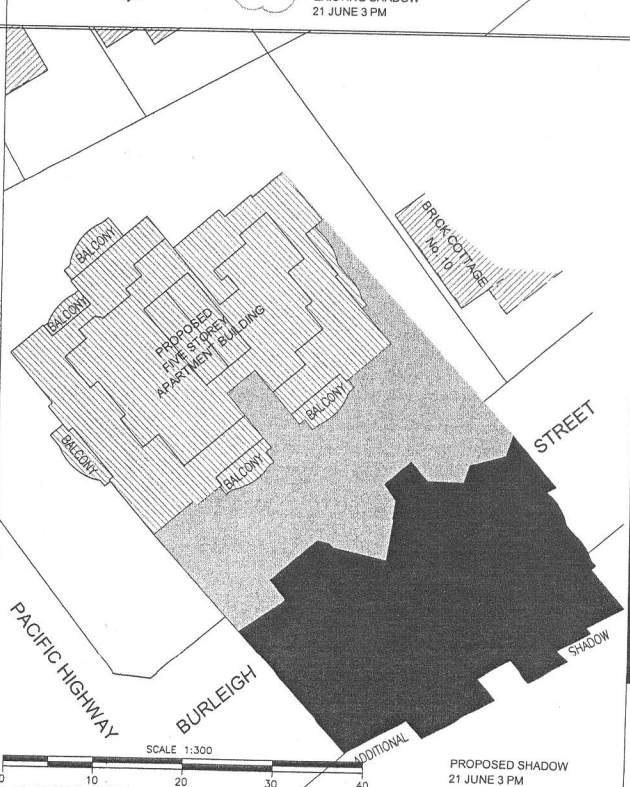
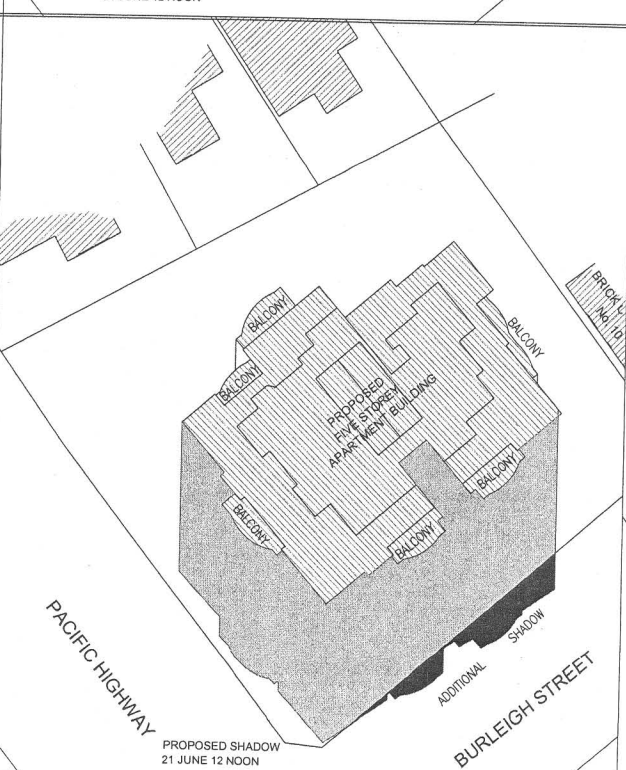
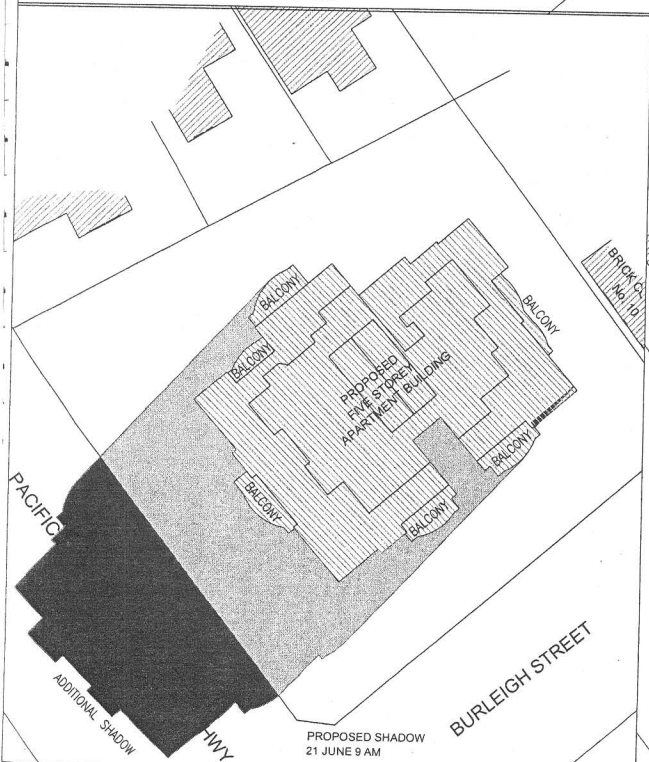
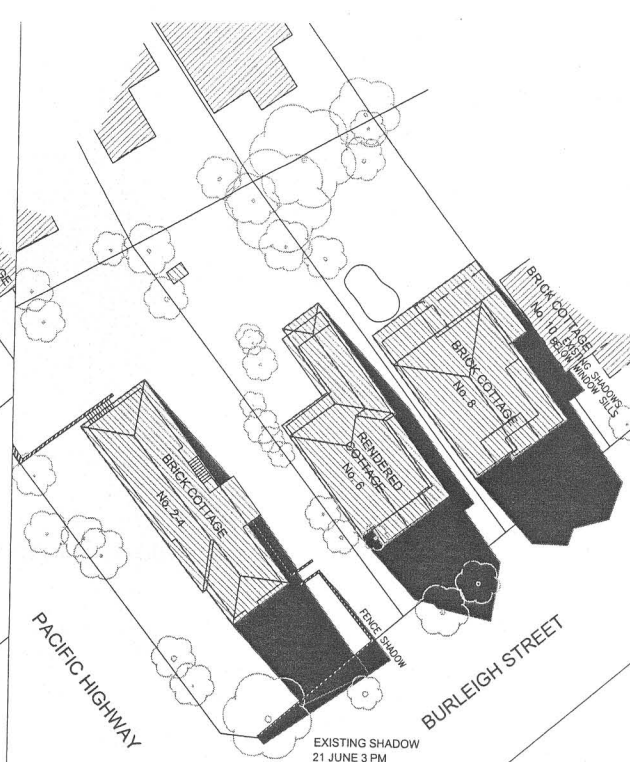
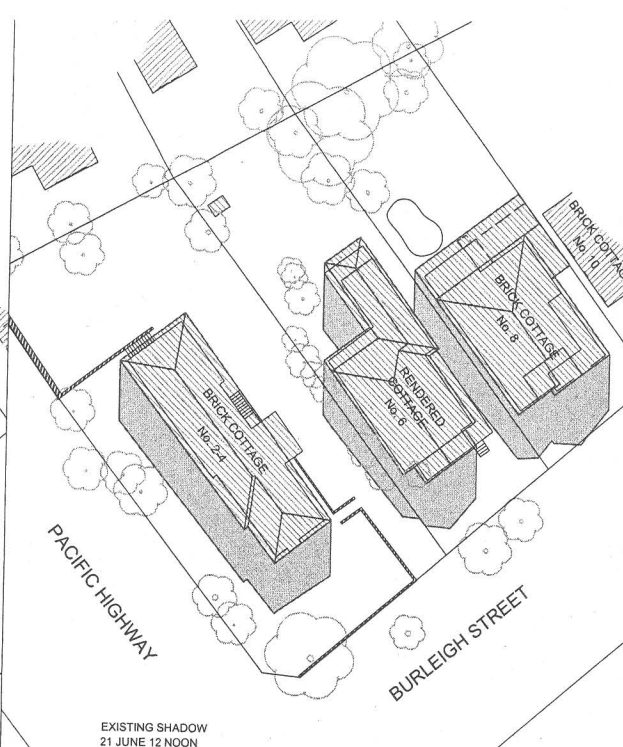
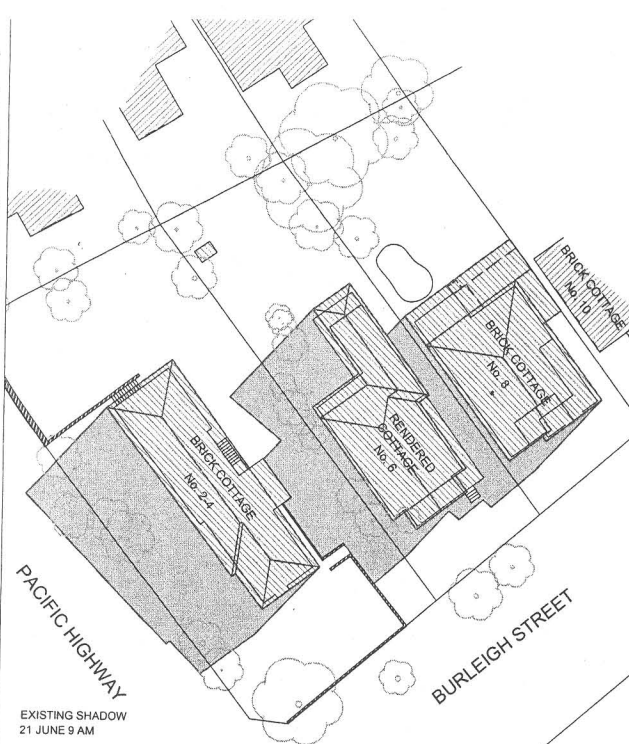
CLIENT:
J & Q INVESTMENTS

PLAN OF: No2-8 BURLEIGH STREET,
LINDFIELD
SHOWING : SHADOW DIAGRAMS AT
JUNE 21



SURVEYOR :	DDN U
DATUM :	AHD
ORIGIN :	SEE NOTES
JOB REF. :	16891
COMPUTER REF. :	16891
CHECKED :	SD
DATE OF SURVEY :	13.12.2004
REDUCTION RATIO :	PLAN: 1:300

PLAN 1:300
27 JAN 200 A1



EXISTING 1500mm RETAINING WALL
RETAINED OR REPLACED SUBJECT TO
STRUCTURAL ENGINEERS ADVICE

LEVEL LAWN AREA
SUITABLE FOR PASSIVE
RECREATION

LOW GARDEN WALL

LEVEL LAWN AREA
SUITABLE FOR
PASSIVE RECREATION

SMALL TREE
WITH FEATURE PLANTING
BELOW TO PRIVATE
COURTYARD

SYDNEY BLUE GUM AND
TURPENTINES WITH AUSTRALIAN
NATIVE SHRUBS BELOW TO
THE PACIFIC HIGHWAY

SCREEN PLANTING
TO PRIVATE COURTYARDS

LOW GARDEN WALL

COURTYARD WALLS
TO ARCHITECTS DETAIL

FENCE TO PACIFIC HIGHWAY
SETBACK AND VISUALLY
OBSERVED BY LARGE SHRUB
PLANTING

ACCESS PATH
1:20 GRADE

GROUND COVER TO ONSLAB AREAS
MIN. SETDOWN 300MM

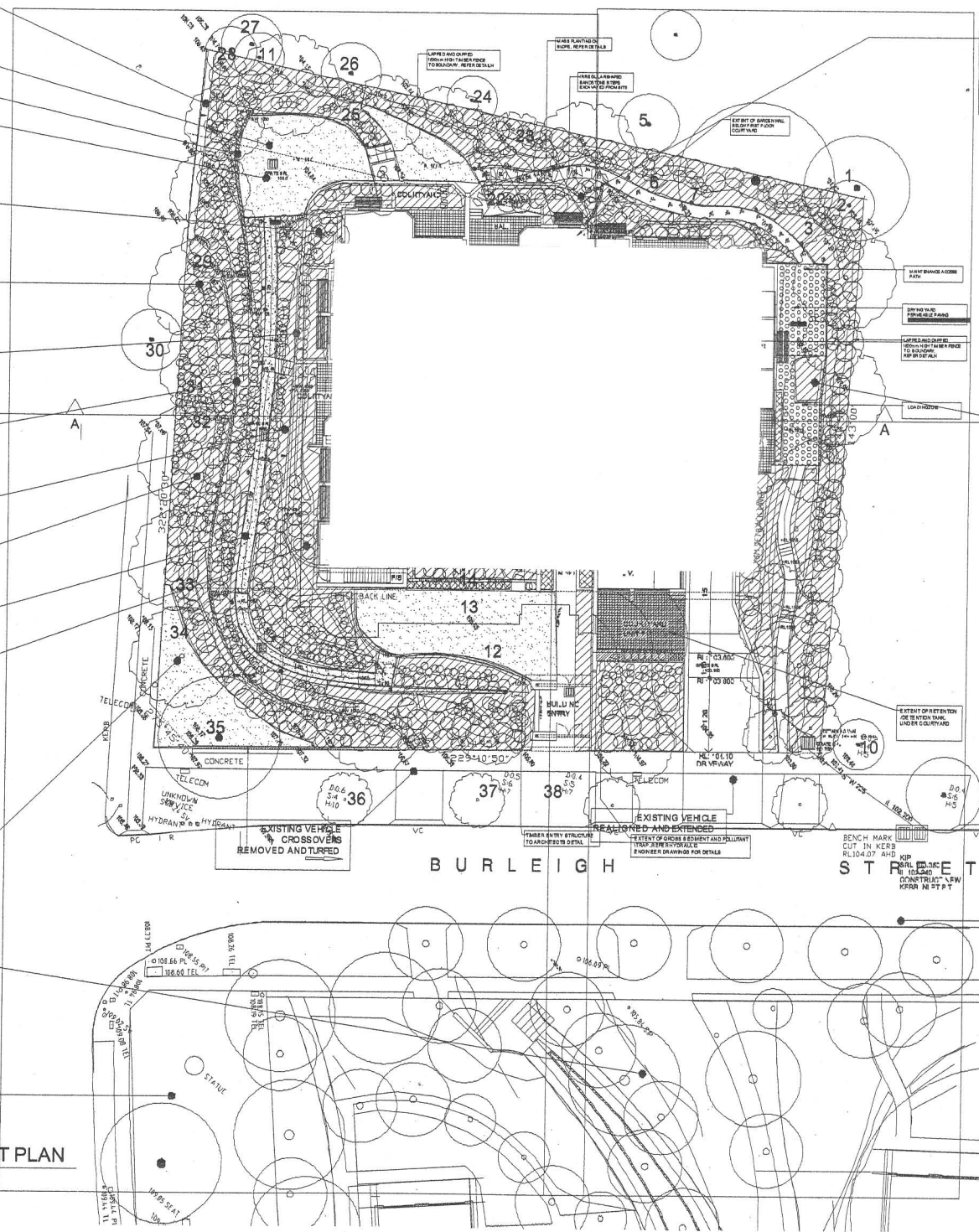
LAWN TO PACIFIC HIGHWAY
TO MAINTAIN EXISTING
OPEN SPACE CHARACTER
TO PACIFIC HIGHWAY

PROPOSED MULTI UNIT
RESIDENTIAL DEVELOPMENT AT
BURLEIGH AND ETON STREETS

EXISTING PUBLIC PARK
TO PACIFIC HIGHWAY

LANDSCAPE CONCEPT PLAN

1:150



DECORATIVE GRAVEL
ACCESS WITH IRREGULAR
SHAPED SANDSTONE STEPS
EXCAVATED FROM SITE PATH THROUGH
MASS SHRUB AND
GROUND COVER PLANTING

TURPENTINE AND EUCALYPTUS SP.
WITH SMALL RAINFOREST TREE
SPECIES E.G. ELAEOCARPUS BELOW
TO PROVIDE SCREENING AMENITY

- ## LEGEND
- SITE BOUNDARY
 - - - EXISTING CONTOUR
 - - - PROPOSED CONTOUR
 - +100 EXISTING SP OF LEVEL
 - +100 PROPOSED SP OF LEVEL
 - 38 EXISTING TREE TO BE RETAINED REFER TO ARBORIST REPORT
 - 21 EXISTING TREE TO BE RETAINED REFER TO ARBORIST REPORT
 - 9 BOLLARD LIGHT REFER TO ELECTRICAL ENGINEERS DETAIL
 - RETAINING WALL REFER TO TYPICAL DETAIL
 - FENCE REFER TO DETAIL LAD
 - COURTYARD SCREEN TO ARCHITECTS DETAIL
 - STORM WATER PUMP HOLE LOCATION REFER TO HYDRAULIC ENGINEERS DETAIL
 - DISCHARGE GRANITE PAVING REFER TO DETAIL
 - SCREENING TO MAINT PLANTING REFER TO DETAIL
 - MASS PLANTING REFER TO DETAIL
 - TURP REFER TO DETAIL
 - UNIT PAVING - BONA VIVONA PL - CONCRETE CHANNEL
 - PERMEABLE PAVING REFER TO DETAIL

taylor brammer

Landscape Architecture

2-8 BURLEIGH STREET, UNDFELD

LANDSCAPE CONCEPT PLAN

scale: 1:150

date: 23.11.20

drawn by: J.A.B.

checked by: J.A.B.

approved by: J.A.B.

LA01 B

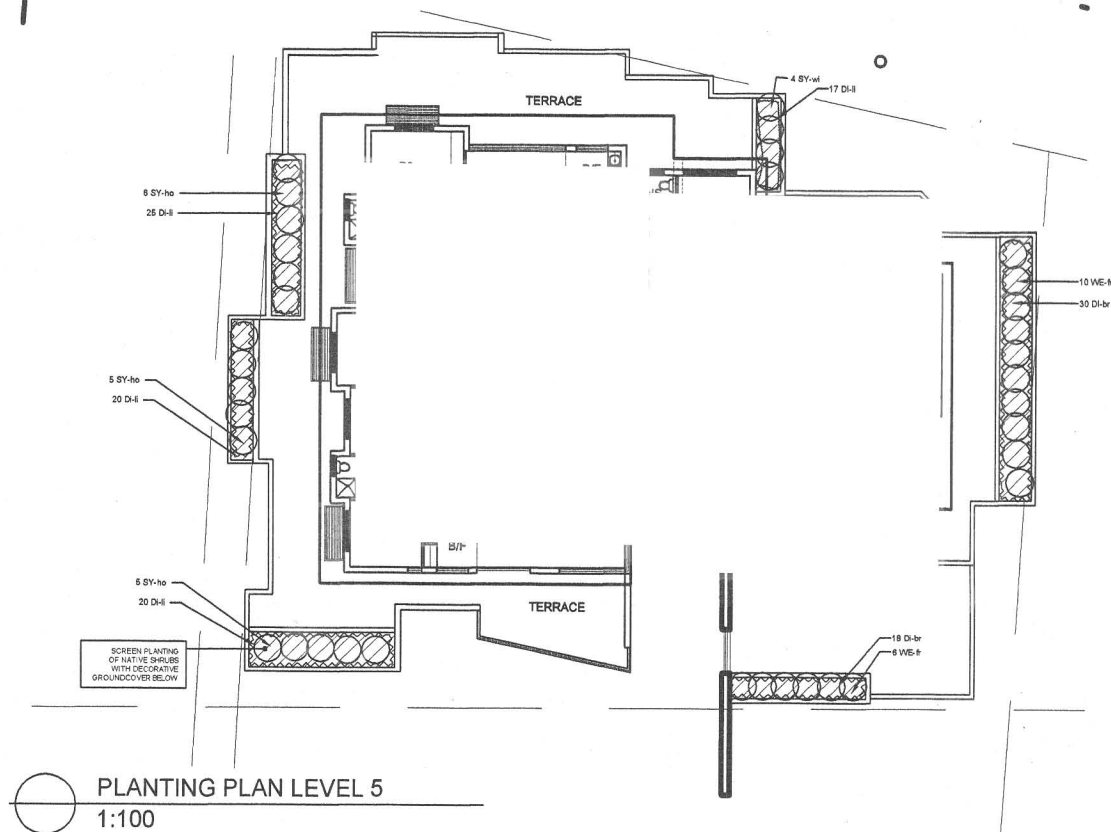
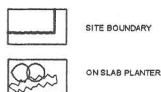
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INDICATIVE PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	SIZE
SHRUB				
DO-vf	<i>Dodonaea viscosa</i> (purple)	Purple Hop Bush	3m	25L
SY-ho	<i>Syzygium leucomanthi</i> 'Hot Flush'	Lilly Pilly	3m	25L
SY-wf	<i>Syzygium wilsonii</i>	Lilly Pilly	2m	25L
WE-f	<i>Westringia frutescens</i> 'Wynneville Gem'	Coastal Rosemary	2m	15L
GROUND COVER				
DI-br	<i>Dianella caerulea</i> 'Breesei'	Flax Lily - var	600mm	150mm
DI-f	<i>Dianella caerulea</i> 'Cassia Blue'	Flax Lily - var	300mm	*
MI-cl	<i>Microseris ciliata</i> (prostrate)	Fringed Heath Myrtle	200mm	*

Note: For DEVELOPMENT APPLICATION PURPOSES ONLY.
SUBJECT TO STOCK AVAILABILITY

LEGEND



A
10000
Development Application
08/01/2021
12/08/20

taylor
grammer
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E southcoast@taylorgrammer.com.au

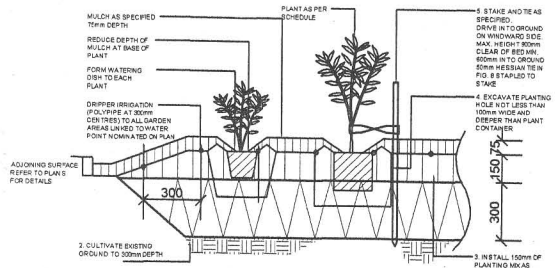
Project
2-8 BURLEIGH STREET, LINDFIELD

Drawing 555
PLANTING PLAN
LEVEL 5 - PLANTERS

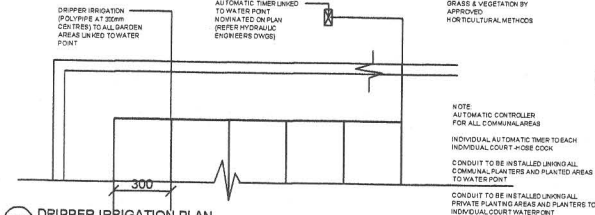
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J & Q INVESTMENT PTY LTD

Scale 1:100
Date 23/11/20
Designed AD
Drawn AD
Checked AD
Approved AD
LA04 A

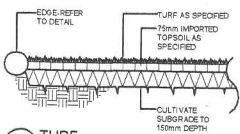
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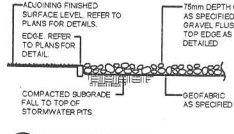
A1 MASS PLANTING BED (DRIPPER IRRIGATION DETAIL)
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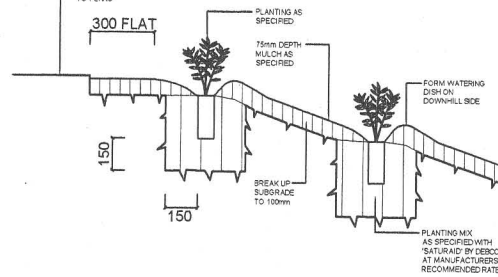
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TYPICAL SECTION NTS



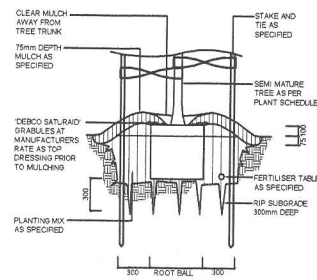
D TURF
SECTION 1:20



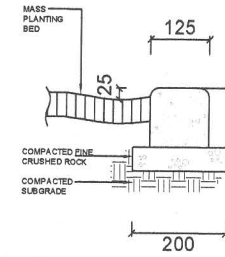
E MULCH-GRAVEL
SECTION 1:20



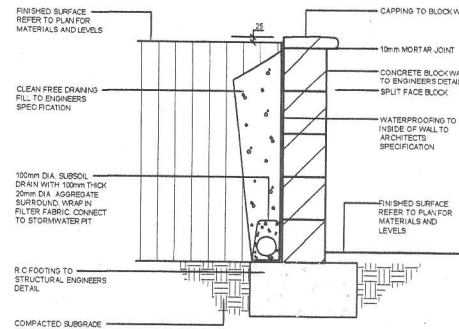
B MASS PLANTING-EMBANKMENT (1in3)
TYPICAL SECTION 1:10



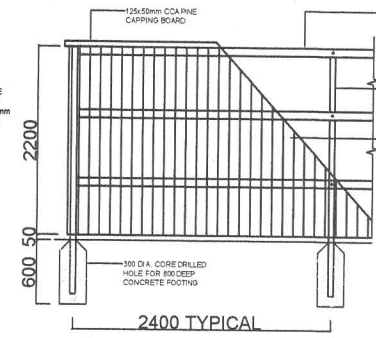
F SEMI-MATURE TREE PLANTING
TYPICAL SECTION 1:20



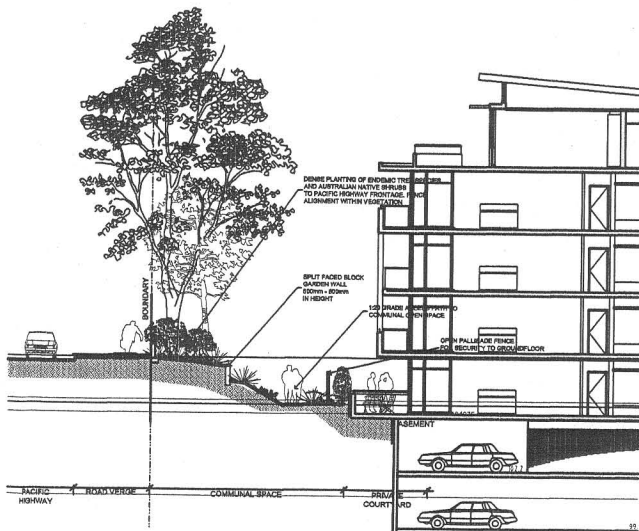
G EDGE-CONCRETE
TYPICAL SECTION 1:5



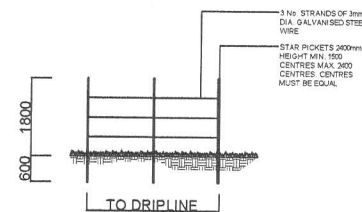
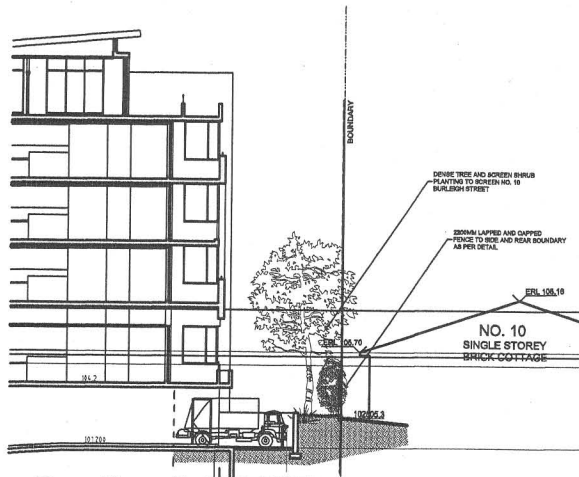
C RETAINING WALL-CONCRETE BLOCK
TYPICAL SECTION 1:10



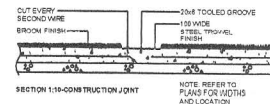
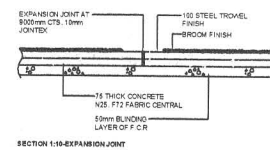
H FENCE-LAPPED AND CAPPED PALING
DETAIL 1:20



INDICATIVE LANDSCAPE SECTION A-A
1:100



I TREE PROTECTION
SCALE 1:50



J PAVING-CONCRETE
NTS

TRAFFIC AND PARKING MANAGEMENT FOR CANOON ROAD NETBALL COURTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the proposal presented in this report regarding parking and traffic management at Canoon Road Recreation Area during the winter netball season and relocation of some fixtures to Lofberg Road netball courts.

BACKGROUND:

Canoon Road netball courts are currently the only location where netball is played at the weekend in Ku-ring-gai. There are 25 sealed netball courts and parking for approximately 234 cars on site. The courts and car parks are accessed from Canoon Road, which on Saturday during the winter season, becomes congested with cars parking on both sides of the road, resulting in only one lane available for traffic to travel up and down the road.

COMMENTS:

Issues with traffic and parking for many years, resulted in a Plan of Management being adopted in 2000 which recommended the downgrading of the facilities. It is anticipated that the options adopted in this report should alleviate traffic problems in Canoon Road by providing additional parking space and thereby reducing the volume of cars seeking spaces elsewhere.

RECOMMENDATION:

That the four courts identified be converted into additional parking spaces and the extra games be moved to Lofberg netball courts. Canoon Road signage installed stating "No Parking" along one side for its full length. The exact configuration to be determined following a review by the Traffic Committee.

PURPOSE OF REPORT

For Council to consider the proposal presented in this report regarding parking and traffic management at Canoon Road Recreation Area during the winter netball season and relocation of some fixtures to Lofberg Road netball courts.

BACKGROUND

Canoon Road Recreation Area in South Turramurra is one of only two specialised netball facilities in Ku-ring-gai. There are 25 sealed netball courts at the Recreation Area, 9 of which are dual marked for tennis and netball. The only other netball facility in Ku-ring-gai is the floodlit four court complex adjacent to Lofberg Road in Bicentennial Park. Currently all Saturday netball is played at Canoon Road Recreation Area. The Ku-ring-gai Netball Association use all 25 courts every Saturday from March to August for their winter competition. Conversely the courts at Lofberg Road are not used for Saturday competition but are used for training five nights per week in winter and four nights per week for spring competition from September to December each year.

On 5 December 1977 Council resolved to construct 25 sealed netball courts and parking for 234 cars in the bushland reserve at the western end of Canoon Road, South Turramurra.

Construction of the courts commenced in 1978 on the basis of the identified need for sealed netball courts and the perceived lack of any alternative sites with Ku-ring-gai at that time.

There has been considerable concern expressed by residents since the courts were opened regarding the impact of the netball facilities on traffic, access and the parking difficulties experienced by residents and netballers in Canoon Road during competition days.

In 1998 a discussion paper which was exhibited to canvass various options to resolve issues affecting this area received 815 submissions. As a result from December 1998 to May 1999 a series of facilitated workshops were held with local residents and netball representatives, interested Councillors and staff. These workshops culminated in the signing of an agreement which was subsequently endorsed by Council on 25 May 1999.

In 2000 Council adopted a Plan of Management for Canoon Road Recreation Area.

In conjunction with investigating options to improve the traffic and parking at Canoon Road, Council have been examining opportunities to provide additional netball facilities at other locations.

In particular Council have identified a site in the local government area of Warringah as a possible facility in the future (Greenwood Quarry). Council staff have communicated with Warringah Council over the last three years and have also had a tour of the site, on Mona Vale Road. The long term possibility of this site becoming sports facilities should not be ruled out, however, there are a number of key issues relating the potential of this site, not least that the site is located outside the Ku-ring-gai local government area in Warringah, and is likely to continue to be a working quarry and landfill site for the foreseeable future. Furthermore capping a former tip site, which is subject to subsidence and settling issues with a hard, bitumen surface would have to be thoroughly

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investigated, as it is likely to cause considerable ongoing maintenance issues. Additionally, the capital cost of re-establishing facilities that already exist will need to be considered.

During the last winter season a traffic survey was conducted in the area surrounding the netball courts at Canoon Road which evaluated the capacity for parking both within the recreation area and on the surrounding roads. Additionally this survey counted the number of cars parked at each of these areas between 7am and 11am to establish car parking demand and monitored the traffic movements at surrounding junctions. A copy of the findings from this survey is included as Attachment 1.

An evaluation of the information from the survey has led to the development of a proposal which is aimed at increasing the parking capacity within the recreation area, decreasing the total demand for parking and reducing traffic volumes within the area on game days.

The proposal involves a reduction in the number of courts available at Canoon Road, the conversion of those 4 courts (Courts 9 – 12) into a parking area together with parking restrictions along one side of Canoon Road, thus facilitating safer and improved access along this thoroughfare for both netball and resident based traffic. Games currently undertaken on the 4 courts proposed to be used as carpark on game days would be relocated to the Lofberg Road netball courts located within Bicentennial Park, West Pymble.

The Plan of Management for Bicentennial Park was adopted in July 2003, and outlines for organised sporting activities (eg. cricket, soccer, rugby, netball etc.) a permissible intensity of use of 7.00am to 9.30pm Monday to Fridays, 8.00am to 9.00pm Saturdays and 9.00am to 6.00pm on Sundays. The Plan of Management as a statutory document supersedes any earlier agreements.

A meeting was held between Council officers, residents and the Ku-ring-gai Netball Association in 1995, during the public exhibition stage of the development application to upgrade the floodlighting on the courts at Lofberg Road. During these meetings a number of conditions of use were minuted which included restrictions on the weekday use, in terms of when the lights will be turned off and restrictions on the weekend use. The weekend restrictions were; Saturday – no bookings on Saturdays after 12 noon with exception of West Pymble Netball Club grading days, Sundays – restricted to two days per year from 10am – 4pm to include West Pymble Netball Junior Coaching Days. To date the use of these courts has not exceeded these 1995 restrictions, and in fact the restrictions have been reinforced with residents on at least two occasions since the adoption of the Plan of Management.

COMMENTS

Recognising the potential for Greenwood Quarry to become an active netball venue and the timeframe within which this may occur, plus consideration of the value of duplicating existing serviceable netball facilities, makes these investigations very much long term options. Staff have subsequently returned to investigating the opportunities at Canoon Road and at other locations within Ku-ring-gai with a view to alleviating the traffic and parking issues in the more immediate future.

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The traffic and parking counts undertaken during the past season suggest that during peak use of the facility, parking demand within the Canoon Road Recreation Area and the surrounding streets is 761. Additionally, traffic counts at a number of intersections, particularly the Kissing Point Road/Comenarra Parkway intersection are high.

Including all parked vehicles within the study area identifies a peak parking demand of approximately 30 cars per court at any point, based on 25 netball courts.

Reducing the number of courts by 4 will lower parking demand by 100-120 vehicles at any point, with a likely corresponding drop in traffic volumes.

The use of these 4 courts for car parking on game days will increase the supply of car parking within Canoon Road Recreation Area by 90-95 vehicle spaces dependent upon final design. This will result in a net lowering of on-street parking demand in the range of 190-215 spaces, equivalent to 26% of current total peak parking demand.

To facilitate safer and improved access for both residents and netballers, the implementation of parking restrictions along the western side of Canoon Road is proposed as an important element of the proposal. The increase in parking within the facility will allow reductions in parking supply here and in other locations in the area that will improve the safety and access for all. Net loss of on-street car parking on game days is anticipated to be approximately 80 cars.

It will be necessary for the netball association to continue to work with Council to encourage participants and parents not to park in designated no parking areas. Figures collected during the traffic study show a number of cars parking in the areas which are designated as 'no parking' zones. In past seasons regulatory control staff have patrolled and enforced the no parking areas early each season, a similar level of patrols would continue throughout next season to enforce the new parking restrictions.

There has been resident objection in the past to the implementation of parking restrictions and signage to that effect within Canoon Road. The implementation of these measures is considered essential.

The transfer of 4 courts to Lofberg Road, Bicentennial Park will in itself need to be managed carefully.

Car parking opportunities exist adjacent to the nearby community centre (rarely booked on Saturday) and within the park. Parking restrictions on Lofberg Avenue itself will be required to maintain safe access along Lofberg Road. A parking management plan including an education component for netballers will be developed and implemented. Similar to locations where night games are played, local residents at Canoon Road and Lofberg Road will be provided with a mobile phone contact for each site where an official of the Ku-ring-gai Netball Association will be able to assist manage any issues that occur on game days.

All works outlined in this report will need to be completed by March 2006, in time for the beginning of the next season.

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It is also proposed that following the implementation of these works and during the next netball season that a report to Council on progress with the Canoon Road Recreation Area Plan of Management be presented to Council.

CONSULTATION

The development of this proposal has involved consultation and liaison with Ku-ring-gai Netball Association. Proposed changes to parking and traffic arrangements will proceed, once resolved by Council to the Traffic Committee for consideration which will involve widespread resident notification.

It is also proposed that should Council adopt the proposal, notification will be forwarded to residents in the vicinity of the Lofberg Road netball courts with a view to consultation on the implementation of parking and traffic management on game days.

FINANCIAL CONSIDERATIONS

There will be costs involved in the reconfiguration of 4 existing courts into car park including constructing an access and egress to those courts. Additionally, costs will be incurred in the implementation of on-road traffic and parking management measures around Canoon and Lofberg Road. The cost to implement these initiatives is expected to be around \$30,000. Further costs will be incurred through notification and consultation with affected stakeholders.

It is proposed that a source for funds to complete this work will be identified at the December quarter review. The car parking and traffic counts cost \$1,265 and were funded through Open Space recurrent funds.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space have worked closely with Technical Services to undertake the survey of traffic and parking numbers and in the development of the proposal to reduce the impacts of netball on the community within the Canoon Road area.

SUMMARY

There has been considerable concern expressed by residents since the netball courts at Canoon Road were opened regarding the impact of the netball facilities on the traffic, access and parking difficulties experienced by residents and netballers on competition days.

In order to address these matters, the following course of action is proposed:-

1. Reduction of 4 courts at Canoon Road and their transfer to Lofberg Road courts at Bicentennial Park, West Pymble.
2. Conversion of 4 courts into parking on competition days.

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3. Notification to residents of proposed parking restrictions and consideration by the Traffic Management Committee.
4. Implementation of works to effect car parking on courts at Canoon Road and parking management within the Canoon Road and Lofberg Road area prior to the commencement of the 2006 season, consistent with the recommendation of the Traffic Committee.
5. Implementation of a management plan in conjunction with Ku-ring-gai Netball Association in relation to car parking management and local community liaison.
6. Further report to Council prior to June 2006 on implementation and progress with the Canoon Road Recreation Area Plan of Management.

RECOMMENDATION

- A. That courts 9, 10, 11 and 12 at Canoon Road be converted to car parking on game days by the commencement of the 2006 season.
- B. That the games on Courts 9 – 12 be transferred to Lofberg Road netball courts in Bicentennial Park.
- C. That traffic and parking matters, as outlined in this report, be notified to residents and considered by the Traffic Management Committee for implementation prior to the 2006 season.
- D. That a source of funds be identified at the December 2005 Quarterly review.
- E. That a further report on the progress of the Plan of Management for Canoon Road Recreation Area be brought to Council prior to June 2006.

Morven Cameron
Senior Projects Officer

Amanda Colbey
**Manager Parks, Sport
and Recreation**

Steven Head
**Director Open Space &
Planning**

Attachments:

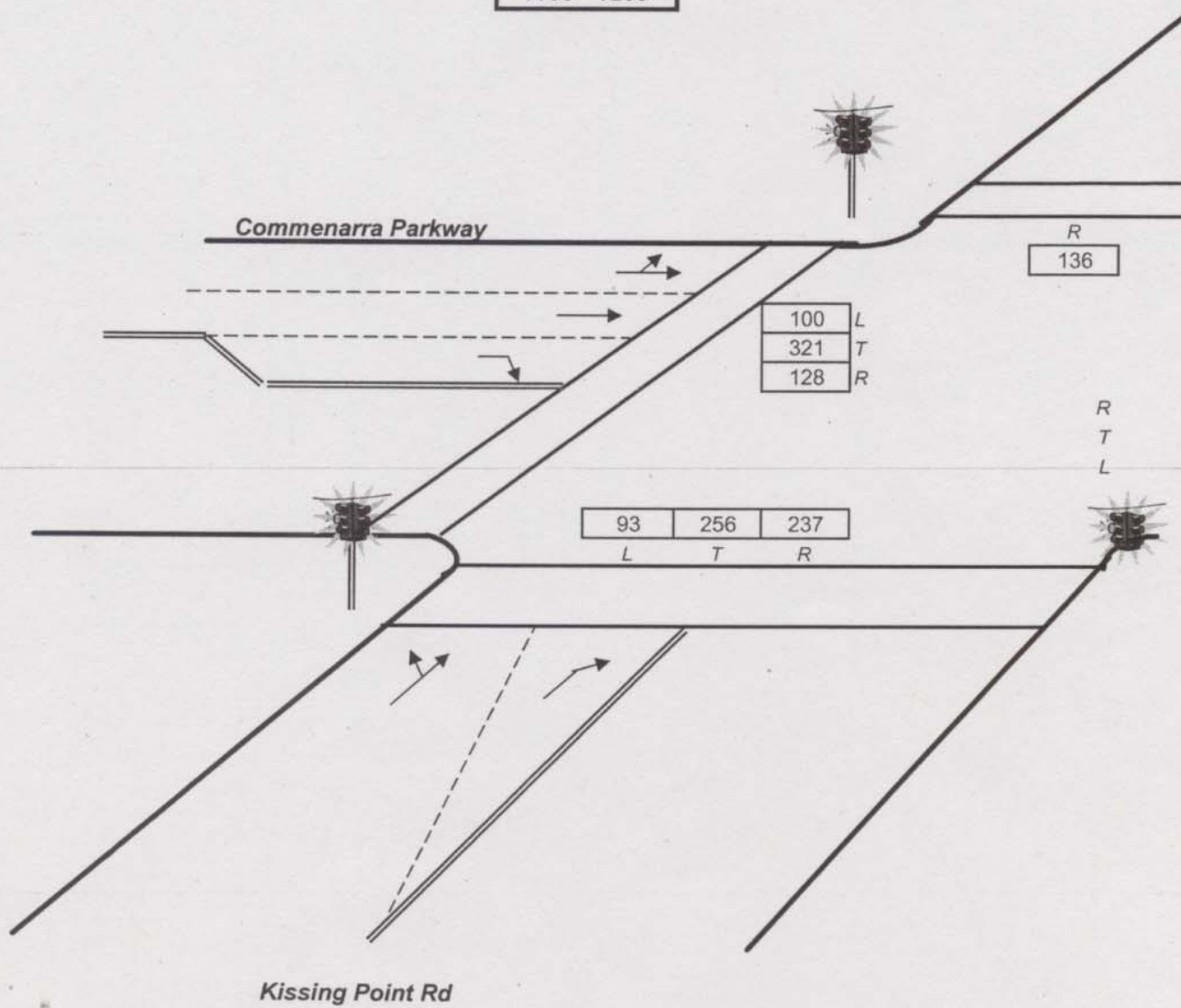
- 1. Car Parking Demand Survey - 553826**
- 2. Canoon Road netball courts aerial photograph - 553841**

**R.O.A.R. DATA***Reliable, Original & Authentic Results*

Ph.88196847, Fax 88196849, Mob.0418-239019

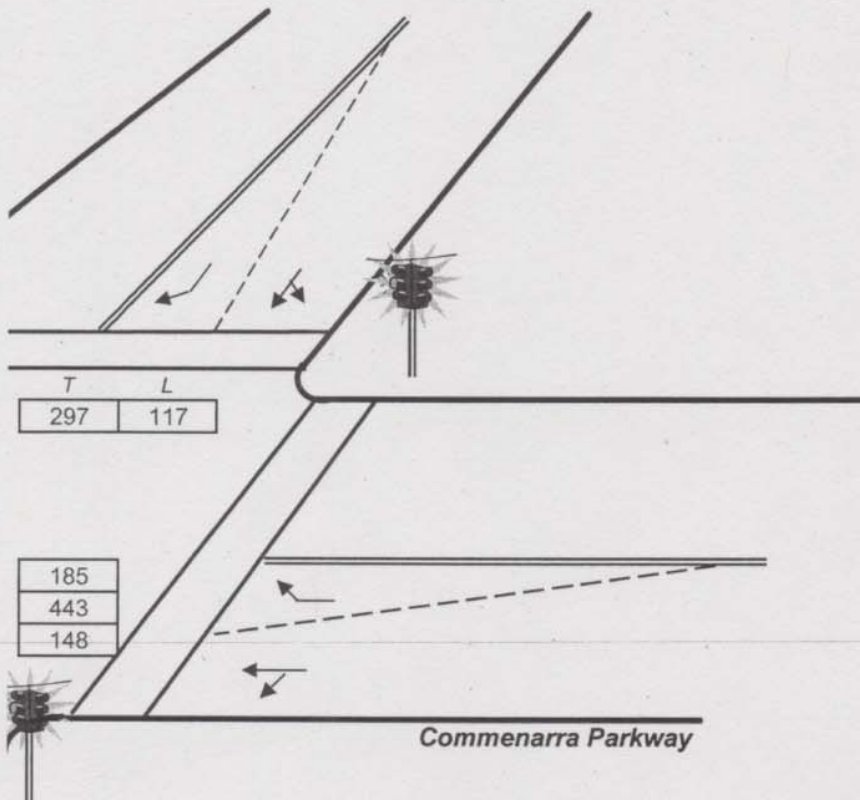
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<u>PEAK HOUR</u> 1100 - 1200



Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Kissing Point Rd



Weather >>>





R.O.A.R. DATA

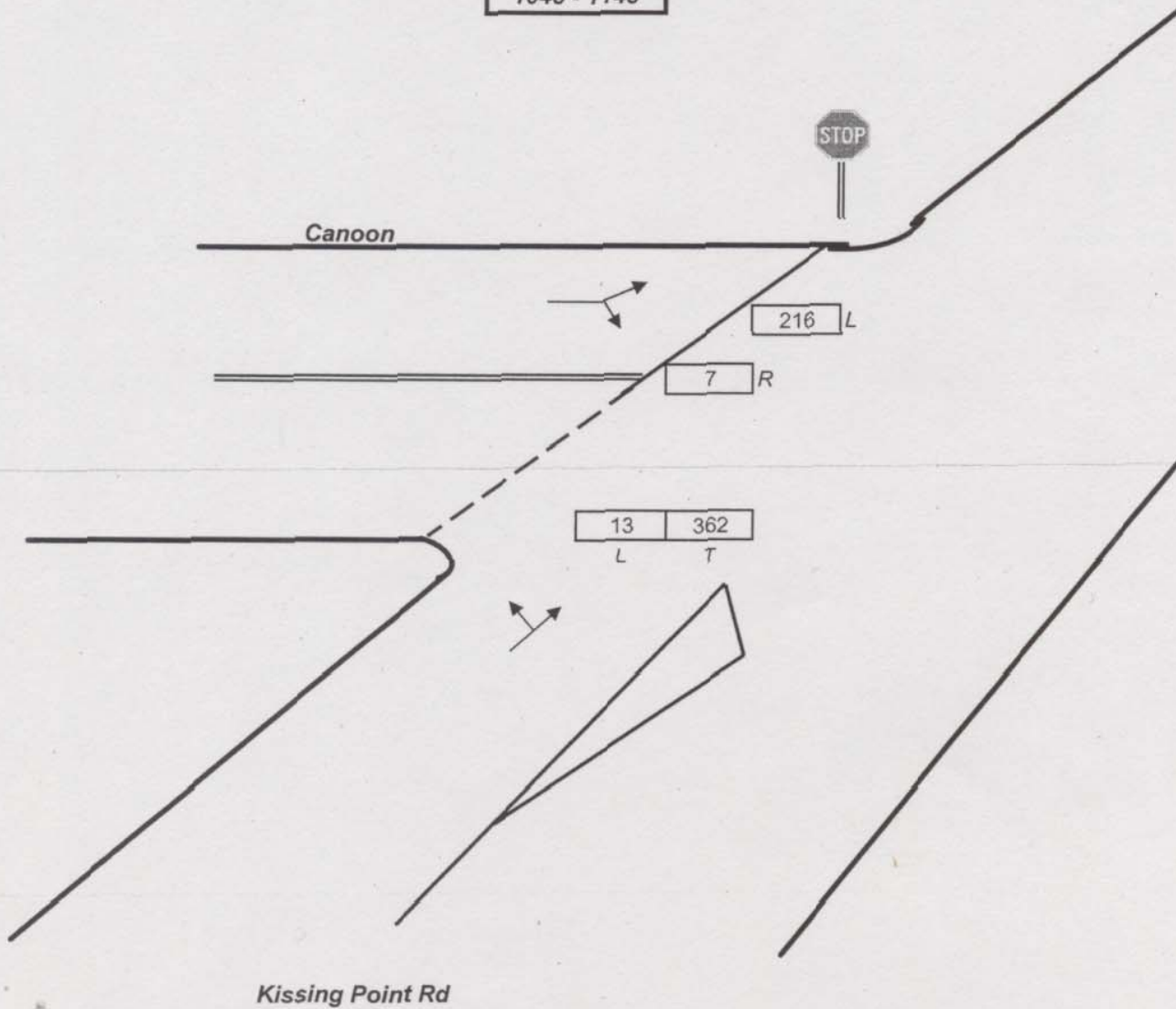
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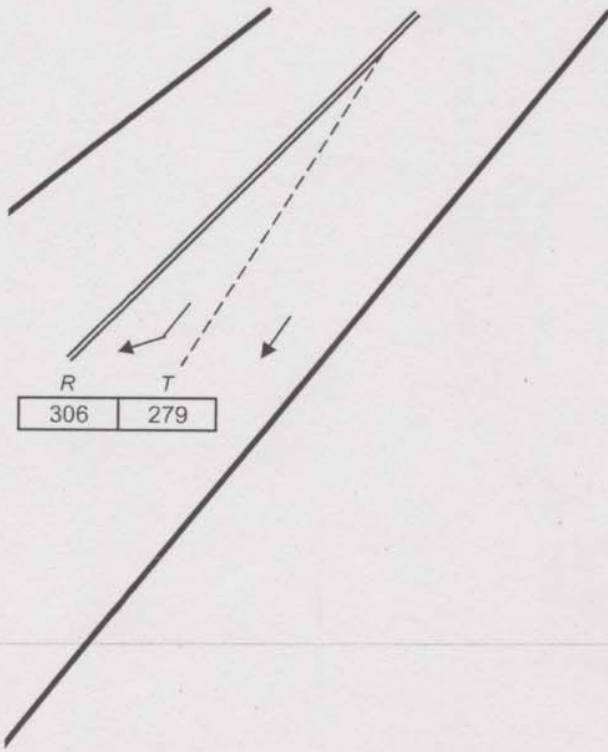


PEAK HOUR 1045 - 1145



Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Kissing Point Rd



Weather >>>





R.O.A.R. DATA

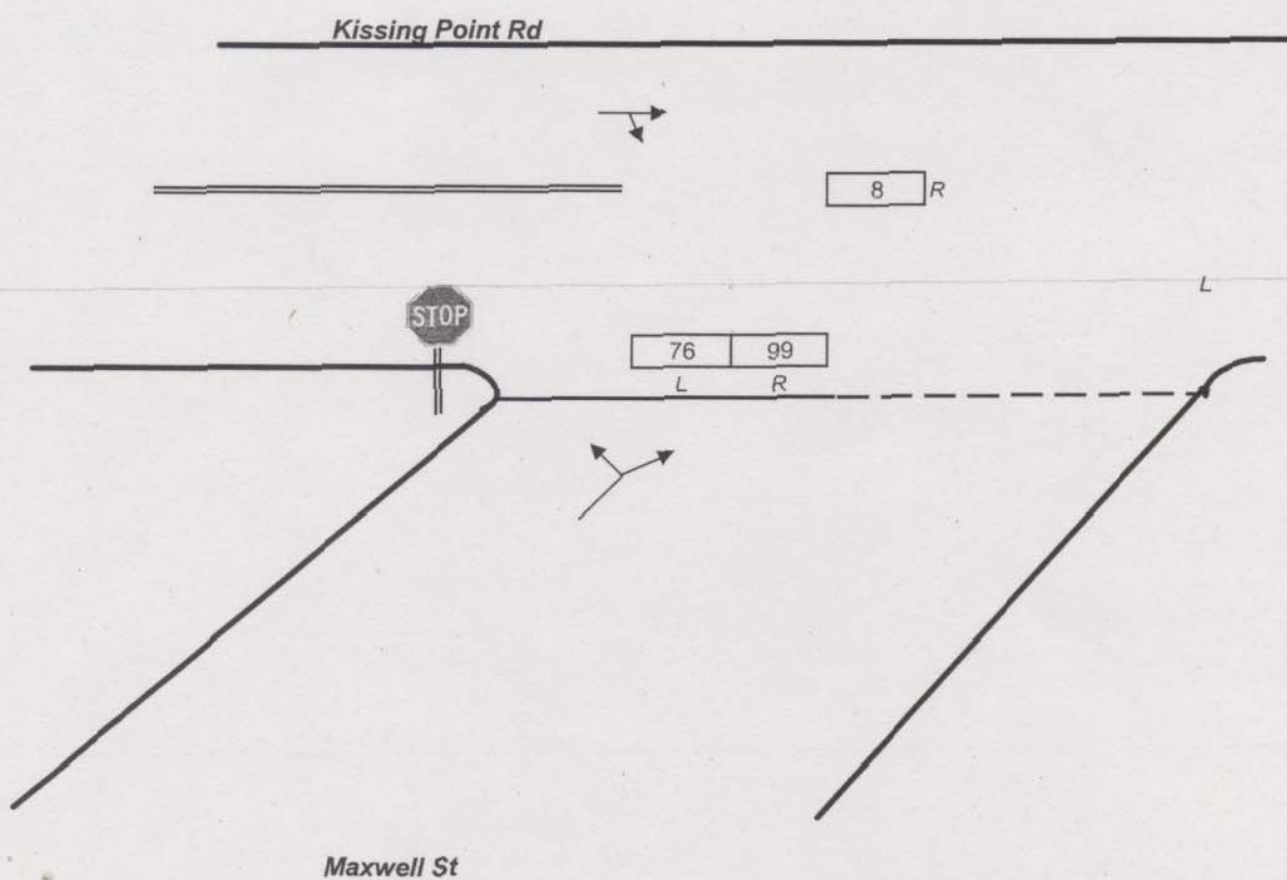
Reliable, Original & Authentic Results

Ph.88196847, Fax 88196849, Mob.0418-239019

Intersection Details



PEAK HOUR
1200 - 1300



Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05



99



Kissing Point Rd

Weather >>>





R.O.A.R. DATA

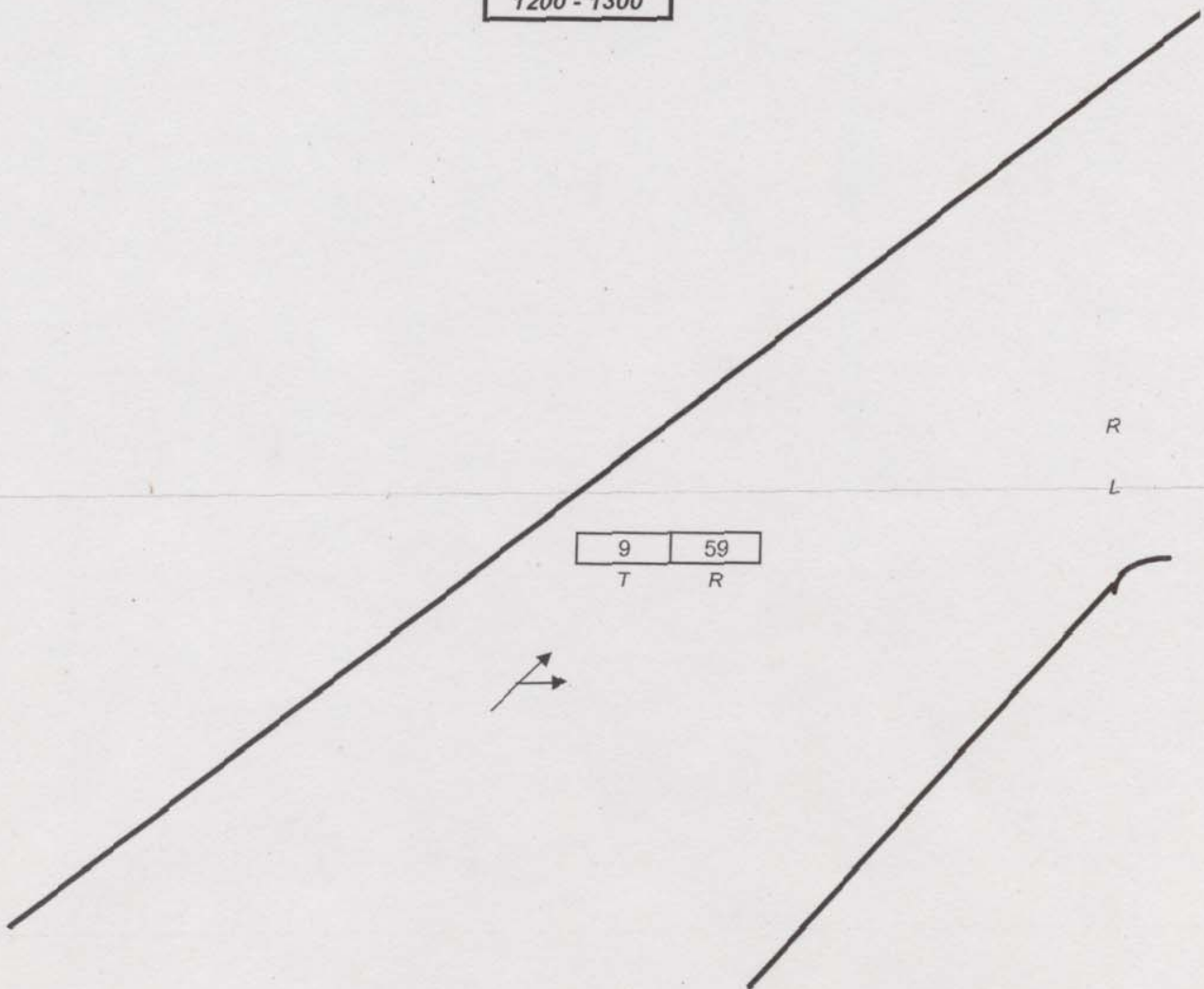
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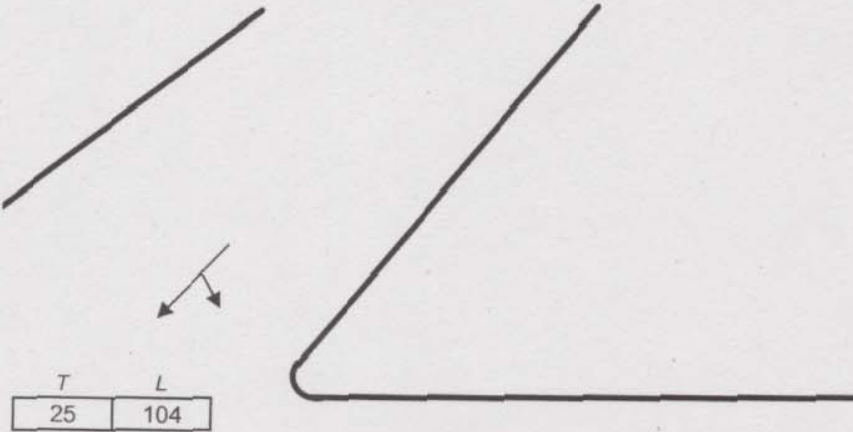
PEAK HOUR 1200 - 1300



Chisholm St

Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Chisholm St



17

53



Auluba Rd

Weather >>>





R.O.A.R. DATA

Reliable, Original & Authentic Results

Ph.88196847, Fax 88196849, Mob.0418-239019

Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turrumurra Traffic & P
Day/Date :Saturday 13th August 05

Intersection Details

PEAK HOUR
1200 - 1300



Barwon Ave

Chisholm St

R	T	L
31	41	0

58	L
0	T
89	R

14	8	0
L	T	R

R	0
T	0
L	1



Parroo Pl

Weather >>>



Chisholm St



R.O.A.R. DATA

Reliable, Original & Authentic Results

83 Church St, Ryde NSW 2112.

Ph.88196847, Fax 88196849, Mob.0418-239019

FIELD SURVEY REPORT

Day / date : Saturday 13th August 05
Client : Ku-ring-gai Council
Job No/Name : 1087 Sth. Turramurra Traffic & Parking Surveys
ATTENTION : George Koolik

It all went well but there is a few things to mention about the survey. The number plates well we tried with the surveyors that did the counts and we had to abandon that idea to busy to do both jobs. We did start at 11.00 as we discussed and out of the total vehicles southbound from the Barwon & Chisholm intersection 29.5% turn up exiting from Maxwell St into the Comenarra Parkway. The traffic counts look good but there a few vehicles u-turning south of Auluba in Chisholm and travelling back northbound. I think this is due to the with the sports activities at Sir David Martin Reserve. There seemed to be a number of vehicles using Auluba Rd as an escape route as well. It was pretty busy in Auluba Rd as well on the day as the parking figures will show. Well I did find the parking survey area to large with 4.5 klm of roadway to survey each hour. I had to use two people in a vehicle to get round it and then it still took 45 minutes due to it being very congested trying to get down to the netball courts parking area. You will see that I have created 3 different areas within this car park there are a few marked spaces and they park everywhere else they can. Inside the gate into the recreation reserve there was also a lot of parking as well it was full also. There is a problem with vehicles with parents waiting to pick up their children inside the parking area in their vehicles the block things up a bit and add to the confusion. I did find it hard to negotiate along Canoon Rd with vehicles parked either side of the road and a large number of 4WDs around. If you have any questions about the survey please call me. I do hope that the result is what you need and thank you for the opportunity to do undertake this survey.

Regards

GREG HILL

**R.O.A.R. DATA****Reliable, Original & Authentic Results**

Ph.88196847, Fax 88196849, Mob.0418-239019

Client :Ku-ring-gai Council

Job No/Name :1087 Sth.Turrumurra Traffic & Parking Surveys

Day/Date :Saturday 13th August 05

Zone	Location	Cap	7:00	8:00	9:00	10:00
A	Canoon Rd N/Side btw Kissing Pt & Tarook	63	2	6	26	26
A1	Canoon Rd N/Side btw Field of Mars & Tarook	17	0	13	15	13
A2	Canoon Rd N/Side btw Field of Mars & Courts	43	0	10	15	13
A3	Canoon Rd S/Side btw Barwon & Courts	10	1	5	8	4
A4	Canoon Rd S/Side btw Barwon & Lyon	16	0	10	22	21
A5	Canoon Rd S/Side btw Chisholm & Lyon	10	2	6	9	10
A6	Canoon Rd S/Side btw Chisholm & Kissing Point	40	0	0	16	19
B	Field Of Mars W/Side	36	0	37	23	41
B1	Field Of Mars E/Side	12	0	0	0	0
C	Tarook W/Side	10	0	1	10	8
C1	Tarook E/Side	14	1	5	8	10
D	Barwon W/Side btw Canoon & Hinkler	16	0	13	11	13
D1	Barwon W/Side btw Ulm & Hinkler	18	0	5	13	9
D2	Barwon W/Side btw Ulm & Kingsford	12	0	0	7	4
D3	Barwon W/Side btw Cove & Kingsford	12	1	0	0	0
D4	Barwon W/Side btw Cove & Chisholm	25	1	1	1	1
D5	Barwon E/Side btw Hall & Chisholm	40	0	0	0	2
D6	Barwon E/Side btw Hall & Warner	20	0	11	19	12
D7	Barwon E/Side btw Canoon & Warner	48	0	48	39	48
E	Hinkler N/Side	20	2	7	14	10
E1	Hinkler S/Side	15	5	10	14	12
F	Ulm N/Side	23	1	1	11	3
F1	Ulm S/Side	20	4	4	11	8
G	Kingsford N/Side	19	2	4	4	4
G1	Kingsford S/Side	24	2	3	3	3
H	Cove N/Side	23	1	2	2	1
H1	Cove S/Side	25	4	4	3	4
I	Lyon W/Side	19	0	11	10	14
I1	Lyon E/Side	24	0	11	10	14
J	Warner N/Side	25	1	1	9	10
J1	Warner S/Side	19	0	0	8	9
K	Chisholm W/Side btw Canoon & Warner	16	0	1	13	11
K1	Chisholm W/Side btw Hall & Warner	16	0	0	4	4
K2	Chisholm W/Side btw Hall & Barwon	26	0	0	0	0
K3	Chisholm W/Side btw Vernon & Barwon	15	1	1	1	1
K4	Chisholm E/Side btw Vernon & Paroo	13	2	2	2	2
K5	Chisholm E/Side btw Auluba & Paroo	38	1	1	5	2
K6	Chisholm E/Side btw Auluba & Balmaringa	16	1	0	6	11
K7	Chisholm E/Side btw Canoon & Balmaringa	10	0	2	7	6
L	Balmaringa N/Side	51	4	7	15	23
L1	Balmaringa S/Side	43	2	2	11	19
M	Auluba N/Side btw Chisholm & Balmaringa	30	3	16	25	28
M1	Auluba N/Side btw Kissing Pt & Balmaringa	10	0	4	8	7
M2	Auluba S/Side btw Kissing Pt & Reserve Gate	18	1	12	13	17
M3	Auluba S/Side btw Chisholm & Reserve Gate	34	2	26	29	33
N	Paroo Place	10	4	4	3	4
O	Car Park Netball & T-Courts (Marked)	30	0	30	30	30
	Car Park Netball & T-Courts (Informal)	110	0	98	103	110
p	Inside National Park (Informal)	94	0	87	94	93
Q	Girl Guides Hall Field of Mars Ave	14	0	11	7	14
Total Vehicles		1312	51	533	717	761
Number of Spaces			1261	779	595	551

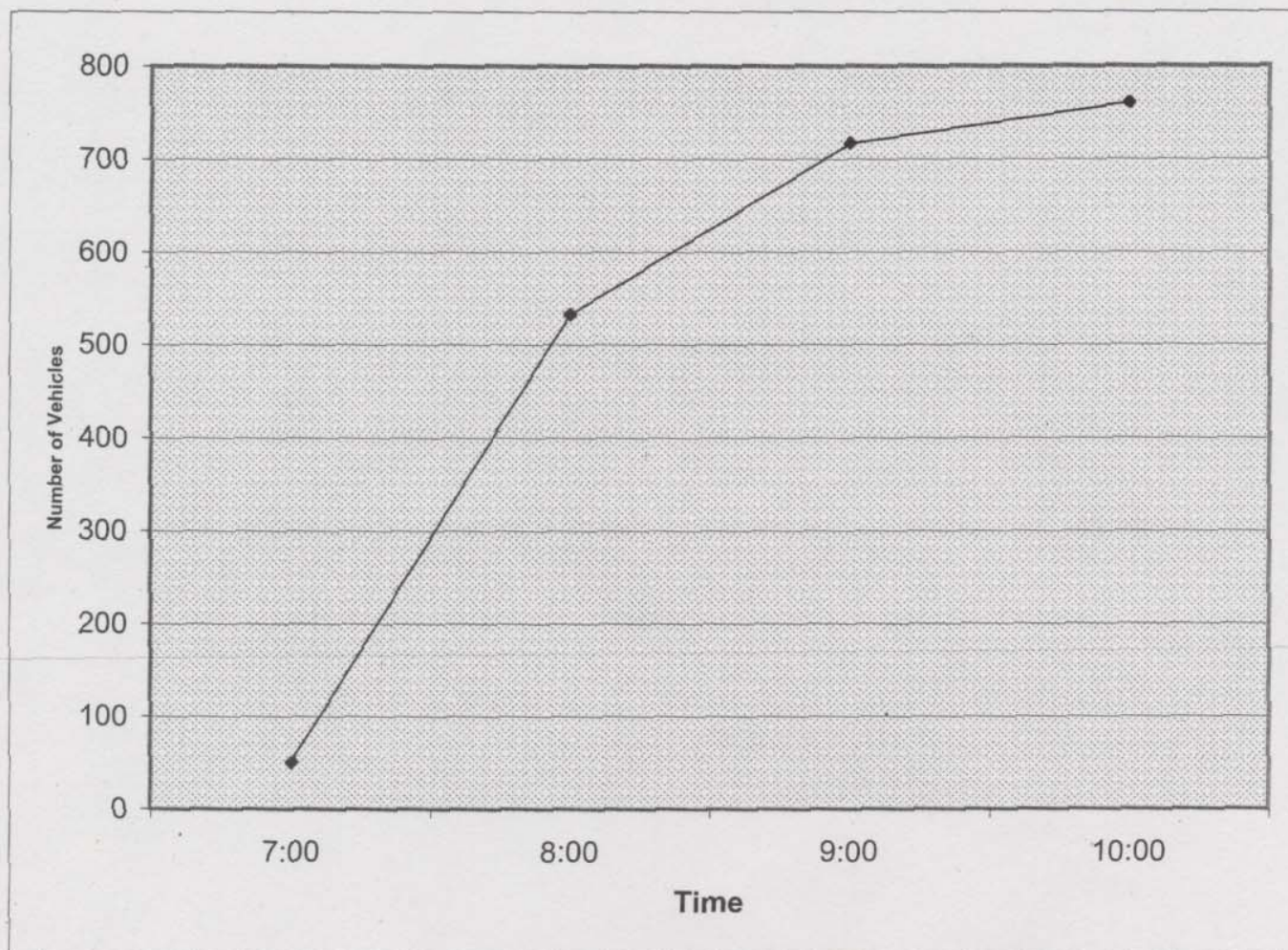
**R.O.A.R. DATA****Reliable, Original & Authentic Results**

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Client :Ku--ring-gai Council

Job No/Name :1087 Sth.Turramurra Traffic & Parking Surveys

Day/Date :Saturday 13th August 05

Parking Demand



R.O.A.R. DATA

Reliable, Original & Authentic Results

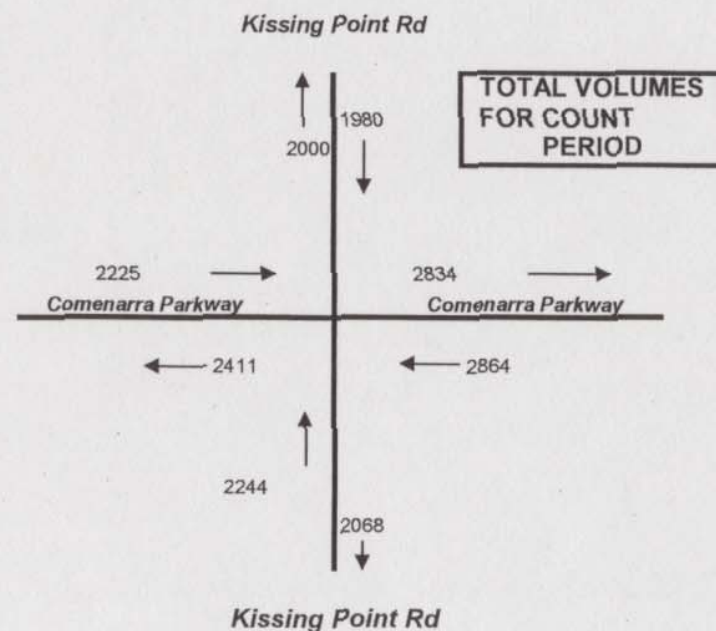
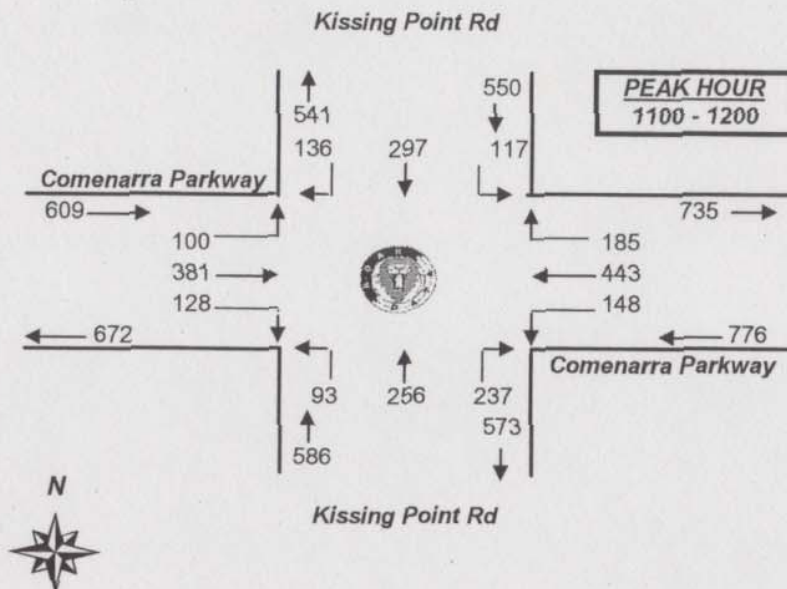
Ph.88196847, Fax 88196849, Mob.0418-239019

All Vehicles

All Vehicles	NORTH			WEST			SOUTH			EAST			TOT
	Kissing Point			Comenarra			Kissing Point			Comenarra			
Time Per	L	I	R	L	I	R	L	I	R	L	I	R	
0900 - 0915	39	55	16	18	73	21	27	42	34	35	76	21	457
0915 - 0930	27	44	19	15	101	30	33	83	75	17	77	35	556
0930 - 0945	22	91	16	23	94	23	27	69	86	33	97	62	643
0945 - 1000	27	83	13	14	79	38	26	60	63	66	87	40	596
1000 - 1015	42	78	26	19	83	19	23	39	39	24	97	34	523
1015 - 1030	34	54	19	17	101	16	32	81	89	24	104	44	615
1030 - 1045	41	52	16	27	90	27	25	73	69	16	114	54	604
1045 - 1100	31	77	17	17	104	31	21	60	34	40	92	41	565
1100 - 1115	26	89	25	23	98	35	17	55	36	53	101	39	597
1115 - 1130	30	71	36	21	96	32	25	67	61	31	111	38	619
1130 - 1145	26	54	40	24	93	36	30	67	84	36	125	70	685
1145 - 1200	35	83	35	32	94	25	21	67	56	28	106	38	620
1200 - 1215	28	60	33	26	113	27	25	57	17	33	110	36	565
1215 - 1230	35	81	20	12	79	30	16	50	25	38	95	40	521
1230 - 1245	37	71	25	15	76	25	23	46	49	27	95	42	531
1245 - 1300	31	48	22	21	82	30	26	64	50	31	149	62	616
Period End	511	1091	378	324	1456	445	397	980	867	532	1636	696	9313

	NORTH			WEST			SOUTH			EAST			
	Kissing Point			Comenarra			Kissing Point			Comenarra			
Peak Time	L	I	R	L	I	R	L	I	R	L	I	R	TOT
0900 - 1000	115	273	64	70		112	113	254	258	151	337	158	2252
0915 - 1015	118	296	74	71	357	110	109	251	263	140	358	171	2318
0930 - 1030	125	306	74	73	357	96	108	249	277	147	385	180	2377
0945 - 1045	144	267	74	77	353	100	106	253	260	130	402	172	2338
1000 - 1100	148	261	78	80	378	93	101	253	231	104	407	173	2307
1015 - 1115	132	272	77	84	393	109	95	269	228	133	411	178	2381
1030 - 1130	128	289	94	88	388	125	88	255	200	140	418	172	2385
1045 - 1145	113	291	118	85	391	134	93	249	215	160	429	188	2466
1100 - 1200	117	297	136	100	381	128	93	256	237	148	443	185	2521
1115 - 1215	119	268	144	103	396	120	101	258	218	128	452	182	2489
1130 - 1230	124	278	128	94	379	118	92	241	182	135	436	184	2391
1145 - 1245	135	295	113	85	362	107	85	220	147	126	406	156	2237
1200 - 1300	131	260	100	74	350	112	90	217	141	129	449	180	2233
PEAK HOUR	117	297	136	100	381	128	93	256	237	148	443	185	2521

Client :Ku-ring-gai Council
 Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
 Day/Date :Saturday 13th August 05





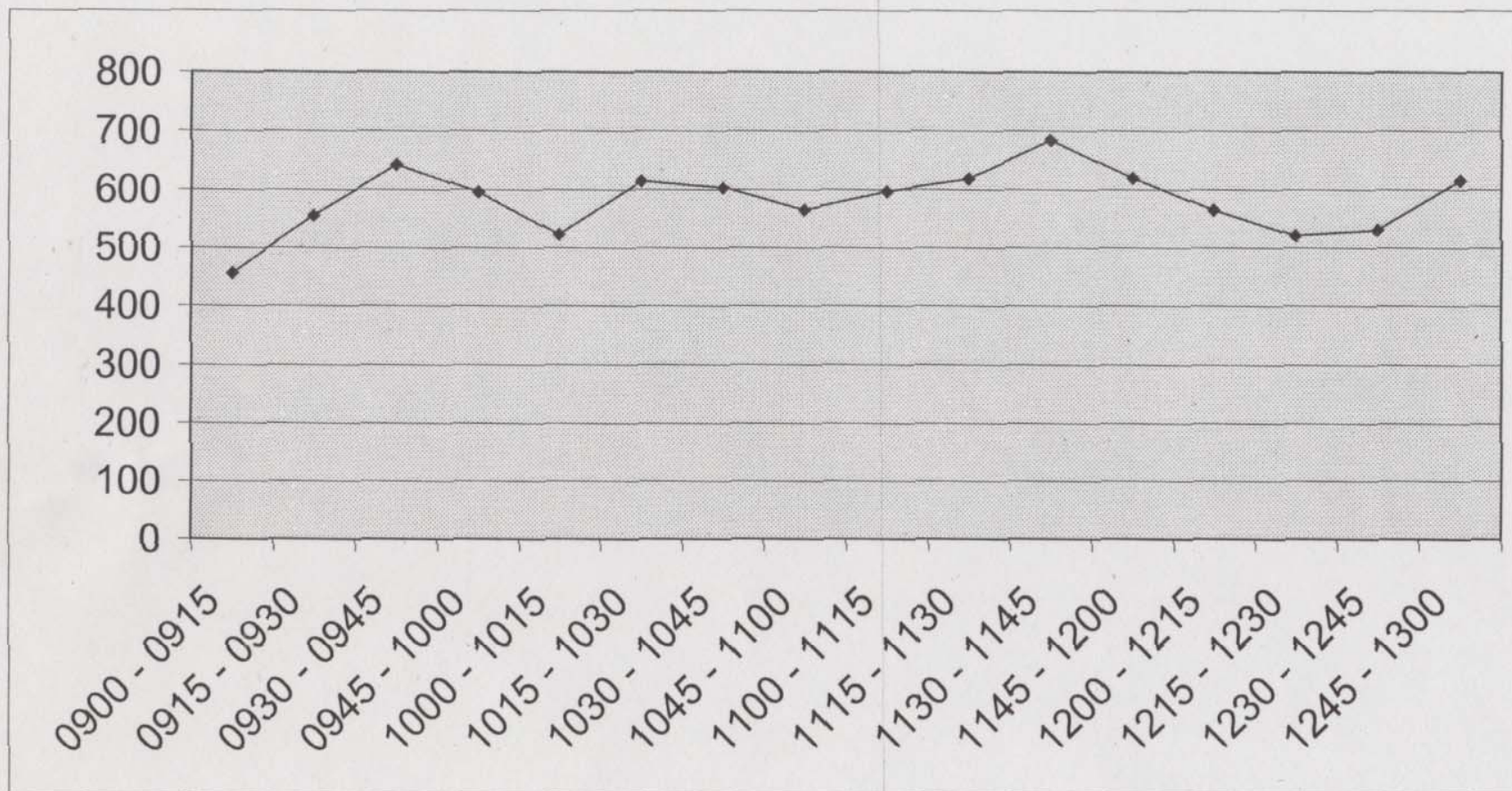
R.O.A.R. DATA

Reliable, Original & Authentic Results

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Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Kissing Point Rd & Commenarra P-Way





R.O.A.R. DATA

Reliable, Original & Authentic Results

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All Vehicles

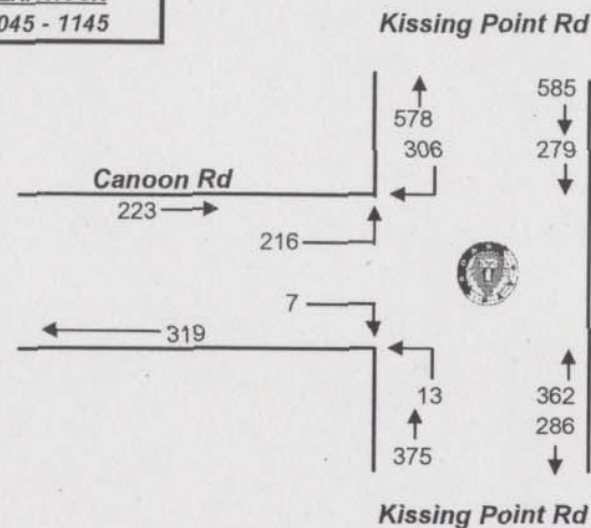
Time Per	WEST		NORTH		SOUTH		TOT
	Canoon Rd		Kissing Point		Kissing Point		
	L	R	R	I	L	I	
0900 - 0915	47	1	54	59	5	62	228
0915 - 0930	109	3	41	60	2	107	322
0930 - 0945	53	1	88	60	4	118	324
0945 - 1000	27	1	125	51	12	87	303
1000 - 1015	34	2	68	58	3	67	232
1015 - 1030	105	0	29	57	0	124	315
1030 - 1045	58	0	45	51	5	94	253
1045 - 1100	26	0	92	61	4	82	265
1100 - 1115	31	0	123	55	4	72	285
1115 - 1130	78	4	54	72	4	110	322
1130 - 1145	81	3	37	91	1	98	311
1145 - 1200	4	0	50	79	3	72	208
1200 - 1215	22	2	82	53	3	85	247
1215 - 1230	24	1	101	52	9	55	242
1230 - 1245	59	0	54	59	0	79	251
1245 - 1300	72	1	37	73	0	84	267
Period End	830	19	1080	991	59	1396	4375

Peak Per	WEST		NORTH		SOUTH		TOT
	Canoon Rd		Kissing Point		Kissing Point		
	L	R	R	I	L	I	
0900 - 1000	236	6	308	230	23	374	1177
0915 - 1015	223	7	322	229	21	379	1181
0930 - 1030	219	4	310	226	19	396	1174
0945 - 1045	224	3	267	217	20	372	1103
1000 - 1100	223	2	234	227	12	367	1065
1015 - 1115	220	0	289	224	13	372	1118
1030 - 1130	193	4	314	239	17	358	1125
1045 - 1145	216	7	306	279	13	362	1183
1100 - 1200	194	7	264	297	12	352	1126
1115 - 1215	185	9	223	295	11	365	1088
1130 - 1230	131	6	270	275	16	310	1008
1145 - 1245	109	3	287	243	15	291	948
1200 - 1300	177	4	274	237	12	303	1007

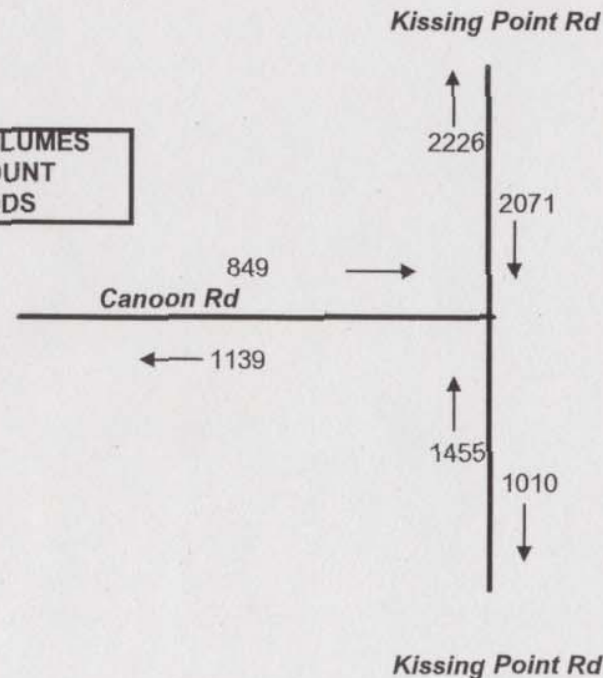
PEAK HR	216	7	306	279	13	362	1183
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Client :Ku-ring-gai Council
 Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
 Day/Date :Saturday 13th August 05

PEAK HOUR
1045 - 1145



TOTAL VOLUMES
FOR COUNT
PERIODS





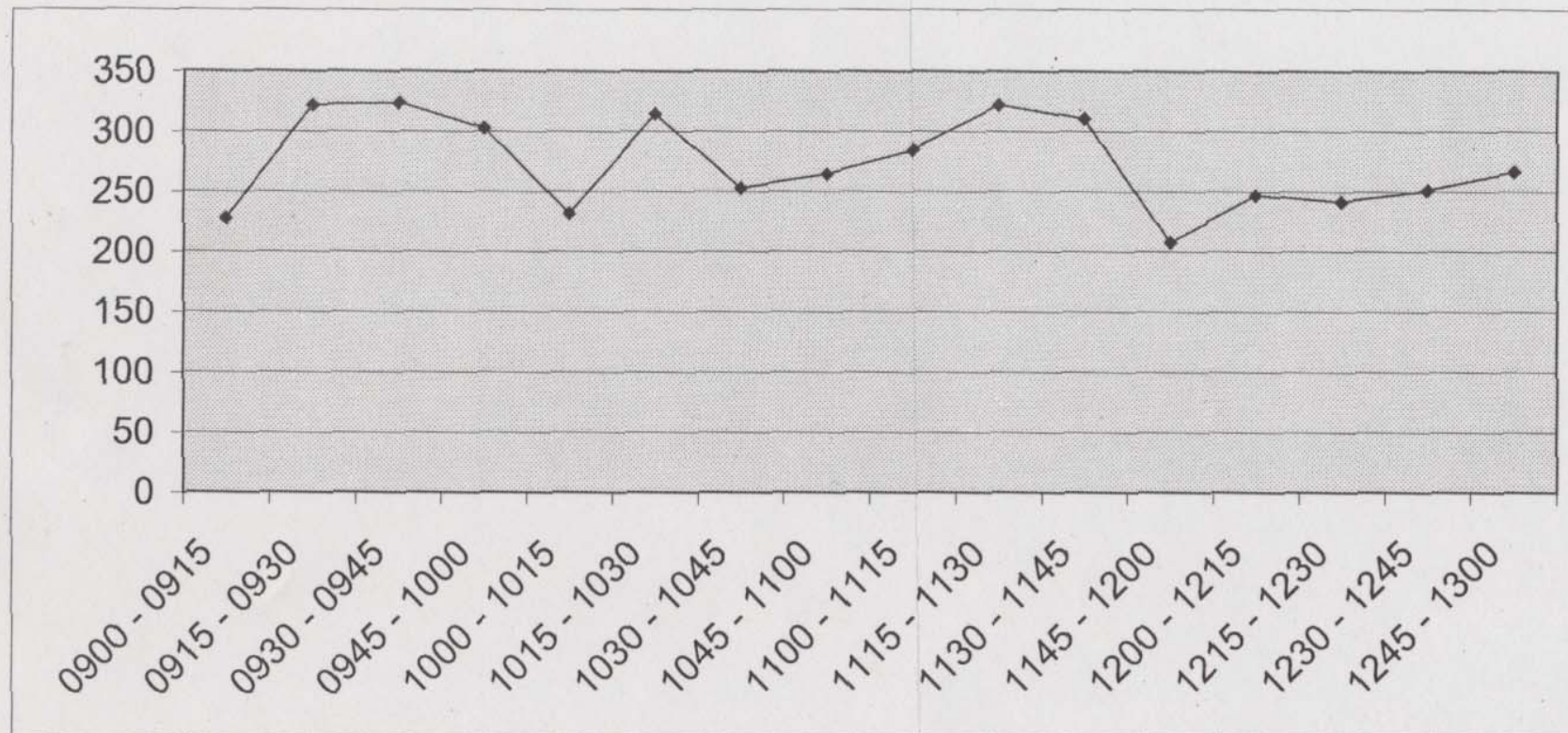
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Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Canoon Rd & Kissing Point Rd





R.O.A.R. DATA

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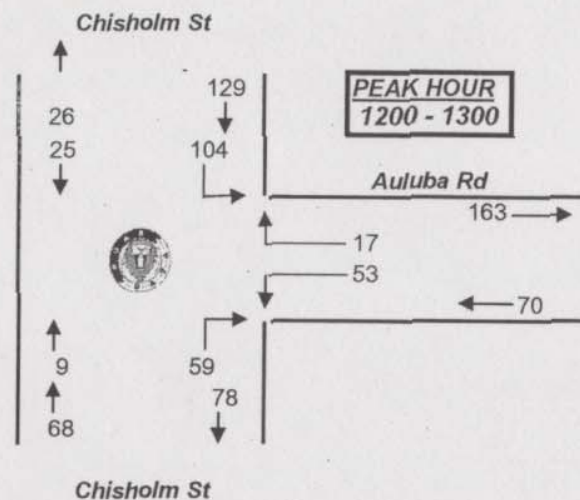
All Vehicles

Time Per	NORTH		EAST		SOUTH		TOTAL
	Chisholm St		Auluba Rd		Chisholm St		
	T	L	R	L	R	T	
0900 - 0915	1	4	2	9	3	2	21
0915 - 0930	7	46	6	16	25	4	104
0930 - 0945	2	9	15	12	8	0	46
0945 - 1000	0	4	16	10	12	2	44
1000 - 1015	3	6	12	9	9	3	42
1015 - 1030	8	50	4	13	18	0	93
1030 - 1045	6	6	1	6	8	2	29
1045 - 1100	1	0	5	7	10	3	26
1100 - 1115	1	1	10	7	9	3	31
1115 - 1130	9	28	10	17	24	3	91
1130 - 1145	4	38	4	14	29	2	91
1145 - 1200	1	4	2	6	5	0	18
1200 - 1215	2	0	6	12	6	2	28
1215 - 1230	5	1	5	12	6	4	33
1230 - 1245	7	48	2	7	27	2	93
1245 - 1300	11	55	4	22	20	1	113
Period End	68	300	104	179	219	33	903

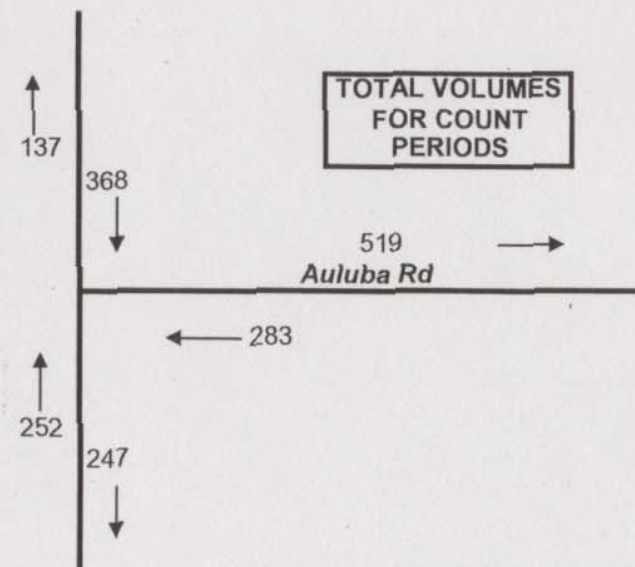
Peak Per	NORTH		EAST		SOUTH		TOTAL
	Chisholm St		Auluba Rd		Chisholm St		
	T	L	R	L	R	T	
0900 - 1000	10	63	39	47	48	8	215
0915 - 1015	12	65	49	47	54	9	236
0930 - 1030	13	69	47	44	47	5	225
0945 - 1045	17	66	33	38	47	7	208
1000 - 1100	18	62	22	35	45	8	190
1015 - 1115	16	57	20	33	45	8	179
1030 - 1130	17	35	26	37	51	11	177
1045 - 1145	15	67	29	45	72	11	239
1100 - 1200	15	71	26	44	67	8	231
1115 - 1215	16	70	22	49	64	7	228
1130 - 1230	12	43	17	44	46	8	170
1145 - 1245	15	53	15	37	44	8	172
1200 - 1300	25	104	17	53	59	9	267

PEAK HR	25	104	17	53	59	9	267
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Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05



Chisholm St



Chisholm St



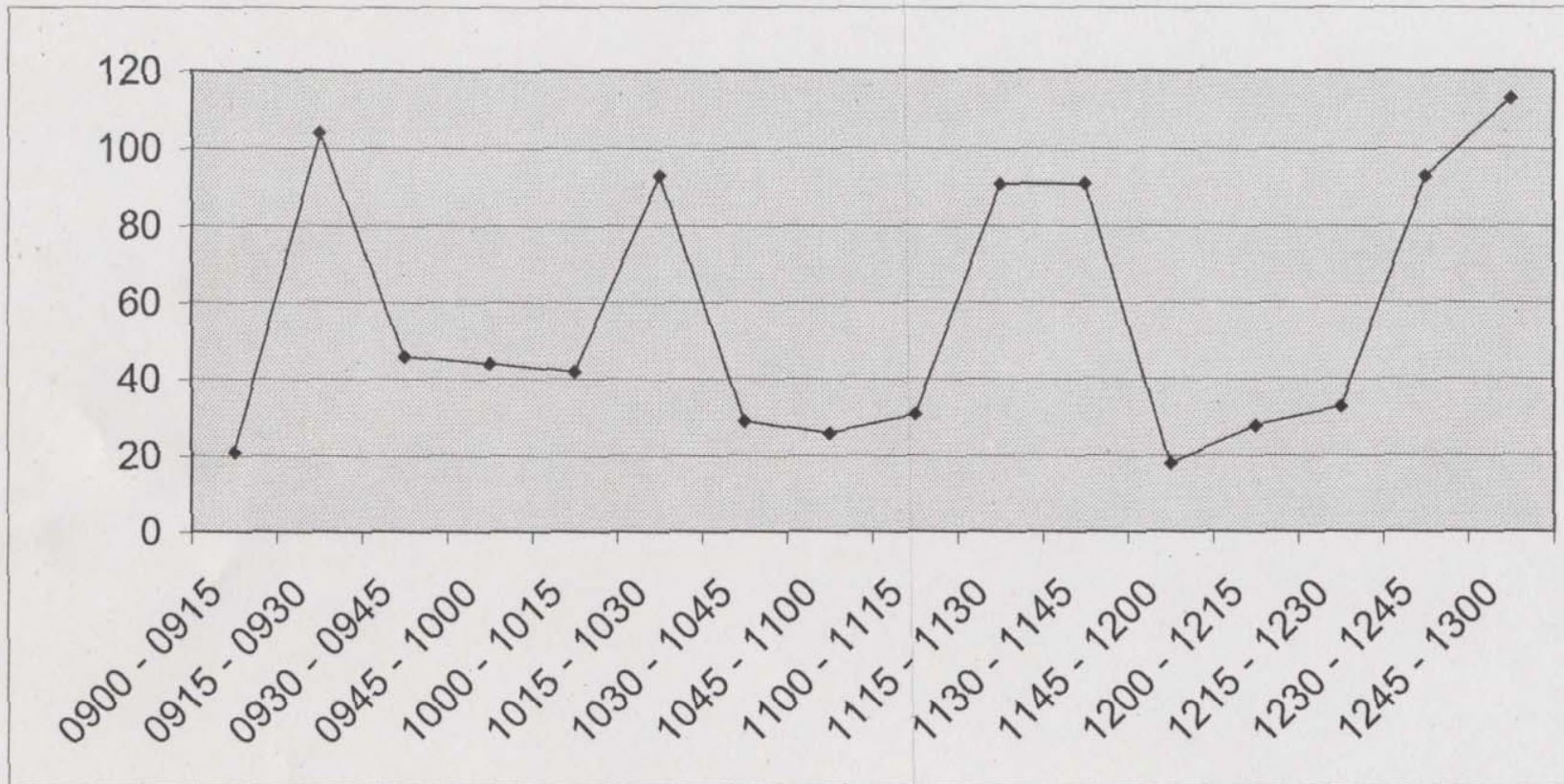
R.O.A.R. DATA

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Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Auluba Rd & Chisholm St





R.O.A.R. DATA

Reliable, Original & Authentic Results

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All Vehicles

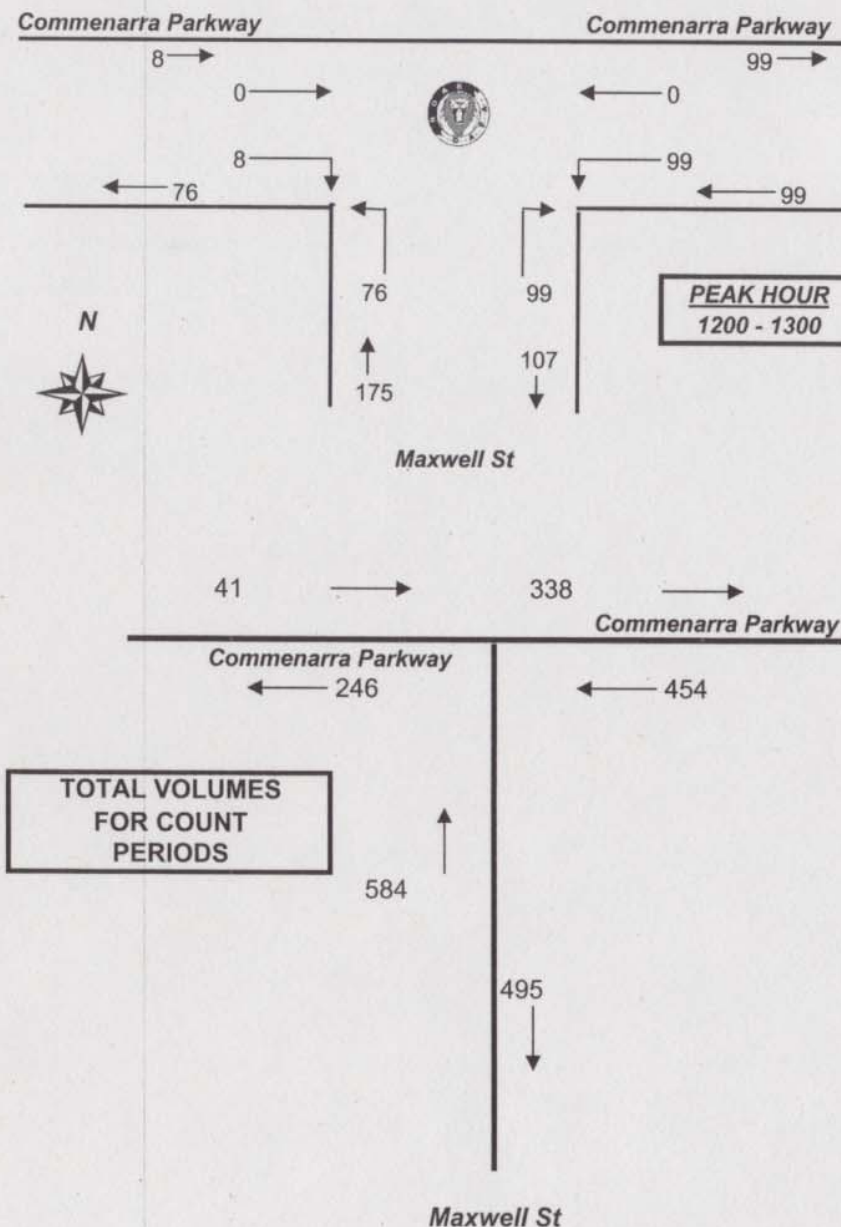
Time Per	WEST Commenarra		SOUTH Maxwell St		EAST Commenarra		TOTAL
	R	I	L	R	I	L	
0900 - 0915	2		2	9		21	34
0915 - 0930	7		28	29		35	99
0930 - 0945	3		29	25		52	109
0945 - 1000	3		12	14		49	78
1000 - 1015	3		8	8		19	38
1015 - 1030	1		12	34		20	67
1030 - 1045	2		14	15		24	55
1045 - 1100	3		6	12		20	41
1100 - 1115	1		4	6		25	36
1115 - 1130	1		10	20		36	67
1130 - 1145	6		38	54		27	125
1145 - 1200	1		7	13		27	48
1200 - 1215	1		3	6		27	37
1215 - 1230	3		1	7		33	44
1230 - 1245	3		16	15		20	54
1245 - 1300	1		56	71		19	147
Period End	41	0	246	338	0	454	1079

Peak Per	WEST Commenarra		SOUTH Maxwell St		EAST Commenarra		TOTAL
	R	I	L	R	I	L	
0900 - 1000	12	0	59	63	0	108	242
0915 - 1015	10	0	57	54	0	87	208
0930 - 1030	3	0	29	25	0	52	109
0945 - 1045	9	0	46	71	0	112	238
1000 - 1100	9	0	40	69	0	83	201
1015 - 1115	7	0	36	67	0	89	199
1030 - 1130	7	0	34	53	0	105	199
1045 - 1145	11	0	58	92	0	108	269
1100 - 1200	9	0	59	93	0	115	276
1115 - 1215	9	0	58	93	0	117	277
1130 - 1230	11	0	49	80	0	114	254
1145 - 1245	8	0	27	41	0	107	183
1200 - 1300	8	0	76	99	0	99	282

PEAK HR	8		76	99		99	282
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Client
Job No/Name
Day/Date

:Ku-ring-gai Council
:1087 Sth. Turramurra Traffic & Parking Surveys
:Saturday 13th August 05





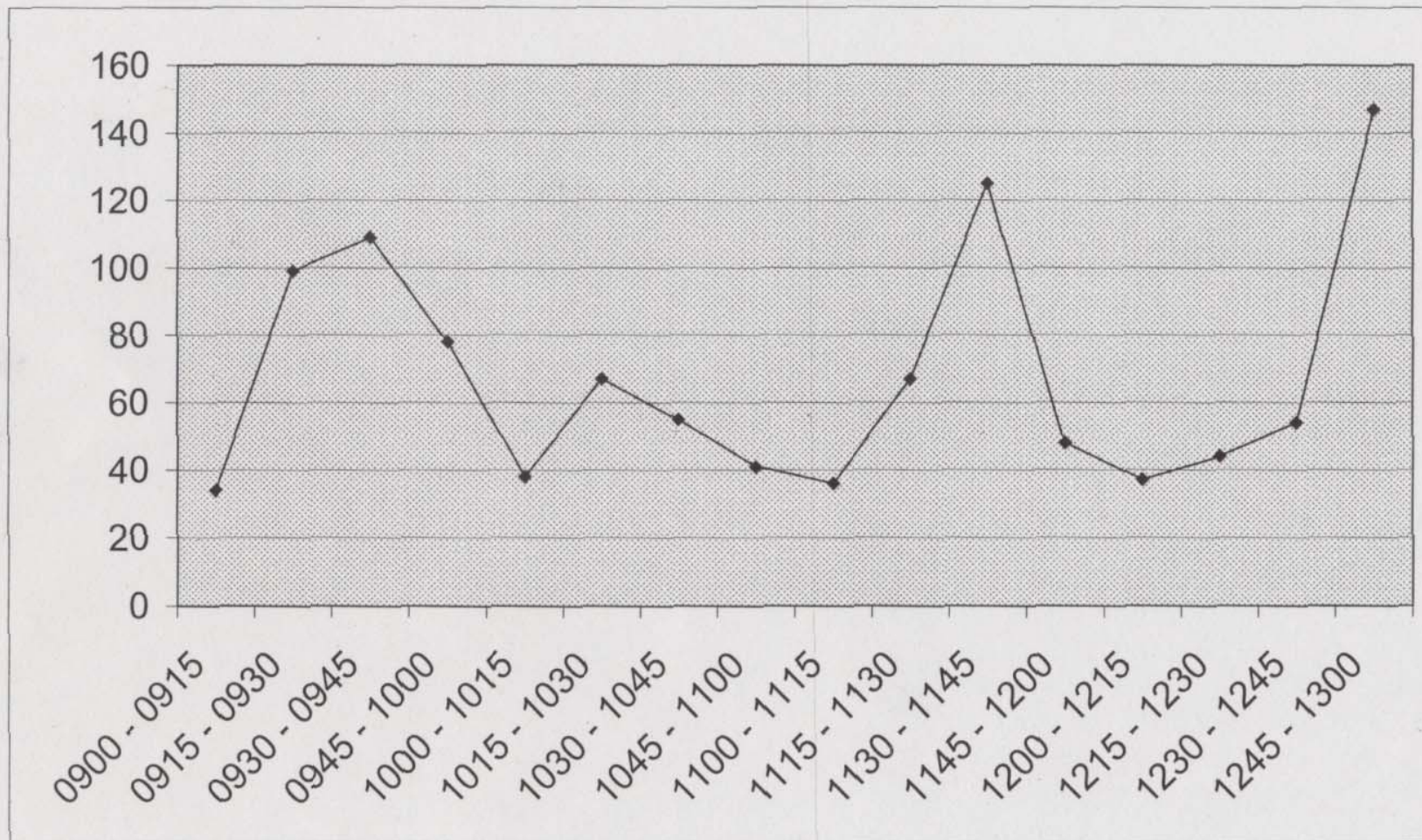
R.O.A.R. DATA

Reliable, Original & Authentic Results

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Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Commenarra P-Way & Maxwell St





R.O.A.R. DATA

Reliable, Original & Authentic Results

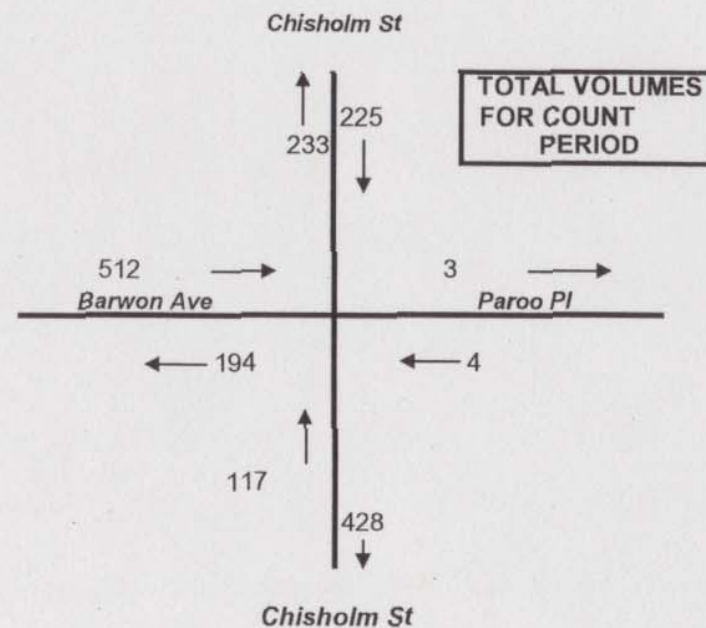
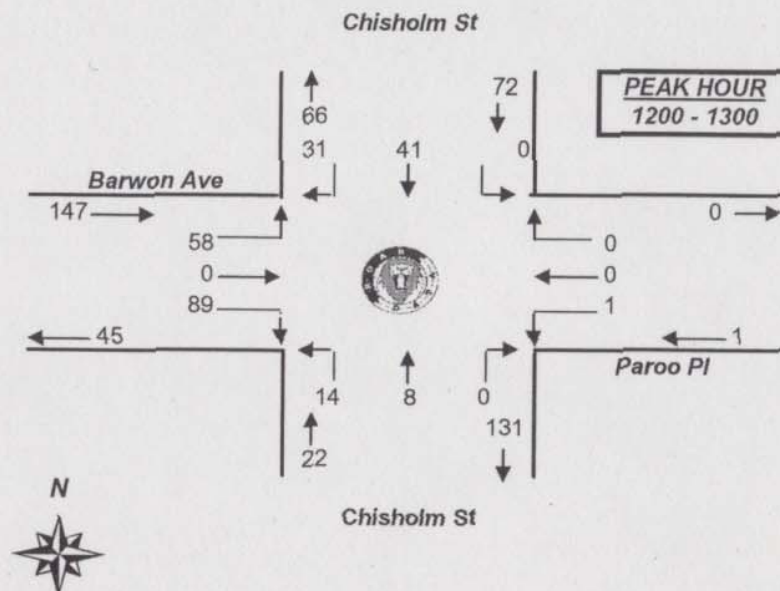
Ph.88196847, Fax 88196849, Mob.0418-239019

All Vehicles

Time Per	NORTH Chisholm St			WEST Barwon Ave			SOUTH Chisholm St			EAST Paroo Pl			TOT
	L	I	R	L	I	R	L	I	R	L	I	R	
0900 - 0915	0	3	3	3	0	7	3	1	0	0	0	0	20
0915 - 0930	0	15	9	26	0	57	4	3	0	0	0	0	114
0930 - 0945	0	6	9	6	0	9	6	1	0	0	0	0	37
0945 - 1000	0	2	8	8	0	8	9	4	0	0	0	0	39
1000 - 1015	0	1	6	5	0	13	4	4	0	0	0	0	33
1015 - 1030	0	13	4	15	0	34	3	1	0	0	0	0	70
1030 - 1045	1	8	4	7	0	11	5	3	0	0	0	0	39
1045 - 1100	0	3	3	7	0	6	9	3	0	0	0	2	33
1100 - 1115	1	3	4	12	0	7	10	1	0	0	0	0	38
1115 - 1130	0	6	17	21	0	33	6	2	0	0	0	0	85
1130 - 1145	0	11	4	25	0	33	8	2	0	0	0	0	83
1145 - 1200	1	0	8	5	0	7	3	0	0	1	0	0	25
1200 - 1215	0	2	8	6	0	2	4	1	0	0	0	0	23
1215 - 1230	0	2	13	7	0	7	5	3	0	0	0	0	37
1230 - 1245	0	8	6	25	0	45	3	2	0	1	0	0	90
1245 - 1300	0	29	4	20	0	35	2	2	0	0	0	0	92
Period End	3	112	110	198	0	314	84	33	0	2	0	2	858

Peak Time	NORTH Chisholm St			WEST Barwon Ave			SOUTH Chisholm St			EAST Paroo Pl			TOT
	L	I	R	L	I	R	L	I	R	L	I	R	
0900 - 1000	0	26	29	43		81	22	9	0	0	0	0	210
0915 - 1015	0	24	32	45	0	87	23	12	0	0	0	0	223
0930 - 1030	0	22	27	34	0	64	22	10	0	0	0	0	179
0945 - 1045	1	24	22	35	0	66	21	12	0	0	0	0	181
1000 - 1100	1	25	17	34	0	64	21	11	0	0	0	2	175
1015 - 1115	2	27	15	41	0	58	27	8	0	0	0	2	180
1030 - 1130	2	20	28	47	0	57	30	9	0	0	0	2	195
1045 - 1145	1	23	28	65	0	79	33	8	0	0	0	2	239
1100 - 1200	2	20	33	63	0	80	27	5	0	1	0	0	231
1115 - 1215	1	19	37	57	0	75	21	5	0	1	0	0	216
1130 - 1230	1	15	33	43	0	49	20	6	0	1	0	0	168
1145 - 1245	1	12	35	43	0	61	15	6	0	2	0	0	175
1200 - 1300	0	41	31	58	0	89	14	8	0	1	0	0	242
PEAK HOUR	0	41	31	58	0	89	14	8	0	1	0	0	242

Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05





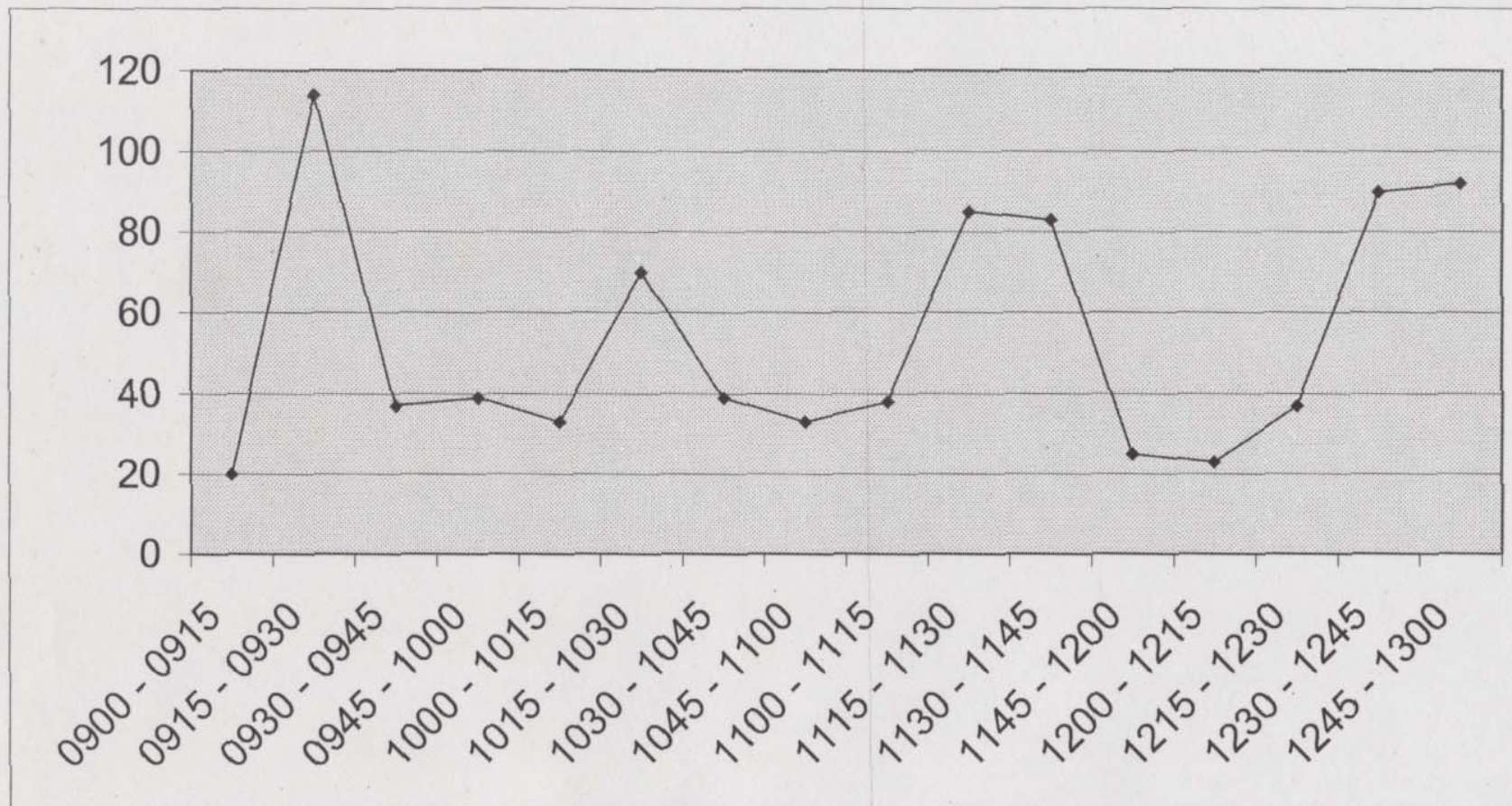
R.O.A.R. DATA

Reliable, Original & Authentic Results

Ph.88196847, Fax 88196849, Mob.0418-239019

Client :Ku-ring-gai Council
Job No/Name :1087 Sth. Turramurra Traffic & Parking Surveys
Day/Date :Saturday 13th August 05

Chisholm St & Barwon St





CALLING OF AN EXTRAORDINARY MEETING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To set a meeting date for an Extraordinary Meeting of Council.

BACKGROUND:

It has been expressed previously that given the significance of the Town Centre Plans that a separate meeting be held when a draft plan is ready for exhibition.

COMMENTS:

The proposed Extraordinary Meeting of Council will deal with the St Ives Centre Planning – Exhibition of Draft LEP and DCP.

RECOMMENDATION:

That an Extraordinary Meeting of Council be held on Thursday, 15 December 2005, commencing at 7.00pm to deal with the St Ives Centre Planning - Exhibition of Draft LEP and DCP.

PURPOSE OF REPORT

To set a meeting date for an Extraordinary Meeting of Council.

BACKGROUND

It has been expressed previously that given the significance of the Town Centre Plans that a separate meeting be held when a draft plan is ready for exhibition.

COMMENTS

The proposed Extraordinary Meeting of Council will deal with the St Ives Centre Planning – Exhibition of Draft LEP and DCP.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That an Extraordinary Meeting of Council be held on Thursday, 15 December 2005, commencing at 7.00pm to deal with the St Ives Centre Planning - Exhibition of Draft LEP and DCP.

Brian Bell
General Manager

OPTIONS FOR COUNCIL WARD CHANGES, COUNCILLOR NUMBERS AND METHOD OF MAYORAL ELECTION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

In response to Council resolutions of 27 April 2004 and 4 May 2004, the General Manager presented a report to Council on 12 October 2004, in relation to Ward systems, methods of election of Mayor and Councillor numbers. The report was referred to the Policy Review Committee for consideration..

BACKGROUND:

The report has since been presented to a number of Policy Review Committee meetings during 2005.

Note that since the report to Council on 12 October 2004 the State Department of Local Government has issued Circular 05-34, dated 15 July 2005 which in-part details relevant amendments to the Local Government Act. This amendment offers a one-off opportunity for Councils to reduce their number of councillors without holding a constitutional referendum. (See [Attachment 1](#)).

COMMENTS:

Should Council wish to exercise any of the options noted in this report it needs to give consideration well before the next Local Government elections for NSW in September 2008.

Depending upon the options taken, Council may proceed by resolution and constitutional referendum (for any or all of the options) or where councillor numbers (only) are to be considered, by resolution and subsequent application to the Minister for Local Government, prior to July 2006.

RECOMMENDATION:

Should Council wish to proceed with any of the options in this report:

- A. That Council use the constitutional referendum process as outlined in Part 3 of the Local Government Act 1993 (Sections 15 – 20), and Sections 224 and 228
- B. That Council conduct any constitutional referendum during the latter half of 2006
- C. That a further report be brought to Council in 2006 with recommendations for appropriate wording of referendum questions
- D. That for this purpose, extra funds of \$20,000 per year, be programmed into Council's Long Term Financial Model for the financial years 2006–07, 2007–08 and 2008-09.

PURPOSE OF REPORT

In response to Council resolutions of 27 April 2004 and 4 May 2004, the General Manager presented a report to Council on 12 October 2004, in relation to Ward systems, methods of election of Mayor and Councillor numbers. The report was referred to the Policy Review Committee for consideration.

BACKGROUND

The report referred from the Council meeting of 12 October 2004 has since been presented to a number of Policy Review Committee meetings during 2005.

Constitutional Referendums

Section 15 of the Local Government Act defines a constitutional referendum:

“A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16.”

Section 16 of the Local Government Act 1993 requires that:

“A council may not do any of the following unless approval to do so has been given at a constitutional referendum:

- a. divide its area into wards or abolish all wards in its area,*
- b. change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors),*
- c. increase or decrease the number of councillors in accordance with the limits under section 224,*
- d. change the method of ordinary election of councillors for an area divided into wards.”*

Section 17 (1) of the Local Government 1993 states that a constitutional referendum is binding on a Council:

“(1) The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.”

Therefore any recommended changes to Ward boundaries or the method of election of Mayor or Councillor numbers is required to be put to the Ku-ring-gai community via a Constitutional Referendum.

There is a “one-off” exception to this requirement, outlined in the Department of Local Government Circular 05-34 of 15 July 2005 (See Attachment 1). The exception relates only to proposals by a Council to reduce the number of councillors. The exception allows a Council (up until July 2006) the “opportunity” to reduce its councillor numbers, by resolution, and make subsequent application to the Minister for Local Government for approval.

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Changing the Wards?

Note that Section 210(7) of the Local Government Act, 1993, requires that “The division of a Council’s area into Wards, or a change to the boundaries of a ward, must not result in a variation of more than 10% between the number of electors in each ward in the area.”

At the Policy Review Committee meeting of 17 October 2005, when looking at the possible ward boundaries, Councillors requested options for three, four and five Wards.

Below are notes on a variation of a Five Wards option (See also Map 1), a Four Wards option (See also Map 2) and a Three Wards option (See also Map 3). Respective ward populations (at 2001 Census) and likely future elector populations from the Stage 2 Residential Development Strategy are indicated.

Five Wards

The boundaries for five Wards have been adjusted to cater for future population projections, but still remain within the 10% variance permitted under Section 210(7) of the Local Government Act 1993. These are shown on Map 1. Electoral populations (State Electoral Office 2005) are:

Ward	Electors	Total
Wahroonga	14,893)	71,985
St Ives	14,368)	
Comenarra	14,018)	
Gordon	14,266)	
Roseville	14,440)	

Suggested Boundaries:**Wahroonga Ward**

Freeway, Cockle Creek, Cowan Creek, Branch of Cowan Creek, Merrivale Road, Telegraph Road, Pacific Highway, Beechworth Road, Railway Line, Redleaf Avenue, Pacific Highway.

St Ives Ward

Beechworth Road, Pacific Highway, Telegraph Road, Merrivale Road, Branch of Cowan Creek, Cowan Creek, Middle Harbour Creek, Rocky Creek, High Ridge Creek, Rosedale Road, Dalrymple Crescent, Vista Street, Mona Vale Road, Railway Line.

Comenarra Ward

Lane Cover River, Pacific Highway, Redleaf Avenue, Railway Line, Livingstone Avenue, Courallie Avenue, Golfers Parade, Yarrara Road, Inverallen Avenue, Lofberg Road, Ryde Road.

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Gordon Ward

Lane Cove River, Ryde Road, Lofberg Road, Inverallen Avenue, Yarrara Road, Golfers Parade, Courallie Avenue, Livingstone Avenue, Railway line, Mona Vale Road, Vista Street, Dalrymple Crescent, Rosedale Road, High ridge Creek, Rocky Creek, Middle Harbour Creek, Gordon Creek, Eastern Arterial Road, Stanhope Road, Nelson Road, Treatts Road, Pacific Highway, Fiddens Wharf Road.

Roseville Ward

Lane Cove River, Fiddens Wharf Road, Pacific Highway, Treatts Road, Nelson Road, Stanhope Road, Eastern Arterial Road, Gordon Creek, Middle Harbour Creek, Boundary Street, Bluegum Creek.

Four Wards Option

This option is shown on Map 2. The ward elector populations are:

Ward	Electors
Northern	18,379
Eastern	18,452
Western	16,841
Southern	18,313

These elector numbers are within the 10% variations limits required by Section 210 (7) of the Local Government Act 1993.

Suggested Boundaries:

Northern Ward

Freeway, Cockle Creek, Cowan Creek, Branch of Cowan Creek, Pentecost Avenue, Bobbin Head Road, Beechworth Road, Railway line, Pacific Highway, Kissing Point road, Rothwell Road, Mitchell Crescent, Roland Avenue, Nerang Street, The Comenarra Parkway.

Eastern Ward

Railway Line, Beechworth road, Bobbin Head Road, Pentecost Avenue, Branch of Cowan Creek, Cowan Creek, Rocky Creek, Eastern Arterial Road, Rosebery Road, Illeroy Avenue, Arthur Street, McIntosh Street.

Western Ward

Lane Cove River, The Comenarra Parkway, Nerang Street, Roland Avenue, Mitchell Crescent, Rothwell Road, Kissing Point Road, Pacific Highway, Railway Line, Stanhope Road, Pacific Highway, Fiddens Wharf Road.

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Southern Ward

Lane Cove River, Fiddens Wharf Road, Pacific Highway, Stanhope Road, Railway Line, McIntosh Street, Arthur Street, Illeroy Avenue, Rosebery Road, Eastern Arterial Road, Rocky Creek, Middle Harbour, Boundary Street, Bluegum Creek.

Three Wards Option (Defined by Adjusted Water Catchment Boundaries)

This option is shown on Map 3. The ward elector populations are:

Ward	Electors
Lane Cove catchment	23,507
Middle Harbour catchment	23,632
Cowan Creek catchment	24,846

These elector numbers are within the 10% variations limits required by Section 210 (7) of the Local Government Act 1993.

Ward Boundaries:

Lane Cove River Ward

Lane Cove River, The Comenarra Parkway, Fox Valley Road, Pacific Highway, Cherry Street, Railway Line, Pacific Highway (Pymble) Railway Line, Ravenswood to Pacific Highway, Commonwealth Road, Grassmere Road, Provincial Road, Pacific Highway to Havillah Road underpass, Railway Line, Corona Avenue, Bluegum Creek.

Middle Harbour Ward

Middle Harbour Creek, Boundary Street, Railway Line to Havillah Road underpass, Pacific Highway, Provincial Road, Grassmere Road, Commonwealth Road, Pacific Highway to Ravenswood, Railway Line, Mona Vale Road.

Cowan Creek Ward

Freeway, Cockle Creek, Cowan Creek, Mona Vale Road, Railway Line, Pacific Highway (Pymble), Railway Line, Cherry Street, Pacific Highway, Fox Valley Road, The Comenarra Parkway.

Ward Comparisons with Other Councils

To assist Councillors in considering available options, comparisons have been made with the following Councils:

*	Hornsby	*	Mosman	*	Warringah
*	Hunters Hill	*	North Sydney	*	Willoughby
*	Lane Cove	*	Pittwater		
*	Manly	*	Ryde		

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The comparison of northern Sydney Councils shown below in Table 1 indicates that ten out of eleven have a ward-based structure, Manly being the exception.

Table 1

Council	Size Category	Wards		
	1 = largest; 8 = smallest	Yes/No	No.	Names
Hornsby Shire	1	Yes	3	A,B,C
Hunters Hill Municipality	8	Yes	2	North, South
Ku-ring-gai Municipality	3	Yes	5	Comenarra, Gordon, Roseville, St Ives, Wahroonga
Lane Cove Municipality	7	Yes	3	Central, East, West
Manly Municipality	7	No		
Mosman Municipality	7	Yes	4	Balmoral, East, Middle Harbour, West
North Sydney Municipality	5	Yes	4	Cremorne, Tunks, Victoria, Wollstonecraft
Pittwater Municipality	5	Yes	3	Central, North, South
Ryde City	3	Yes	3	Central, east, West
Warringah Shire	2	Yes	3	A, B, C
Willoughby City	5	Yes	4	Middle Harbour, Naremburn, Sailors Bay, West

Number of Councillors per Ward

Note that Section 224 of the Local Government Act 1993, requires between 5 and 15 Councillors for a Council.

At present, Ku-ring-gai elects two Councillors in each of five wards. Accordingly, the optional preferential method of voting is used, rather than the proportional representation method.

The major difference is that surplus votes in the current optional preferential system are passed on at full value, so that groups are greatly advantaged over non-grouped candidates. The effect is that two candidates in a dominant group are likely to be elected rather than the lead candidates of two dominant groups. This was the case in four out of five wards in the March 2004 elections.

Table 2 below, outlines the current number of Councillors per ward across Northern Sydney Councils.

Table 2

Council	Size Category	Wards	Councillors	Councillors per Wards
	1 = largest; 8 = smallest			
Hornsby Shire	1	3	9 + Mayor	3
Hunters Hill	8	2	6 + Mayor	3
Ku-ring-gai	3	5	10	2
Lane Cove	7	3	9	3

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Council	Size Category	Wards	Councillors	Councillors per Wards
	1 = largest; 8 = smallest			
Manly	7	Nil	11 + Mayor	
Mosman	7	4	12	3
North Sydney	5	4	12 + Mayor	3
Pittwater	5	3	9	3
Ryde City	3	3	12	4
Warringah Shire	2	3	9	3
Willoughby City	5	4	12 + Mayor	3

As outlined in Table 2, the normal practice for local Councils is to have three Councillors per ward. Only one other Council in Sydney (Botany Bay) operates with two Councillors per ward.

Any increases to the number of Councillors per ward would need to be considered in tandem with reducing the number of wards, to balance the numbers of elected members to near existing levels.

Normally, Section 224(3) of the Local Government Act 1993, requires that any proposal to alter the number of Councillors must be put to the voters by means of a constitutional referendum. If this is done at an ordinary election, the change does not come into effect until the following election; otherwise, a separate referendum must be conducted at least 12 months before the ordinary election falls due.

As noted earlier in this report the State Government has amended the Local Government Act to permit a one-off “opportunity” (until July 2006) for any Council to reduce the number of councillors by Council resolution and subsequent application to the Minister for Local Government.

Ratios of Councillor and Electors

For comparison purposes Attachment 2 provides the ratios of councillors and electors in the Sydney Metropolitan Region.

Method of Election for Mayor

Mayors can be elected in one of only two ways:

- * By vote of the Councillors; or
- * By popular vote

The powers of the Mayor are the same regardless of the manner of election.

Mayor Elected by Vote of the Councillors

Under this method, Councillors elect the Mayor from within their ranks at the first meeting of a new Council, and then annually until the next election.

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Despite this being a less common option, it is interesting to note that of the eleven Northern Sydney Councils, five (Hornsby, Hunters Hill, Manly, North Sydney and Willoughby) all have popularly elected Mayors.

Candidates can nominate as either a Councillor or Mayor, or as Mayor alone. Should the candidate stand for both, the counting of votes in the Mayoral election is completed before the distribution of preferences in the election of Councillors. If the candidate is elected as Mayor, the preferences he or she has received for the office of Councillor are transferred to other candidates (Section 283 of Local Government Act).

Popularly elected Mayors are voted into office by all electors in the Local Government Area and the optional preferential voting system is used.

Popularly elected Mayors serve the full four-year term of council.

Attached to this report are a number of information papers relating to the election of Mayor:

Attachment 4 - List of NSW Councils with a Popularly Elected Mayor

Attachment 5 – Cases For and Against Popularly Elected Mayor

Attachment 6 – Letter from Barry O’Farrell MP – Member for Ku-ring-gai

Attachment 7 – Letter from Andrew Humpherson MP – Member for Davidson

Attachment 8 – Comments from Professor Sansom

COMMENTS

In the final analysis just about any system could be made to “work”.

In terms of Ward Councillor numbers, options as different as one councillor per ward system, or a three ward system with three councillors per ward are all workable

FINANCIAL CONSIDERATIONS

The following estimates to conduct a constitutional referendum are provided:

Saturday Staff	\$60,000
Sunday Staff	\$7,000
State Electoral Office	\$13,000
Advertising	\$10,000
Polling Booths	\$5,000
Total	\$95,000

These estimates are based on using twenty (20) polling booths with five (5) staff at each booth, while costs for a returning officer and polling stationery (uniform white ballot paper) are included in the State Electoral Office estimate. It is anticipated that any other minor administration costs for

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a referendum could be resourced internally. For budgetary purposes it is recommended that any referendum be held during the first half of the 2006/07 financial year.

In terms of funding, there is currently \$45,000 in the Election Reserve with a further \$50,000 to be added in the 2005/06 financial year, and each subsequent year until the general election in 2008/09. Assuming the Referendum is funded from this reserve and that the general election costs \$200,000 in 2008/09, there will be a shortfall of approximately \$50,000 in that year. Therefore if Council proceeds it would be proposed that the transfer to the Election Reserve be increased to \$70,000 in the years 2006/07 – 2008/09 to meet the additional cost of a referendum in the interim. If Council adopted this proposal the ten (10) year financial model would be updated to reflect this funding option.

Variations resulting from changes to the number of wards and/or Councillors are considered negligible in the context of Council operational costs.

Effects on the operations and resources of Council are occasioned more by the combination of:

- Policy guidelines set by Council
- Delegations of authority to the General Manager; and
- Effective functioning of the elected Council entity.

As such, the overriding consideration for Council is the provision of an electoral system that best represents the needs of the community. In doing this, Council would ensure the most effective use of available resources.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not Applicable

SUMMARY

This report presents options as alternatives to the current electoral system in Ku-ring-gai Council, in particular Ward changes, Councillor numbers and the method of election of Mayor.

The three main issues presented in this report are inter-related. If Council opts to change one or more of the three main circumstances it will need to look at the other two.

Note that since the report to Council on 12 October 2004 the State Department of Local Government has issued Circular 05-34, dated 15 July 2005 which in-part details relevant amendments to the Local Government Act. This amendment offers a one-off opportunity for Councils to reduce their number of councillors without holding a constitutional referendum. (See Attachment 1)

If Council wishes to proceed with a change to its Ward Boundaries, and/or the Number of Councillors, and/or Method of Mayoral Election, it has two options to choose from:

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- * Via council resolution and subsequent constitutional referendum, for any or all of these options; or
- * Via council resolution and subsequent application to the Minister for Local Government prior to July 2006, to seek a reduction in the number of councillors (only).

RECOMMENDATION

Should Council wish to proceed with any of the options in this report:

- A. That Council use the constitutional referendum process as outlined in Part 3 of the Local Government Act 1993 (Sections 15 – 20), and Sections 224 and 228
- B. That Council conduct any constitutional referendum during the latter half of 2006
- C. That a further report be brought to Council in 2006 with recommendations for appropriate wording of referendum questions
- D. That for this purpose, extra funds of \$20,000 per year, be programmed into Council's Long Term Financial Model for the financial years 2006–07, 2007–08 and 2008-09.

Brian Bell
General Manager

Attachments:

- Map 1 shows 5 Wards**
- Map 2 shows 3 Wards**
- Map 3 shows 3 Wards**
- Attachment 1 - CLG Circular 05-35 of 15/7/2005 re. Councillor Numbers**
- Attachment 2 - Ratios of Councillor : Population Representation in the Sydney Metro Area**
- Attachment 3 - State Electoral Office Advice - Constitutional Referendums**
- Attachment 4 - List of NSW Councils with a Popularly Elected Mayor**
- Attachment 5 - Cases for and Against Popularly Elected Mayor**
- Attachment 6 - Letter from Barry O'Farrell MP - Member for Ku-ring-gai**
- Attachment 7 - Letter from Andrew Humpherson MP - Member for Davidson**
- Attachment 8 - Comments from Professor Sansom**

OFFER OF CO-CONTRIBUTION TOWARDS PURCHASE OF BLUE GUM HIGH FOREST AT ROSEDALE ROAD & FURTHER FUNDING INITIATIVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To update Council regarding conservation of land at Rosedale Road, to consider an offer of contribution towards purchase of the remaining lot as an offset relating to a development approval within the Baulkham Hills L.G.A and consider additional funding opportunities.

BACKGROUND:

100 Rosedale Road has been purchased by the State Government as a development offset for proposed works near Hornsby Rail Station.

Staff have subsequently focussed effort at funding the remaining parcel and have received an offer of a development offset to contribute towards the conservation of this land. There are also community pledges of approximately \$40,000, achieved by the efforts of the Blue Gum High Forest Group.

COMMENTS:

Further opportunities for funding need to be pursued and it is proposed that these be undertaken in collaboration with the Blue Gum High Forest Group

RECOMMENDATION:

That Council accept the offer of funds representing a development offset, undertake a grant application in partnership with the Blue Gum High Forest Group, seek further support from the Federal Member and pursue other funding opportunities as outlined in the Report.

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PURPOSE OF REPORT

To update Council regarding conservation of land at Rosedale Road, to consider an offer of contribution towards purchase of the remaining lot as an offset relating to a development approval within the Baulkham Hills L.G.A and consider additional funding opportunities.

BACKGROUND

Council has sought for some time the conservation of “Blue Gum High Forest” that exists on lots 100-102 Rosedale Road, St Ives.

Most recently Council considered a report to identify funds that could leverage funds from State and Commonwealth Governments to be utilised for the purchase of the land. Following consideration in confidential, Council resolved the following:

- “A. That Council receive and note the updated valuation for the property known as 100-102 Rosedale Road from BEM Property Consultants Pty Ltd.*
- B. That Council agree to funds currently held in Council’s new facilities reserve being allocated to the part purchase of 100-102 Rosedale Road, St Ives. The amount of this commitment as agreed by Council.*
- C. Council formally contact State and Federal Ministers of the Environment to confirm Council ’s Financial commitment to the part purchase of the site.*
- D. That the outcome of negotiations with State and Federal Ministers is reported back to Council as soon as information becomes available to enable this matter”*

Following the 19 July, 2005 resolution of Council, letters have been forwarded to relevant State and Commonwealth Ministers and local Members. To this end at State level the matter was referred to departmental officers of the Department of Environment & Conservation (DEC). Staff have maintained discussion with departmental officers on this matter since that time.

Staff have also met with senior electoral office staff of the Member for Bradfield, the Hon. Brendan Nelson. His staff have expressed support for Council’s initiative and have sought further support from the Commonwealth Minister for the Environment, Senator Ian Campbell, in the development of a grant application seeking funding.

In addition to this, the Commonwealth Government has also declared the listing of both Blue Gum High Forest and STIF under the Environment Protection & Biodiversity Act 1999. This represents an important element in the long term conservation of both of these ecological communities. The land at both 100 and 102 Rosedale Road is covered by this Act.

Following discussion with DEC officers, it was outlined that 100 Rosedale Road (southern most lot) has been identified and subsequently been acquired by the Transport Infrastructure Development Corporation as an “offset” for impact on Blue Gum High Forest as a result of a development proposal near Hornsby Railway Station and approaching rail line.

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This purchase has recently been made public with the notification and exhibition of an Environmental Impact Statement and Species Impact Statement for these works.

Recent discussion with the Regional Manager National Parks has confirmed that the acquisition will be incorporated into the Dalrymple-Hay Nature Reserve.

In addition, discussions with Threatened Species Unit staff of DEC resulted in an introduction to a firm acting for a land owner in the Castle Hill area. This land is the subject of an approval for development subject to a satisfactory development offset in respect of impact on Blue Gum High Forest. DEC consider that a contribution towards the acquisition of the remaining lot (No. 102) at Rosedale Road would represent a satisfactory offset.

DEC utilising the mandated formula for offset calculations, have calculated that the appropriate offset the developer must undertake and this is provided as confidential Attachment 1 to this report.

A letter of offer from Mepstead & Associated Pty limited dated 7 October 2005 to this effect has been received and is attached to this report. This development is potentially subject to the recent addition of Blue Gum High Forest as a critically endangered community under the Environmental Protection and Biodiversity Conservation Act and the offer is subject to the Land & Environment Court approval of the application. Although Mepstead & Associates have offered staff the opportunity to access information or correspondence relating to the site, no assessment of the proposed development, its impact or the merit of the proposed offset has been made.

Communication has also been ongoing with the Blue Gum High Forest Group to continue support of Council and the Group's aims in this matter. The group have also recently verbally advised Council of being in receipt of approximately \$40, 000 in total pledges towards the acquisition of this land.

Recent correspondence from Dr Brendan Nelson outlined a key contact within the Department of Environment & Heritage, who administers the funding programme for contributions toward acquisition of conservation areas. All funds for the current financial year have been allocated and applications have not yet been called for the 2006/07 year. Neither has any timeframe yet been determined for the 2006/07 year.

COMMENTS

The purchase of one portion of the land at Rosedale Road by Transport Infrastructure Development Corporation for conservation is a positive outcome. In order to progress the matter of conservation of the remaining parcel of land, it is proposed that staff enter dialogue with the owner or their representatives as to a means of securing the long term protection of the land.

Further it is proposed that Council and the Blue Gum High Forest Group maintain communication with the Commonwealth Government and apply for grant funding to assist in securing the land. The Blue Gum High Forest Group have written to Council outlining support for a joint application to be prepared and submitted. Feedback from the Department of Environment & Heritage is that a grant application if successful will likely be of a value that may still leave a deficit.

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It should be noted that funding from this programme conveys certain requirements on the land. Usually this means it must be added to the National Reserve Systems such as a Nature Reserve or National Park. The establishment of a new Conservation Management Agreement with National Parks and the community will most likely suffice.

To this end, staff and the Blue Gum High Forest Group have discussed approaches to several local and international land conservation agencies to explore opportunities for funding or for assistance in fundraising.

Acceptance of the offer from Mepstead & Associated will provide funds toward the purchase of the land.

CONSULTATION

Ongoing consultation with this matter is being undertaken with the Blue Gum High Forest Group and Council's efforts to achieve the conservation of the remaining lot will be best served through maintaining an ongoing partnership with this and other appropriate groups.

There has been extensive consultation with the Member for Bradfield, the Hon. Dr Brendan Nelson and his staff. Additionally staff have been in communication with officers at both the Commonwealth Department of Environment and Heritage and at the state level with officers from the Department of Environment & Conservation, including the local Regional Manager for National Parks and specialist staff from the Threatened Species Unit.

Further consultation is planned with a number of non government agencies in relation to further fundraising, subject to Council's resolution.

FINANCIAL CONSIDERATIONS

Refer to Confidential Attachment 2.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space have consulted with the Director, Finance and Business in the preparation of this report and its recommendations.

SUMMARY

100 Rosedale Road has now been purchased by the Transport Infrastructure Development Corporation and will be added to Dalrymple Hay Nature Reserve.

Efforts to achieve conservation of the remaining parcel, 102 Rosedale Road are the focus of Council's efforts.

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Acceptance of the offer of funds from Mepstead & Associates with community pledges, potential Commonwealth grant funding and Council's contribution will assist in securing the conservation of the land, but will require additional sources of funding. It is proposed that staff and the Blue Gum High Forest Group pursue the opportunities outlined in this Report and that a further Report be brought to Council as appropriate.

RECOMMENDATION

- A. That Council accept the offer of funds representing a development offset and should the development application proceed, place the funds in an internally restricted reserve for the purpose of acquiring 102 Rosedale Road, St Ives.
- B. That staff enter dialogue with the owners of 102 Rosedale Road, St Ives as to potential agreement regarding the long term conservation of this land.
- C. That staff prepare, in collaboration with the Blue Gum High Forest Group, an application for grant funding towards the purchase of 102 Rosedale Road and submit this application to the Department of Environment and Heritage.
- D. That Council seek further support from the Member for Bradfield, The Hon. Dr Brendan Nelson, MP in relation to funding opportunities and other opportunities.
- E. That additional funding sources as outlined in the Report be pursued and reported to Council.

Steven Head
Director Open Space & Planning

Attachments:

- 1. Offer from Mepstead & Associates relating to offset for development impacts on Blue Gum High Forests - 542281 - Confidential**
- 2. Financial Information - 555356 - Confidential**

NOTICE OF MOTION

RELEASE OF 2002 COUNCIL REPORTS AND PLANS, MARKED CONFIDENTIAL IN THE PUBLIC INTEREST

Notice of Motion from Councillor T Hall dated 10 November 2005.

I move:

"That the General Manager be directed to release to press and public without any delay, Council's staff and consultant reports and plans tabled in the Closed Meetings under Minute no. EMC18 of 26 September 2002, and under Minute No.517 of 15 October 2002, entitled variously 'Pockley Avenue Roseville-Special Area No.1-Ku-ring-gai Residential Development Strategy' on the basis that this area has now been rezoned pursuant to the Minister's gazette notice of 28 May 2004 and the reason for non-disclosure namely,- S.10A(2)(c)-'Information that would confer a commercial advantage,' no longer applies.

I further move:

That these reports/plans and minutes referred to, be included in the Information Papers of the next Council meeting."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Tony Hall
Councillor for St Ives Ward

Attachments: **Background information - under separate cover:**
 Resolutions - Minute Nos EMC 18 of 2002 & OMC 517 of 2002

RESOLUTION OF EXTRAORDINARY MEETING OF COUNCIL

26 SEPTEMBER 2002

EMC18 **POCKLEY AVENUE, ROSEVILLE - SPECIAL AREA NO 1 - KU-RING-GAI
RESIDENTIAL DEVELOPMENT STRATEGY**

(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: 01/0646

Report by Acting Director Planning & Environment dated 20 September 2002.

**Councillors Hall, Malicki and Roach
departed during discussion on the item**

Resolved:

(Moved: Councillors Keays/Little)

- A. That design outcomes for the preliminary draft Plan for Special Area No 1 be refined to a self-explanatory document and the matter be reported back to Council on 15 October 2002.
- B. That Council endorse the proposed process for preparation of the other Special Area Plans for the Residential Development Strategy.
- C. That if approved on 15 October, residents be notified immediately with a briefing session to be held within 2 weeks.
- D. That a final report be brought back to Council on 6 November 2002.

CARRIED UNANIMOUSLY

RESOLUTION OF ORDINARY MEETING OF COUNCIL

15 OCTOBER 2002

517

SPECIAL AREA NO 1 ROSEVILLE - KU-RING-GAI RESIDENTIAL DEVELOPMENT STRATEGY

(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: 01/0646

Report by Director Planning & Environment dated 3 October 2002.

Resolved:

(Moved: Councillors Little/Keays)

- A. That Council endorse the design outcomes for a Preliminary Draft Plan for Special Area No.1 for the purposes of inviting public comment and for submission to planningNSW as an example.
- B. That surrounding and nearby residents be notified in writing and comments invited on the Preliminary Draft Plan for Special Area No.1.
- C. That a Councillor and Community Briefing Session be preferably held on Wednesday, 30 October 2002 to discuss the Preliminary Draft Plan for Special Area No.1.
- D. That a final report be brought back to Council in November 2002.

CARRIED UNANIMOUSLY