



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 23 NOVEMBER 2004 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 FINANCIAL ASSISTANCE GRANTS TO COMMUNITY GROUPS

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 9 November 2004

Minutes numbered 521 to 555

PETITIONS

- File: S02633

Consequently, we ask that the Council, in leasing the Cliff Avenue Ovals to the WRC, to restrict the club's use of these facilities to that of a junior-age Rugby Union Club for playing members up to the age of 18 years and further, limit the number of registered playing membership to an agreed maximum number.

- File: 88/05393/01

The safety of my fellow Barra Brui residents is being compromised. I would like you to consider the lack of footpaths on neither side of Eastern Arterial Rd, Barra Brui. I have enclosed a petition to back up my concern and to also show a large support in favour of footpaths on both sides of Eastern Arterial Rd, Barra Brui.

1. Higher speeds, i.e roads that are not being protected by council 50km limit.
2. Multiple lanes, ie 4 lanes.
3. Areas that are isolated like Barra Brui, ie the only way in and out of Barra Brui is on Eastern Arterial Rd.
4. Arterial Roads that have no footpaths on either side
5. Unstable areas, ie rugged, eroded and sloped nature strip
6. Narrow nature strips that offer “no second chance”

7. Incidence of dangerous pedestrian/cyclist activity. I have witnessed many pedestrians dangerously negotiating the gutter rather than the patchy and rugged council strip. And in fact a cyclist was hit on this road on the 12.11.04.
8. High number of families with children.
9. No pathway access to Council supported preschools at all.

These points above indicate a disadvantaged community with serious safety issues not taken into consideration previously. Eastern Arterial Rd would qualify heavily on all these areas. I believe on these issues alone it vital that council acts quickly.

When this road was widened to four lanes many years ago, footpaths or share-ways should have been constructed then. I believe it is unacceptable for both council and the RTA to have not considered pedestrian and cycle safety at this time.

There lies a golden opportunity for Ku-ring-gai Council and the RTA to provide Barra Brui residents the right to the enjoyment of their land and suburb with safety.

I would like to propose that Ku-ring-gai Council and the RTA join together to fund a share-way on the north-side of Eastern Arterial Road from the western end of Burraneer Ave to the eastern end of Burraneer Ave. This Share-way should eventually link the ones already provided on this arterial at Killara, St Ives and Turramurra. Note: I believe the North-side of Eastern Arterial Rd would lend itself quite well for a share-way as it has a fairly wide nature strip.

As there is no safe crossing on this arterial road at Barra Brui it would also be necessary for a footpath to be constructed on the south-side of Eastern Arterial Rd from the western end of Barra Brui Cres to the eastern end of Nicholson Ave.

I have written to the RTA and Minister for roads with these concerns, but I think it would be best if Council were to also follow-up with the RTA and to formally request their participation.

If there are inadequate funds available in the budget, perhaps Council should either increase the budget for footpaths or make a special allowance for safety concerns.

PT.3 **20 Warwick Street, Killara - Petition Regarding Revised Development Application (Three Hundred & Two [302] Signatures)** **4**

File: DA0997/04

"We, the residents of Killara who have signed our names below remain opposed to inappropriate high/medium density housing development in Warwick Street and surrounding streets.

We are disappointed that the developer's revised application to construct three town houses on the property does not address the concerns raised by the Land & Environment Court in its June 2004 judgment. It still does not contribute to a residential environment with clear character and identity.

We ask Ku-ring-gai Council to listen to our concerns and reject the revised application. It does not comply with SEPP53 and is inappropriate.

REPORTS FROM COMMITTEES

Minutes of Inspections Committee

File: S02131

Meeting held 13 November 2004

Minutes numbered INS19 to INS20

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 | 133 Coonanbarra Road, Wahroonga - Detached Dual Occupancy Development
Comprising Retention Of The Existing Residence And Construction Of A Second
Dwelling | 5 |
|------|---|----------|

File: 0639/04

Ward: Wahroonga

Applicant: B. Habibi & F. Kazazi

Owner: B. Habibi & F. Kazazi

To determine a development application seeking consent for a dual occupancy development, comprising retention of the existing residence and construction of a second dwelling.

Recommendation:

Approval

- | | | |
|------|---|-----------|
| GB.2 | 3 Ridge Street, Gordon - Demolition Of Existing Dwelling And Construction Of Detached Dual Occupancy Development | 58 |
|------|---|-----------|

File: DA1438/03

Ward: Gordon

Applicant: Glendinning Minto and Associates

Owner: Allen Butler

To determine Development Application No 1438/03 which seeks consent for demolition of the existing dwelling and construction of a detached dual occupancy development.

Approval

- File: 0763/04

Applicant: Addlestone Investments Pty Ltd

To determine a development application seeking consent for a detached dual occupancy, comprising retention of the existing residence and construction of a second, single storey dwelling.

Approval

- File: S02817

Recommendation:

File: S03096

Recommendation:

File: S02015

To present to Council the Statutory Annual Report for 2003/2004 in accordance with Section 428 of the Local Government Act 1993.

Recommendation:

That the Annual Report for the period, 1 July 2003 to 30 June 2004, be received and noted.

GB.7 Draft Local Environmental Plan 202 - 657 To 661 Pacific Highway, Killara 202

File: S02029

To have Council consider Draft Local Environmental Plan No 202 (DLEP202) and the public submissions received in response to its re-exhibition.

Recommendation:

That Council adopt Draft Local Environmental Plan No 202 as attached and forward it to the Minister requesting that she make the Plan.

GB.8 Investment Cash Flow & Loan Liability As At 30 October 2004 246

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for October 2004.

Recommendation:

That the summary of investments, daily cash flows and loan liability for October 2004 be received and noted.

GB.9 Ku-ring-gai Access Advisory Committee 255

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Advisory Committee of 19 August 2004.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee from 19 August 2004 be received and noted.

GB.10 Exhibition Of Draft Ku-Ring-Gai Multi-Unit Housing Development Control Plan No 55 - Pacific Highway / Railway Corridor And St Ives Centre 260

File: S03730

To report to Council on the public exhibition of Draft Ku-ring-gai Multi-Unit Housing Development Control Plan (DCP) No 55 - Pacific Highway / Railway Corridor and St Ives

Centre and to seek Council endorsement in principle, of key amendments to the Draft DCP prior to finalisation.

Recommendation:

That Council endorse, in principle, of the proposed amendments to Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 outlined in the report. That the final version of the revised Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 be presented to Council in December.

GB.11 17 Railway Lands, Gordon - Upgrading Of Gordon Railway Station To Provide Disability Access 277

File: DA1385/03

Ward: Gordon

Applicant: Lewis Cross on behalf of State Rail

Owner: State Rail Authority

To determine Development Application 1385/03 which seeks consent for the upgrade of Gordon Railway Station to provide disability access.

This matter has been referred to Council due to the importance of this facility for the Municipality.

Recommendation:

Approval

GB.12 Barra Brui Oval Clubhouse - Licence To Knox Old Boys Rugby Union Club 305

File: S02663

For Council to consider granting a five year licence to Knox Old Boys Rugby Union Club to use Barra Brui Oval clubhouse at St Ives.

Recommendation:

That Council approves the granting of a five year licence to Knox Old Boys Rugby Union Club to use Barra Brui Oval clubhouse at St Ives.

GB.13 Budget for 2004/05 1st Quarter Review as at 30 September 2004 323

File: S03096

To present to Council the quarterly financial review for the period ended 30 September 2004.

Recommendation:

That Council approve the budget transfers and restrictions to reserves as outlined in this report.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Interface Issues

387

File: S02036

Notice of Motion from Councillor L Bennett dated 11 November 2004.

I move:

- “A. That a consultant be employed to make recommendations to Council on options for handling the interface issues between properties zoned single residential and those zoned for apartments under LEP 194 or LEP 200.
- B. That such options include (but not be limited to):
 - rezoning of neighbouring properties to permit townhouse and/or villa development
 - rezoning of neighbouring properties to permit unit development
- C. That the key objective be to minimise interface issues and ensure an appropriate buffer between single residential zones and medium density zones.
- D. That the consultant's investigation be limited to properties on the interface which share a common boundary and common street frontage. The consultant should not look at properties where the common street frontage is the Pacific Highway.
- E. That Council write to resident's whose detached dwellings fall within the consultants brief inviting them to make written submissions for the consultant's consideration.”

NM.2 Private Certifiers

388

File: S02465

Notice of Motion from Councillor E Malicki dated 10 November 2004.

I move:

“That Council gather information on a series of developments poorly controlled by Private Certifiers and then seek a deputation to raise the matter urgently with the relevant Minister and DIPNR.”

NM.3 Urban Conservation Areas

389

File: S03487

Notice of Motion from Councillor L Bennett dated 11 November 2004.

I move:

“A. That Council write to Genia McCaffery, President of the Local Government Association, NSW requesting that the Association raise with the State Government the need to continue the present system of protection of areas of conservation value through the incorporation of UCA's into LEP's.

B. That Council take steps to ensure that the issue of UCA's and DIPNR's letter freezing Gazettal of UCA's pending a review be placed as an item on the agenda for NSROC.”

NM.4 Categorisation Of Councils In New South Wales

390

File: S02304

Notice of Motion from Councillor N Ebbeck dated 11 November 2004.

I move:

“That the General Manager provide a report to Council on the categorization of Councils in New South Wales, together with the options and processes available for Ku-ring-gai Council to review and upgrade its classification within those categories.”

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

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE – SETTING OF TIME, DATE AND RENDEZVOUS

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

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PETITION

BALANCING THE INTERESTS OF SPORT AND RESIDENTS IN A CONFINED AREA (THIRTY-THREE [33] SIGNATURES)

The undersigned, being local residents affected by the use of the Cliff Avenue Recreation area, are concerned that the present or future management of the Wahroonga Rugby club (WRC) may seek to expand the WRC beyond the reasonable capacity of the local infrastructure and the environment's ability to absorb such growth without seriously, and negatively, impacting on local residents.

Consequently, we ask that the Council, in leasing the Cliff Avenue Ovals to the WRC, to restrict the club's use of these facilities to that of a junior-age Rugby Union Club for playing members up to the age of 18 years and further, limit the number of registered playing membership to an agreed maximum number.

RECOMMENDATION

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

PETITION

EASTERN ARTERIAL ROAD, ST IVES - REQUEST FOR FOOTPATH (SIXTY-FIVE [65] SIGNATURES)

Letter from Mr David Rodwell dated 13 November 2004:

The safety of my fellow Barra Brui residents is being compromised. I would like you to consider the lack of footpaths on neither side of Eastern Arterial Rd, Barra Brui. I have enclosed a petition to back up my concern and to also show a large support in favour of footpaths on both sides of Eastern Arterial Rd, Barra Brui.

I do appreciate the great number of requests Council would receive for footpaths also respect the effort Council has put towards the point system for prioritising footpaths. However, the point system does not allocate points heavily enough for roads with:

1. Higher speeds, i.e roads that are not being protected by council 50km limit.
2. Multiple lanes, ie 4 lanes.
3. as that are isolated like Barra Brui, ie the only way in and out of Barra Brui is on Eastern Arterial Rd.
4. Arterial Roads that have no footpaths on neither side
5. Unstable areas, ie rugged, eroded and sloped nature strip
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These points above indicate a disadvantaged community with serious safety issues not taken into consideration previously. Eastern Arterial Rd would qualify heavily on all these areas. I believe on these issues alone it vital that council acts quickly.

When this road was widened to four lanes many years ago, footpaths or share-ways should have been constructed then. I believe it is unacceptable for both council and the RTA to have not considered pedestrian and cycle safety at this time.

Item 2

88/05393/01
15 November 2004

There lies a golden opportunity for Ku-ring-gai Council and the RTA to provide Barra Brui residents the right to the enjoyment of their land and suburb with safety.

I would like to propose that Ku-ring-gai Council and the RTA join together to fund a share-way on the north-side of Eastern Arterial Road from the western end of Burraneer Ave to the eastern end of Burraneer Ave. This Share-way should eventually link the ones already provided on this arterial at Killara, St Ives and Turramurra. Note: I believe the North-side of Eastern Arterial Rd would lend itself quite well for a share-way as it has a fairly wide nature strip.

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I have written to the RTA and Minister for roads with these concerns, but I think it would be best if Council were to also follow-up with the RTA and to formally request their participation.

If there are inadequate funds available in the budget, perhaps Council should either increase the budget for footpaths or make a special allowance for safety concerns.

RECOMMENDATION

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

PETITION

20 WARWICK STREET, KILLARA - PETITION REGARDING REVISED DEVELOPMENT APPLICATION (THREE HUNDRED & TWO [302] SIGNATURES)

"We, the residents of Killara who have signed our names below remain opposed to inappropriate high/medium density housing development in Warwick Street and surrounding streets.

We are disappointed that the developer's revised application to construct three town houses on the property does not address the concerns raised by the Land & Environment Court in its June 2004 judgment. It still does not contribute to a residential environment with clear character and identity.

We ask Ku-ring-gai Council to listen to our concerns and reject the revised application. It does not comply with SEPP53 and is inappropriate.

RECOMMENDATION

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

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	133 COONANBARRA ROAD, WAHROONGA - DETACHED DUAL OCCUPANCY DEVELOPMENT COMPRISING RETENTION OF THE EXISTING RESIDENCE AND CONSTRUCTION OF A SECOND DWELLING.
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	0639/04
SUBJECT LAND:	133 Coonanbarra Road, Wahroonga 0639/04
APPLICANT:	B. Habibi & F. Kazazi
OWNER:	B. Habibi & F. Kazazi
DESIGNER:	Vim Design Studio
PRESENT USE:	Single dwelling
ZONING:	Residential 2C
HERITAGE:	No
PERMISSIBLE UNDER:	SEPP 53
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Dual Occupancy Code, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 53, SEPP 55, SREP 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	16 June 2004
40 DAY PERIOD EXPIRED:	26 July 2004
PROPOSAL:	Detached dual occupancy development comprising retention of the existing residence and construction of a second dwelling.
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	0639/04
PREMISES:	133 COONANBARRA ROAD, WAHROONGA
PROPOSAL:	DETACHED DUAL OCCUPANCY DEVELOPMENT COMPRISING RETENTION OF THE EXISTING RESIDENCE AND CONSTRUCTION OF A SECOND DWELLING.
APPLICANT:	B. HABIBI & F. KAZAZI
OWNER:	B. HABIBI & F. KAZAZI
DESIGNER	VIM DESIGN STUDIO

PURPOSE FOR REPORT

To determine a development application seeking consent for a dual occupancy development, comprising retention of the existing residence and construction of a second dwelling.

EXECUTIVE SUMMARY

Issues:	<ul style="list-style-type: none">• Streetscape• Bulk• Screen planting
Submissions:	One submission received.
Land & Environment Court Appeal:	No appeal lodged.
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 639/04

- Application lodged 16 June 2004.
- Application notified between 24 June 2004 and 14 July 2004.

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- Further information letter sent 12 October 2004, requesting:
 - floor plans and elevations for Dwelling A.
 - A thermal assessment for Dwelling A.
 - Built upon area and soft landscaping coverages for the likely resultant lots.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2C
Visual Character Study Category:	1945-1968
Lot Number:	D
DP Number:	3308377
Area:	937.7m ²
Side of Street:	Eastern
Cross Fall:	East to west
Stormwater Drainage:	To street drainage system
Heritage Affected:	No
Required Setback:	7 metres
Integrated Development:	NO
Bush Fire Prone Land:	NO
Endangered Species:	NO
Urban Bushland:	NO
Contaminated Land:	NO

The subject site has a site area of 937.7m² and is a corner allotment of uniform rectangular shape. The site is located on the eastern side of Coonanbarra Road with a frontage of 20.51m. The site also has frontage to Carrington Road of 45.72m. The eastern and southern boundaries measure 20.51m and 45.72m, respectively. The site slopes down from east to west, with a change in grade of approximately 6m. The neighbouring sites to the north, south and east and on the opposite side of the street share a similar topography.

The site contains a single storey brick and tile dwelling set back 7.5m from the Coonanbarra Road boundary and 6.2m from the Carrington Street frontage. The dwelling fronts Coonanbarra Street with the side elevation and vehicular access to Carrington Street. There are two garden sheds located in the far south-eastern corner of the property. A number of mature and semi-mature trees are concentrated along the street frontages (including street trees) and in the rear yard of the site. The site is unfenced along the street frontages, with the exception of that portion of the Carrington Street frontage forming the northern boundary of the rear yard area. This part of the frontage is fenced with a lapped and capped, 1.8m high, timber paling fence. The southern and eastern boundaries adjoining 131 Coonanbarra Road and 25 Carrington Street, respectively, are similarly fenced.

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View of subject site and existing dwelling from Carrington Street.



View of subject site from the corner of Coonanbarra Road and Carrington Street.



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View of existing single storey dwelling (foreground) from rear yard with a view of the two storey dwelling at 131 Coonanbarra Road in the background.



Rear yard of subject site looking north toward Carrington Street.



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Surrounding development:

The subject site is described in the Ku-ring-gai Visual Character Study as being within an area characterised by single dwellings on single lots, with the majority of construction being within the period 1945 to 1968. A mix of architectural styles and periods are evident within the wider streetscape. There is a range of single and double storey dwellings on varying lot sizes, with varying degrees of landscaping.

Building line setbacks along the western and eastern side of Coonanbarra Road are generally consistent. Building line setbacks are more staggered on the northern and southern side of Carrington Street. Setbacks range from approximately 4.3m for the site directly opposite to the north at 135 Coonanbarra Road to 15m at 38 Carrington Street. On the southern side of the street, the adjoining dwelling at 25 Carrington Street is set back approximately 12m and contains a single storey brick and tile dwelling. This dwelling is set back approximately 2.7m from the common boundary with the subject site. The dwelling at 27 Carrington Street is set back approximately 9.5m for the street.

The adjoining site to the south, 131 Coonanbarra Road, contains a two level residence set back approximately 10.7m from the front boundary and 900mm from the common side boundary with the subject allotment.

Fencing in the immediate locality exhibits a range of styles and designs, although the majority of properties are devoid of front fencing. Any fencing in this part of both Coonanbarra Road and Carrington Street is generally low level and transparent.

Diagonally opposed to the subject site and to the north-west is Carrington Park.

View of adjacent dwelling to the east at 25 Carrington Street.

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View of adjacent dwelling to the south at 131 Coonanbarra Road.



View of dwelling at 34 Carrington Street, opposite the subject site to the north-east.

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View of opposing dwelling to the north at 135 Coonanbarra Road.



THE PROPOSAL

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The proposal is to construct a detached dual occupancy, comprising retention of the existing, single storey, dwelling and construction of a second, two-storey dwelling.

Details of the proposed development are as follows:

Dwelling A (existing single storey):

Floor area: 157m²
Ground floor: Dining room, lounge room, laundry, kitchen, entry and deck, four bedrooms, family room, bathroom.
Parking and access: Double carport, existing access to Carrington Street.
Dwelling setbacks: Western (Coonanbarra Road): 7.5m, eastern (internal): 1.1m, northern (Carrington Street): 6.2m, southern: 1m.
Private open space: North-facing.

Dwelling B (new two storey):

Floor area: Total 178.2m² – (ground floor: 90.4m², first floor 87.8m²)
Ground floor: Dining room, lounge room, family room, kitchen, laundry, w/c.
First floor: Four bedrooms, bathroom and ensuite.
Parking and access: Internal double garage, access to Carrington Street.
Dwelling setbacks: Western (internal): 0m, eastern: 5.5m, northern (Carrington Street): 5.2m, southern: 2.5m.
Private open space: North-east facing.

Separation between Dwellings A & B: 1.1m.

Fencing:

A 1.6m and 1.9m high masonry wall is proposed along part of the internal boundary. A 1.5m high timber picket fence is proposed along Carrington Street starting at a point 8.7m from the corner of the allotment back to the internal boundary between the two dwellings. A 4.3m portion of the internal boundary back from the street frontage will have the same fencing. The proposal also includes driveway gates for both Dwelling A and B, with a pedestrian gate for Dwelling B. The height of the gates is not indicated. A new section of timber paling fence is proposed along the southern boundary. A pergola is proposed in the north-facing yard of Dwelling A.

Notional subdivision:

A 1.5m timber picket fence, a 1.6m high masonry wall and a portion of the wall of Dwelling B are proposed to separate the two residences. The likely subdivision effected by this fence is two allotments having areas of 562m² (Dwelling A) and 375.3m² (Dwelling B). Dwelling A will have frontages of 20.51m and 27.42m to Coonanbarra Road and Carrington Street, respectively. Dwelling B will have a frontage of 18.3m to Carrington Street.

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This information has no current relevance to the assessment of the dual occupancy development, as Council must consider the application as two dwellings on one allotment of land. However, this information is provided for clearer understanding of the likely future subdivision pattern of the site which would create two dwellings on individual allotments of land. At this stage, no application for the subdivision of the dual occupancy development has been lodged.

Amended plans lodged 21 October 2004

The amended plans were not notified pursuant to Council's notification policy, as the amendments relate to additional information requested by Council in relation to the floor plan and elevations of the existing dwelling on site and notional lot coverages. The changes do not alter the proposal in any way from that originally notified.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, owners of surrounding properties were given notice of the application. In response, one objection was received:

1. K. Goodman – 25 Carrington Street, Wahroonga

The submission raised the following issues:

The subject site is too small to accommodate two dwellings.

SEPP 53 allows construction of two detached dwellings on sites with a minimum site area of 600m², subject to the development satisfying prescribed design criteria and complying with specific development standards. The subject allotment satisfies this minimum site area requirement. Neither SEPP 53 nor the KPSO specify minimum lot sizes relating to subdivision of a Dual Occupancy. Subdivision is not proposed under this development application.

Solar access to No. 25 Carrington Street will be adversely impacted and this will prevent the drying out of an already damp(western) side of the dwelling.

The objector's site adjoins the subject site to the east. Dwelling B is set back 5.5m from the eastern boundary. The submitted shadow diagrams indicate that 25 Carrington Street will not be unduly shaded by Dwelling B and will receive a minimum of 4 solar hours per day.

The development will create a greater traffic hazard as the site is located at the bottom of a reasonably steep hill and vehicles tend to travel faster than the speed limit.

Dwelling B will gain access directly off Carrington Street as does Dwelling A. Carrington Street slopes moderately down to the intersection with Coonanbarra Road. The proposal does not make

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provision for on-site manoeuvring, thereby necessitating reversing onto Carrington Street from the respective driveways. However, this will not adversely impact the safe and efficient flow of traffic along the street, nor compromise pedestrian safety. There are adequate sightlines in both directions along the street and of the intersection for motorists entering and exiting the site. The existing, 5.6m wide, road reserve means vehicles will not be entering the roadway directly upon exiting the site. This provides more time for drivers of exiting vehicles to adjust to traffic flow and more time for drivers of entering vehicles to adjust for pedestrians.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

"It is proposed to construct a detached two storey dual occupancy on the existing single allotment of 937.7sqm with vehicular access for both dwellings from Carrington St. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn expanses. The front Coonanbarra Rd frontage is dominated by mature trees with an established underplanting of small trees, shrubs and ground covers. The rear of the site and the subject construction area is characterised by sporadic native tree planting within a lawn area.

Impact on trees/Trees to be removed

The proposed development will result in the removal of numerous trees located on site. A detailed Arborists Report has been submitted with the application. Trees surrounding the existing dwelling nominated for removal include No's 1, 5, 7, 8, 9, 10, 12, 13, and 14. Of the nominated trees around the existing dwelling the removal of the following can be supported, 1, 5, 7, 10, 12, 13 and 14. The remaining trees, No's 8 and 9 are required to be retained.

Trees nominated to be removed to accommodate the new dwelling include No's 19, 20, 21, 22, 23, 25, and 29. The most significant of these is tree No. 22, which has been identified as being unstable, with a priority for removal. There is no objection to the removal of the nominated trees.

Setbacks

The proposed detached dual occupancy will result in a zero lot line, and a setback of approximately 1.1m between dwellings. This minimum setback is very restrictive and will only allow for either side access or some minor screen planting. It is shown on the landscape plan that this area will be fully planted with small shrubs. This proposed planting is inadequate and does not provide sufficient screening for the side wall of the proposed dwelling which is over 6.5m high. It is preferred/required that the setback between dwellings be increased to adequately allow for sufficient screen planting and pedestrian access around the existing dwelling for maintenance.

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The rear setback for the proposed dwelling is proposed to be 2.5m which although minimal will allow for adequate screen planting. Screen planting up to 6.0m will be required.

Drainage Plan

The drainage plan can be supported, however it is required that the proposed above ground water tanks be relocated so as not to be adjacent to the site frontage (Coonanbarra Rd). It will be conditioned that the proposed tanks be located adjacent to the southern side of the dwelling.

Landscape Plan

The landscape plan submitted with the application is conceptual only and does not detail proposed planting for the site. An amended and detailed landscape plan is required to be submitted. It is also noted that the landscape plan shows additional trees to be removed that are not impacted upon by the proposed development works. Tree No's 8 and 9 are required to be retained as part of the landscape as they provide immediate amenity to the development and are in good health. It is noted that Tree #9 is located on Council's road reserve.

The landscape plan will be required to provide additional screen planting, particularly adjacent to the proposed dwelling. Screen planting that can attain a minimum height of 6.0m is required adjacent to the southern and eastern site boundaries and along the proposed subdivision line.

The landscape plan and architectural plans show a raised timber deck/drying area adjacent to the south east site corner. Setbacks from the site boundaries are inadequate to allow for screen planting. It is required that the timber deck have a minimum setback from site boundaries of 1.5m to allow for screen planting.

Retaining wall

A low retaining wall approximately 500mm high is located within the critical root zone and the primary root zone of Tree #30, Eucalyptus acmenoides (White Mahogany) adjacent to the eastern site boundary. It is proposed to excavate this area, which will have adverse impacts upon the tree #30. This is unacceptable and cannot be supported. The wall is proposed to have an offset from the dwelling of approximately 1.8m. To minimise tree impacts it is required that the proposed wall be relocated so that it has a 1.0m offset from the dwelling."

At the request of the Manager, Development and Regulation, the following conditions should be applied to the development consent (refer Conditions 25-35, 43-46, 53-56).

Council's Landscape Officer is concerned that a setback of 1.1m between Dwelling A and B and the zero setback of Dwelling B from the internal boundary means adequate screen planting cannot be provided.

Any screen planting along the internal boundary from the front building line of Dwelling A back to the southern boundary will not be practical. There will be insufficient width to accommodate planting capable of attaining a height for screening purposes while allowing for pedestrian and maintenance access between the two dwellings. Further, any screen planting at this point would

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unduly shade daylighting to Bedrooms 3 and 4 of Dwelling A. Appropriate screen planting can be provided along the remainder of the internal boundary.

The western elevation of Dwelling B contains a kitchen window set back 4.2m from Dwelling A. Solid privacy walls to a height of 1.6m and 1.9m are proposed along the remainder of the boundary. Subject to screen planting within the southern court yard area of Dwelling B only, there will be no undue impact on the privacy of Dwelling A (**refer Condition 43**).

Engineering

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

*"This DA is recommended for approval, subject to the engineering conditions shown (**refer Conditions 16-24, 36-40, 52, 59-65**).*

The proposal is for a new dwelling in the rear yard as a dual occupancy. The new dwelling would have frontage to Carrington Road. The existing dwelling is to remain. The application was lodged on 16 June and is therefore subject to DCP 47.

The development is Type 4 Location A. The site has gravity drainage to the street gutter in Coonanbarra Road. The Stormwater Concept Plan, AFCE Environment + Building Drawing 342608, dated Jun 04, demonstrates that stormwater management measures can be provided to the development.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 53

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a))		
• 600m ² detached dual occ. (min)	937.3m ²	YES
Floor space ratio (cl.19(1)(b))		
• 0.5:1 (max)	0.36:1 (335.2m ²)	YES
Car parking (cl.20)		
• Dwelling A: 2 car spaces (min)	Dwelling A: 2 car spaces	YES
• Dwelling B: 2 car spaces (min)	Dwelling B: 2 car spaces	YES

Site analysis (cl.31):

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Clause 31 states that a consent authority cannot approve a development unless it has taken into consideration a site analysis prepared in accordance with the SEPP. The applicant has submitted a site analysis plan and written statement. The documentation submitted with the application is satisfactory in terms of this Clause and Schedule 5 of SEPP 53.

Streetscape (cl.32(a)):

Dwelling A (existing dwelling) will maintain the same setback and presentation to the street, with the exception of the proposed fence, which is discussed below.

Dwelling B will be set back 5.28m to 9.055m from Carrington Street. The front façade is staggered with one of the carpark spaces in the internal double garage aligned 1.2m forward of the other. The lounge room and entry are set back 9.055m. Above the garage on the upper level are Bedrooms 1 and 2, with associated north-facing balconies.

Dwelling B presents as a modern designed dwelling and incorporates height variation and façade modulation to provide visual interest. The double storey component of the dwelling is located directly above the garage and includes floor to ceiling glazing, matching that of the north-facing lounge room. Subsequently, garaging within the front façade is not unduly dominant.

A mix of architectural styles and periods are evident within the wider streetscape. There is a range of single and double storey dwellings on varying lot sizes, with varying degrees of landscaping. Within this context, Dwelling B is of appropriate design.

Building line setbacks along on the northern and southern side of Carrington Street are varied. Setbacks range from approximately 4.3m for the site directly opposite at 135 Coonanbarra to 15m at 38 Carrington Street. On the southern side of the street, the adjoining dwelling at 25 Carrington Street is set back approximately 12m. The dwelling at 27 Carrington Street is setback approximately 9.5m for the street. Accordingly, the proposed building line set back on the subject site is generally consistent with the prevailing setbacks within the immediate locality.

Dwelling A has a maximum height to the roof ridgeline of approximately 5.9m. Dwelling B will have a maximum height to the roof ridgeline of 7.4 metres. The dwellings will be set 1.1 metres apart. The close proximity of the dwellings will not unduly impact streetscape amenity as Dwelling A is single level and located significantly lower than Dwelling B due to the grade of the site. Dwelling B will also be 'stepped' down in height to the internal boundary. Further, Dwelling B is markedly different in design from Dwelling A and this will ensure that the dwellings are 'read' quite separately when viewed from the street.

The subject site contains numerous trees, including in the eastern portion of the site where it is proposed to construct Dwelling B. Numerous trees are proposed for removal. A conceptual landscape plan has been submitted indicating boundary screen planting along the street frontages. Council's Landscape Officer has reviewed the proposal and is satisfied that conditions of consent can be imposed to ensure the landscaping is appropriate. Such conditions include a requirement for retention of a Japanese Maple and Crepe Myrtle tree outside the proposed building platform indicated to be removed by the applicant (**refer Condition 26**).

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The proposed development also includes construction of a new front boundary fence along the Carrington Road frontage. The existing, 1.8m high timber fence along part this frontage is to be retained and will form the front fence for Dwelling B. A 1.5m timber picket fence is proposed along the frontage for Dwelling A to a point 8.7m from the corner of Carrington Street and Coonanbarra Road.

Fencing in the immediate locality exhibits a range of styles and designs, although there is a prevailing absence of fencing on the whole. Any fencing in this part of both Coonanbarra Road and Carrington Street is generally low level and transparent, including a picket fence at 131 Coonanbarra. This is consistent with the Ku-ring-gai Visual Character Study that identifies a general absence of fencing in this area. In the context of the wider streetscape and the prevailing character of sites located within the Visual Character Study category of 1945 to 1968 and this part of Carrington Street, the proposed fencing is inconsistent and should be reduced in height to a maximum of 1.2m. Likewise, the existing 1.8m timber fence is inconsistent with front boundary fencing and should be reduced to 1.2m in height and be of a timber picket design (**refer Conditions 3 & 4**).

Overall, the proposal will maintain existing streetscape amenity.

Visual privacy & acoustic privacy (cl.32(b)):

Dwelling A:

Southern, western and northern boundaries

As Dwelling A is the existing dwelling to be retained, it will maintain existing setbacks to the common boundaries and will not adversely impact on the adjoining property to the south, No. 131 Coonanbarra Road.

Dwelling A will concentrate private open space in the north-facing yard. This is not dissimilar to the current arrangement on site. Frontage to Carrington Street maintains a suitable depth for private open space and proposed fencing and screen planting will ensure an appropriate level of privacy can be achieved for residents of Dwelling A.

Dwelling B

Southern boundary (131 Coonanbarra Road)

Dwelling B will be set back 2.5m from the southern (side) boundary at ground level and 3m at the upper level. The common boundary is fenced by an existing 1.8m high timber fence. The family room on the ground floor will have a highlight window located 1.7m above floor level and will not provide outlook over the adjoining property, No. 131 Coonanbarra Road. The ground floor lounge room will contain doors and windows set back 6.8m from the boundary. The windows, while large in dimension, are positioned 2.5m above floor level and are designed for daylight admission to the 'vaulted' lounge room which has a ceiling height of 3.85m. Accordingly, the ground floor affords

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no direct outlook over the adjoining site at 131 Coonanbarra Road. Neither are concerns raised in relation to acoustic privacy due to building setback, existing boundary fencing and the provision of 3m high screen planting.

Windows in the upper elevation are associated with an ensuite (9m from the boundary) and bedroom 3 and 4 (set back 3.5m and 3m, respectively). The Bedroom 3 window will be louvred and is designed for daylighting and ventilation purposes. It will not afford any direct views over the adjoining property.

Bedroom 4 has a single window orientated to the south which is required for daylighting and ventilation purposes. Notwithstanding that bedrooms are not rooms from which outlook is a design requirement, any views afforded over the adjoining site are consistent with that anticipated within the urban environment. There will not be direct views over primary internal or external living areas of 131 Coonanbarra Road. Existing trees on the adjoining site located in close proximity to the common boundary will help screen any potential outlook.

Eastern boundary (25 Carrington Street)

Dwelling B will be set back 5.5m from the eastern or rear boundary to the ground floor building line. The upper level contains a cantilevered component for both the bathroom and Bedroom 3, with highlight windows at 1.4m above floor level and set back 4.5m from the boundary. The remainder of the upper level will be set back in accordance with the ground floor, including a window dimensioned for daylighting purposes associated with Bedroom 2.

The adjoining property is elevated above the subject site limiting opportunity for overlooking from Dwelling B. The neighbouring dwelling is also orientated north to south so that the side yard of that site adjoins the subject site. There is sufficient separation distance between Dwelling B and 25 Carrington Street to maintain an appropriate level of visual and acoustic privacy for the adjoining site. The existing fencing and proposed screen planting to a mature height of 3 metres will further ensure there are no privacy issues associated with Dwelling B.

Northern boundary (Carrington Street)

There are no privacy concerns regarding the street. The new dwelling is sufficiently set back from the front boundary and the proposed outdoor areas are appropriately located and screened to ensure no undue impact on privacy, from the street.

Privacy between Dwelling A & B

Dwellings A & B will be set apart 1.1m. However, this is only at ground level. The upper level of Dwelling B is set back a further 6 to 7.5m from Dwelling A.

Bedrooms 3 and 4 of Dwelling A, each have a window facing the western elevation of Dwelling B. There are no windows proposed in the opposing elevation of Dwelling B on the ground floor along the boundary. A kitchen window is set back 3.1m from the boundary and 4.2m from Dwelling A. Two, 1.6m and 1.9m high, privacy walls are proposed along the internal boundary in conjunction

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with a portion of 1.5m high picket fencing. The primary outdoor living area of Dwelling B is located in the eastern portion of the site with the proposed court areas north and south and adjacent to the internal boundary, screened by a 1.6m and 1.9m high wall. The elevated position of Dwelling B will also ensure no undue impact on the visual or acoustic privacy of that dwelling.

As already stated, only a kitchen window is proposed along the western elevation of the ground floor of Dwelling B. Any views from this window, while elevated, can be appropriately screened by the 1.9m high privacy wall and proposed screen planting. The upper level contains a window associated with the stairway landing and is required for daylighting purposes. This window is set back 6.2m from the internal boundary. There will be no undue impact on visual or acoustic privacy for Dwelling A.

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 (Winter Solstice):

The submitted shadow diagrams indicate that shadow cast by Dwelling B will encroach a maximum distance of approximately 9m beyond the existing shadowing cast by the boundary fence and Dwelling A over the adjoining property to the south, No. 131 Coonanbarra Road. The additional shadow will fall upon the rear of the dwelling and part of the rear yard. The majority of private open space at the rear will remain unaffected. The front yard and dwelling will be in shade.

12.00 noon (Winter Solstice):

Existing shadow cast by Dwelling A falls upon the side yard and northern portion of the roof of the neighbouring dwelling at 131 Coonanbarra Road. The submitted shadow diagrams indicate that shadow cast by Dwelling B will encroach a maximum distance of 4.4m for a length of 7.5m beyond the existing boundary fence shadow over the property at 131 Coonanbarra Road. At this time, shading will fall over a small portion of the northern-most part of the rear yard and upon an existing mature tree. The vast majority of the neighbouring site will receive full solar access.

3.00pm (Winter Solstice):

The submitted shadow diagrams indicate that shadow cast by Dwelling A will fall upon the northern side yard of the site at 131 Coonanbarra would overlap the shadow already cast upon part of the rear yard area by the neighbouring dwelling. Shadow cast by Dwelling B will encroach over a small portion of the northern-most part of the rear yard of 131 Coonanbarra Road and upon an existing mature tree on that property. At this time, Dwelling B will also cast shadow upon the side yard and part of the western portion of the dwelling and rear yard of the site at 25 Carrington Street.

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The proposal will not result in adverse overshadowing of the adjoining sites at 131 Coonanbarra Road or 25 Carrington Street. Moreover, the proposal complies minimum solar access requirements.

Solar access to the proposed development

The proposed development will receive 3⁺ hours solar access to its internal living areas and private open space areas during the winter solstice, thereby complying with minimum solar access requirements.

Stormwater (cl.32(d)):

Drainage for both dwellings is gravity fed to the street. Council's Development Engineer can support the proposal, subject to conditions (**refer Conditions 16-24, 36-40, 52, 59-65**). Two rainwater tanks are proposed beneath the driveway of Dwelling B. The submitted stormwater drainage plan indicates that two rainwater tanks are also proposed above ground along the western elevation of Dwelling A. This is not considered to be a suitable location given the elevated topography of the site fronting Coonanbarra Road. A condition is therefore recommended requiring relocation of any rainwater tanks to the southern elevation of Dwelling A where boundary fencing and the dwelling can appropriately screen the tanks (**refer Condition 5**).

Crime prevention (cl.32(e)):

The proposal provides for general surveillance of the street and approaches to the respective dwellings.

Accessibility (cl.32(f)):

The proposal provides convenient access to the respective dwellings. Vehicular access to each dwelling is clearly defined, providing unobstructed sightlines to the street. There is sufficient space available to separate pedestrians and vehicles on site. In relation to Dwelling A, the grade of the site, floor layout and pedestrian access is also appropriate for persons with a disability.

Although access to the main entry of Dwelling B is via steps, alternate level access to the dwelling is possible either through the garage or from the eastern elevation. However, the grade of the site has necessitated a split level design with different floor levels on the ground floor. While access to Dwelling B could be easily modified to be more suitable for a person with a disability, the internal levels could not be modified without substantial changes to construction.

Notwithstanding the design of Dwelling B, the proposed dual occupancy development satisfies the design criteria of SEPP 53 as Dwelling A is of a suitable design for people with a disability and Dwelling B satisfies the other two criteria under the *Accessibility* requirements of the SEPP.

Waste management (cl.32(g)):

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Appropriate provision can be made for waste storage facilities on site.

Visual bulk (cl.32(h)):

The potential visual effects of the proposal on the streetscape and on adjoining sites have been discussed in detail under **Streetscape** and **Visual and acoustic privacy**. In summation, Dwelling A will maintain existing setbacks to all boundaries. Within the context of existing setbacks, landscaping and the scale, bulk and form of surrounding development along Carrington Street, Dwelling B is appropriately located and designed. Sufficient setback is provided in relation to all external boundaries to ensure no undue dominance over adjoining sites or the streetscape.

The close proximity of Dwelling A and B will not adversely impact on either the streetscape or 131 Coonanbarra Road to the south as the difference in elevation, building height, building line setback and design provides sufficient visual separation.

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

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

The proposed development meets the general strategies of the SREP, however, Clause 6 (4) sets out strategies for water quantity whereby the reuse of water is encouraged wherever possible. As the development consists of a new structure and new stormwater disposal provisions, it is recommended that the provision of rainwater tanks or similar be incorporated to enable the reuse of stormwater for irrigation purposes. Appropriate conditions are recommended to control runoff and sediment from the site during construction, reuse water for irrigation purposes and detain stormwater through an on site detention system (**refer Conditions 16-24, 36-40, 52, 59-65**).

Ku-ring-gai Planning Scheme Ordinance (KPSO)

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling A: 3.5m Dwelling B: 6.5m The following information is not a statutory control. This information is provided for the benefit of the Councillors: Height to roof ridge - Dwelling A: 5.7m Height to roof ridge - Dwelling B: 7.9m Height to eaves line – Dwelling A: 3.5m Height to eaves line – Dwelling B: 6.6m	YES YES
Built-upon area 60% (max)	48.9%	YES
Notional built-upon area	Dwelling A: 44% Dwelling B: 54.3%	YES YES

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		
• 5m roof height – 1 storey	Dwelling A: 2.45m	YES
• 3m roof height-2 storey (max)	Dwelling B: 1.9m	YES
• Roof pitch 35 ⁰ (max)	Dwelling A: 30 ⁰ Dwelling B: 24 ⁰	YES YES
Fences		

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<ul style="list-style-type: none"> Visual Character Study indicates no fencing. 	1.5m picket fencing to Carrington Street	NO
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) 	Existing set backs unchanged by proposal. Complies in relation to Dwelling B.	YES
	Dwelling B: complies	YES
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 A: 3+ hours solar access received Dwelling B: 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"> Thermal Assessment 60% (min) 3.5 stars NatHERS Rating 	Dwelling A: 60.5% Dwelling B: 3.5 Stars	YES YES
4.7 Accessibility:		
Vehicular access and car parking dimensions <ul style="list-style-type: none"> Garage – 3.1m x 5.4m (min) Driveway width : 3.5m (max) 	Dwelling A: 5.4m x 5.4m Dwelling B: 6m x 5.8m Dwelling A: 3m Dwelling B: 3.7m	YES YES YES NO
4.9 Visual bulk:		
Building setbacks <ul style="list-style-type: none"> Front building line: Minimum setback: 12m to primary street frontage (Coonanbarra Road) 7m to secondary street frontage (Carrington Street) 	Dwelling A: 7.5m (existing) Dwelling B: no frontage to Coonanbarra Road Dwelling A: 6.2m (existing) Dwelling B: 5.2m	NO N/A NO NO

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<ul style="list-style-type: none"> Setbacks between buildings -7m or 5m (50% of building) (min) 	1.1m	NO
<ul style="list-style-type: none"> Side setback: Ground floor: 2.4m (min) 	Dwelling A: 1m (south)(existing) Dwelling B: 2.5m (south)	NO YES
1 st floor: 4.9m (min)	Dwelling A: single level Dwelling B: 3m (south)	N/A NO
<ul style="list-style-type: none"> Rear setback: 4.9m (min) 	Dwelling A: 19.5m (east) Dwelling B: 5.5m (east)	YES YES
Building form <ul style="list-style-type: none"> Unrelieved wall length: 12m (max) 	Dwelling A: 11m (existing) Dwelling B: 11.5m	YES YES
<ul style="list-style-type: none"> Total building length: 24m (max) 	Dwelling A: 18.5m (existing) Dwelling B: 11.5m	YES YES
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 45% 	48.9%	NO
<ul style="list-style-type: none"> Notional built-upon area 	Dwelling A: 44% Dwelling B: 54.3%	
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 	0.36:1	YES
<ul style="list-style-type: none"> 1st floor – 40% 	Dwelling A: single level Dwelling B: 41%	N/A NO
Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8 & 7m (max) 	Dwelling A: 3.5m Dwelling B: 6.5m	YES
<ul style="list-style-type: none"> Building envelope: 45⁰ from horizontal at any point 3m above boundary 	Dwelling A (compliant) Dwelling B (compliant)	YES YES
Cut and fill (building works)		

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<ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling A: 0mm Dwelling B: 1m (cut)	YES NO
Section 5: Landscaping & Open Space		
Total soft landscaping : 55% (min) Notional soft landscaping:	51.1% Dwelling A: 56% Dwelling B: 45.7%	NO
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 5 (min) 	5 Trees	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	>900mm and 1800mm.	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 A: 198m ² Dwelling B: 132mm ² Dwelling A: 16.4 x 12.6m Dwelling B: 16.3 x 8.1 Dwelling A: generally level Dwelling B: generally level Dwelling A: Open space > 3 hours Dwelling B: Open space > 3 hours	YES YES YES YES YES YES

Part 4.2 Streetscape:

• **Fencing**

Fencing has been discussed under **Streetscape** above. In summation, it is proposed to construct a 1.5m high timber picket fence along part of the Carrington Street frontage and to retain the existing fencing along the remainder of the frontage. The site is described in the Ku-ring-gai Visual Character Study as being within an area characterised by dwelling construction from the period 1945 to 1968. Streetscapes within these areas typically have an absence of front fences except in noisy or busy streets. In this instance, fencing in the wider streetscape, although present is not a prevailing feature. Where fencing does exist, it is typically low in height and transparent. Part of the Carrington Street frontage of the subject site is currently fenced with a 1.8m high lapped and

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capped timber fence. The site at 131 Coonanbarra Road has a front fence approximately 1.5m high and comprising a masonry wall with timber pickets on top.

When viewed within the context of the existing Carrington streetscape and the design characteristics of sites located within this Visual Character Study category, the proposed fence is inconsistent. A condition is recommended requiring a reduction in the height of the proposed fence along Carrington Street to 1.2m and replacement of the existing 1.8m timber fence along part of the same frontage to a picket style fence with a maximum height of 1.2m also (**refer Conditions 2 & 3**).

Part 4.7 Accessibility:

- **Vehicle access**

The driveway crossing for Dwelling B will have a width of 3.7m where the Dual Occupancy Code requires a width of 3.5m unless there are restricted driver sightlines. In this instance, no such limitation exists and a condition is recommended should consent be granted that the driveway width is not to exceed 3.5m (**refer Condition 4**).

Part 4.9 Visual bulk:

- **Building setbacks**

Issues of building setback for Dwelling A and B have been discussed under **Streetscape and Visual and acoustic privacy** earlier in this report.

In summation, the existing and proposed setbacks from Carrington Street of 6.2m and 5.2m for Dwellings A and B, respectively, will not have an adverse visual impact on the streetscape. The setbacks are generally consistent with building line setbacks within this part of Carrington Street. The main building line of the dwellings is stepped with a recessed upper level for Dwelling B. This provides appropriate visual relief and articulation.

Sufficient setback for Dwelling B is provided in relation to the eastern and southern boundaries. Fencing, screen planting and the location and size of windows in relation to these boundaries is appropriate to ensure a suitable level of amenity is maintained for the sites at 131 Coonanbarra Road and 25 Carrington Street. Any potential outlook associated with the upper level is consistent with that which could be reasonably expected of residential development in an urban setting and is further mitigated by upper level glazing being associated with bedrooms, a bathroom and stair well.

- **Building separation**

Dwellings A and B will be set 1.1m apart, with Dwelling B elevated 2m above the ground level of Dwelling A. However, this increases to 5m at the upper level. Due to a staggered alignment with the Carrington Street boundary, a recessed upper level and retention of mature trees in the front yard and the nature strip, the proposed separation distance will not result in an adverse impact on

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the streetscape. The dwellings are of markedly different design and will clearly present to the street as two separate dwellings.

Issues of privacy and solar access between Dwelling A and B have been discussed earlier in this report. In summary, the proposal maintains adequate privacy between the dwellings as direct outlook over either dwelling will not be possible. Privacy walls and screen planting will further ensure the visual and acoustic privacy of Dwelling A in particular. Although solar access to the east elevation of Dwelling A will be restricted, the effected rooms are bedrooms and not primary family living areas.

- **Built upon area (BUA)**

The proposed BUA of 48.9% will not result in the dominance of built form over adjoining sites or the streetscape. The site can support an appropriate number of trees and the proposal maintains sufficient front, side and rear yard setbacks and incorporates articulation and modulation in design so as not to have an adverse visual impact.

The proposal raises no particular concerns for stormwater management. Council's Development Engineer can support the proposal, subject to conditions.

- **Floor space ratio (FSR)**

The proposed FSR of 41% for the first floor level of Dwellings B is only a very minor non-compliance that will not result in development that is inconsistent with the bulk and scale of surrounding development. As detailed under BUA above, the proposal maintains sufficient front, side and rear yard setbacks and incorporates articulation, upper floor recession and modulation in design so as not to have an adverse visual impact. The site can support an appropriate number of trees to maintain the landscape character of the immediate locality.

- **Soft landscaping (FSR)**

The proposed soft landscaping is 51.1%, being 3.9% below the prescribed minimum of 55% for the site. There are three significant trees located within the nature strip directly in front of the subject site. These trees will be retained and in conjunction with tree retention on site and the proposed landscaping will maintain the landscape character of the locality. The proposed landscaping is supported by Council's Landscape Officer, subject to conditions (**refer Conditions 25-35, 43-46, 53-56**).

The proposal raises no particular concerns regarding stormwater management and is generally consistent with landscaping coverage on sites in the wider streetscape. Council's Development Engineer can support the proposal, subject to conditions (**refer Conditions 16-24, 36-40, 52, 59-65**).

- **Cut and fill**

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Construction of Dwelling B will necessitate excavation to a depth of 1m to establish a suitable grade for building foundations and external areas around the building platform.

The scale of the earthworks proposed is consistent with that normally associated with residential development and will not result in the dominance of built form upon the streetscape or adjoining sites. The proposal maintains an appropriate ratio of soft landscaping to built upon area and raises no particular concerns in relation to stormwater management or sediment runoff. Should consent be granted, standard conditions of consent are recommended to ensure appropriate sediment and erosion control measures are instigated during the construction phase (**refer Condition 52**).

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.

Development Control Plan 40 – Construction and Demolition Waste Management

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against Council's Dual Occupancy Code.

Development Control Plan No. 43 – Car Parking

The proposal complies with DCP 43 which requires the provision of 2 parking spaces.

Development Control Plan 47 – Water Management

Council's Development Control Engineer has provided comment on the proposal in regard to the requirements of DCP 47. The proposed development will meet the requirements of the DCP, subject to compliance with conditions.

Section 94 Plan

The development attracts a section 94 contribution of **\$33,057.22**, which is required to be paid by **Condition No. 50**.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

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

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 0639/04 for a new dual occupancy development comprising retention of an existing dwelling and construction of a detached, two-storey dwelling on land at 133 Coonanbarra Road, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans labelled Job No DA02, DA04 & DA06, dated 11 June 2004, DA03, DA05, DA07 – DA10, dated 15 October 2004 , all drawn by VM Design Studio, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The proposed picket fence associated with Dwelling A along Carrington Street shall have a maximum height of 1.2m, inclusive of gates and piers.

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3. The front fence associated with Dwelling B shall have a maximum height of 1.2m, inclusive of gates and piers and shall be of a timber picket design.
4. The driveway width for Dwelling B shall not exceed 3.5m.
5. The proposed rainwater tanks for Dwelling A are to be relocated to the southern elevation of Dwelling A.
6. All building works shall comply with the Building Code of Australia.
7. 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.
8. 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.
9. 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.
10. 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.
11. **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.

12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

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13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. 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.
15. Waste storage facilities for Dwelling A and Dwelling B shall be provided in accordance with Council's Waste Management Development Policy.
16. The existing vehicular crossing is to be reconstructed. The crossing and driveway materials are to be specified by a suitably qualified arborist and approved by Council's Landscape Development Officer. The works are to be carried out under the supervision of the arborist.
17. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
18. An on-site stormwater detention and/or retention system(s) must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
19. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
20. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
21. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.

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22. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

23. 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 minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.
24. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access, accommodation arrangements and passing opportunities must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking".
25. 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.

26. To maintain the treed character of the site tree #8 *Acer palmatum* (Japanese Maple) located adjacent to the northern site boundary of the existing dwelling and #9 *Lagerstroemia indica* (Crepe Myrtle) located on Council's Coonanbarra Rd nature strip, are to be retained.
27. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.

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28. To preserve the ongoing health and vigour of the two *Eucalyptus acmenoides* (White Mahogany) #'s 30 & 31, the proposed retaining wall is not to encroach within a 3.0m radius of each tree as measured from the base of the tree trunk. Documentary evidence/revised plans showing compliance with this condition is to be submitted to the principal certifying authority prior to the issue of the construction certificate.
29. To preserve landscape and neighbour amenity the proposed timber deck/drying area is to have a minimum setback of 1.5m from the site boundaries to allow for screen planting.
30. 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.
31. 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
#30 Eucalyptus acmenoides (White Mahogany) Adjacent to eastern site boundary	3.0m
#31 Eucalyptus acmenoides (White mahogany) Adjacent to eastern site boundary	3.0m
#27 Eucalyptus acmenoides (White mahogany) Adjacent to northern site boundary/driveway for proposed dwelling	3.0m
#11 Eucalyptus acmenoides (White Mahogany) Carrington Rd nature strip	4.0m

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

Tree/Location	Radius From Trunk
#27 Eucalyptus acmenoides (White mahogany) Adjacent to northern site boundary/driveway for proposed dwelling	4.0m
#11 Eucalyptus acmenoides (White Mahogany) Carrington Rd nature strip	4.0m

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33. 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.
34. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
35. 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

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

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

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

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

37. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design shall be generally based on the concept plan 342608 by AFCE Environment + Building, and shall be advanced for construction issue purposes. The storage

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volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

38. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
39. 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/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
40. 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.
41. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council or the PCA prior to the commencement of work.
42. The submitted concept landscape plan is not approved. A detailed plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.

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43. A plan detailing screen planting of the boundary between the dwellings forward of the existing and proposed dwelling on each side of the proposed fence line and behind the proposed dwelling, southern site boundary behind the proposed dwelling, eastern site boundary shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 6.0, 2.5, 3.0, 3.0 and 2.5 metres respectively.
44. The property shall support a minimum number of three trees on each site that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
45. 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.
46. A cash bond/bank guarantee of \$2 000.00 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.

47. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
48. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building

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work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the Home Building Act 1989. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

49. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
50. 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 ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. 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 20 December 2000, calculated for additional persons as follows:

1.	Preparation of New Residents Kit	\$38.43
2.	New Resident Survey	\$34.55
3.	New child care centre (including land acquisition and construction of facility)	\$882.46
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$8.44
5.	New Library bookstock	\$62.83
6.	New Public Art	\$10.26
7.	Acquisition of Open Space - Turrumurra	\$27,478.50
8.	Koola Park upgrade and reconfiguration	\$500.82

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9.	North Turramurra Sportsfield development	\$3,453.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$172.69
11.	Section 94 Officer for period of Plan 2000-2003	\$414.47

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

51. The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
52. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures. Such provisions recommended within the plan and approved by the PCA shall be implemented prior to the release of the construction certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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53. 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

#11 *Eucalyptus acmenoides* (White Mahogany)

Adjacent to existing driveway crossover/Carrington Rd nature strip

54. 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

#16 *Pittosporum undulatum* (Sweet Pittosporum)

3.0m

Adjacent to northern site boundary

#27 *Eucalyptus acmenoides* (White Mahogany)

2.0m

Adjacent to northern site boundary

#30 *Eucalyptus acmenoides* (White Mahogany)

2.5m

Adjacent to eastern site boundary

#31 *Eucalyptus acmenoides* (White Mahogany)

2.5m

Adjacent to eastern site boundary

#3 *Eucalyptus acmenoides* (White Mahogany)

5.0m

Adjacent to western site boundary

#6 *Eucalyptus acmenoides* (White mahogany)

4.0m

North west site corner

#8 *Acer palmatum* (Japanese Maple)

3.0m

Northern site boundary

55. 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.
56. 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

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of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

57. 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.
58. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

59. 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.

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

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- c. The Engineer's certification of the as-built system.

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

61. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.
62. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
63. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).
- Installation of proprietary tank products in accordance with manufacturers' specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)

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- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

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

- As constructed levels in comparison to design levels
- As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
- Dimensions of all retention tanks/devices
- Top water levels of storage areas and RL’s at overflow point(s)
- Storage volume(s) provided and supporting calculations/documentation.

64. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
 - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500,.3.2, and
 - c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- a. As built reduced surface and invert levels for all drainage pits and connection points.
- b. As built reduced level(s) at the approved point of discharge to the public drainage system.
- c. Gradients of drainage lines, materials and dimensions.

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65. The creation of 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. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. 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.

BUILDING CONDITIONS

66. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
67. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

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

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

68. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

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69. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
70. 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.
71. 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 equaling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

72. 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.

73. 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.

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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.

74. 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. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

M Leotta
Executive Planner, Wahroonga Ward

R Josey
Acting Team Leader, Wahroonga Ward

M Prendergast
Manager Development Assessment

M Miocic
Director Development & Regulation

Attachments: **Location Sketch**
 Site Analysis
 Elevations
 Landscape Plan

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	3 RIDGE STREET, GORDON - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF DETACHED DUAL OCCUPANCY DEVELOPMENT
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1438/03
SUBJECT LAND:	3 Ridge Street, Gordon
APPLICANT:	Glendinning Minto and Associates
OWNER:	Allen Butler
DESIGNER:	Hans Waldmann and Associates
PRESENT USE:	Residential
ZONING:	Residential 2C
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	DCP 43 Carparking, DCP 47 (Water Management) and Dual Occupancy Development Control Code, DCP40 - Waste Management, DCP 40 – Waste Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 53, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	5 November 2003 Amended Plans lodged 1 June 2004
40 DAY PERIOD EXPIRED:	15 December 2003
PROPOSAL:	Demolition of existing dwelling and construction of detached dual occupancy development
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o	1438/03
PREMISES:	3 RIDGE STREET, GORDON
PROPOSAL:	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF DETACHED DUAL OCCUPANCY DEVELOPMENT
APPLICANT:	GLENDINNING MINTO AND ASSOCIATES
OWNER:	ALLEN BUTLER
DESIGNER	HANS WALDMANN AND ASSOCIATES

PURPOSE FOR REPORT

To determine Development Application No 1438/03 which seeks consent for demolition of the existing dwelling and construction of a detached dual occupancy development.

EXECUTIVE SUMMARY

Issues:	Setbacks, courtyard sizes, internal design for solar access to living areas, urban design and streetscape.
Submissions:	One (1)
Land & Environment Court Appeal:	Yes. Appeal lodged 22 October 2004. First callover 3 December 2004
Recommendation:	Approval

HISTORY

There is no history of the site relevant to the development application.

THE SITE & SURROUNDING AREA

The Site

Zoning:	Residential 2C
Visual Character Study Category:	1920-1945
Lot Number:	B
DP Number:	345884
Area:	869.5m ²
Side of Street:	Eastern
Cross Fall:	North-eastern to south-western corner
Stormwater Drainage:	To street
Heritage Affected:	No
Required Setback:	12 metres (high side of street)
Integrated Development:	No
Bush Fire Prone Land:	Yes (Bushfire prone vegetation buffer)

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Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is located on the corner of Ridge Street and Craiglands Road and is rectangular in shape. The site slopes from the north-eastern side boundary to the south-western side boundary, with a fall of approximately 1m. However, along the south-western side boundary and further into the road reserve, the slope increases towards the road and drops 3-5m.

The subject site currently supports a single storey dwelling, with two sheds at the rear. Vehicular access is via a spur road at the end of Ridge Street.

The configuration of the allotment with respect to the spur road is evident on an extract of the aerial photo at Appendix B.

Surrounding development:

Low density residential, with single storey dwellings on the north-east side and to the south-east, with Blackbutt Creek Recreation Reserve located opposite to the south-west.

THE PROPOSAL

The proposal is to demolish the existing dwelling and construct a detached dual occupancy comprising of two, two storey dwelling houses. Details of the proposed development are as follows:

Dwelling 1:

This dwelling will address Ridge Street, having a minimum setback therefrom of 6m. The building is stepped back from the corner of a spur section of road from Ridge Street and Craiglands Road. Side setback to the north-eastern boundary is 1.5m and 3m from the south-western side boundary.

Ground floor: Double garage, porch, entry, living room, kitchen/meals/family, laundry and bedroom. The bedroom includes walk-in-robe and ensuite. A patio is accessed via the family/meals room.

First floor: Three bedrooms, study, and bathroom.

Total floor area: 241m².

Dwelling 2:

Dwelling 2 fronts Craiglands Avenue, with a minimum setback of 3m there from. The separation distance between Dwelling 1 and Dwelling 2 is 9m.

Ground floor: Double garage, porch, entry, living room, family/kitchen/meals, two bedrooms, bathroom, laundry. A patio is accessed via the family room.

First floor: Two bedrooms, walk-in-robe and ensuite.

Total floor area: 236m².

Amended plans dated 1 June 2004 provided additional information in relation to the vehicular access arrangements from Craiglands Avenue to Dwelling 2, provision of a carport instead of a garage to provide better solar access to Dwelling 1 and retention of a Jacaranda at the south-eastern end of the site.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners of surrounding properties were notified of the application. In response, one submission was received from C & R Bertuzzi of No.39 Craiglands Avenue.

The submission raised the following issues:

Objection to dual occupancy per se.

State Environmental Planning Policy No 53 permits dual occupancy development on the site.

Non-compliance with Council's codes.

The proposal does not comply with Council's Dual Occupancy Development Control Code in relation to front and side setbacks, internal layout for solar access and courtyard sizes. These areas of non-compliance are addressed in this report. However, in summary, the non-compliances are satisfactory having regard to the merits of the proposal overall.

It should also be noted that the objectors' property is considerably removed from the subject property and there is no direct or detrimental impact on the objectors' property.

CONSULTATION - WITHIN COUNCIL

Heritage/urban design

Council's Heritage/Urban Design Officer has commented on the proposal as follows:

"Streetscape/context:

Buildings in the vicinity of this site are a mixture of styles. There is a modern single storey home opposite with a metal ribbed roof and a weatherboard cottage next door. Elsewhere there are some two-storey houses of contemporary character. The site is well away from the group of listed cottages in Ridge Street.

Bulk, form and scale:

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This is a very suitable site for a dual occupancy as it has two frontages and House 2 can be entered directly from Craiglands Road.

The architectural designs are of average quality. First floor walls are set back from ground floor walls without much structural logic between the two levels. This does, however, create an acceptable appearance from the outside.

Conclusion

I raise no objection to the proposal apart from that the solar design should be improved."

The matter of improved solar access to living areas of both dwellings has been addressed by **condition 62 and 63.**

Landscaping

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

Site condition - landscape

The existing landscape is in moderate condition with trees in generally good health. The site is dominated at the front (Ridge St) by a tree grouping of native trees adjacent to the western site corner and a mature Jacaranda mimosifolia (Jacaranda) located adjacent to the north east site boundary. The rear garden is an open grassed expanse with a mature Jacaranda mimosifolia (Jacaranda) located adjacent to the rear (south east) site boundary. The nature strip adjacent to Craiglands Ave is characterised by overgrown grass, weed species and scattered trees including Eucalypts.

Impact on trees

The proposed development will result in the removal of some smaller trees within the front setback which have low landscape significance. The Jacaranda mimosifolia (Jacaranda) located adjacent to the rear site boundary is to be removed. The Jacaranda has a low limb stretching towards the south west which when removed for access would remove approximately 40% of the tree. There is no objection to the removal of the Jacaranda, as priority has been given to the Eucalypts on the opposite boundary.

Other smaller trees and shrubs will be required to be removed for the proposed driveway for Dwelling 2 within Councils road reserve.

Driveway configuration

The proposed driveway for Dwelling 2 utilises Council's Road reserve for access as an extension to the neighbouring property in Craiglands Ave. The proposed driveway within the Council reserve will result in the removal of weed species. The existing Eucalypts will not be impacted upon. The driveway will result in the construction of a retaining wall for the driveway. It is proposed to have this clad in sandstone. Subject to sandstone and not a

Item 2

sandstone lookalike, a cribblock retaining wall being utilised can be supported. The site is viewed from adjoining bushland and the wall will be a new feature of the Craiglands Ave streetscape. It will be required that the Craiglands Ave nature strip area be revegetated and restored as part of the development works. This has not been shown on the submitted landscape plan, a revised plan will be required detailing this area.

Bushfire

The landscape plan does not comply with the bushfire recommendations within an inner protection zone. Some plant species selected are not fire retardant and should be changed. Planting as proposed is continuous and could provide a 'wick' for a potential fire threat. It is required that an amended landscape plan be submitted taking the requirements for an 'Inner Protection Zone'.

The application can be supported with conditions. (Refer Conditions Nos 52 to 59).

Engineering

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

From an engineering perspective, the proposed works are considered feasible and can be conditioned accordingly. (Refer Conditions Nos 43 to 51).

CONSULTATION – OUTSIDE COUNCIL**Rural Fire Services**

In accordance with the provisions of section 79BA of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The RFS does not object to the development, and has provided standard building conditions for protection from bushfire (Refer Conditions 60 and 61).

STATUTORY PROVISIONS**State Environmental Planning Policy No 53**

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) • 600m ² detached dual occ. (min)	869.5m ²	YES
Floor space ratio (cl.19(1)(b)) • 0.5:1 (max)	0.467:1 (406.073m ²)	YES
Car parking (cl.20)		

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• Dwelling 1: 2 car spaces (min)	Dwelling 1: 2 car spaces	YES
• Dwelling 2: 2 car spaces (min)	Dwelling 2: 2 car spaces	YES

Site analysis (cl.31):

The site analysis submitted is satisfactory pursuant to clause 31 and schedule 5 of SEPP 53.

Streetscape (cl.32(a)):

The development, being of brick, tile and timber construction and well-articulated on all elevations, is of a design considered compatible with the streetscape. The streetscape is an eclectic mix of single and double storey dwellings, with well-landscaped gardens.

Visual privacy (cl.32(b)):

Living areas for both dwellings will be at ground level. Dividing fences and screen planting will ensure privacy to private open space areas of the development and surrounding properties. Screen plants to be used include Lillipilies and Orange Jessamines, both achieving a height of 3m. In any case, an amended landscape plan will be required as the site is in a bushfire affected area, and the plan in its current form does not comply. **(Refer Condition No 78)**

Acoustic privacy (cl.32(b)):

The living areas and private open space of the proposed development will be separated from sensitive areas such as bedrooms. The proposed development has adequate setbacks to neighbouring properties so as to not impact on existing acoustic privacy levels.

Solar access and design for climate (cl.32(c)):

Because of the east-west orientation of the block and its position at the end of a north-south street (ie Ridge Street), there are no unacceptable overshadowing effects on neighbouring properties. No 47 Craiglands Avenue receives an afternoon shadow to its front setback area and south-western corner of the dwelling but this impact is not in excess of what Council's Code allows.

Solar access to the proposed development

Dwelling 1 receives inadequate solar access to its internal living areas during the winter solstice. This could be improved by swapping Bedroom 1 with the south-facing living area. The kitchen of Dwelling 2 should be redesigned to have a north-facing window. This has been addressed by **Conditions 62 and 63** requiring amendments to the internal floor layout.

Private open space areas to both dwellings receive more than 3 hours of solar access, which is compliant with Council's Code.

Stormwater (cl.32(d)):

Stormwater can be adequately drained to the street.

Crime prevention (cl.32(e)):

Both dwellings are designed so that front entrances are visible from the street and from inside each dwelling providing the opportunity of casual surveillance. This facilitates better security.

Accessibility (cl.32(f)):

Both dwellings have bedrooms at the ground level and therefore achieve a degree of accessibility. Both dwellings have direct street access.

Waste management (cl.32(g)):

An acceptable waste management plan has been submitted with the application.

Visual bulk (cl.32(h)):

The development, comprising two x two-storey dwellings, is compatible with the surrounding built environment which is a mix of single and two dwellings in a variety of architectural styles. The proposed two storey dwellings will have a compatible visual bulk and form to other dwellings in the street and the locality.

State Environmental Planning Policy No 55 - Remediation of Land

There is no evidence to suggest that the site could be subject to any contamination, nor is there evidence available to link the site to previous contaminating activities.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

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.

COMPLIANCE TABLE		
Development standard	Proposed	Complies

Building height 8m (max)	Dwelling 1: 6.0m (to the south-eastern corner of Bedroom 4)	YES
	Dwelling 2: 6.3m (to the south-western corner of Bedroom 1)	YES
	The following information is not a statutory control. This information is provided for the benefit of the Councillors: Height to roof ridge - Dwelling 1: 7.42m Height to roof ridge - Dwelling 2: 7.42m	
Built-upon area 60% (max)	45%	YES
Notional built-upon area	Dwelling 1: approx. 43% Dwelling 2: approx. 47%	YES YES

POLICY PROVISIONS

Council's Dual Occupancy Development Control Code

COMPLIANCE TABLE		
Development Control	Proposed	Complies
4.2 Streetscape:		
Roof pitch		
• 3m roof height-2 storey (max)	Dwelling 1: 2m Dwelling 2: 2m	YES YES
• Roof pitch 35 ⁰ (max)	Dwelling 1: 27.5 ⁰ Dwelling 2: 27.5 ⁰	YES YES
4.3 Visual and acoustic privacy:		
Visual privacy		
• Windows to habitable rooms set back 9m from neighbouring windows (min)	Dwelling 1 (7m from window of Bedroom 1 to window of adjoining property) Dwelling 2 (in excess of 10m from west-facing window of meals area, to window of adjoining property)	NO YES
4.4 Solar access and design for climate:		
Solar access		
• Subject dual occupancy receives 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

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<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"> Energy efficient design 	Dwelling 1 Dwelling 2 Thermal Assessment Scores provided	YES YES
4.7 Accessibility:		
Vehicular access and car parking dimensions <ul style="list-style-type: none"> Carport - 2.7m x 5.4m (min) Garage - 3.1m x 5.4m (min) 	Dwelling 1: 5.5m x 5.78m Dwelling 2: 5.4 m x 6m	YES YES
4.9 Visual bulk:		
Building setbacks <ul style="list-style-type: none"> Front building line: minimum setback: 12m (high side of the street) Corner site street frontage setback: 7m (min) with 50% of façade at 5m Setbacks between buildings -7m 		
Dwelling 1 <ul style="list-style-type: none"> Side setback Dwelling 1 Ground floor: 2m (min) 1st floor: 2.5m (min) 	Dwelling 1: 6m Dwelling 2: 3m 9m 1.5m 3m	NO NO YES NO YES
Dwelling 2 <ul style="list-style-type: none"> Side setback (less than 20m) Ground floor: 2m (min) 1st floor: 2.5m (min) Rear setback ((15% of 27.4m)=4.1m(min)) 	Dwelling 2: Ground floor: 1.5m 1st floor: 2.4m Ranges from 3.7m to 11.7m	NO NO NO

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<ul style="list-style-type: none"> No garages, tennis courts, swimming pools, courtyard walls and other major built elements forward of the building line. 	Carport for Dwelling 1 is proposed forward of the minimum front setback, but well integrated within the dwelling	NO
Building form <ul style="list-style-type: none"> Unrelieved wall length: 8m (max) Total building length: 24m (max) 	Dwelling 1: 16m (articulated) Dwelling 2: 18.3m (articulated) Dwelling 1: 16m Dwelling 2: 18.3m	YES YES YES YES
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 40% Notional built-upon area 	45% Dwelling 1: 43% Dwelling 2: 47%	NO
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 1st floor – 40% 	0.467:1 Dwelling 1: 35.9% Dwelling 2: 31.9%	YES YES YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling 1: 700mm (cut) & 500mm (fill) Dwelling 2: 300mm (cut) & 1.6mm (fill)	YES NO
Section 5: Landscaping & Open Space		
Total soft landscaping : 60% (min) Notional soft landscaping:	55% Dwelling 1: 57% Dwelling 2: 53%	NO
Tree retention and refurbishment <ul style="list-style-type: none"> No. of trees: 5 (min) 	No large trees to be removed. Additional trees to be planted.	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	Fill and retaining wall to be provided in relation to vehicular access for Dwelling 2	YES
Open space provisions		

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<ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) 	Dwelling 1: 46m ² excluding those areas less than 5m Dwelling 2: 80m ² excluding those areas less than 5m	NO NO
<ul style="list-style-type: none"> Min dimension 5m x 5m (min) 50% receives 3+ hours solar access (min) 	Dwelling 1: Open space receives 3 hours + solar access Dwelling 2: Open space receives 3 hours + solar access	YES YES

Private open space

Dwelling 1 will have approximately 107m² of private open space, although two parts of this open space have dimensions of less than 5m, ie 4m and 4.5m and therefore, technically cannot be included in the calculation based on Council's Code, leaving an area of only 46m². Dwelling 2 has a main private open space area of 5 x 16m, ie 80m² and a second area at the easternmost part of the site of 50m² (dimensions of 5.8m x 8.5m).

This total area of 130m² is adequate, despite not technically meeting the Code requirements of 75m² for each individual area. The amount and location of the private open space is satisfactory, despite the non-compliances, as it affords adequate space for the use of the occupants of the dwellings.

Primary building setback

The carport associated with Dwelling 1 encroaches into the 12m front building setback by 6m. The impact of this encroachment is softened by the configuration of the site, with the property facing onto a spur section of road which is separated by more than 18m from the main roadway of Ridge Street. As such, there will be no detrimental impact on the streetscape arising from the encroachment of Dwelling 1 into the minimum front setback required under Council's Code.

The position of the proposed carport is in alignment with that of the adjoining house at No 5 Ridge Street, and there are numerous other properties in Ridge Street with main parts of the dwelling and garages or carports forward of the 12m building line on the eastern (high) side of Ridge Street, or 9m on the western (low) side of Ridge Street. The front façade of the carport aligns with the entry porch. Despite being 1500mm forward of the living room façade the carport and entry porch are located within the roof element to the ground floor. This in association with the 1st floor being located in part above the carport, allows for the carport to be integrated into the design of the dwelling.

Secondary building setback

50% of the front elevation of Dwelling 2 complies with the 7m setback, with the remaining elevation set back at 3m and 3.7m. As such, only partial compliance is achieved. There is no detrimental impact on the streetscape because of the amount of building articulation provided. The greatest setback of 11.6m is provided closest to the shared boundary with No 47 Craiglands Avenue. This allows Dwelling 2 to blend in well with adjoining dwellings. The adjoining properties at 47 and 45 Craiglands Avenue are located 3-4 metres below the level of Dwelling 2.

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Therefore, there will be no adverse impacts arising from the reduced setback of Dwelling 2 to Craiglands Avenue.

Side setbacks

The side set backs for both dwellings display minor variations of up to 0.5m at ground floor level from Council's Code, but there are no adverse amenity impacts arising from the non-compliances as the variation is at ground level. At the upper levels, Dwelling 1 is compliant with the Code, and Dwelling 2 only has a non-compliance of 0.1m. This non-compliance does not result in any adverse amenity impacts on adjoining properties.

Rear setbacks

The rear set back of Dwelling 2 to the eastern-most boundary of the site shared with No 47 Craiglands Avenue is encroached by 0.4m. The encroachment involves only a small portion of the dwelling being the laundry. The encroachment does not result in any adverse amenity impacts on the adjoining properties.

Soft landscaping

60% soft landscaping is required but only 55% is provided. The site is surrounded by a considerable area of public land which is very well-vegetated. This counteracts the effect of the small variation in soft landscaping, and there are no adverse impacts on the landscaped character of the area, the preservation of which is an objective specified in this section of Council's Code.

Built upon area (BUA)

The Dual Occupancy Code permits a maximum of 40% of BUA for two, two-storey dwellings, whereas the proposal provides for 45% which whilst exceeding the code maximum, complies with the 60% requirement of the KPSO. The implications of the exceeded BUA are minimal as there is adequate soft landscaping area on site to absorb stormwater runoff.

Development Control Plan 31

Matters for assessment under DCP31 have been taken into account in the assessment of this application against Council's Dual Occupancy Code. Both dwellings have ground level access and a bedroom included at ground level. Accordingly, compliance with the objectives of DCP31 is achieved.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP40 have been taken into account in the assessment of this application against Council's Dual Occupancy Code. Suitable areas have been provided for the storage of waste storage containers.

Development Control Plan 43 - Carparking

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The proposal complies with DCP43 which requires the provision of 2 carparking spaces per dwelling in excess of 150m² in floor area.

Development Control Plan 47 - Waste Management

Matters for assessment under DCP47 have been taken into account in the assessment of this application against Council's Dual Occupancy Code. Council's Engineering Assessment Officer is satisfied that the development can comply with DCP47.

Section 94 Plan

The development attracts a section 94 contribution of \$38,062.75, which is required to be paid by **Condition No 70**.

Likely Impacts

There is not likely to be any impact as a result of the development proceeding.

Suitability of the Site

The site is not constrained by subsidence, slip or contamination. The site is suitable for the proposed development.

Any Submissions

The submissions of the objector have been considered in the assessment of this application.

Public Interest

Approval of the application would not be contrary to the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is 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 1438/03 for dual occupancy, comprising demolition of the existing dwelling and construction of a 2 storey dual occupancy development on land at 3 Ridge Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application 1438/03 and Development Application plans prepared by *Hans Waldmann & Associates*, reference number *789 Sheets 1 to 4*, dated *1 June 2004*.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines,

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
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.

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.

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17. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
18. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
19. 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.
20. 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.

21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.
23. 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.

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24. 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.
25. 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.
26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
27. 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.
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. 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.
31. 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.
32. 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.
33. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
34. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
35. 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.

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36. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
37. 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.
38. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
39. 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.
40. 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.
41. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
42. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
43. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
44. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

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- NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.
- NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.
- NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

45. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
46. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

47. 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 minimise and/or eliminate

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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, with all silt being removed from the site, or to an approved location within the site.

48. 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 AS 2890.1 - "Off-Street car parking".
49. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
51. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
52. 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.

53. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
54. 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.

55. 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
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<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south-east (rear) site boundary	4.0m
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<i>Ceratopetalum gummiferum</i> (NSW Christmas bush) North-west side of front dwelling in front garden	2.0m
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56. 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.
57. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
58. 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.
59. To facilitate landscape amenity the proposed retaining wall for the driveway access off Craiglands Ave is to be clad with 'sandstone' as shown on the retaining wall elevation submitted with the development application. No cribblock 'sandstone lookalike' walling is permitted.
60. Construction shall comply with AS3959-1999 level 1 'Construction of Buildings in bushfire prone areas'.
61. The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
62. The kitchen of dwelling 2 shall have an opaque north facing window to improve solar access to the living area.
63. The floor plan of dwelling 1 shall be amended by having the main living area on the northern side and bedroom 1 relocated to the southern side of the dwelling.

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

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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 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 Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
 - 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.
 - 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.

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68. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
69. The bathroom window, additional north facing kitchen window (required by this consent), and upstairs gallery window are to be of translucent glazing to minimise overlooking to the adjoining property at No.5 Ridge Street. Details are to be shown on the Construction Certificate plans.
70. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO (2) ADDITIONAL DWELLINGS IS CURRENTLY \$38,062.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Gordon	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons

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New Lot

3.5 persons

71. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) before any other work on the site commences.
72. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier prior to any earthworks or construction commencing.
73. Prior to issue of the Construction Certificate, the applicant shall submit four (4) copies of engineering plans, including longitudinal and cross sections, street elevation and specifications for the following infrastructure works required in Craighlands Road reserve:
 - a. The proposed extension works for the existing and proposed driveway crossing from Craighlands Road, and full treatment of the verge area.

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

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

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

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

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

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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.

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

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

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

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

75. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

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NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

76. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

77. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front façade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

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78. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council for approval prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. The landscape plan is to comply with Rural Fire Service (RFS) requirements that the entire site be treated as an 'Inner Protection Zone' (IPZ). The landscape plan is to be submitted and approved/certified by NSW RFS or a qualified fire consultant as to be compliant to IPZ guidelines, prior to being submitted to Council.
79. The property shall support a minimum number of six (6) 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. A minimum of three trees is required for each dwelling. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
80. 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.
81. To maintain and enhance landscape amenity and streetscape character, the nature strip fronting Craiglands Ave along the site frontage is to be rehabilitated and revegetated with native grasses and trees, at no cost to council. The proposed planting is to be shown on the Landscape Plan to be submitted to Council for approval prior to the issue of the Construction Certificate. Proposed planting is to comply with NSW RFS requirements.
82. A CASH BOND/BANK GUARANTEE of \$4,000.00 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.

83. A CASH BOND/BANK GUARANTEE of \$1,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Jacaranda mimosifolia (Jacaranda mimosifolia)
Adjacent to south-east (rear) site boundary

84. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

85. 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.
86. So as to minimise glare, the roof is to be of subdued colour which is compatible with the surrounding environment. A schedule of external finishes is to be submitted to and approved by the Council prior to the commencement of work.
87. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
88. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
- a. **Describe the anticipated impact of the construction works on:**
 - a. local traffic routes
 - b. pedestrian circulation adjacent to the building site;
 - c. and on-street parking in the local area; and;
 - b. **Describe the means proposed to:**
 - a. manage construction works to minimise such impacts;
 - b. provide for the standing of vehicles during construction;

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- c. provide for the movement of trucks to and from the site, and deliveries to the site; and

c. Show the locations of:

- a. any site sheds and any anticipated use of cranes and concrete pumps;
- b. any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

- 89. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the existing structures at the following locations:

- a. The existing access driveway between the subject site and the layback on Craiglands Road.

The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

- 90. 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
<i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to south east (rear) site boundary	3.0m
<i>Syncarpia glomulifera</i> (Turpentine) Adjacent to south-west (front) site corner	3.0m
<i>Rhododendron spp</i> Adjacent to north-west (front) site boundary	2.0m

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91. 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.
92. 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 OCCUPATION

93. 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.
94. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
 - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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

95. The creation of 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. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. 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.

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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.

96. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
97. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:
- The works were carried out and completed in accordance with the approved plans.
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

98. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.

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- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
 - surface or pavement levels
 - floor levels including adjacent property floor levels
 - maximum water surface level to be achieved in the storage zone
 - dimensions of basin(s), tank(s), pit(s), etc.
 - location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
 - storage volume(s) provided and supporting calculations
 - size of orifice(s)
99. Any damaged to the surface of the existing driveway crossing from Craiglands Road to Lot 1 in DP866249 must be fully reinstated by the applicant to the satisfaction of the Principal Certifying Authority and the owner of 47 Craiglands Road. Documentary evidence to this effect must be submitted to the Principal Certifying Authority for approval prior to issue of an Occupation Certificate or issue of the Subdivision Certificate.
100. 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:
- a. The proposed extension works for the existing and proposed driveway crossing from Craiglands Road, and full treatment of the verge area.

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.

BUILDING CONDITIONS

101. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.

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- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

102. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

103. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

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

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

104. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

105. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.

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106. 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.

107. 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.

108. 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.

109. 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.

110. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the dual occupancy dwellings comply with the relevant deemed to satisfy provisions of the Building Code of Australia.

U Lang
Executive Planner – Gordon Ward

S Cox
Acting Team Leader, Gordon Ward

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Location Plan**
- Site Plan & Site Analysis**
- Dwelling Floor Plans**
- Elevations & Sections**
- Landscape Plan**

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	18 COOK ROAD, KILLARA - DETACHED DUAL OCCUPANCY DEVELOPMENT, COMPRISING RETENTION OF THE EXISTING DWELLING AND CONSTRUCTION OF A SECOND, SINGLE STOREY DWELLING.
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	0763/04
SUBJECT LAND:	18 Cook Road, Killara 0763/040763/040763/040763/040763/04
APPLICANT:	Addlestone Investments Pty Ltd
OWNER:	T. & R. Lipman
DESIGNER:	IL new & Associates
PRESENT USE:	Residential
ZONING:	Residential 2B
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Dual Occupancy Code, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 53, SEPP55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	14 July 2004
40 DAY PERIOD EXPIRED:	23 August 2004
PROPOSAL:	Detached dual occupancy development, comprising retention of the existing dwelling and construction of a second, single storey dwelling.
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 0763/04
PREMISES: 18 COOK ROAD, KILLARA
PROPOSAL: DETACHED DUAL OCCUPANCY
DEVELOPMENT, COMPRISING
RETENTION OF THE EXISTING
DWELLING AND CONSTRUCTION OF
A SECOND, SINGLE STOREY
DWELLING.
APPLICANT: ADDLESTONE INVESTMENTS PTY
LTD
OWNER: T. & R. LIPMAN
DESIGNER: IL NEW & ASSOCIATES

PURPOSE FOR REPORT

To determine a development application seeking consent for a detached dual occupancy, comprising retention of the existing residence and construction of a second, single storey dwelling.

EXECUTIVE SUMMARY

Issues:

- Privacy
- Fencing

Submissions: One submission in opposition received

Land & Environment Court Appeal: No appeal has been lodged.

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 763/04

- Application lodged 14 July 2004.
- Application notified between 27 July 2004 and 17 August 2004.

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There is no DA history relevant to the proposed development.

THE SITE AND SURROUNDING AREA

The site

Visual character study category:	Pre 1920
Lot number:	37
DP number:	667039
Heritage affected:	No
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

The site is located on the south-western (high) side of Cook Road and is rectangular in shape. The land falls from the north-west corner (RL 84.86m AHD) to the south-east corner (RL82.89m AHD) with an approximate fall of 2.6 metres.

- The property has a frontage (northern boundary) to Cook Road of 20.115 metres;
- A western boundary (side) of 78.97 metres to No. 20 Cook Road and No. 4 Redbank Road;
- A southern (rear) boundary of 20.115 metres to No.6 Redbank Road;
- An eastern boundary (side) of 78.64 metres to No.16 Cook Road; with a total area of 1,585.2m².

The site is currently occupied by a single storey brick and tile residence with a detached brick garage and tennis court at the rear. The site is characterised by a mature landscape setting with established trees and shrubs within formal garden beds and lawn areas. Two mature Eucalypts are located at the street frontage.

The property shares boundaries with four (4) properties as follows:

16 Cook Road, Killara – Two (2) storey brick residence with tennis court at rear;

20 Cook Road, Killara – Two (2) storey dwelling;

4 Redbank Road, Killara – Two (2) storey residence with swimming pool and tennis court;

6 Redbank Road, Killara – Single storey residence with tennis court and cabana.

Refer attachments for photographs of the site and surrounds.

Surrounding development:

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The subject site is described in the Ku-ring-gai Visual Character Study as being within an area characterised by single dwellings on single lots, with the majority of construction being within the period 1945 to 1968.

There is a range of single and double storey dwellings from small to substantial, with varying degrees of landscaping. Building setbacks are generally consistent on both sides of Cook Road, with each dwelling having its own landscaped setback area to the street. In particular, Nos 12 to 24 Cook Road all maintain a consistent front setback of approximately 12 metres. Properties along Cook Road are separated from the road itself by a footpath and a wide grassed and landscaped verge. Front fencing in the immediate locality is low and of brick or timber construction.

THE PROPOSAL

The proposal is to construct a new single storey dwelling which, in conjunction with the existing single storey dwelling would form a detached dual occupancy development.

Details of the proposed development are as follows:

Dwelling 1 (existing):

Floor area: 208.7m² – single storey
Parking and access: Double carport to rear of dwelling, existing access to Cook Road.
Setbacks: Northern (Cook Road) 12.25 metres, Southern (rear) approximately 48m, Eastern (side) 3.8m, Western (side) 1.66m.
Private Open Space: 138m².

Dwelling 2 (proposed):

Floor area: 297.5m².
Parking and access: Internal access double garage, access to Cook Road as per existing dwelling.
Setbacks: Northern (rear) approximately 44m, Southern (rear) 12m, Eastern (side) 1.8m, Western (side) 1.8m.
Private Open Space: 198.5m².

Fencing:

The existing low brick fence to the street boundary will be retained but will be modified either side of the driveway to improve driver sightlines. A 1.8m high timber paling fence is proposed along part of the new internal boundary. The north-eastern (side) boundary fence will be removed and replaced with a 2m high timber fence. The existing 1.8m high timber paling fence will be retained along the rear and western boundary of the site.

Notional subdivision:

A 1.8m high timber paling fence is proposed to separate the two dwellings. The notional allotment for Dwelling 1 will be 779.97m² (including right of carriageway) and 698.17m² (excluding right of carriageway). Dwelling 2 will have an area of 805.185m² (including right of carriageway) and

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724.14m² (excluding right of carriageway). Dwelling 1 will have a frontage 20.115 to Cook Road. Dwelling 2 will be located to the rear of Dwelling 1 with no frontage to Cook Road.

This information has no current relevance to the assessment of the dual occupancy development, as Council must consider the application as two dwellings on one allotment of land. However, this information is provided for clearer understanding of the likely future subdivision pattern of the site which would create two dwellings on individual allotments of land. At this stage, no application for the subdivision of the dual occupancy development has been lodged.

Amended plans dated 9 September 2004

Amended plans were received proposing the following changes:

- Splaying the existing low brick fence at the road boundary on a 45 degrees angle.
- Removal of the chimney from Dwelling 1 to increase the driveway width from 2.4m to 3m between Dwelling 1 and the north-eastern (side) boundary.

CONSULTATION - COMMUNITY

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

In response, one submission was received:

1. D & D Stirling – 16 Cook Road, Killara

The submissions raised the following issues:

Loss of privacy to the property at 16 Cook Road, Killara

The objectors expressed concern that removal of the existing garage at 18 Cook Road will increase potential for occupants at 18 Cook Road to look into the living areas, back garden and pool area of 16 Cook Road. Similarly, that the glazing along the south eastern elevation of the new dwelling will increase potential outlook over 16 Cook Road and therefore adversely impact on the current privacy enjoyed by the occupants of the site.

The objector felt that their concerns would be greatly ameliorated by replacement of the current (side) boundary fence with one of increased height.

The applicant has addressed the objector's concern by agreeing to replace the existing boundary fence between 16 and 18 Cook Road with a new fence 2 metres in height. This is considered to be reasonable and it is recommended as a condition. (**refer Condition 2**). The applicant further proposes screen planting along this boundary to ensure that privacy to the occupants of 16 Cook Road is adequate.

CONSULTATION - WITHIN COUNCIL

Heritage/Urban Design

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

"I have no objection to this application. It retains the existing house and is within the rear yard accessed via an existing drive. There are no heritage or urban design issues."

Landscaping

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

"It is proposed to demolish the existing tennis court and garage and construct a detached single storey Dual Occupancy on the existing single allotment of 1 585.2sqm with vehicular access via a shared driveway adjacent to the south east site boundary. The site is characterised by a mature landscape setting with established trees and shrubs within formal garden beds and lawn expanses. The rear of the site is dominated by the existing tennis court which results in a very open landscape character. The site frontage is dominated by two mature Eucalypts."

Impacts on trees/Trees to be removed

The proposed development is to be constructed in the same location as the existing tennis court. As such no significant trees are proposed to be removed. Tree replenishment will be required for the site.

Landscape Plan

The submitted landscape plan by Jocelyn Ramsay and Assoc. is satisfactory and can be supported.

Drainage Plan

The submitted drainage plan can be supported by Landscape Services.

The application is supported with conditions" (refer Conditions 31-37, 54, 63-65).

Engineering

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

"The development proposal is for a detached dual occupancy – one (1) new rear dwelling, to be constructed at 18 Cook Road Killara. The site drains to the street. To satisfy Council's Water Management DCP47, the applicant is to incorporate the following as part of the stormwater drainage plans:

New Dwelling: A minimum 5000L rainwater tank plumbed into all laundry devices will be required.

Existing Dwelling: A minimum 5000L rainwater tank for garden irrigation only will be required.

This DA has been assessed by Development Engineers under Water Management DCP47.

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 and turning areas comply with AS/NZS 2890.1 (2004) - "Off-street car parking".

A review of the submitted plans reveals the following concerns:

The driveway width will need to be increased to a minimum 3.0 metres to comply with AS/NZS 2890.1 (2004) - "Off-street car parking". This will involve reducing the required 1m landscape buffer to 800mm.

Conditions to this effect have been included in the engineering conditions that follow."
(refer Conditions 39-47, 55-60, 67-74).

CONSULTATION – OUTSIDE COUNCIL

Not required.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 53

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) <ul style="list-style-type: none"> 600m² detached dual occupancy. (min) 	1585.2m ²	YES
Floor space ratio (cl.19(1)(b)) <ul style="list-style-type: none"> 0.5:1 (max) 	0.32:1 (506.2m ²)	YES
Car parking (cl.20) <ul style="list-style-type: none"> Dwelling 1: 2 car spaces (min) Dwelling 2: 2 car spaces (min) 	Dwelling 1: 2 car spaces Dwelling 2: 2 car spaces	YES YES

Site analysis (cl.31):

Clause 31 states that a consent authority cannot approve a development unless it has taken into consideration a site analysis prepared in accordance with the SEPP. The applicant has submitted a site analysis plan and written statement. The site analysis plan is in accordance with Schedule 5 of SEPP 53. The documentation submitted with the application is also considered satisfactory in terms of the Clause and Schedule 5 of SEPP 53.

Streetscape (cl.32(a)):

Dwelling 1 will maintain the same setback and presentation to the street, with the minor exception of the front fence which will be splayed at a 45 degrees angle either side of the driveway to improve driver sightlines. This will not result in any adverse visual impacts to the streetscape given that the majority of the fence will be maintained in its existing state.

Dwelling 2 will be single storey and located at the rear of the existing dwelling. Dwelling 1 will largely screen Dwelling 2 from the street making it barely discernable from the street. Vehicular access to both dwellings will be via the existing driveway, therefore, no additional vehicle crossings are required. The mature eucalypts within the front yard of the site are to be retained. Accordingly, the streetscape setting will be largely maintained with no adverse impacts.

Visual privacy (cl.32(b)):

Between Dwellings 1 & 2

Dwellings 1 and 2 will be separated by a distance of 14m and separated and screened by a 1.8m high timber paling fence. Screen planting will be provided along the fence on both sides.

The double garage of Dwelling 1 will be located on the northern side of the fence providing additional screening of the private open space area of Dwelling 1 and the rooms in the rear portion of the house. The internal garage and Bedroom 4 of Dwelling 2 will be located on the opposite side of the fence. Limited glazing has been incorporated into these rooms to ensure no privacy impacts arise for either dwelling. Private open space will be at the rear of the dwelling.

Both Dwellings 1 and 2 are single storey and therefore provide limited opportunity for mutual overlooking. The large separation distance between the dwellings, fencing and landscaping shall ensure adequate privacy to residents of both dwellings.

To adjoining properties

The subject site shares boundaries with four other properties as follows:

- 16 Cook Road, Killara – Two (2) storey brick residence with tennis court at rear;
- 20 Cook Road, Killara – Two (2) storey dwelling;
- 4 Redbank Road, Killara – Two (2) storey residence with swimming pool and tennis court;
- 6 Redbank Road, Killara – Single storey residence with tennis court and cabana.

In each case the proposed development shares a common boundary with the rear portions of the contiguous properties, with these areas being mainly used for domestic recreation e.g. swimming pools and tennis courts.

Accordingly Dwelling 2 will be generously separated from dwellings on all adjoining properties given the rear location of recreation areas on adjoining properties. Privacy to these recreation areas is addressed adequately by boundary fencing (no less than 1.8m in height, with the exception of a 1m high picket fence for small portion of the north-western boundary alongside the existing

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dwelling), screen planting and the single storey profile of Dwelling 2 which reduces the potential for overlooking to adjoining properties.

The property most likely to be affected by the development is Number 16 Cook Road given that it is the only property with an entire side boundary shared with the subject site. Accordingly, Dwelling 1 will be adjacent to the dwelling on No 16 and Dwelling 2 will be adjacent to the rear yard, including the swimming pool and tennis court areas. The subject site is also elevated and therefore sits higher than the site at No 16.

To mitigate any potential privacy loss to 16 Cook Road, it is proposed to demolish the existing 1.8m high fence along the common boundary and to construct a 2m high timber paling fence with an additional screen planting buffer approximately 800mm in width and 3-5m in height for the length of the boundary. Accordingly, the level of visibility from the subject site to 16 Cook Road will be significantly reduced.

Acoustic privacy (cl.32 (b)):

No windows of Dwelling 2 will be within 9m of any adjoining building. Again, the property most likely to be affected is No 16 Cook Road given that the driveway servicing both Dwellings 1 & 2 will run along the common boundary of both Number 16 & 18 Cook Road. Given that both dwellings 1 & 2 share driveway access, the common practice of parking vehicles in the driveway will be avoided. As a result, residents of No 16 Cook Road will not have vehicles starting up or stopping next to their residence on the driveway.

Acoustic privacy is further ensured to neighbouring dwellings and occupants of the subject site by the large separation distances, fencing and screen planting along site boundaries as mentioned above.

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 submitted shadow diagrams indicate that shadow cast by Dwelling 2 will encroach a maximum distance of approximately 12m over the private open space area located to the rear of the dwelling. Shadows will not extend over any adjoining dwellings or private open space areas of adjoining properties.

The submitted shadow diagrams indicate that existing shadows cast by Dwelling 1 will be limited to the subject site. In particular, the private open space area allocated to Dwelling 1 the portion of driveway area alongside Dwelling 1 and vehicle entrance to Dwelling 2.

12.00 noon (June 22):

The submitted plans show that shadows cast by Dwelling 2 will extend further to the north east of the site, with the majority of shadowing occurring within the subject site boundaries. Shadowing will extend approximately 4m into 16 Cook Road at the most rear portion of the site. This will not affect the residence or any private open space area on the site and is minimal.

Similarly, existing shadows cast by Dwelling 1 will extend further north-east over a larger area of the driveway and slightly into the site at 16 Cook Road (approximately 2m).

3.00pm (June 22):

The submitted plans indicate that the most shadowing will occur at this time of day. In particular, shadowing will increase to the north-east. Approximately 50% of the tennis court at 16 Cook Road will be in shadow, however, the majority of the private open space will be unaffected.

Dwelling 1 casts some shadow over the Dwelling at 16 Cook Road, however, this is existing and no changes are proposed to Dwelling 1. Accordingly, the effects will remain the same.

Accordingly, the proposal complies with the solar access requirements of SEPP 53.

Solar access to the proposed development

The proposed development receives 3⁺ hours solar access to its internal living areas and private open space areas during the winter solstice.

Accordingly, the proposal complies with the solar access requirements of SEPP 53.

Stormwater (cl.32(d)):

Drainage for both dwellings is will comprise on-site detention tanks and gravity drainage to the street.

Councils Development Engineer can support the proposal; subject to conditions which will also address water conservation. **(Refer Conditions 39-47, 55-60, 67-74).**

Crime prevention (cl.32(e)):

Dwelling 1 overlooks Cook Road and as no alterations are proposed to this dwelling, the existing surveillance level is maintained. Dwelling 2 provides for an appropriate level of general surveillance to its approaches.

Accessibility (cl.32 (f)):

Adequate on site parking is available for the development. Driveway gradients and garage design have allowed for access for people with disabilities. The existing driveway will service both

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dwellings and will be extended approximately 23m to accommodate the two additional parking spaces for Dwelling 2. The vehicle crossing has been extended to 5.5m to allow for vehicles to pass one another so that reverse manoeuvring onto Cook Road is avoided.

Waste management (cl.32 (g)):

Separate and appropriate waste storage areas for each dwelling have been provided and demonstrated on the submitted plans accordingly. These areas are accessible and located away from any adjoining dwellings, to ensure visual and olfactory amenity levels are maintained.

Visual bulk (cl.32(h)):

Dwelling 1 will maintain its existing dimensions, including the 12.15m building setback to the street and single storey structure. The dwelling is 5.48m in height as measured to the roof ridge and a max of 3.8m to the eaves.

Dwelling 2 will be located to the rear of the site with no frontage to Cook Road. The dwelling will also be single storey being a max of 6.63m to the roof ridge and 2.7m to the eaves. The single storey height of Dwelling 2 allows it to be screened from the street by Dwelling 1 and therefore minimises any potential visual bulk to the streetscape. Similarly, boundary fencing and screen planting will be effective in screening a large proportion of the dwelling from adjoining properties.

The housing stock in the surrounding area comprises a mixture of single and two storey dwellings, ranging from relatively modest homes to substantial residences. Accordingly, the proposed development will not be out of character and its visual bulk easily absorbed within its surrounds.

State Environmental Planning Policy No. 55 – Remediation of Land

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling 1: 5.48m Dwelling 2: 6.63m to ridge line The following information is not a statutory control. This information is provided for the benefit of the Councillors: Height to roof ridge - Dwelling 1: 5.48m Height to roof ridge - Dwelling 2: 6.63m Height to eaves line – Dwelling 1: 3.9m Height to eaves line – Dwelling 2: 2.7m	YES YES

Built-upon area 60% (max)	48% over the whole site	YES
Notional subdivision built-upon areas	Dwelling 1: 37.95% (excluding right of carriageway) Dwelling 1: 44.36% (including right of carriageway) Dwelling 2: 48.48% (excluding right of carriageway) Dwelling 2: 48.37% (including right of carriageway)	

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, not uncharacteristic 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		
• 5m roof height-1 storey (max)	Dwelling 1: 2.1m existing Dwelling 2: 3.6m	YES YES
• Roof pitch 35 ⁰ (max)	Dwelling 1: 22.5 ⁰ Dwelling 2: 34.5 ⁰	YES YES
4.3 Visual and acoustic privacy:		
Visual privacy		
• Windows to habitable rooms set back 9m from neighbouring windows (min)	Dwelling 1: 5m – existing. Dwelling 2 : >9m complies	NO YES
4.4 Solar access and design for climate:		
Solar access		
• 3+ hours of solar access between 9am and 3pm (min)	Dwelling 1: >3 hours solar access received – existing Dwelling 2: >3 hours solar access received	YES YES

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<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"> 3.5 star NatHERS Rating (min) 	Dwelling 1: existing Dwelling 2: 3.5stars	YES
4.7 Accessibility:		
Vehicular access and car parking dimensions <ul style="list-style-type: none"> Carport 5.4m x 5.4m (min double) 	Dwelling 1: 6.4m x 5.5m	YES
<ul style="list-style-type: none"> Garage 6.2m x 5.4m (min double) 	Dwelling 2: 6.4m x 5.5m	YES
4.9 Visual bulk:		
Building setbacks <ul style="list-style-type: none"> Front building line: Minimum setback: 12m Average setback: 12m Setbacks between buildings - 7m or 5m (50% of building) (min) Side setback: Ground floor: 1.8m (min) Rear setback: 10.8m (min) 	Dwelling 1: 12.15m existing Dwelling 2: >12m at rear of existing dwelling. No frontage to Cook Road. Dwelling 1: 13.5m approximately existing Dwelling 2: >13.5m 14m Dwelling 1: Ground floor: 3.8 & 1.66m Dwelling 2: Ground floor: 1.85m Dwelling 2: 11.85m	YES YES YES YES YES NO YES YES
Building form <ul style="list-style-type: none"> Unrelieved wall length: 12m (max) Total building length: 24m (max) 	Dwelling 1: Existing – complies Dwelling 2: 5.7m/10.6m/11.9m/11.4m Dwelling 1: Existing – complies Dwelling 2: 22.95m	YES YES YES YES

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Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 50% Notional built-upon area 	<p>48%</p> <p>Dwelling 1: 44.36%</p> <p>Dwelling 2: 48.37%</p>	<p>YES</p>
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 	<p>0.32:1</p>	<p>YES</p>
Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8m (max) Rear dwelling: 3.6m (max) to ceiling; 7m (max) to ridge Building envelope: 45° from horizontal at any point 3m above boundary 	<p>Dwelling 1: Existing</p> <p>Dwelling 2.99m to ceiling, 6.63m (max) to ridge</p> <p>Dwelling 1 – existing</p> <p>Dwelling 2</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Section 5: Landscaping & open space		
Total soft landscaping : 50% (min)	<p>51.5%</p>	<p>YES</p>
Notional soft landscaping:	<p>Dwelling 1: 55.64%</p> <p>Dwelling 2: 51.63%</p>	
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 10 (min) 	<p>10 + Trees</p>	<p>YES</p>
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) 	<p>Dwelling 1: 138m²</p> <p>Dwelling 2: 198.5m²</p> <p>Dwelling 1: 5m</p> <p>Dwelling 2: 11.9m</p> <p>Dwelling 1: 2%</p> <p>Dwelling 2: 2%</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

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<ul style="list-style-type: none"> 50% receives 3+ hours solar access (min) 	Dwelling 1: Open space receives 3+ hours solar access Dwelling 2: Open space receives 3+ hours solar access	YES YES
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Part 4.2 Streetscape:

- Fences***

Most of the existing boundary fencing on site will remain, with the exception of the following:

The existing, 1.8m high timber paling fence along the common boundary shared by No 16 & 18 Cook Road will be demolished and replaced with a 2m high timber paling fence. Although 200mm higher than anticipated for a boundary fence, the height is acceptable given the change in level between the sites where No 18 is located higher than No 16, with potential for privacy issues to arise.

Additionally, the driveway of the subject site directly adjoins the common boundary and the fence combined with screen planting will assist in mitigation of acoustic privacy effects. The screen planting will further soften the built form of the fence and reduce any dominance of built form which may be visible beyond the sites. It is noted that the occupants of 16 Cook Road would prefer a 2m high fence to adequately satisfy their privacy concerns.

An existing 1m high picket fence located on the both side boundaries forward of the building setback will be retained. Accordingly, the 2m high fence will be behind the building line. As such, no adverse effects to the streetscape are anticipated.

Part 4.3 Visual and acoustic privacy:

Issues of visual and acoustic privacy have been discussed under **Visual and Acoustic Privacy** earlier in this report.

Part 4.7 Accessibility:

In response to concerns raised by Council's Engineers, amended plans have been submitted to include the demolition of the chimney along the south-eastern elevation of Dwelling 1 to increase the driveway width from 2.4m to 3m, with an 800mm screen planting strip. The vehicle crossing will also be extended to 5.5m to allow vehicles to pass one another at the vehicle entrance to the property. Although the crossing will be 2.5 metres wider than specified under the Dual Occupancy Code, the departure is necessary to ensure adequate driver and pedestrian safety. No trees will be affected by the increased vehicle crossing width.

Part 4.9 Visual bulk:

- Building setbacks***

All setbacks to site boundaries are met with the exception of the setback of Dwelling 1 to the boundary shared with 20 Cook Road. It is noted that the setback breach of approximately 200mm

is existing. An existing 1m high picket fence runs along the stretch of boundary where the breach occurs. Sufficient screen planting will ensure that adequate privacy is maintained to both properties. The building is limited to one storey and limited glazing along this elevation further mitigates the potential for overlooking. The breach is minor and does not result in undue dominance of built form or loss of privacy to the adjoining site.

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.

Development Control Plan 40 – Construction and Demolition Waste Management

Matters for assessment under DCP 31 have been taken into account appropriately in the assessment of this application against Council's Dual Occupancy Code.

Development Control Plan No. 43 – Car Parking

The proposal complies with DCP 43 which requires the provision of 2 parking spaces per dwelling.

Development Control Plan 47 – Water Management

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against Council's Dual Occupancy Code.

Section 94 Plan

The development attracts a section 94 contribution of \$33,057.22 which is required to be paid by **Condition No.51**.

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.

Council is advised that **Condition No 2** has been imposed to address the concerns of the objector.

PUBLIC INTEREST

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.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 763/04 for a detached dual occupancy development comprising retention of the existing residence and construction of additional Dwelling on land at 18 Cook Road, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Development in Accordance with Plans (New Development)

1. The development must be carried out in accordance with plans numbered 1 (Site Plan), 2 (Elevations), 4 (Floor Plan and Elevations of (existing) Dwelling 1) and 5 (Floor Plan and Elevations of (proposed) Dwelling 2), dated June 2004, drawn by I. L Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. To ensure visual and acoustic privacy to the residents of 16 Cook Road, Killara; the existing 1.8m high timber paling fence along the common boundary (north eastern) shared with No 16 & 18 Cook Road shall be demolished and replaced with a 2m high timber paling fence from behind the building line to the rear boundary.
3. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council or the PCA prior to the commencement of work.
4. All building works shall comply with the Building Code of Australia.
5. 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.

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6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
7. 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.
8. 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.

9. **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.

10. 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.
11. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. 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.
13. Waste storage facilities for Dwelling 1 and Dwelling 2 shall be provided in accordance with Council's Waste Management Development Policy.
14. The fence and footings shall be constructed entirely within the boundaries of the property.
15. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

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16. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
17. 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.
18. 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.
19. 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.
20. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.

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23. 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.
24. 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.
25. 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.
26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
27. 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.
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. 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.
31. 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.
32. 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.
33. Landscape works shall be carried out in accordance with Landscape Drawing No 450 Rev. A prepared by Jocelyn Ramsay and Assoc. and dated 08/07/2004 submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
34. 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.
35. 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.

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36. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

37. 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

Acer negundo (Box Elder)

38. 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.

39. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

40. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.

41. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures and/or barriers that direct runoff to the formal drainage system.

42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

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

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44. 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.
45. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
46. 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".
47. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

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

48. 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.
49. 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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50. 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.
51. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. 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 20 December 2000, calculated for additional persons as follows:

1. Preparation of New Residents Kit	\$38.43
2. New Resident Survey	\$34.55
3. New child care centre (including land acquisition and construction of facility)	\$882.46
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$8.44
5. New Library bookstock	\$62.83
6. New Public Art	\$10.26
7. Acquisition of Open Space - Turramurra	\$27,478.50
8. Koola Park upgrade and reconfiguration	\$500.82
9. North Turramurra Sportsfield development	\$3,453.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$172.69
11. Section 94 Officer for period of Plan 2000-2003	\$414.47

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm) 1.25 persons

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Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

52. The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
53. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
54. A CASH BOND/BANK GUARANTEE OF \$2 000.00 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

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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.

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

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

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

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

57. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The storage volumes and design shall comply with Council's Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. To allow the rainwater tank(s) to work effectively, the tank(s) shall be designed to capture and retain runoff based on the ensuing table, after which runoff shall revert to the main drainage system.

Volume of Rainwater Tank	Minimum Roof Area Required
(L)	(m ²)
2000	50
3000	60
5000	100

Note: Linear interpolation should be used for any tank volumes not mentioned above.

Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.

58. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
59. 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/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
60. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:

The driveway width increased to a minimum 3m (currently 2.8 metres adjacent to the existing dwelling). This condition is imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking".

Note: The required 1 metre landscape buffer can be reduced to a minimum 800mm (through this section only) to satisfy this condition. However, suitable screen planting through this section must be provided to the satisfaction of Council's Landscape Officer.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

61. 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.
62. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

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- b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
63. To preserve existing trees located on site within the front garden, no work shall commence until the area beneath the canopy of the existing tree/s is fenced off adjacent to the north western side of the existing/proposed driveway from the site frontage to the front of the existing dwelling, 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.
64. 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.
65. 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 OCCUPATION

66. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
- a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.
67. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.
68. 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

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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.

69. 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.
70. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
 - a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - c. The Engineer's certification of the as-built system.

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

71. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
72. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).

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- Installation of proprietary tank products in accordance with manufacturers' specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)
- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read "Recycled Stormwater – Not For Drinking" or equivalent.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest "Plumbing and Drainage Code of Practise" issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

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

- As constructed levels in comparison to design levels
- As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
- Dimensions of all retention tanks/devices
- Top water levels of storage areas and RL's at overflow point(s)
- Storage volume(s) provided and supporting calculations/documentation.

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

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
- c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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74. A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:
- As built reduced surface and invert levels for all drainage pits and connection points.
 - As built reduced level(s) at the approved point of discharge to the public drainage system.
 - Gradients of drainage lines, materials and dimensions.

BUILDING CONDITIONS

75. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
76. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - Any pier holes and/or foundation material.
 - Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - Any storm water drainage works prior to covering.
 - The completed landscape works in accordance with the approved plans.
 - The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

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

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

77. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing

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Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

78. 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.

79. 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.

80. 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. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

Shelley Watson
Development Assessment Officer

Richard Kinninmont
Team Leader, Development Assessment

Matthew Prendergast
Manager Development Assessment

Michael Miocic
Director Development & Regulation

Attachments: **Site Analysis**
 Elevations
 Landscape Plan
 Photographs

ACRON OVAL CLUBHOUSE - LICENCE TO ST IVES JUNIOR AUSTRALIAN FOOTBALL CLUB

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting a five year licence to St Ives Junior AFL Club to use Acron Oval Clubhouse at St Ives.
BACKGROUND:	<p>The club, which has been using the oval since 1969 and the clubhouse since 1990 when it was built, is keen to continue their utilisation through a formal agreement with Council.</p> <p>The club has 300 members, 280 of which are Ku-ring-gai residents.</p>
COMMENTS:	<p>The club is a community based non-profit organisation, which returns funds from its operation into the ongoing development and promotion of AFL.</p> <p>The clubhouse supports multi-use with cricket onsite during the summer season and junior AFL in the winter season.</p>
RECOMMENDATION:	That Council approves the granting of a five year licence to St Ives Junior AFL Club to use the clubhouse at Acron Oval, St Ives.

PURPOSE OF REPORT

For Council to consider granting a five year licence to St Ives Junior AFL Club to use Acron Oval clubhouse at St Ives.

BACKGROUND

Property

The property is known as lots 567, 483, 815 in DP 752031 - Acron Oval, St Ives.

Acron Oval clubhouse is located on Crown land dedicated for 'Public Recreation' purposes. It is zoned under the Ku-ring-gai Planning Scheme as 6(A) Open Space, Recreation.

The land was reserved for Public Recreation and was notified in the Government Gazette on 18 February 1972. Council was appointed Trustee of the Reserve, being R88492 on 21 November 1986 under the Crown Lands Consolidation Act (1913).

The clubhouse is situated on land towards the western side of Acron Oval, which is located off the eastern side of Acron Road between Killeaton Street and Douglas Street, St Ives.

The clubhouse was built in 1990 and comprises a single storey brick building with a pitched colour-bond roof and a concrete slab floor. Accommodation comprises a clubroom/kitchen, store rooms, dressing rooms, toilets and verandah area. The area of the main building is approximately 148sqm.

Both St Ives Junior AFL Club and Lindfield District Cricket Club shared in the construction of the clubhouse and the occupation of the building is shared equally between both clubs during summer and winter seasons. The clubs are community based non-profit organisations, which inject funds into their respective sports.

Staff are in the process of negotiation with Lindfield District Cricket Club executives about the proposed licence to formalise their use of the facility during the summer season.

The site is covered under the Sportsground Plan of Management, which was resolved by Council on 24 June 2003 and authorises the issuing of leases and licences by Council where appropriate.

COMMENTS

The primary users of the clubhouse are St Ives Junior AFL Club (in winter) and Lindfield District Cricket Club (in summer). Both clubs are incorporated and have maintained the building in good order both internally and externally.

To date, there has been no formal licence agreement in place for the occupation of the clubhouse. As part of the review of Council's property portfolio, this site was identified for licence negotiations along with a number of other sites within the Ku-ring-gai area in order to comply with

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the Crown Lands Act (1989), the Local Government Act (1993) and the Sportsground Plan of Management.

The Department of Lands were advised of the proposed licence on 2 December 2003.

Council commenced negotiations with St Ives Junior AFL Club in September 2003.

As part of the process, Council engaged the State Valuation Office (SVO) on 20 January 2003 to assess the current market assessment of the clubhouse (refer to Attachment 2).

Council has the right of access and entry to the clubhouse facility at all reasonable times by advanced notification to both clubs' executives.

It should be noted that this proposed licence in no way extends the club's usage of the facility or allows for future development. It merely formalises existing usage and provides Council with an effective mechanism to positively work with the Junior AFL Club should issues with the community arise concerning the club's use of the facility. Club executives and staff have reached agreement on the proposed terms of the licence.

Summary of Keys Terms of the Proposed Licence

Club Name	St Ives Junior AFL Club
Incorporation Number	Y0543536
Land Classification	Crown land – Council Reserve Trust Manager
Use	Sports Clubhouse and related activities, meetings, training and functions of the Club.
Multi-use sharing	<ul style="list-style-type: none"> • Licensee to allow multi-use of building when available. If there are no conflicts of use and concurrence is obtained from the Licensee, the Licensor is able to hire out the facility to other appropriate users. • If the clubhouse is hired out to other suitable users by the Licensor, the Licensor will reimburse the Licensee the hire fee during the licence period up to the total rental payable to the Licensor.
Insurance	<ul style="list-style-type: none"> • Licensee to provide a copy of the certificate of currency for the sum of \$10 million for public risk insurance. • Licensee is to indemnify the Licensor and the Minister against all claims arising out of the use of the licensed area or the specified activity. • Licensor is to insure the clubhouse building.
Hours of Use	<p>St Ives Junior AFL Club – Winter Season only</p> <ul style="list-style-type: none"> • Monday to Thursday from 5pm to 9pm; • Saturday from 8am to 6pm; • Sunday from 9am to 6pm (4 times per year); <p>No public holidays.</p>

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Term	Five years, with notice provided at year four (i.e. a minimum of a 12 month period notice) of Licensor's intention to "not" renew the licence for a further term, or of the Licensor's intention to amend in any way the terms and condition of the licence.
Payment frequency	Annually in advance.
Utilities	Electricity – Winter season –St Ives Junior AFL Club 100% Water – Licensor – 100% Telephone & Security costs - The club is responsible for its cost for the season.
Rental rebate	From 90% to 80% over 5 years

CONSULTATION

Council have met and discussed the proposed licence with Club executives on several occasions regarding the terms of the proposed five year licence and subsequent recommendations as contained in this report.

The terms of the licence has been negotiated between Council and the club and agreement reached.

A letter of support (refer to Attachment 4) of the proposed terms of the licence has been provided by the club.

FINANCIAL CONSIDERATIONS

Council has to date paid the cost associated with the valuation of the proposed licenced area. The table below shows anticipated rental for the term of the licence and as included in the Draft Heads of Agreement (refer Attachment 3).

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CMV = Current Market Value						
CMV	\$4,400					
Year	Rebate Level	CPI	CMV (excl GST)	CMV (incl GST)	Licence fee amount per year	St Ives Junior AFL Club (Winter)
Year 1	90%		\$4,400	\$4,840	\$484.00	\$242.00
Year 2	90%	1.033	\$4,545	\$5,000	\$499.97	\$249.99
Year 3	85%	1.033	\$4,695	\$5,165	\$774.71	\$387.35
Year 4	85%	1.033	\$4,850	\$5,335	\$800.27	\$400.14
Year 5	80%	1.033	\$5,010	\$5,511	\$1,102.24	\$551.12
Note - Assuming CPI is 3.3% per year (subject to change)						\$1,830.60

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

In preparation of this report, Open Space has liaised with Finance and Business Development on the proposed licence terms and conditions.

SUMMARY

It is proposed that Council enter into licence agreement with St Ives Junior AFL Club, for a period of five years subject to the conditions outline in the Draft Heads of Agreement to formalise the clubs utilisation of the facility and in accordance with the Local Government Act (1993). The clubhouse facility is on Crown land with Council being the Reserve Trustee Manager. The site which is governed by the Sportsground Plan of Management authorises leases or licences over land categorised as Sportsground and was resolved by Council 24 June 2003.

The club is established with some 300 members. The club has occupied the clubhouse since 1990 and is keen to continue their occupation and formalise their continual usage by their agreement with Council to enter into a five year licence. Club officials and staff have reached agreement on the proposed terms of the licence.

RECOMMENDATION

- A. That Council as Trustee of the Acron Oval (R88492) Reserve Trust approve the granting of a five year licence to St Ives Junior Australian Football Club, for the use of the Acron Oval Clubhouse, commencing on the date of Council resolution and on the terms and conditions as outlined in this report.

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- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence document.
- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Minister's consent.

Amanda Colbey
Manager Parks, Sport & Recreation

Steven Head
Director Open Space

- 1. Location map**
- 2. State Valuation Officer report (20/01/03)**
- 3. Draft Heads of Agreement (13/11/03)**
- 4. Letter of support (19/11/03)**

2004 TO 2008 MANAGEMENT PLAN FIRST QUARTER REVIEW AS AT 30 SEPTEMBER 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on progress made towards achieving Key Performance Indicators as contained in Council's 2004 - 2008 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 2004 - 2008 Management Plan is attached.
RECOMMENDATION:	That the first quarter Management Plan review 2004 - 2008 be received and noted.

PURPOSE OF REPORT

To report to Council on progress made towards achieving Key Performance Indicators as contained in Council's 2004 - 2008 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 2004 - 2008 Management Plan was adopted by Council on 22 June 2004.

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:

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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 indicated current performance against the Management Plan

Analysis of Results

Council's 2004 - 2008 Management Plan contains 157 KPIs. The following table shows Council's overall KPI achievement results as at the end of September 2004.

Status	Achievement	Percentage
Completed	21/157	13.3%
Achieved to Date	51/157	32.5%
Not Yet Due	78/157	49.7%
Deferred	2/157	1.3%
Not Achieved	5/157	3.2%

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Discounting the KPIs which are not yet due, completion statistics are as follows:

Status	Achievement	Percentage
Completed	21/79	26.6%
Achieved to Date	51/79	64.6%
Deferred	2/79	2.5%
Not Achieved	5/79	6.3%

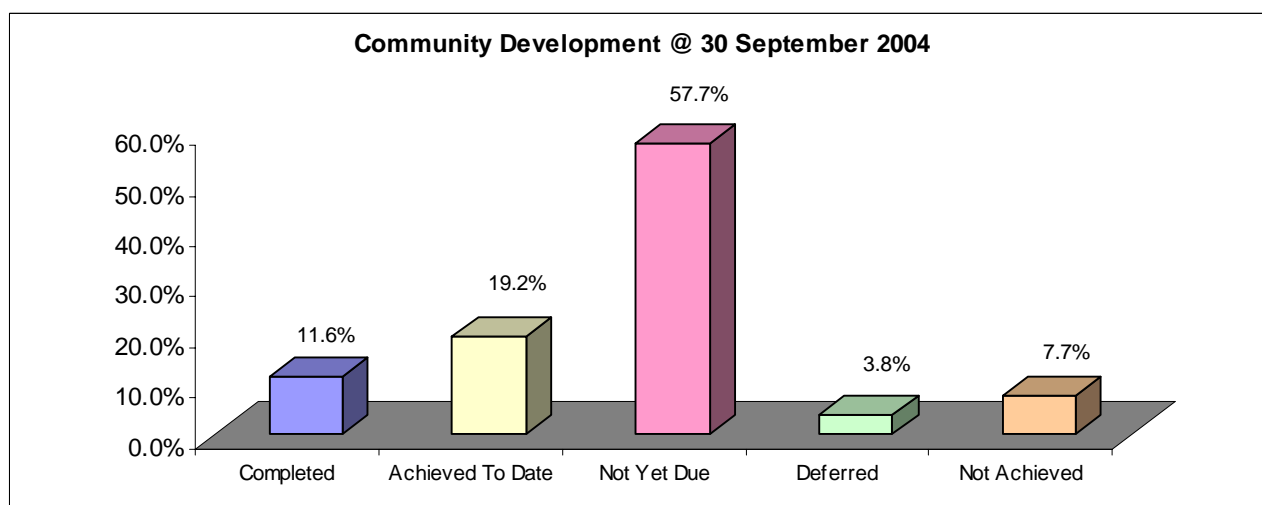
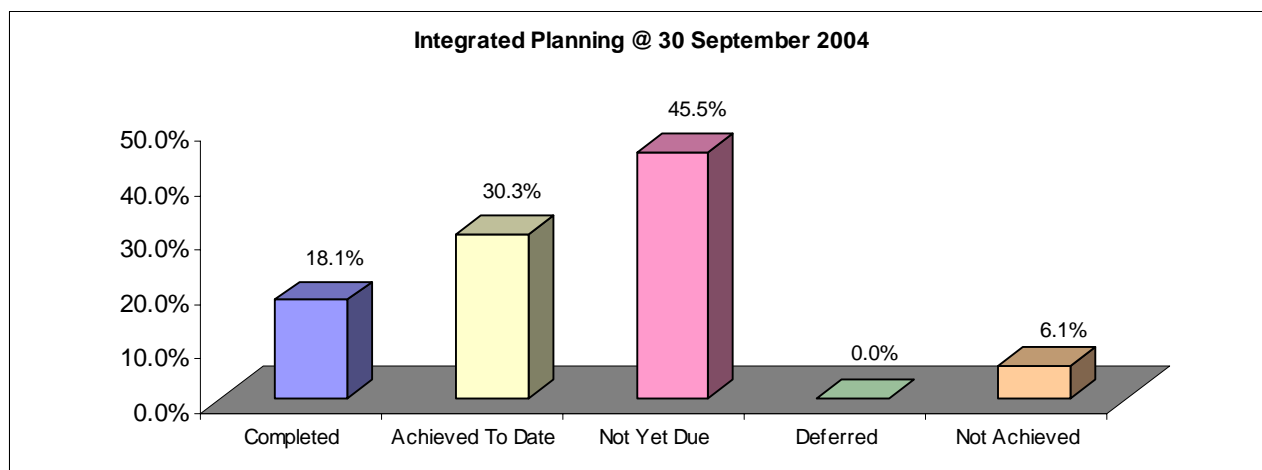
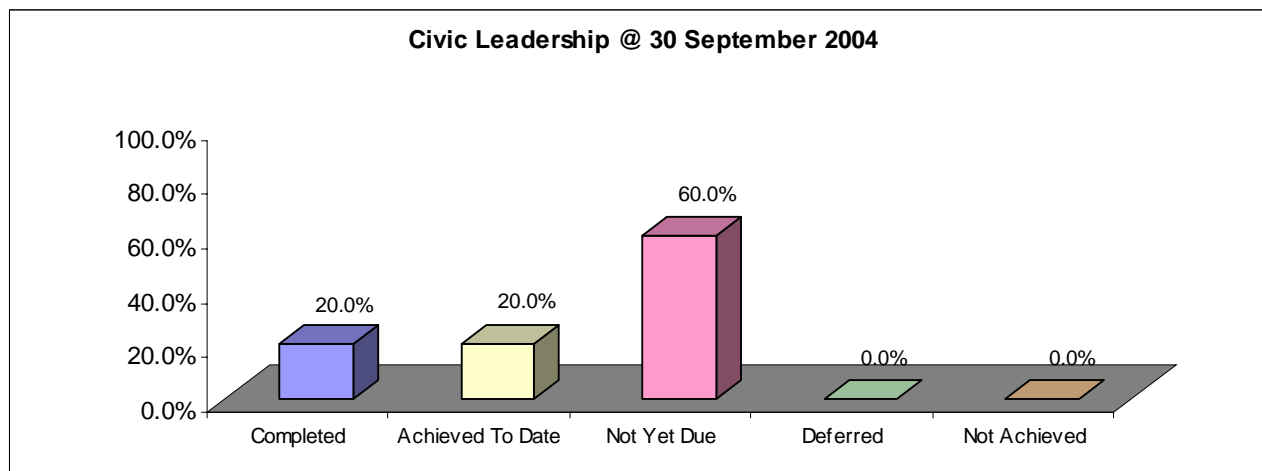
The following table provides an analysis by Principal Activity as at 30 September 2004.

Principal Activity	No. of KPIs	As at 30 September 2004				
		Completed	Achieved To Date	Not Yet Due	Deferred	Not Achieved
Civic Leadership	5	20.0%	20.0%	60.0%	0%	0%
Integrated Planning	33	18.1%	30.3%	45.5%	0%	6.1%
Community Development	26	11.6%	19.2%	57.7%	3.8%	7.7%
Natural Environment	20	15.0%	50.0%	35.0%	0%	0%
Built Environment	33	9.1%	36.4%	51.5%	0%	3.0%
Financial Sustainability	25	12.0%	36.0%	48.0%	4.0%	0%
Council's Corporate Services	15	13.3%	26.7%	60.0%	0%	0%
Total	157	13.3%	32.5%	49.7%	1.3%	3.2%

This is represented graphically below:

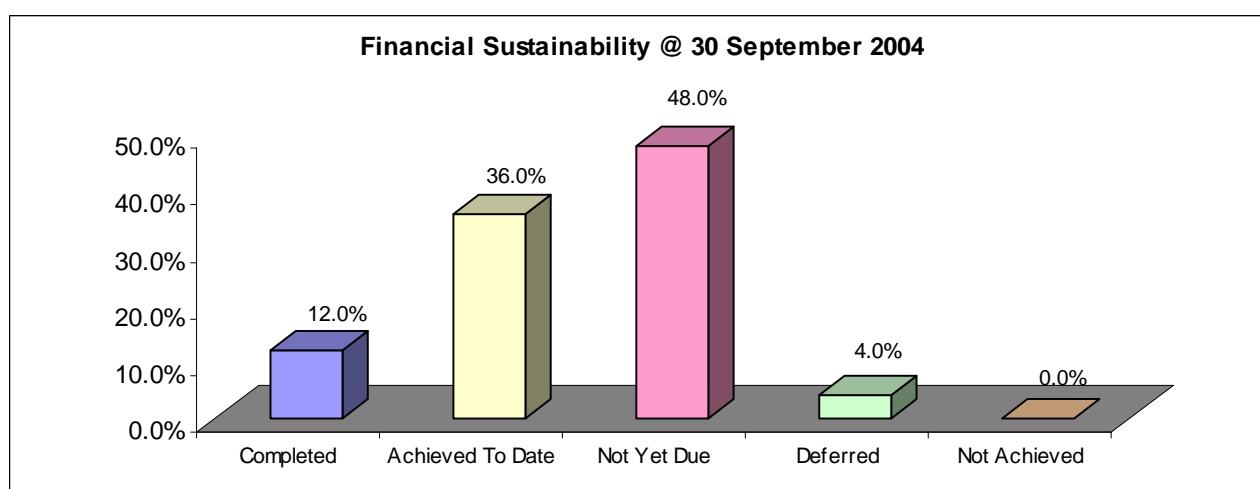
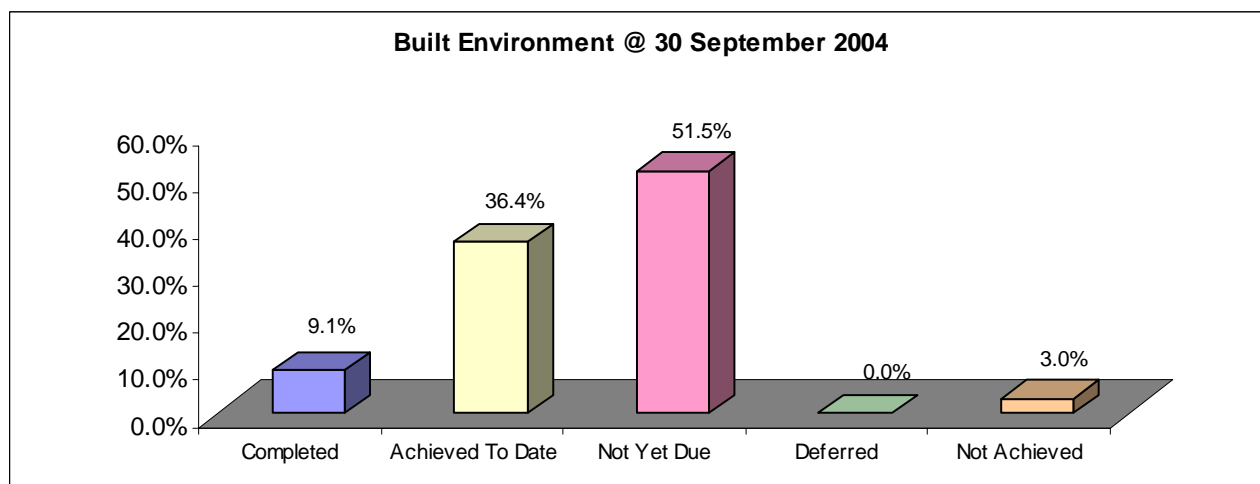
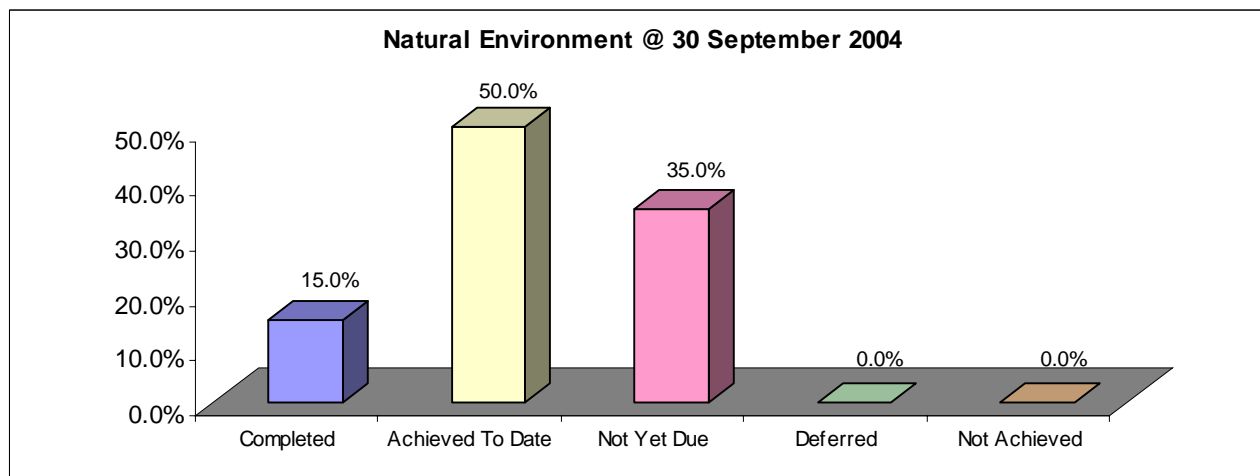
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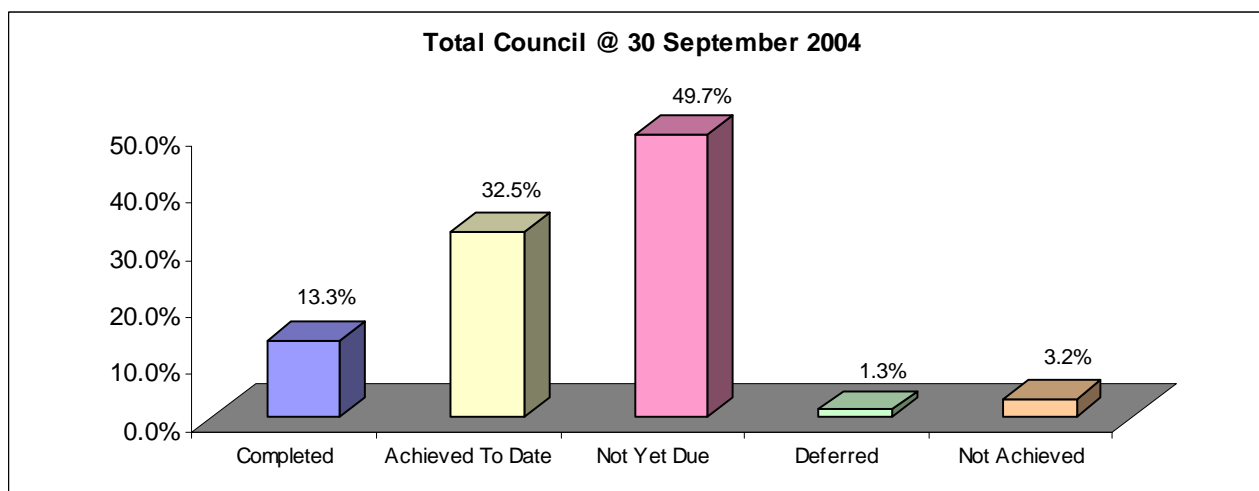
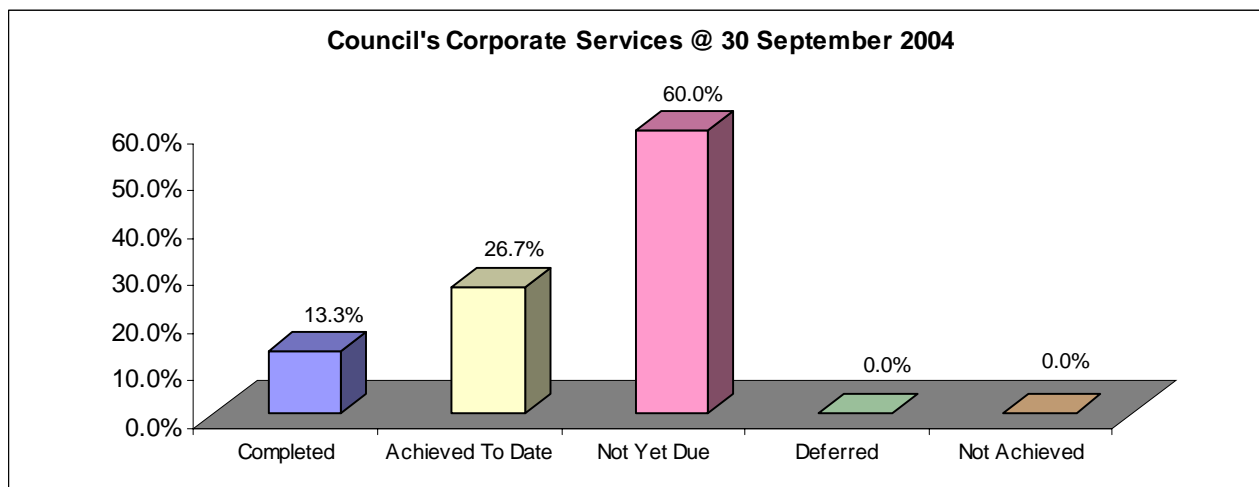
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CONSULTATION

Not Applicable.

FINANCIAL CONSIDERATIONS

The requirements outlined in the Management Plan 2004 - 2008 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 2004 - 2008 Management Plan for the first quarter of the plan, be received and noted.

Brian Bell
General Manager

John McKee
Director Finance & Business

Melissa Crain
Manager Business Development

Attachments: **Principal Activity progress report for the quarter ended 30 September 2004.**

2003 TO 2004 ANNUAL REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the Statutory Annual Report for 2003/2004 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 2003 to 30 June 2004, be received and noted.

PURPOSE OF REPORT

To present to Council the Statutory Annual Report for 2003/2004 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 2003 to 30 June 2004 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 2003 to 30 June 2004, be received and noted.

Geoff O'Rourke
SENIOR GOVERNANCE
OFFICER

John McKee
DIRECTOR
FINANCE & BUSINESS DEVELOPMENT

Brian Bell
General Manager

DRAFT LOCAL ENVIRONMENTAL PLAN 202 - 657 TO 661 PACIFIC HIGHWAY, KILLARA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider Draft Local Environmental Plan No 202 (DLEP202) and the public submissions received in response to its re-exhibition.
BACKGROUND:	The Plan aims to amend the Ku-ring-gai Planning Scheme Ordinance by rezoning 657 Pacific Highway, Killara being Lot 1 DP 1030172 from Residential 2(d) to Residential 2(d3) in order to facilitate the erection of multi-unit housing and associated residential basement car parking and to permit at Nos 657-661 Pacific Highway, Killara, basement level car parking for the exclusive use of the Greengate Hotel No 655A Pacific Highway, Killara.
COMMENTS:	The Draft Plan was notified and exhibited in accordance with the provisions of the Environmental Planning & Assessment Act and Regulation. Formal public exhibition was from 29 September 2004 to 29 October 2004. Submissions were received from State agencies and 7 submissions were received from the public. The issues raised in the submission are discussed in the report.
RECOMMENDATION:	That Council adopt Draft Local Environmental Plan No 202 as attached and forward it to the Minister requesting that she make the Plan.

PURPOSE OF REPORT

To have Council consider Draft Local Environmental Plan No 202 (DLEP202) and the public submissions received in response to its re-exhibition.

BACKGROUND

Council resolved on 10 August 2004 the following:

- A. *That Council exhibit Draft Local Environmental Plan No 202 for Nos 657 – 661 Pacific Highway, Killara.*
- B. *That Council notifies the Department of Infrastructure Planning and Natural Resources under Section 54 of the Environmental Planning and Assessment Act of its decision.*
- C. *That Council public exhibit the Draft Ku-ring-gai Local Environmental Plan No 202 in accordance with provisions of the Environmental Planning and Assessment Act 1979 and Regulations.*
- D. *That development controls under Development Control Plan No 55 Multi-Unit Housing under Development Control Plan No55-Railway/Pacific Highway Corridor and St Ives Centre be prepared for Nos 657-661 Pacific Highway for consideration by Council at the end of the exhibition period.*
- E. *That a report be brought back to Council at the end of the exhibition period.*
- F. *That Clause 4 of the Draft Local Environmental Plan No 202 be amended to make it clear that the deep soil landscaping requirement and minimum set back only apply where the commercial carparking of more than 60 spaces for the exclusive use of the Greengate Hotel is provided.*

COMMENTS

Draft LEP No. 202 (see **Attachment A**) aims to facilitate basement level car parking for the exclusive use of the Greengate Hotel No. 655A Pacific Highway (Heritage Item) when built in conjunction with multi-unit housing and associated residential basement car parking. The Draft Plan also rezones No. 657 Pacific Highway from Residential 2(d) to Residential 2 (d3).

Public Exhibition

Draft LEP 202 was exhibited in accordance with statutory requirements and council's notification policy. The Plan was advertised in the local press and exhibited at Council's Chambers, on Council's website and the Council libraries from 29 September to 29 October 2004. Council wrote to all property owners/occupiers of the lands which were to be subject to proposed zoning change.

In addition adjoining and adjacent owners/occupiers were also notified by letter of the Draft LEP.

Council received 5 submissions from Statutory Authorities and 7 submissions from the public (see **Attachment B**). These are discussed in the Consultation segment of this report.

CONSULTATION

Consultation with Public Authorities

1. In accordance with the provisions of Section 62 of the Environmental Planning and Assessment Act 1979 Council consulted with statutory authorities, adjoining local Councils, prior to the formal public exhibition of the Draft Plan.
2. Council received responses from Hornsby and Warringah Councils neither of whom raised objection.
3. **Sydney Water** responded and stated its requirements for development that needed to be met by Council/developers. This included Section 73 compliance certificate, mains diameter/supply requirements including augmentation if necessary, sewerage services amplification if necessary, water conservation etc. No objection in principle was specifically raised to the Draft Plan.
4. **The NSW Rural Fire Service.** No objection was raised to the Draft Plan.
5. **NSW Heritage Office.** Essentially no objection has been raised to DLEP202 with the exception of comments *It is understood that the development site is now vacant and that the Greengate Hotel and property No. 663 Pacific highway are listed as heritage items. As clause 61E of the plan requires heritage impact assessment of development in the vicinity of heritage items the provisions of the Draft Plan are considered to be acceptable. The applicant attention should be drawn to the relics provisions of the Heritage Act and likely requirement for an excavation permit to be required prior to the excavation of the site.* These matters are noted and will be addressed in recommendation to Council.
6. At the time of writing this report The **NSW RTA** had not provided a submission on Draft LEP 202. A copy of Draft LEP 202 was again faxed on 2 November 2004 to the RTA but no reply has been received. It is proposed that the final location of access points for the car park be determined at the development application stage in conjunction with input from the RTA and Council's Traffic Committee.

Public Exhibition

In response to the notification / exhibition process Council has received seven (7) submissions. Of these 5 objected to the Draft Plan whilst 2 expressed support/ no in principle objection. A summary table of issues raised and comments is provided below;

Issue:	Comment:
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> • Car parking for commercial premises should not be permitted in a residential zone. • The car parking provisions should not come at the cost of the deep soil planting areas- the developer should be required to excavate more deeply to meet the requirements. • The development unjustly attempts to benefit the hotel operators in order to allow them to be excluded from the requirements of LEP194 for 2(d3) sites 	<p>This matter is noted, however the purpose of providing the car parking is for the exclusive use of the Greengate Hotel. There is a variation in the deep soil zone required from 50% to 35%, minimum deep soil zones along the Pacific Highway/Bruce Street are included in the plan.</p> <p>Note: the NSW Residential Flat Design Code requires a minimum 25% deep soil zone. It is noted that additional levels of car parking will require additional excavation.</p> <p>The proposed car parking will be for the exclusive use of the Greengate Hotel that is listed as heritage item under the provisions of the KPSO. As part of the rezoning additional off street parking will be provided for the patrons of the hotel. This will increase the long term viability of the heritage item.</p>
<p><u>Building Height/ Bulk/ Scale</u></p> <ul style="list-style-type: none"> • The buildings that surround the site are smaller than those proposed meaning an ineffective transition zone will result. • The proposed rezoning will permit buildings that are not consistent with the bulk and scale of surrounding developments. • The concept plan provides misleading information. The approved development is likely to differ to the example that has been given. 	<p>The proposed concept plans submitted with the rezoning application are not formally part of DLEP 202. It should be noted that issues relating to the detailed building design will be assessed at the development application stage, including transitions to heritage items.</p> <p>It is noted that in the absence of a formal development application there may be a variation in the proposed designs and layout of future buildings on site.</p> <p>The site is located with an area that has been rezoned predominantly Residential 2(d3) that will permit development up to five storeys.</p>
<p><u>Existing Vegetation</u></p> <ul style="list-style-type: none"> • Existing Oak trees of significant value will be at risk of removal. 	<p>The existing vegetation including the Oak Trees will be further assessed at the development application stage. The proposed plans show the retention of the 2 oak trees.</p>

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<p><u>Heritage</u></p> <ul style="list-style-type: none"> • The proposal is contradictory to the “Character of Ku-ring-gai Statement” and the “Statement of Heritage Significance”. • The views from the Hotel may be jeopardised by the resulting development that is contradictory to the Conservation Management Plan 1998. 	<p>The subject site is located with an area that will be predominately redeveloped for multi unit housing as part of a 2(d3) zoned area. The design is matter to be dealt with at the development application stage. Clause 61 of the KPSO requires heritage impact assessment of development in the vicinity of heritage items.</p>
<p><u>Precedent</u></p> <ul style="list-style-type: none"> • The approval of the removal from LEP194 requirements is likely to lead to a precedent being set permitting further developments to ignore these provisions. 	<p>The Hotel is heritage listed and currently zoned Business 3(a) Retail Services, the proposal provides additional parking adjoining the for the continued use of the heritage listed Greengate Hotel. A consequence of providing commercial car parking in its present form is reduced setbacks and deep soil zones. However, these are considered acceptable. It would not set a precedent as any proposal for commercial car parking in residential areas would require a rezoning. Each application would be assessed by Council.</p>
<p><u>Detail Comments on the Concept Plan</u></p> <ul style="list-style-type: none"> • Deficiencies in the concept plans an detailed analysis of the concepts eg in relation to setbacks, height deep soil zones, number of vehicles and application of SEPP No.1 and ambiguity in the interpretation of the plan. 	<p>A variation in the Deep Soil zone and the setbacks has been sought by the applicant to accommodate car parking for the adjoining hotel. The applicant has sought to vary the amount of excavation and layout of the parking area.</p> <p>The concept plans are indicative, not formally part of DLEP 202. A development application would be subject to the provisions of LEP 202 and the KPSO (as amended by LEP 194). This includes controls on the maximum height and number of storeys (including the controls for car parking, storage or plant that is 1.2m above ground level is to be counted as a storey).</p> <p>It is unlikely that DIPNR would support an LEP that contained clauses to exempt controls from the provisions of SEPP No.1.</p> <p>DLEP 202 has been reviewed and slightly reworded to clarify the aims of the plan.</p>

FINANCIAL CONSIDERATIONS

Financial considerations specific to the preparation and exhibition of Draft LEP 202 relate to staff time and advertising costs associated with newspaper advertisements and postage. This is covered by the rezoning fee paid by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The report to Council on 27 July 2004 included internal consultation assessments on issues related to traffic and parking, landscape, flora/fauna, heritage and urban design. In response to the exhibition period additional comments were received from Technical Services, in relation to the proposed access arrangements.

After reading them, I think that our previous traffic-related comments still hold. Most of the comments appear to relate to planning-type issues.

As discussed, though, there is still the outstanding issue of the proposed hotel car park's access point on the Pacific Highway. The RTA did not support the hotel car park's access point on the original concept plans, and the revised plans circulated still show the access point being from the Highway. Therefore, it is anticipated that the RTA will request that access to the proposed hotel car park not be from Pacific Highway.

A copy of the report to Council on 10 August 2004 and original comments from Technical Services is **Attachment C**.

The issue of access will be dealt with at the Development Application stage in consultation with Council's Traffic Committee and further review by the RTA.

SUMMARY

DLEP 202 and supporting information was on public exhibition from 29 September to October 29 2004. Submissions were received from State Government agencies although no objections were raised. Seven submissions were received from the public, these raised issues about the impact of the plans on heritage, traffic, amenity, lack of adequate setbacks, deep soil zone, effect of setting a precedent, and a range of concerns over the proposed concept design of the building.

The submissions have again raised the issues of permitting commercial car parking within the residential zoned land - and the potential impacts created by the reduced setbacks and lower deep soil planting requirement, however, this needs to be considered in conjunction with the aim of the LEP to provide additional off street parking for the patrons of the Greengate Hotel (heritage item). The submissions also raised objection to the proposed concept plans, the rezoning application is separate from the development application.

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A number of submissions related specifically to the proposed concept design plans it should be noted that these were provided by the applicant as indicative as concept plans and are not formally part DLEP 202.

Any proposed building design submitted in a development application would be subject to the provisions of the Ku-ring-gai Planning Scheme Ordinance (LEP 194 and Heritage), Environmental Planning & Assessment Act 1979 Section 79C, DDCP No.55, SEPP No. 65 and the NSW Residential Design Flat Code and a separate notification and assessment process.

RECOMMENDATION

- A. That Council adopt Draft Local Environmental Plan No 202 as exhibited.
- B. That Council forward Ku-ring-gai Draft Local Environmental Plan No 202 as adopted, the Council report and details of submissions to the Department of Infrastructure, Planning and Natural Resources in accordance with Section 69 of the Environmental Planning and Assessment Act 1979 together with its submissions.
- C. That all parties making submissions and those owners whose lands were the subject of proposed zoning change under the exhibited Draft LEP 202 be advised to Council's decision.
- D. That relevant DCP controls for the site be prepared for incorporation into Draft DCP No 55 – Multi-Unit Housing Pacific Highway/Railway Corridor and St Ives Centre.

Antony Fabbro
Manager
Strategic Planning

Leta Webb
Director
Planning and Environment

Attachments: **Attachment A - Draft LEP 202 Instrument and Map**
 Attachment B - Copies of submissions
 Attachment C - Copy of Officers report 10 August 2004 (and Traffic
 Engineers comments)

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 30 OCTOBER 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for October 2004.
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 October 2004 (Minute No.480).
COMMENTS:	The official interest rate remained unchanged at 5.25% for the month of October. Economists are expecting interest rates to remain stable until early next year.
RECOMMENDATION:	That the summary of investments, daily cash flows and loan liability for October 2004 be received and noted.

PURPOSE OF REPORT

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for October 2004.

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 October 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 Councils, with the advice of Grove Financial Services Pty Limited.

COMMENTS

During the month of October Council's cash decreased by \$2,760,000 and gross capital appreciation on Council's investments was \$96,900.

Council's total investment portfolio at the end of October 2004 is \$19,397,000. This compares to an opening balance of \$17,271,200 as at 1 July 2004.

Council's General Fund interest on investments for October year-to-date is \$348,400. This compares favourably to the year-to-date budget of \$275,000.

Council's total debt as at 31 October 2004 is \$11,205,800. This compares to a total debt of \$11,850,000 as at 1 July 2004.

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 UBSWA Bank Bill Index**

This measures the annualised 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 UBSWA Bank Bill Index.

- **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

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4 November 2004

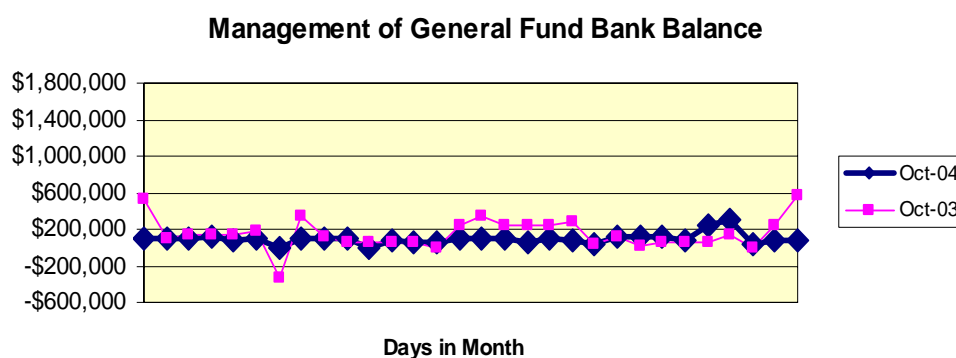
Summary of Borrowings

This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

September 2004

Management of General Fund Bank Balance

During October Council had an outflow of funds of \$2,760,000. Large monthly payments made to Collex Waste Management and Waste Services Australia, combined with the first instalment of the NSW Fire Brigade levy contributed significantly to the outflow.



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during October was 5.83% compared to the benchmark of the UBSWA Bank Bill Index of 5.51%.

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	\$2,126,091	(\$950,000)	\$6,465	\$1,182,556	5.55%
BT Institutional Enhanced Cash	At Call	\$5,351,200	(\$1,000,000)	\$22,156	\$4,373,356	5.92%
Macquarie Income Plus Fund	At Call	\$5,564,222	(\$50,000)	\$26,356	\$5,540,578	6.05%
Perennial Cash Enhance Fund	At Call	\$6,175,033	(\$1,000,000)	\$25,463	\$5,200,496	5.80%
Turrumurra Community Bank	Term Deposit	-	\$500,000	\$989	\$500,000	5.66%
CBA Loan Offset No 1	Offset	\$1,300,000	(\$130,000)	\$5,984	\$1,170,000	5.39%
CBA Loan Offset No 2	Offset	\$1,560,000	(\$130,000)	\$7,180	\$1,430,000	5.39%
TOTALS		\$22,076,546	(\$2,760,000)	\$94,593	\$19,396,986	

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4 November 2004**Turrumurra Community Bank**

Council resolved on 12 October 2004 (Minute No 495) to invest \$500,000 with Turrumurra Community Bank, a branch of Bendigo Bank. The funds are invested in a term deposit for a period of 12 months with a fixed yield of 5.66% pa.

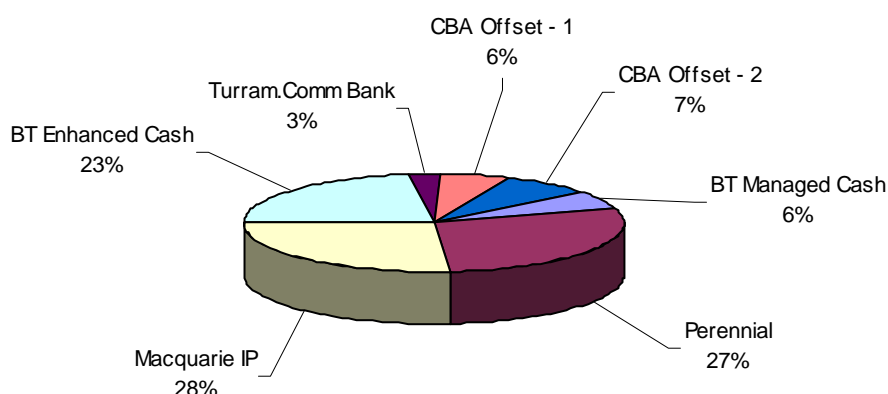
Year-to-date Funds Performance against the UBSWA Bank Bill Index

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

Fund Manager	Performance Annualised for July 2004 –October 2004	UBSWA Bank Bill Index Annualised for July 2004 –October 2004
BT Institutional Managed Cash	5.66%	5.56%
BT Institutional Enhanced Cash	6.10%	
Macquarie Income Plus Fund	6.41%	
Perennial Cash Enhanced Fund	5.92%	
Turrumurra Community Bank	5.66%	
CBA Offset No.1	5.57%	
CBA Offset No.2	5.57%	

Allocation of Surplus Funds:

Council's funds during October were allocated as follows:

Portfolio Allocation of Surplus Funds

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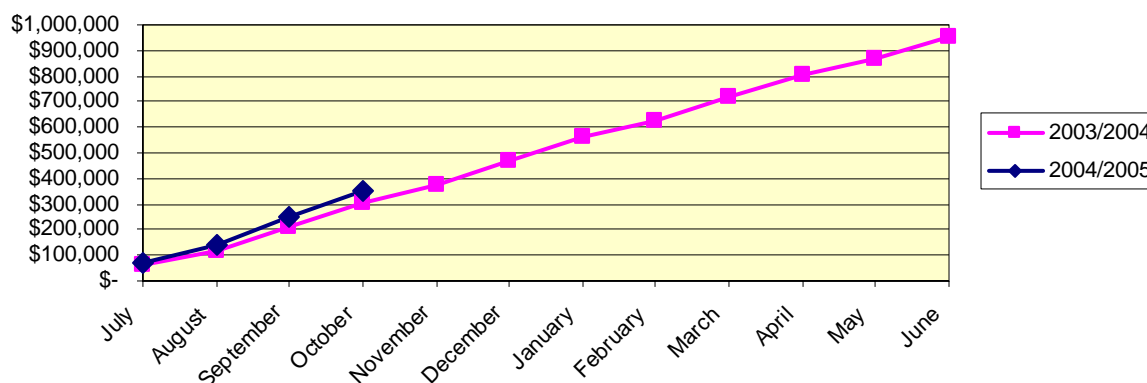
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2003/2004 versus 2004/2005

Accumulative Interest

The following graph compares the interest earned on an accumulative monthly basis for financial years 2003/2004 and 2004/2005. As at the end of October 2004, year to date interest earnings totalled \$348,400. This compares to \$301,500 at the same time last year, an increase of \$46,900.

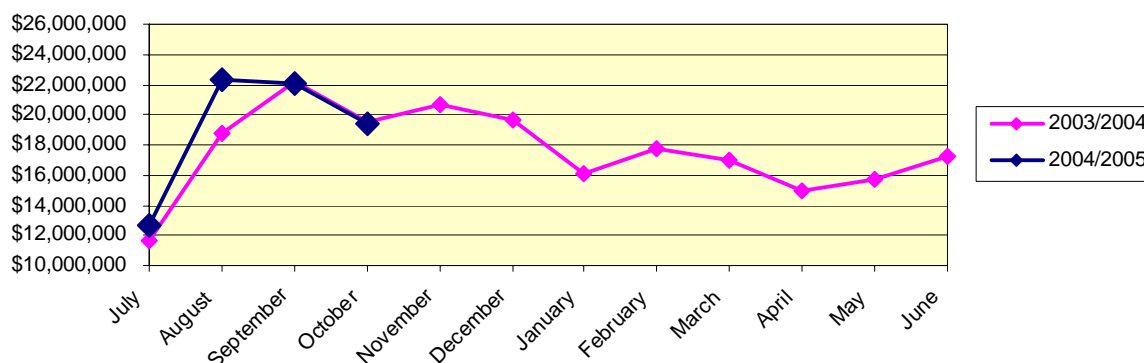
Accumulative Interest 2003/2004 v's 2004/2005



Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2004/2005 in comparison to 2003/2004.

Total Investment Portfolio 2003/2004 v's 2004/2005



During October 2004 Council's investment portfolio decreased by \$2,760,000. In comparison, during October 2003 Council's investments decreased by \$2,700,000.

Council's closing investment portfolio of \$19,397,000 in October 2004 is \$202,900 lower than the October 2003 closing balance of \$19,599,900.

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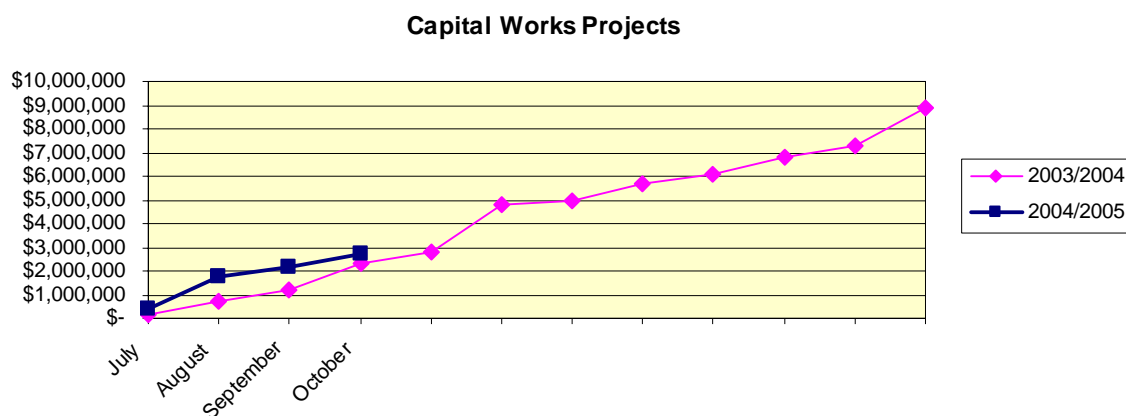
Capital Works Projects

As at the end of October 2004 Council has expended \$2,717,600 on capital works, which is \$396,800 higher than at the same time last year when \$2,347,800 had been expended.

During October 2004 Council expended \$592,700 on capital works, which compares to \$1,141,800 during October 2003, a decrease of \$549,100.

Council's 2004/2005 total budget for capital works (excluding fleet replacement) is \$7,824,500 which leaves funds of \$5,106,900 unspent at the end of October.

The following graph compares the accumulative monthly expenditure totals for Capital Works for financial years 2003/2004 and 2004/2005.



Portfolio Performance Average Return 2003/2004 versus 2004/2005

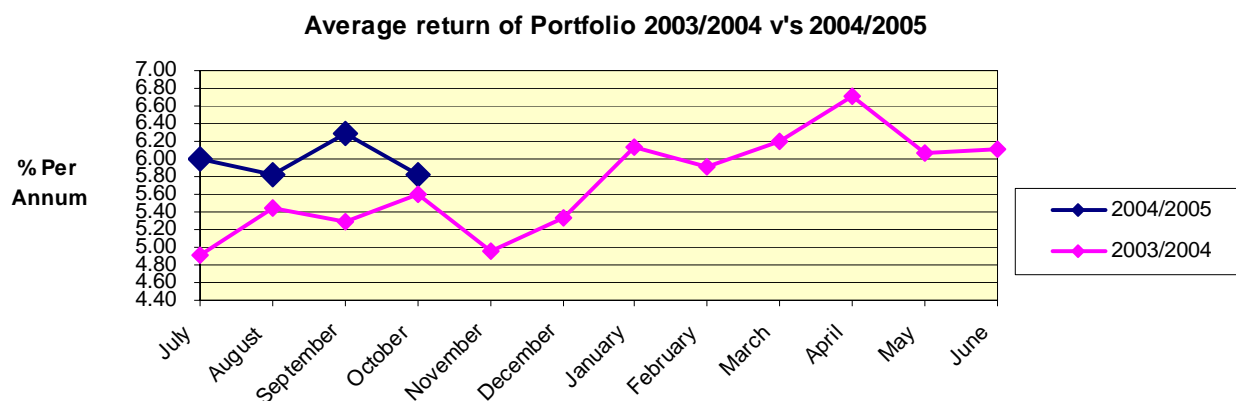
The following graph compares the monthly returns on Council's portfolio for the financial years 2003/2004 and 2004/2005.

In October 2004 earnings before fees were 5.83%, this compares to 5.60% in October 2003.

For the period July 2004 – October 2004 Council's average earnings before fees were 5.99%. This compares to 5.31% for the same period last financial year.

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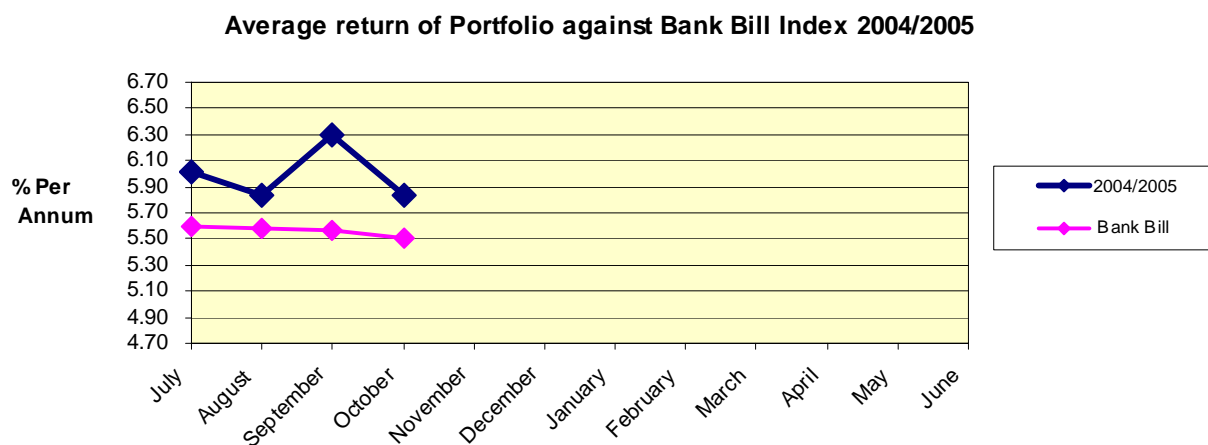
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2004/2005 Portfolio Performance against the UBSWA Bank Bill Index

Council's average portfolio return performed above the UBSWA Bank Bill Index 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.



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4 November 2004**Summary of Borrowings**

During October Council repaid \$260,000 in borrowings, reducing the total level of debt at month end to \$11,205,800. This compares to a total debt at 1 July 2004 of \$11,850,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	124	\$4,000,000	\$3,683,316	\$316,684	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$913,373	\$86,627	6.27%	02-Feb-95	02-Feb-05
Westpac	127	\$1,000,000	\$524,374	\$475,626	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,430,000	\$1,170,000	5.54%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,170,000	\$1,430,000	5.54%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$618,247	\$1,981,753	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$389,123	\$2,210,878	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$147,788	\$1,734,212	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	-	\$1,800,000	6.36%	23-Jun-04	23-Jun-14
TOTAL		\$20,082,000	\$8,876,221	\$11,205,780			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) again left the official cash rate unchanged at 5.25% during October. Economists are expecting interest rates to remain stable until early next year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 October 2004:

- Council's total investment portfolio is \$19,397,000. This compares to an opening balance of \$17,271,200 as at 1 July 2004.
- Council's General Fund interest on investments totals \$348,400. This compares favourably to the year-to-date budget of \$275,000.

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- Council's total debt is \$11,205,800. This compares to a total debt of \$11,850,000 as at 1 July 2004.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for October 2004 be received and noted.

Melissa Crain
Manager Business Development

John McKee
Director Finance and Business

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 19 August 2004.
BACKGROUND:	The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, 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 from 19 August 2004 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 19 August 2004.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representative 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

Representatives from all Council departments have input in agenda items and provide reports to the Committee.

SUMMARY

Not applicable

RECOMMENDATION

That the Minutes of the Ku-ring-gai Access Advisory Committee from 19 August 2004 be received and noted.

Martin Butcher
COMMUNITY DEVELOPMENT OFFICER

Janice Bevan
DIRECTOR COMMUNITY SERVICES

Attachments: **Access Advisory Committee Meeting 19 August 2004**

EXHIBITION OF DRAFT KU-RING-GAI MULTI-UNIT HOUSING DEVELOPMENT CONTROL PLAN NO 55 - PACIFIC HIGHWAY / RAILWAY CORRIDOR AND ST IVES CENTRE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on the public exhibition of Draft Ku-ring-gai Multi-Unit Housing Development Control Plan (DCP) No 55 - Pacific Highway / Railway Corridor and St Ives Centre and to seek Council endorsement in principle, of key amendments to the Draft DCP prior to finalisation.
BACKGROUND:	On 27 July 2004 Council adopted the revised Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 for public exhibition. Draft DCP55 had been received and significantly revised to provide consistency with the gazetted LEP194 and the design quality principles of SEPP65.
COMMENTS:	Draft DCP55 was placed on public exhibition from 4 August 2004 until 17 September 2004. During the exhibition period extensive consultation was undertaken including community and developer forums. Independent advice was also sought from planning and architectural consultants. During the exhibition there were a number of significant issues raised with elements of the Draft DCP. Endorsement is sought from Council on a number of key amendments to the Draft DCP in order to make the controls more workable and achieve better design outcomes. It is proposed that the final version of the revised DCP be reported to Council in December.
RECOMMENDATION:	That Council endorse, in principle, of the proposed amendments to Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 outlined in the report. That the final version of the revised Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 be presented to Council in December.

PURPOSE OF REPORT

To report to Council on the public exhibition of Draft Ku-ring-gai Multi-Unit Housing Development Control Plan (DCP) No 55 - Pacific Highway / Railway Corridor and St Ives Centre and to seek Council endorsement in principle, of key amendments to the Draft DCP prior to finalisation.

BACKGROUND

On 27 July 2004 Council adopted the revised Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 for public exhibition. Draft DCP55 had been reviewed and significantly revised to provide consistency with the gazetted LEP194 and the design quality principles of SEPP65.

The Draft DCP 55 was placed on public exhibition from 4 August 2004 until 17 September 2004. During the exhibition period extensive consultation was undertaken including community and developer forums. Approximately 140 written submissions were received.

Independent advice was also sought from planning, urban design and architectural consultants to also review the draft DCP and investigate areas of concern raised during the consultation period.

COMMENTS

The consultation raised a number of significant issues that need clarification prior to Council considering the final amend version of the DCP. These issues and proposed solutions are considered below. It should be noted that the issues discussed in this report do not constitute the entire list of proposed amendments to the Draft DCP. A final version of the DCP including all amendments will be presented to Council at a later date.

Issue: *Inconsistent with SEPP 65 Residential Flat Design Code*

Discussion: A number of submissions raised concerns over the fact that the draft DCP contained many provisions that were alleged to be inconsistent with or more onerous than the Residential Flat Design Code (RFDC). These comments generally related to key issues discussed in this report eg. FSR control, 35° setback for top storey, setbacks, UCAs etc. most matters are dealt with in the comments sections below. Council has sought legal advice on requirements of a DCP and interpretation of the non discretionary standards. This opinion will be provided to Councillors.

Issues: *Development in Urban Conservation Areas (UCAs)*

- UCA maps and descriptions need to be updated to be consistent with more recent Godden Mackay Logan studies.
- Controls in UCAs are restrictive and inconsistent with objectives of the LEP and rest of the DCP. Controls such as setbacks are too generic and overly prescriptive and affect the viability of developing the site.
- The UCAs were identified by the National Trust and have no statutory force and should be deleted.

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- The DCP is not clear on how development in UCAs will be assessed.

Information on UCAs has been provided to assist developers who must consider the context of their development as required by SEPP65 and to provide information to those developers whose sites are in the vicinity of a heritage item. At the developers forum, a request was made that desired future character statements be added to the DCP.

Recommended solution

The section be re-written to make it clear that the information on UCAs is included to define existing and desire of future character of an area and to provide clearer performance standards related to character which includes reference to built form character and landscape character.

Issue: *Development Adjacent to Heritage items*

Strong objection was raised at the developer forum and in written submissions to the even larger setback requirements of DCP55 that apply for heritage items.

Development of sites adjoining heritage items would be made more difficult in terms of maximizing yields than for other sites.

The requirements of clause 2.4.C-3 that buildings have a front boundary setback no less than an adjoining heritage item is considered to be unjustified on land zoned 2(d3) where it requires a greater setback than the large setbacks already proposed under the present provisions of DCP55. It is therefore recommended that this clause be deleted.

Recommended solution

The larger setback for development adjacent to heritage items requirement be deleted, but that the section make reference to performance standards related to KPSO requirements for development in the vicinity of a heritage item.

Issue: *Application and interpretation of 'building footprint' definition in LEP 194*

Many comments from developers raised objection to the interpretation of "building footprint" as provided in the diagram in the DCP. It appears that some of these comments are due to confusion as to how building footprint and gross floor area definitions relate to one another. Both terms are included in LEP194 and have quite distinct meanings and measure separate things. Legal advice has been sought on the definition. From experience at the pre DA meetings, it appears that some developers are seeking to adopt a restricted definition of "building footprint" for the purposes of determining the maximum extent of their development and an expansive definition for determining the floor area of the top storey.

Clearly the term can only be defined one way and must be consistently applied. Legal advice has been sought on the definition.

Recommended solution

No change unless legal opinion suggests need.

Issue: *Building envelopes and 75% FSR Limitation*

The exhibition and consultation process has resulted in comment and debate over the appropriateness of the controls in Section 3.3 regarding the definition of the building envelope and the 75% floor space limitation.

The aim of including these controls in draft DCP 55 was to overcome the uncertainty and lack of clarity regarding the potential density of development that resulted from the failure of LEP 194 to include a development standard for Floor Space Ratio. The intention of the draft DCP was to present an approach to density control that was consistent with that promoted by the NSW Residential Flat Design Code for residential flat buildings in a suburban context.

The intent of the 75% FSR limitation contained in the Draft DCP and the RFDC was to ensure good design outcome through the provision of suitable wall thicknesses, balcony sizes, allow for articulation areas and design features. The lack of an FSR control in LEP 194 encourages a number of approaches which are antithetical to good design. These include:-

- The minimisation of wall thicknesses, balcony sizes etc. in order to maximize unit floor area achievable.
- Buildings that are “box-like”.
- Placement of underground parking access in side setback etc.

The contention by submissions from the development sector that the 75% FSR control is not consistent with s72 of EP&A Act as it imposes more onerous density/gross floor area control than the LEP is not supported. The standards contained in the LEP to control the density of buildings on a site are those standards relating to building footprint, deep soil planting area site coverage and building height. There are no development standards relating to gross floor space area. Under s 72 of the Act, a DCP may provide more detailed provisions than are contained in an LEP. The maximum 75% floor space requirement does not restrict the ability to achieve the building footprint or building height development standards contained in the LEP. Rather, its purpose is to provide additional detail or requirements that floor space should be within the (or building footprint) specified within the LEP.

The 75% FSR control, in effect, stipulates a minimum of 25% of the total floor space set by the building footprint and height requirements of LEP194 to be for parts of the building excluded from the definition of gross floor area. That is, the 75% FSR restriction does not mean that 25% of the potential floor area cannot be used.

Therefore the effect of the 75% FSR limitation of the building envelope of clause is reasonably consistent with the density requirements of LEP194 and would not in most cases further limit those provisions when reasonable standards of design are employed. This was illustrated by figures provided at the Developers Forum by Jan McCredie (former Director, UDAS).

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Nevertheless, there were relevant issues raised in the submissions and at the developer's forum regarding the application of the building envelope and 75% FSR control that should be acknowledged.

Building Envelopes

In regard to the approach to defining a '**building envelope**', it is acknowledged that the typical way in which building envelopes are defined within development controls is through the use of boundary setbacks to define the extent of the building footprint.

However, in draft DCP55 in section 3.3.1 describes a "*three dimensional building envelope determined by the building footprint, the maximum building height and the building setbacks*" provided in LEP194. The difficulty with the description as a building envelope is that the maximum extent of such an envelope is really set by the building setbacks and the maximum height. The allowable 35% (of site area) building footprint is constrained to be within the area set by the building setbacks.

Application of 75% FSR control

It is also acknowledged that the requirement in draft DCP 55 that the FSR "of any building must not exceed 75% of the building envelope", that while seeking to be consistent with the NSW Residential Flat Design Code, has a number of problems associated with it.

The principal problem with this control as it is presented in draft DCP 55 is that the numerical 75% of the NSW Residential Flat Design Code is based upon a different floor space definition to that of LEP194 and DCP55.

The NSW Residential Flat Design Code provides a definition of gross floor area that excludes areas such as the following that are included in the LEP194 and DCP55 definitions:

- entrance foyers and lobbies
- stair areas
- communal recreation areas up to 5% of the total floor area.

If the control is to rely on the LEP 194 definition of gross floor area then the 75% would have to be a greater percentage if the clause were to be consistent with the NSW Residential Flat Design Code.

Rather than introduce requirements of DCP55 expressed as an FSR when LEP194 does not provide density limitations in terms of FSR, the intent of 3.3.1.C-6 could perhaps more appropriately be addressed by:

- DCP provisions for wall design objectives and minimum wall characteristics.
- Requiring appropriate minimum balcony sizes in proportion to unit area (discussed further below).

- Introducing more detailed controls for building articulation (discussed further below).
- Design guidelines for placement of driveway entry.
- Requiring minimum foyer sizes

Recommended solution

Removal of the building envelope and 75% FSR control contained in Section 3.3 to be replaced with:

- i. appropriate controls for building articulation and building design and minimum balcony sizes;
- ii. reference to relevant standards for other internal circulation elements specified in the NSW Residential Flat Design Code.

Issues: *Setbacks*

There was considerable objection raised at the developer forum and in written submissions to the setbacks. It was typically claimed that all setbacks were too large and as a result considerably restricted development.

Objection was also raised to the single setback requirements because they limit designer flexibility and make articulation more difficult. In this respect a minimum front setback together with a minimum average setback was suggested.

The contrary view put forward by a number of residents and community groups was that the proposed setback provisions were inadequate. A common position presented in these submissions was that the DCP should reinstate the average 15m setback with an average of 12m control from the previous version of the Draft DCP

In order to determine the appropriate setbacks it is relevant to consider the objectives for residential zones in LEP194. These include:

(a) to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part,

(b) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out,

(c) to provide side setbacks that enabled effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping

The sites zoned 2(d3) under the provisions of LEP194 require an emphasis on maintaining the tree canopy in the road reserve and the front setback area of sites

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It is clear from these first three objectives that front, rear and side setback requirements are crucial to achieving the desired landscaping character for the residential areas. As the provisions of LEP194 only contain minimum boundary setbacks where a site has a boundary with another planning zone, it is appropriate that other setback requirements being included in DCP55 that achieve the landscaping objectives of the LEP.

Also of relevance in determining appropriate setbacks is the fact the minimum boundary setbacks define an area of the site in which a building can developed. The 35% building footprint permissible under the provisions of LEP194 must fit within the area defined by the setbacks, as must all building articulation. The relationship between this area and 35% of the site area will impact built form and site yields. The area defined by the setbacks should be larger in the area than the 35% of the site allowed for the building footprint in order to provide areas for articulation.

During the exhibition period an investigation was undertaken on a large number of sites of varying shape and size to ascertain the suitability of the boundary setbacks proposed in draft DCP55 in allowing areas for articulation in addition to the 35% site area of building footprint. The study involved considering various setback options and combinations. It recommended that setback provisions that involve a minimum setback of 10m with 40% of the area between the minimum from the setback and a front setback of 12m allowed to be built upon and the side and rear setbacks of 6m.

Front setbacks

It is acknowledged that the desired canopy trees in the front setbacks would require suitably large areas in which to survive. As the canopy spread of some of the large trees can be 12m and more, there is clearly a need for minimum landscape widths that would allow for such trees. The proposed 10m – 12m minimum front setback would satisfy the objectives of LEP 194 and would achieve suitable deep soil areas that would allow tree retention and additional plantings to maintain the tall tree canopy.

It is considered that the single minimum boundary setbacks proposed in DCP55 would mean that much development would be built to such setbacks. Providing variation in setbacks as with reduced minimum setback requirements together with minimum average setback requirements would allow greater variation and innovation in design and facilitate greater articulation.

As a greater emphasis has been placed by Council on the need to retain vegetation within the front area of sites for the sites zoned 2(d3) under the provisions of LEP194 than in the rear of sites there may be opportunities to reduce the present 12m rear setback requirement of DCP55.

Side and rear setbacks

The 12m rear setback requirement in draft DCP 55 has been shown to be very problematic, particularly on narrow or shallow sites, irregular shaped sites and corner sites. The proposed 6m side and rear setbacks would facilitate more flexible design outcomes and still achieve the desirable privacy and solar access outcomes by having a minimum 12 m separation between buildings on adjoining sites.

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It also proposed that the front and rear setback controls be supported by other controls aimed at achieving the landscaping objectives of the LEP. These complementary controls include a requirement for at least one area of at least 150sqm per 1000sqm of site of deep soil landscaping with a minimum dimension of 8m to be provided at the rear of the site and no encroachment of basement car parking, detention tanks, driveways or the like within these setbacks.

Corner sites

The corner setback requirements of DCP55 with both street frontages are required to have front boundary setbacks of 12m is a provision to which there was substantial objection at both the developer forum and in written submissions. This was considered to be too restrictive and likely to reduce development efficiency. Some objections suggested reduced setbacks that varied with the building height.

Although the large setbacks proposed to both street frontages of a corner site could restrict design, it is considered important to maintain suitable and compatible front setbacks for a variety of reasons including achieving desirable landscaping and streetscape outcome. As a result, it is proposed that the revised minimum front setbacks also apply to both street frontages on corner sites.

Recommended solution

It is recommended that:

i. The following objectives be adopted for building setbacks:

- To provide space between sites that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping.
- To achieve a high level of residential amenity with adequate separation between buildings on different sites for privacy, sun access, acoustic control and natural ventilation.
- To create a consistent urban form providing definition of the street edge

ii. The following setback controls be adopted

- The building must be setback the following distances from the boundary.
 - a) Side boundary setback: 6m;
 - b) Street boundary setback where street width is greater than 12m: Setback zone between 10-12m from boundary, no more that 40% of this zone may be occupied by building footprint;
 - c) Street boundary setback where street width is less than 12m should be reduced;
- The setback extends both above and below ground and includes car parking, storage, detention tanks, or the like.

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- Design guidelines be provided for driveways into car parks so as to maintain maximum space for deep soil planting in setbacks.
- The following building elements may encroach into the setback
 - a) Eaves
 - b) Sunshading
 - c) Blades, fins, columns

Issue: *Private open space in front setback*

A number of submissions raised an objection to the control in the Draft DCP 55 that prohibited the provision of private courtyards within front setbacks. It is felt that this conflicts with the requirement that all ground floor apartments are to provide a terrace or private courtyard with a minimum area of 25sqm.

While it is acknowledged that the total prohibition of private courtyards within the front setback zone may be unreasonable, they should be provided in a way that does not prevent the ability to achieve the landscaping and streetscape objectives for the front setback.

Appropriate provisions would include the retention of a deep soil zone, with a minimum width of 8m, to establish canopy trees within in the front setback. This is consistent with the minimum dimensions for deep soil zones contained elsewhere in the DCP.

Also, private courtyards should not dominate the presentation of the building to the street and therefore should be limited to a proportion of the total building frontage.

Recommended solution

It is proposed that the following controls be implemented in relation to private courtyards within the front setback:

- i. Ground floor private terraces / courtyards must be setback 8m from the street boundary to allow for deep soil planting within common area.
- ii No more than 15% of the front setback zone is to be occupied by private terraces / courtyards.

Issues: *Top floor design and 35 degree control*

A number of submissions raised objections to the 35 degree setback control for the top floor for the provision. These were based on 2 primary concerns:

- i) prevents the 60% top floor area being achieved; and,
- ii) limits maximising north aspect balconies and terraces on the top floor.

The 35° setback requirement does allow 60% of the floor area immediately below to be achieved but does impact on design.

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The objective of the 35 degree set back control for the top floor was to reduce the visual bulk and overshadowing impacts of the top floor. It is not desirable for a building to have a five storey presentation to the street or result in increased overshadowing by having five storeys on the southern façade.

An alternative approach is to make the control less prescriptive and include a clear performance based controls that will provide more flexibility to provide appropriate design solutions for the top floor that do not have an unreasonable visual bulk impact or increase the level of overshadowing on neighbouring properties.

Recommended solution

It is proposed that the 35 degree top floor control contained in section 3.1.1 be deleted and replaced with the following control:

- The top storey of a residential flat building of 3 storeys or more must be setback from the floors below to reduce visual bulk, promote articulation and prevent any increased overshadowing.

Issues: *Building Length*

There were a number of concerns raised over the 36m maximum building length control. The purpose of the control is an attempt to reduce the impact of the building from the street and to create a pattern of development more consistent with streetscapes in Ku-ring-gai.

The 36m max building length will create a number of problems for sites wider than 48m. It will require building form to be broken into more than one building on some sites so that reasonable yield and the creation of large areas for deep soil landscaping may become difficult. A more useful solution will try to limit large expanses of flat façade.

The urban design/architectural consultant engaged by Council to review the controls considers that, for a building that is 5 storeys or 15m in height buildings longer than 36m are acceptable in scale and that the reduction of apparent bulk of a building can be achieved successfully by providing a high level of articulation – stepping of the building façade both vertically and horizontally.

Consequently it is proposed that a maximum building length control be supplemented by appropriate controls governing building and façade articulation. This control allows increased articulation as an alternative to restricting building length.

Recommended solution

It is recommended that the maximum 36m building length control contained in section 3.2 be supplemented with the following”

- To provide an articulated façade, a single wall plane shall not exceed 81sqm in area. Adjacent plane must step a minimum of 600mm

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It is also proposed that an appropriate diagram be inserted to explain the control.

Issue: *Balcony sizes*

Appropriate controls in the DCP for the provision of balconies are important, as this is the only measure to encourage private outdoor living spaces. The building footprint definition in the LEP in the absence of a control for gross floor area actually provides a disincentive to the provision of balconies for those developers who seek to maximise yield rather than focus on design and amenity quality.

The Draft DCP provides for a minimum of 10sqm of balcony space per unit. This level of provision of outdoor open space can be considered as too small, particularly for larger units and considering the market and the desired character of the new developments. However, excessively large balconies would create unnecessary overshadowing to the apartments below, reducing light penetration and winter sunlight access.

Minimum balcony size should relate to the size of the unit and therefore be based on the number of bedrooms in a given unit. It is recommended that balconies be provided at the following minimum rates:

- 1 bedroom: 10sqm
- 2 bedroom: 12sqm
- 3 + bedroom 15sqm

Recommended solution

It is proposed that the following controls be adopted to apply to private open space provision:

- Units are to include at least one outdoor living space such as a balcony, deck or terrace in accordance with the following rates:
 - 1 Bedroom: 10sqm minimum
 - 2 Bedroom: 12sqm minimum
 - 3 + Bedroom 15sqm minimum
- At least 10sqm of the required outdoor living space should be directly accessible from the main living areas. This space should have a minimum dimension of 2.4m
- Ground level apartments are to have terrace or private courtyard areas totally 25sqm.

Issue: *Projection of Basement car parking beyond building footprint*

A considerable level of objection was provided to the requirement of clause 4.1.C-1.ii of DCP55 that basement parking can extend no more than 10% of the building footprint and 10% of the front and rear setback of the ground floor claiming it essentially as a back door means of reducing achievable development density by restricting the parking that can be provided.

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Submissions claimed that the requirement meant that extra levels of parking would have to be provided. However this is because developers are proposing parking provision at levels beyond the LEP minimums.

It should also be noted that the proposed revised setback controls discussed above prevent basement car parking from encroaching into any of the minimum setbacks. This is considered adequate to provide protection of deep soil zones, as was intended by the 10% limit control, and still provide sufficient flexibility for basement car park design.

The 50% deep soil landscape control and the proposed changes to the setback controls identified above will sufficiently limit the car park basement size and allow for sufficient deep soil planting. As a result it would be appropriate to delete the control that limits the projection of basement car parking to no more than 10% of the building footprint.

Recommended solution

That the control in Section 4.1 that limits the projection of basement car parking to no more than 10% of the building footprint be deleted.

Issue: *Limit of 50% of visitor parking outside Basement*

Several submissions raised objection to the requirement that at least 50% of visitor parking be provided within the basement. Many expressed the view that it contradicts the LEP, which allows 100% visitor parking outside.

Location of visitor parking outside will be limited as driveway and parking area constitutes built upon area. Density would have to be sacrificed in order for this to occur. The 50% deep soil landscape control and setback controls will sufficiently limit the car park basement size and allow for sufficient deep soil planting. Therefore the control that requires that at least 50% of visitor parking be provided within the basement can be deleted without adverse effect.

Recommended solution

That the control in Section 4.1 that requires that at least 50% of visitor parking be provided within the basement be deleted.

That a clause be included in the DCP to indicate that visitor parking provided at ground level not be counted as deep soil planting area.

Issue: *Requirement for 70% of apartment to be visitable*

The requirement that 70% of apartments are to be visitable has been objected to on the basis that the 70% is excessive, onerous and difficult to achieve without providing a lift.

Clause 25N(3) of LEP194 only requires lifts for buildings of greater than three storeys. Smaller two storey developments may be able to achieve 70% visitable apartments with a mix of single and

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double storey apartments. However, achieving 70% visitable apartments in a three storey building without a lift could be difficult.

There was a case presented in the submissions that the proportion of visitable units should only be 15% - 20%, as this was consistent with the level of disability in the Ku-ring-gai local government area. This position is not supported.

Council has obligations under the Disability Discrimination Act to maximise the visitability of all new flat buildings for all people with a disability.

The Ku-ring-gai Access Committee proposed that, in residential flat buildings of 3 storeys or less without lifts, 100% of ground floor apartments should be visitable. However, this position may limit design flexibility on steeper sites. It is therefore proposed that the visitability standard for flat buildings without a lift should be consistent with the standards for wheelchair access contained in SEPP (Seniors Living) 2004. This would require 100% of ground floor apartments on site with a gradient of 1:10 to be visitable or at least 50% ground floor apartments to be visitable on sites with a gradient greater than 1:10.

Recommended solution

Introduce an additional control in Section 3.8.1 that requires ground floor apartments in residential flat buildings without a lift to have a visitability rate equivalent to that for wheelchair accessibility for self contained dwellings under SEPP (Seniors Living) 2004.

CONSULTATION

The Draft DCP 55 was placed on public exhibition from 4 August 2004 until 17 September 2004. During the exhibition period extensive consultation was undertaken. This included conducting a general community and individual forums with residents of potentially affected by the specific controls for the nominated areas in Roseville, Wahroonga and St Ives. A forum was also conducted with developer, planners architect and building designers.

Approximately 140 written submissions were received as a result of the exhibition and consultation

A second community forum and developers, Architects and designers forum was also conducted to present the proposed solutions presented in this report.

FINANCIAL CONSIDERATIONS

Nil.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Ongoing consultation has been conducted with relevant officers from Development and Regulation, Technical Services, Open Space and Community Services. Consultation on the draft DCP was also conducted with Council's Access Committee.

SUMMARY

During the exhibition and consultation on Draft DCP 55 there were a number of significant issues raised with elements of the draft DCP. These key elements and proposed solutions are as follows:

Issue: **Development in Urban Conservations Areas (UCAs).**

Solution: The section be re-written to make it clear that the information on UCA's is included to define existing and desire of future character of an area and to provide clearer performance standards related to character which includes reference to built form character and landscape character.

Issue: **Development adjacent to Heritage Items.**

Solution: The larger setback for development adjacent to heritage items requirement be deleted, but that the section make reference to performance standards related to KPSO requirements for development in the vicinity of a heritage items.

Issue: **Application and interpretation of "building footprint" definition in LEP 194.**

Solution: No change unless legal opinion suggests need.

Issue: **Building envelopes and 75% FSR limitation.**

Solution: Removal of the building envelope and 75% FSR control contained in Section 3.3 to be replaced with:

- i. appropriate controls for building articulation and building design and minimum balcony sizes:
- ii. reference to relevant standards for other internal circulation elements specified in the NSW Residential Flat Design Code.

Issue: **Setbacks.**

Solution: It is recommended that:

- i. The following objectives be adopted for building setbacks:
 - To provide space between sites that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping.
 - To achieve a high level of residential amenity with adequate separation between buildings on different sites for privacy, sun access, acoustic control and natural ventilation.

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- To create a consistent urban form providing definition of the street edge
- ii. The following setback controls be adopted
 - The building must be setback the following distances from the boundary.
 - a) Side boundary setback: 6m;
 - b) Street boundary setback where street width is greater than 12m:
Setback zone between 10-12m from boundary, no more than 40% of this zone may be occupied by building footprint;
 - c) Street boundary setback where street width is less than 12m should be reduced;
 - The setback extends both above and below ground and includes car parking, storage, detention tanks, or the like.
 - Design guidelines be provided for driveways into car parks so as to maintain space for deep soil planting in setbacks.
 - The following building elements may encroach into the setback
 - a) Eaves
 - b) Sunshading
 - c) Blades, fins, columns

Issue:

Private Open Space in front setback.

Solution:

It is proposed that the following controls be implemented in relation to private courtyards within the front setback:

- i. ground floor private terraces/courtyards must be setback 8m from the street boundary to allow for deep soil planting within common area.
- ii. No more than 15% of the front setback zone is to be occupied by private terraces/courtyards.

Issue:

Top floor design and 35 degree control

Solution:

It is proposed that the 35 degree top floor control contained in Section 3.1.1 be deleted and replaced with the following control:

- The top storey of a residential flat building of 3 storeys or more must be setback from the floors below to reduce visual bulk, promote articulation and prevent any increased overshadowing.

Issue:

Building Length

Solution

It is recommended that the maximum 36m building length control contained in Section 3.2 of the draft DCP be supplemented with the following:

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- To provide an articulated façade, a single wall place shall not exceed 81 sqm in area. Adjacent plane must steep a minimum of 600mm.

It is also proposed that an appropriate diagram be inserted to explain the control.

Issue:

Balcony sizes

Solution:

It is proposed that the following controls be adopted to apply to private open space provision:

- Units are to include at least one outdoor living space such as a balcony, deck or terrace in accordance with the following rates:
 - 1 Bedroom: 10sqm minimum
 - 2 Bedroom: 12sqm minimum
 - 3 + Bedroom 15sqm minimum
- At least 10sqm of the required outdoor living space should be directly accessible from the main living areas. This space should have a minimum dimension of 2.4m
- Ground level apartments are to have terrace or private courtyard areas totally 25sqm.

Issue:

Projection of Basement car parking beyond building footprint

Solution:

That the control in Section 4.1 that limits the projection of basement car parking to no more than 10% of the building footprint be deleted.

Issue:

Limit of 50% of visitor parking outside Basement

Solution:

That the control in Section 4.1 that requires that at least 50% of visitor parking be provided within the basement be deleted.

That a clause be included in the DCP to indicate that visitor parking provided at ground level not be counted as deep soil planting area.

Issue:

Requirement for 70% of apartment to be visitable

Solution:

Introduce an additional control in Section 3.8.1 that requires ground floor apartments in residential flat buildings without lifts to have a visitability rate equivalent to that for wheelchair accessibility for self contained dwellings under SEPP (Seniors Living) 2004.

RECOMMENDATION

- A. That Council endorse in principle the proposed amendments to Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 outlined in the report.

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- B. That the final version of the revised Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 be presented to Council in December.

Craig Wyse
Senior Urban Planner

Leta Webb
Director
Planning & Environment

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	17 RAILWAY LANDS, GORDON - UPGRADING OF GORDON RAILWAY STATION TO PROVIDE DISABILITY ACCESS
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	DA 1385/03
SUBJECT LAND:	17 Railway Lands, Gordon
APPLICANT:	Lewis Cross on behalf of State Rail
OWNER:	State Rail Authority
DESIGNER:	Suters Architects
PRESENT USE:	Railway Station
ZONING:	5B Special Uses (Railway Corridor)
HERITAGE:	Yes
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Development Control Plan 31 - Access, Development Control Plan No 43 - Carparking
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	28 October 2003 - Amended Plans lodged 19 May 2004
40 DAY PERIOD EXPIRED:	7 December 2003
PROPOSAL:	Upgrading of Gordon Railway Station to provide disability access
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	DA 1385/03
PREMISES:	17 RAILWAY LANDS, GORDON
PROPOSAL:	UPGRADING OF GORDON RAILWAY STATION TO PROVIDE DISABILITY ACCESS
APPLICANT:	LEWIS CROSS ON BEHALF OF STATE RAIL
OWNER:	STATE RAIL AUTHORITY
DESIGNER	SUTERS ARCHITECTS

PURPOSE FOR REPORT

To determine Development Application 1385/03 which seeks consent for the upgrade of Gordon Railway Station to provide disability access.

This matter has been referred to Council due to the importance of this facility for the Municipality.

EXECUTIVE SUMMARY

Issues:	The adequacy of disability access and extent of compliance with the Disability Discrimination Act.
Submissions:	3
Land & Environment Court Appeal:	None
Recommendation:	Approval

HISTORY

Gordon Station is located on the original single track line from Hornsby to St Leonards. The current station layout dates from the duplication of the track in 1909. Gordon Station is included on the State Heritage Register and is also identified as a heritage item under the Ku-ring-gai Planning Scheme Ordinance. It is also on the State Rail Authority Section 170 Register. This is a listing under Section 170 of the Heritage Act 1977 which relates to properties of heritage significance under the control of a Government Authority or Department.

THE SITE & SURROUNDING DEVELOPMENT

The Site

Zoning:	5B Special Uses (Railway Corridor)
Visual Character Study Category:	Nor applicable (only applies to Residential)
Lot Number:	2
DP Number:	233688
Area:	N/A

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Side of Street:	Railway Reservation between St Johns Road and Werona Avenue
Cross Fall:	Not applicable
Stormwater Drainage:	Yes
Heritage Affected:	Yes
Required Setback:	N/A
Integrated Development:	No (Crown Application)
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	SEPP 55 applies

The subject site is a major public transport facility for the Ku-ring-gai Municipality. Gordon station has one (1) island platform (Platforms 2 and 3) and a side platform (Platform 1). Access over the railway reserve is from a pedestrian footbridge towards the northern end of the station, linking via ramps and stairs to both St Johns Road and Werona Avenue.

The existing ramp access to the station includes ramps 1:10 gradient on the eastern side and a combination of stairs and ramps from the west. The ramps do not comply with the Australian Standard 1428. Access to the platforms is from stairs.

The existing station entrances and pedestrian footbridge do not have any weather protection. There is limited weather protection adjacent to the concourse booking office.

The current platform building was constructed in 1909 in a design typical of railway architecture of the period. The platform buildings are constructed of weatherboard and feature timber skillion roofs.

The station has heritage significance as a design that is representative of the period of its construction in the 1900s, and as a building type that was developed for duplication of the North Shore line.

Gordon Station is listed as a heritage item under Council's planning controls. It is also included on the State Heritage Register and State Rail's Section 170 Register.

Commuter parking is provided on both sides of the railway line and comprises open parking areas to the north and south of the station on the western side and a multi-deck parking facility on the eastern side of the station. Short term parking is available on the northern side of the station entrance at Wade Lane.

Kiss and ride drop off facilities and bus stops/layover areas are provided on the western side of the station entrance at St John's Avenue/Henry Street and on Werona Avenue to the east.

There are existing trees in that part of the Railway Reservation affected by the proposed development and some of these are proposed for removal, with replacement plantings intended.

Surrounding development

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This consists of:

- St Johns Road, Dave Lane and Henry Street to the west of the station.
- Shops which form part of the Gordon Town Centre to the west of the station.
- A multi-level commuter carpark to the north-west of the station
- At grade carpark to the east.
- Residential areas to the east, north-east and south-east.

THE PROPOSAL

The application seeks consent for the staged introduction of “Easy Access” facilities at Gordon Station. (**Refer Annexure 1.**)

Initial plans, lodged 28 October 2003, have been superseded by amended plans dated April/May 2004. The following major changes to the initial plans were made, following over 30 submissions expressing concern about the development:

- Reduction of 3 lifts to only 2. The lift providing direct access to Werona Street has been deleted. The existing ramp will be extended to be compliant with Australian Standard. AS1428 - Design for access and Mobility.
- Relocation of the two proposed lifts to the northern side of the overbridge, where their impact on the heritage significance of the station, would be significantly reduced.
- Modifications to the booking office and other associated rooms to accommodate the relocation of the lifts.
- Deletion of demarcation of paid and unpaid areas within the station.

The proposed works for Gordon Railway station, subject to amended plans (**refer Annexure 2**) submitted 19 May 2004, now include:

- Construction of two lifts (located on the Hornsby side) connecting the pedestrian footbridge to the central island platform and the side platform:
 - Construction of Lift 1 to connect the footbridge with the central platform; and
 - Construction of Lift 2 to connect the footbridge with the side platform.
- Modifications to the St Johns Avenue entrance, involving replacing the existing south-facing ramp with a new ramp of a complying gradient leading to a new direct entrance adjacent to the bus shelter.
- Extension of the side platform to increase its width.
- Additional weather protection over the footbridge (colorbond to match existing) and lift entrances (new steel framed platform canopies with glazed roofing).
- Reconfiguration of the existing booking office and footbridge shop to enable the construction of the lifts and provision of a new booking office and three retail shops. These shops are within the existing station building and small in size – Tenancy 1 is 10 sqm, Tenancies 2 and 3 are 18 sqm in size.

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The proposal, as amended, has been designed and sited to minimise impacts to the existing platform building and its heritage fabric.

The existing overhead footbridge building is a large timber-framed structure of Edwardian freestyle design having rusticated weatherboard walls, half-timbered and "pebble-dash" finished gables and a corrugated colorbond steel-gabled roof and extended matching awning over the central part of the concourse. Two additions for shops have been made in a matching style at each end and part of the wall and ticket windows have been removed for the newsagency. The current proposal will alter the location of the shops to provide new lift entry lobbies, and also a new family accessible toilet.

The lift towers adopt a flat roof form and utilise louvres and colorbond horizontal panels to provide relief in the otherwise glazed lift shaft. The design intent is to create a light weight structure that is contemporary within the heritage precinct of the station, while respecting the station's significant heritage qualities. Glass paneling also provides safety and visual connection for occupants of the lift.

The heights of the lifts shafts are determined by the level of the existing footbridge, SRA safety clearances, and the need for a lift overrun. The lift shafts are 6.7m in height, taken from the platform to the top of the lift shaft.

The location of the lifts on the northern (Hornsby) side of the footbridge results in a better integration of the new lifts into the footbridge and enables the orientation of the existing platform stairs to remain unchanged. **(Refer Annexure 3.)**

Modifications are proposed to the western entrance to the station from St Johns Avenue, including demolition of the existing, non-compliant, south-facing ramp and construction of a new ramp. The proposed ramp configuration requires an additional length of 9m to comply with current Australian standards, resulting in an extra return leading to a new central entrance.

The new central entrance will connect directly to the existing shelter at the entrance to Wade Lane with stairs leading to the footbridge and the compliant ramp allowing level access. The existing ramp entrances will remain.

New landscaping is proposed to replace existing vegetation that is required to be removed. The trees to be removed and proposals for replacement planting are detailed further in this report.

Minor modifications are proposed to the interior of the existing Booking Office on the pedestrian footbridge. Changes affecting the exterior of this building are the relocation of two existing doors and change to an existing window opening to create a door entry.

A Heritage Impact Statement was prepared by Elizabeth Evans, heritage consultant, and the application was lodged with the NSW Heritage Office under Section 60 of the Heritage Act. S60 approval was issued on 7 July 2004 **(see Annexure 4)**.

CONSULTATION - COMMUNITY

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The proposal was advertised initially from 12 November and 12 December 2003 in accordance with the Ku-ring-gai Notification Policy. The following submissions were received:

1. Mr Ian Gilleran of 17 Clifford Street, Gordon
2. Ms Anne Hornshaw of 1/81 Werona Avenue, Gordon
3. Stephen Dwyer of 4 Oberon Crescent, Gordon
4. Robert and Henriette Tenkate of 61 St John's Avenue, Gordon
5. Malcolm Hughes of 50 Nelson Street, Gordon
6. Mr H A Moon of 47 Moree Street, Gordon
7. Norman Webster of 74 Darnley Street, Gordon
8. Judy Heath of 2/20 Henry Street, Gordon
9. George M Lillyman of 1/63 Werona Avenue, Gordon (Architect)
10. Bruce Edgar and Lynne Saville of 5 Netherby Street, Wahroonga (ROARH - Retain our Australian Rail Heritage) (Heritage Conservation Architect)
11. Christiane Berlioz (email address)
12. John Frykberg (email address)
13. Warwick Cumming (email address)
14. Glen Rigden, Institute of Engineers, 118 Alfred Street, Milsons Point
15. Ian Macmillan of 26 Kurrawang Street, Leura
16. O S Claus of 12 Roper Place, Killara
17. Jocelyn Brennan-Horley of 5 Carter Street, Gordon
18. Anne Carroll of 36 Karranga Avenue, Killara
19. Margaret Booth (email address)
20. John Lawes of 33 Highland Avenue, Gordon
21. Alex Burnett of C7/803-805 Pacific Highway, Gordon

The strongly-expressed theme of the above submissions was concern that the heritage character and significance of Gordon Railway Station was not being retained in the proposal.

The NSW Heritage Council also rejected the plans and encouraged the preparation of amended plans.

Following the lodgement of amended plans on 19 May 2004, the application was re-advertised from 21 July to 20 August 2004. In response, the following the submissions were lodged.

1. Miss Judy Heath of 2/20 Henry Street, Gordon
2. Mrs C Maas of 2/73 Werona Avenue, Gordon
3. George M Lillyman of 1/63 Werona Avenue, Gordon (Architect)

The above submissions raised the following issues:

“The Werona Street elevator should remain. The level from Werona Avenue to the ticket office level is greater than from the ticket office to the platform themselves.

Gordon Station has not always stayed the same over the last 100 years, originally having two platforms, not three, with the ticket office on the platform level and a picket fence around the gardens.

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The current option is a balance between ensuring that access is provided and heritage character is retained.

It may be possible to install a third lift as a future stage of development, should it be shown to be necessary. However, the current proposal meets Australian Standards for Disability Access.

The existing 1:8 grade ramp system is superior to the proposed composite 1:14 ramp and major steps system. The proposed ramp is approximately double the length of the existing ramp and constitutes a serious obstacle for busy commuters.

Current Australian Standards recommend a ramp of no less than 1:14 grade. The Building Code of Australia requires this standard to be achieved and it has also been referred to in the application of the Disability Discrimination Act, in relation to Court decisions on access-related matters, including in the Human rights and Equal Opportunity Commission. (*Cooper v Holiday Coast Cinema Centres P/L (1997) HREOCA 51 (29 August 1997)*).

Easy access lifts - heritage character has not been adequately considered in locating these special elements.

The amended plans reflect considerable change to the initial plans to try and retain the heritage character of the station. The amended plans are also supported by the Heritage Office.

The Werona Avenue lift could be eliminated and existing ramp system retained if Council could relocate the St Ives bus station as an extension of main Henry Street bus station. It is suggested that St Ives buses would travel via Wade Lane, by reversing the traffic flow, to serve the proposed lift near existing shelter. Buses could then pick up in Werona Avenue on outward journeys.

The Werona Avenue lift has been deleted from the current proposal. The suggestions regarding St Ives buses will be referred for comment to Council's Traffic and Parking Committee.

Disability access is inadequate from the western side of Gordon Station.

Ramp access is to be provided in accordance with Australian Standard 1428.

Design provides for a "family friendly" toilet room on the overhead ramp. Will the toilets on the island platform be reopened to the public? They should be, and a notice on door of upstairs "family friendly" should tell of availability of other toilet facilities.

Mr Lewis of State Rail has advised that, due to safety and security concerns, existing toilets on the platforms will not be open to the public.

Clarification sought regarding location of ticket machines

There is no change proposed to the existing location of ticket machines.

CONSULTATION - WITHIN COUNCIL

Council's Access Advisory Committee

The application was considered by Council's Access Advisory Committee initially in December 2003 and subsequently on 21 October 2004. The following comments were provided:

"In reviewing the application, the Committee noted that the covered area does not extend to the ramps."

During discussions, the Committee acknowledged the heritage significance of the station but felt strongly that maintaining heritage should not be at the cost of the functionality and accessibility of the station. As the primary purpose of the station is to provide access to public transport to all, the provision of access should take a higher priority than the aesthetic value of the buildings.

Given the number of people who use Gordon Station on a daily basis, the need to provide for easy access to assist older people and people with disabilities is well overdue. Therefore the Committee is in support of the application."

The concerns of the Access Advisory Committee are noted. The Amended Plans are considered to be a balanced compromise between the degree of access provided and heritage considerations.

Landscape

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

"The proposal to Wade Lane will result in removal of the following trees:

- Two mature Pepper Tree Schinus areira approximately 9-10m high;*
- A Backhousia citriodora in good condition, 11-12m high;*
- A mature Photinia serratifolia 9m high.*

The arborist report notes that one of the Pepper trees is "potentially structurally deteriorated", and that fungal fruiting bodies were present. The other Pepper tree is in good condition although it was noted that the tree "appeared to be potentially structurally deteriorated".

Whilst these trees do provide a good screen between the station and Wade Lane, none of the trees are considered to be of such significance as to warrant refusal of the application or significant modification on this basis particularly given the arborist's report. The proposal will also result in disturbance of the existing garden bed near the Pepper trees.

It is proposed to replace these trees with a number of Backhousia citriodora in planted areas adjacent to the proposed ramps, however, discussion with representatives from Council's Open Space Department have identified the long standing significance of Pepper trees in regard to the landscape character within the railway precinct in this area.

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Therefore it is recommended that the Backhousia be substituted for an appropriate number of advanced Schinus in this area. The Schinus will also create a less dense screen for the station and allow views through from Wade Lane and St Johns Avenue. As the Pepper trees are spreading low canopied species these trees will require a degree of maintenance to ensure that the canopies grow in such a way as not to impede access.

The proposed lifts and pathway to Werona Avenue will result in the removal of 2 immature Bangalow Palms of 6-7m in height, and a Rothmania (Tree Gardenia) 9m in height and a Acer Palmatum (Japanese Maple) in good condition and 9m in height. These plants are located behind the existing access ramp and stairs and removal will have little visual impact from the street, however, the pathway could be easily adjusted to preserve the palms, and I have conditioned this.

The extension to the platform around Lift 1 will also result in the removal of approximately 9m of the Camellia Sasanqua hedge to the edge of the platform in this area.

The proposed extension to the platform on the Werona Avenue side will involve construction of a "besser block" retaining wall 2.0m from a mature Jacaranda 13m high and in good condition and 1m from a mature Firewheel tree 13m high in fair condition with some storm damage. Given the extension to the platform brings this area closer to the Firewheel tree, an arborist's report assessing suitability of this tree for retention is recommended and will be conditioned.

The new ramp access to Lift 1 is close to an existing Jacaranda Mimosifolia 11m high, in fair condition. The installation of the ramp is likely to have a detrimental impact on the root zone of this tree, unless certain protective measures are undertaken (refer to Condition 31).

To preserve these trees from excessive root damage, a suspended slab or pier and beam footing is preferred. I have conditioned this matter.

The proposal has been discussed with representatives of Open Space who have indicated that new plantings should be of low maintenance species.

The proposal is supported with conditions."

The conditions recommended by the Landscape Development Officer have been included as **Conditions 12-20 and 27-31.**

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

"There are no Engineering objections to the proposed access improvements to Gordon Railway Station.

Engineering conditions to be applied relate to the following:

- *Paving at entrance (Council property) to be carried out in accordance with Council's requirements;*
- *Stormwater drainage from additions to be piped to the existing stormwater disposal facilities.*

There will be no significant increase in runoff as a result of the upgrade.”

The conditions recommended by Council’s Engineer are included as **Conditions 4-8, 21-26 and 32.**

Strategic planning

Council’s Strategic Planner was consulted in respect of the amended plans and provided the following comments:

“The proposal does not appear to have any implications for Forward Planning in Gordon Business Centre at this stage.”

Upgrading of the station as an “Easy Access” station is likely to increase patronage of the station. This is considered desirable as it ensures the ongoing viability of shops around Gordon Station.

Council’s Heritage Committee

The Heritage Committee was concerned with the impact of the works proposed in the original proposal on the heritage significance of the Station.

Amended plans were not re-referred to the Heritage Committee as there were no formal meetings of the Committee between March and August 2004. With the issue of a Section 60 approval on 7 July 2004 by the Heritage Office, it is considered that heritage issues have been addressed.

CONSULTATION – OUTSIDE COUNCIL

National Trust

“The Trust notes that the revised design relocates the lifts from the southern side of the overhead footbridge to the northern side of the footbridge and omits the lift to Werona Avenue. The new proposal includes the construction of two lifts connecting the pedestrian footbridge to the central island platform and the side platform. And the booking office and footbridge shop are to be modified to enable the construction of the lifts and the provision of a new booking office and two retail shops.

I understand that a great deal of consultation has taken place between the Heritage Office, Ku-ring-gai Council and Ku-ring-gai Historical Society, in order to address the concerns expressed over the impact of the original design. Whilst I appreciate the work that has gone into producing this scheme, I still have concerns that the design will have an adverse impact on the significance of the existing station building. The lift shafts and their supporting elements are large and will dominate the existing station. The detailing of the lift shafts also detracts from the old station building, and does not need to take its cue from the existing structures. Instead, the new addition should be a wholly independent and restrained example of good contemporary design.

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I commend your approach to the design process and your belief that it will act as a model for other stations, but also think that whilst this design is heading in the right direction, an adequately sensitive scheme has yet to be achieved. I therefore encourage you to continue the consultation and design process."

The Heritage Office has considered the design issues raised in relation to the lift shafts and considered them to be satisfactory. The new lift locations allow the most significant traditional views from the south to be preserved and retain the important relationship between the significant structures that comprise the station group.

STATUTORY PROVISIONS

Heritage Act 1977

A separate application under Section 60 of the Heritage Act was made to the Heritage Council and approved by the Heritage Council Approvals Committee on 7 July 2004. A copy of this approval is provided in **Annexure 2**.

State Environmental Planning Policy No 55

SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to any development. Council must be satisfied any necessary remediation has occurred before use of the land is permitted.

According to the Statement of Environmental Effects submitted by State Rail, the site is not known to have any risks of contamination and, as such, the land is considered suitable for the proposed access use.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The site is zoned Special Uses 5B (Railways) under the KPSO. The zone permits all development with consent. There are no relevant zone objectives.

Gordon Station is identified as a Heritage Item under Schedule 7 of the Ku-ring-gai PSO and is subject to the provisions of Clause 61G. A separate application has been made to the Heritage Office pursuant Section 60 of the Heritage Act.

Clause 61G states:

The Council shall not grant consent to a development application in respect of

- (a) a heritage item*
- (b) development in the vicinity of a heritage item*
- (c) development in a Heritage Conservation Area*

unless it has assessed the effect that the development would have on the heritage significance of the heritage item or Heritage Conservation Area.

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The submitted Heritage Impact Statement provides a detailed assessment of the impacts of the proposal on the heritage significance of the station.

Clause 33(a) aesthetic appearance

Clause 33(a) applies to the erection of buildings or use of land adjacent to any main road, railway or public reserve or land within zone 6(a). Where applicable, the consent authority is required to take into consideration:

‘the probable aesthetic appearance of such land or of the proposed building or work when viewed from the road, railway, public reserve or zoned land.’

The proposed modifications to the station entrances and new lifts have been designed to read as contemporary elements within the heritage station environment, while continuing the utilitarian use of the railways. As outlined earlier, the relocation of the new lifts and other modifications to the initial plans have meant that the traditional views of the buildings which make up the group of heritage buildings are preserved. This provides a better heritage outcome than that proposed initially. The application is therefore satisfactory in relation to the aesthetic considerations of this clause.

POLICY PROVISIONS

Development Control Plan No 31 - Access

The proposed upgrade to Gordon Station meets the objectives and requirements of this Development Control Plan, in providing disability access to public transport.

Development Control Plan No 43 - Car Parking

Council's DCP (Section 3) requires that certain land uses (ie those not included in the Table of Land Uses) which may generate additional carparking demand should be determined on merit, preferably with a traffic impact assessment submitted with the application. A traffic report assessment was not nominated by Council as a requirement of State Rail at the time of lodgement of the application in October 2003. "Easy Access" stations, however, are known to result in increased patronage and may also have implications for local traffic and the adequacy of parking facilities around the station. Conversely, "Easy Access" stations can reduce people's car usage in travelling to work creating less congestion on Sydney's arterial road network, and improved sustainability and are therefore of significant benefit.

A condition was drafted seeking a traffic and parking review by State Rail 6 months after completion of the works. State Rail has responded advising that it does not consider such a study to be necessary as there are adequate commuter carparking facilities in the vicinity of Gordon Station.

As State Rail is a Crown or State Authority, Council cannot impose conditions of development consent which are not agreed to by the Authority. As such, the condition requiring a traffic and parking study has been deleted. Council will need to monitor the situation relating to adequacy of

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parking and traffic facilities following completion of the development, and as part of improvement plans for the Gordon Town Centre.

Likely Impacts

The access improvements to the Gordon Railway Station are positive to users of the station. Whilst the lift shafts will result in a change to the visual heritage character of the station, any impact must be weighed against the benefits to be gained in terms of access. The Heritage Office has assessed the impact of the changes in terms of heritage significance, and considered it to be acceptable under the circumstances. There are no impacts in respect of privacy, views or overshadowing to any nearby residents as a result of the development, therefore no loss in residential amenity.

Suitability of The Site

The site of the Gordon Railway Station is suitable for the access improvements, because of its high patronage and importance as a public transport facility in the major business centre of the Ku-ring-gai Municipality.

Any Submissions

All submissions received have been considered in the assessment of this application. It is concluded that they do not warrant refusal of the application.

Public Interest

The approval of the application is in the public interest.

Consultation with State Rail Regarding Draft Conditions

As the application is an application by the Crown, Council can only impose conditions with the agreement of the Crown Authority. A preliminary consultation has occurred in respect of the proposed conditions and the conditions of consent now attached to this report are those agreed to by State Rail.

CONCLUSION

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

RECOMMENDATION

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

That the Council, as the consent authority, grant development consent to DA1385/03 for the upgrading of Gordon Station to provide disability access, on land known as 17 Railway Lands, Gordon, for a period of two years from the date of the Notice of Determination.

GENERAL

1. The development to be in accordance with Development Application No *1385/03* and Development Application plans prepared by Suters Architects, reference number Drawings DA01E, DA02E, DA03E, DA05E, dated 26 April 2004 and CV0068505 prepared by Rail Infrastructure Corporation, dated 9 May 2004 and lodged with Council on 19 May 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Stormwater runoff from new impervious areas shall be piped to the existing site drainage disposal system in accordance with the requirements of Council's Water Management DCP 47. Any new drainage line connections to the public drainage system shall conform to Council requirements.
5. For stormwater control a 200mm wide grated channel/trench drain with removable grates (suitable for pedestrians and wheelchair access) is to be provided at the base of the pedestrian ramp and be connected to the main stormwater drainage system.
6. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.
7. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
8. All footway paving in Council road reserve, fronting the entry, shall be in a paving set specified by Council.
9. A copy of the archival recording shall be provide to Council for keeping in the Gordon Library.

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10. Provision of an interpretative plaque with suitable photographs detailing the historical significance of the Gordon Railway Station. The plaque shall be placed in a sympathetic and accessible location, possibly opposite the WWI Honour Roll at the western end of the Overhead Booking Office.
11. Restoration of the corroded water bubbler on Platform 2.
12. 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.
13. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
14. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall correct installation, faithful to the landscape plan, and provide a copy to Council, prior to issue of final Certificate of Compliance.
15. An arborist report assessing the health and structure and suitability for retention, and management requirements of the Firewheel tree (*Stenocarpus sinuatus*) located adjacent to the new platform extension and existing waiting pavilion, be undertaken and forwarded to Council for assessment. Should it be agreed that this tree requires removal this shall be undertaken by the applicant 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. If removed, advanced replacement planting is to be of size and species is to be agreed with Council.
16. The proposed pathway to stair 4 shall be relocated so as to preserve the existing Bangalow Palms, Tree 3 and Tree 4. Alternatively, the trees in question shall be relocated.
17. 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:

Shrub or Tree/Location

Camellia sasanqua /adjacent proposed ramp to
18. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works.

Plant Species

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Ligustrum lucidum (Large-leaved Privet), Ligustrum sinense (Small-leaved Privet)

19. 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 .
20. 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.
21. Pavements on Council land shall be of plain grey concrete to match Council's existing pavement in the area.
22. The existing kerb ramp at the marked pedestrian crossing on Wade Lane near St Johns Avenue is to be reconstructed to meet the requirements of Council Standard Drawing 2003-002, Tactile Kerb Ramps, Typical Details, Business Centres. The length of the ramp shall match the marked crossing, ie 3.6m where the drawing shows a minimum of 1.15m. Council requires a minimum of 4 weeks notice for supply of the tactile pavers as per Note 5 on the drawing.
23. Existing phone booths near the end of the existing south-east shall be indicated on the plans with information indicating whether they are to remain, be removed or relocated.
24. 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.

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

25. The Applicant shall contact Councils Open Space department to obtain a specification for the type of paving to be installed in the Council Road reserve fronting the new pedestrian access point in St Johns Avenue. All paving laid in this location shall be in accordance with Council requirements.
26. The applicant shall prepare a plan of the new drainage system components required for the development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of the property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.
27. An amended detailed landscape plan and specification of the proposed landscape works for the site shall be prepared by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character.

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The following amendments are to be incorporated into the plan :

Full Details of existing vegetation and proposed plant species including location, pot sizes and numbers for all landscape areas. Plant species are generally to be of species of low maintenance nature.

In order to preserve the established landscape character in this area the proposed *Backhousia citriodora* to St Johns Ave are to be substituted with an appropriate number of minimum 75 litre size *Schinus areira*.

Provide full details of additional new landscaping to areas requiring upgrading or likely to be disturbed during the construction works including but not limited to the Werona Ave frontage, the area between the existing ramp, under the existing footbridge and general area between the existing ramp and the new ramp to stair 4,, the area adjacent to the widened platforms, new massed planted garden beds and grassed areas to the northern entry area and new stair 1 at St Johns Avenue/Wade Lane.

Details of proposed paving including additional paving from the footpath to the entry area Wade Lane.

Details of positions and number of new street furniture including seats and bike racks.

Details of all vegetation to be removed and to be preserved.

New position of path to stair 4 so as to preserve Bangalow palms trees 3 & 4.

28. New and restored landscape areas shall be maintained by the applicant for a period of 12 months after completion of these works.
29. The applicant shall ensure that existing vegetation, trees and garden bed areas are protected by way of fencing or other appropriate means during construction.

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.

30. In order to preserve the existing landscape features and vegetation the existing garden areas to the South of the existing on grade pathway from Werona Ave to the station entry/turnstile is to be fenced so that no construction activities storage of materials or construction access shall to occur in this area.
31. To preserve the following tree/s, footings of the proposed widened platform next to existing waiting pavilion and ramps to new lift 1 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.

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Tree/Location	Radius in Metres
<i>Stenocarpus sinuatus</i> /adjacent platform	3m
<i>Jacaranda mimosifolia</i> /adjacent platform	5m
<i>Jacaranda mimosifolia</i> /adjacent ramp to lift 1	3m

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

32. The applicant shall ensure that:

- a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
- b. The stormwater drainage works have been carried out in accordance with the prepared drainage plan.

U Lang
Executive Planner – Gordon Ward

S Cox
Acting Team Leader, Gordon Ward

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Annexure 1 - Location Plan**
 Annexure 2 - Plans of proposed development
 Annexure 3 - Perspective sketch
 Annexure 4 - Section 60 approval

BARRA BRUI OVAL CLUBHOUSE - LICENCE TO KNOX OLD BOYS RUGBY UNION CLUB

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting a five year licence to Knox Old Boys Rugby Union Club to use Barra Brui Oval clubhouse at St Ives.
BACKGROUND:	<p>The Club, which has been using the oval and the clubhouse for the past 20 years is keen to continue their utilisation through a formal agreement with Council.</p> <p>The Club has 200 members with approximately seven teams.</p>
COMMENTS:	The Club is a community based non-profit organisation, which returns funds from its operations into the ongoing development of rugby. In 2003, the Club was nominated Club of the Year from all divisions of their competition, consisting of 54 different clubs. In 2004 the Club's first grade team won the championship.
RECOMMENDATION:	That Council approves the granting of a five year licence to Knox Old Boys Rugby Union Club to use Barra Brui Oval clubhouse at St Ives.

PURPOSE OF REPORT

For Council to consider granting a five year licence to Knox Old Boys Rugby Union Club to use Barra Brui Oval clubhouse at St Ives.

BACKGROUND

Property

Barra Brui Oval is located on Crown Land and Council is the Reserve Trust Manager under the Crown Land Consolidation Act (1913). Council as Trustee incorporates the management of the facility consistent with the Local Government Act (1993) as well as the Crown Lands Act (1989). The purpose of the Crown Lands Act (1989) as a Public Reserve incorporates these principles as community land under the Local Government Act (1993).

The property is known as DP 752031 – Burraneer Ave, St. Ives (Refer to Attachment 1).

The Barra Brui Clubhouse is situated on level ground on the southern side of the oval next to the car park.

The Clubhouse built around 1980, comprises a single storey brick building with a concrete slab floor and a concrete roof. Accommodation comprises a club room, canteen, change room, male and female toilets. The total area of the building is approx 143 square metres.

The premises are best described as basic and in fair condition. Council is responsible for the external maintenance and cleaning of the toilet. The clubhouse has been subject to vandalism and in 1999 the Club lost 40 years of memorabilia due to fire.

Any improvement of a structural nature to the clubhouse regardless of the funding source shall become the absolute property of Council at the expiration of the licence. However this does exclude any training or recreational equipment provided by the Club (non fixtures).

The management of this site is addressed by the Sportsground Plan of Management adopted by Council on 24 June 2003.

The plan recognises the activity and authorises such licences as in accordance with the principles of the Local Government Act (1993) and in particular, management of “Community Lands”.

COMMENTS

The Knox Old Boys Rugby Union Club have been occupying Barra Brui Clubhouse since 1983 and prior to this, they had trained at Turramurra Oval since 1959. The Club have not had an agreement with Council to formalise their use of the facility to date and as part of the review of Council’s property portfolio, this site was identified for licence negotiations along with a number of other

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sites within the Ku-ring-gai area in order to comply with the Crown Land Act (1989), the Local Government Act (1993) and the Sportsground Plan of Management.

The Department of Lands was advised of the proposed licence in October 2004.

The Club makes full use of the Clubhouse year round for Club activities and functions seven days a week. The Club use the ground 2-3 nights a week and have games on weekends. The Club use the facility for committee meetings and for operating a canteen during the nine home games held on alternate Saturdays in the season. In total the club will be playing approximately 45 games at the facility each season.

Council has the right of access to the facility at all reasonable times by advance notification to the club executives.

As part of the process Council engaged the State Valuation Office (SVO) on 15 January 2003 to assess the current market value of the clubhouse (refer to Attachment 2).

It should be noted that this proposed licence in no way extends the Club's use of the facility or allows for future development. It merely formalises existing usage and provides Council with an effective mechanism to positively work with the Rugby Union Club, should issues with the community arise concerning Rugby's use of the facility. Club officials and staff have reached agreement on the proposed term of the licence.

Programmed Maintenance Work

As requested by the club and agreed to by Council (resolved 12 October 2004), replacing the existing wooden window frames with more secure steel windows and improving the security lighting around the clubhouse will be scheduled for implementation this financial year. This will occur as part of the Building Maintenance Program and should assist in minimising issues of vandalism and forced entry to the club.

The table below summaries key terms of the proposed licence:

Name of Club/organisation	Knox Old Boys Rugby Union Club Inc.
INC No	Y12263-48
Property	Barra Brui Oval Clubhouse
Licence term (no of years)	Proposed 5 years
Commencing	Council's resolution date
Classification of land	Crown Land
Categorisation of land	Sportsground
Plan of Management	Sportsground Plan of Management
Holding over provision	Seasonal tenancy
Use	Sports clubhouse and related activities, meetings, trainings and functions of the club
Trading days & hours of operation	Winter Season only Monday to Friday from 8:00am to 12 midnight Saturday from 8:00am to 12 midnight

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	Sunday from 9:00am to 12 midnight No social functions are held.
Payment of public reserve management fund	1. Licensee is responsible for this payment – (see attached spreadsheet). 2. The PRMF is only payable for rent exceeding \$2,000 per annum. Note – this is not applicable for this agreement.
Licence fee	See attached spreadsheet (note calculation is based on hypothetical CPI increases). Licence fee plus GST.
Payment of licence fee (rental)	Yearly in advance
Rebate levels	A rebate level of 90% of rental decreased to 80% of rental over the 5 year period (see attached spreadsheet).
Government taxes	Licensee is responsible for payment of government taxes such as Goods & Services Tax on the licence fee (rental amounts).
Utility payments	1. Licensee's responsibility for prompt payment of phone costs – if applicable. 2. Licensee to pay for electricity charges & security costs during licence period. 3. Licensor's responsibility for payment of water.
Costs	1. Licensee to pay 100% of Licensor's legal costs for the preparation and finalisation of the licence 2. Licensor to pay for 100% of valuation costs

Full terms of the proposed licence are outlined in the attached Draft Heads of Agreement (refer to Attachment 3).

CONSULTATION

Council staff have met and discussed the proposed licence with the club executives commencing 17 September 2003 regarding terms of the proposed 5 year licence and subsequent recommendations as contained in this report.

The terms of the proposed licence have been negotiated between staff and the club and agreement reached. A letter of Support (refer to Attachment 4) of the proposed terms of the licence has been provided by the club.

FINANCIAL CONSIDERATIONS

Council to date has paid the cost associated with the valuation of the proposed licence area.

The table below shows anticipated rental for the term of the licence and as included in the Draft Heads of Agreement.

Year	Rebate Level	CPI	CMV (excl GST)	CMV (incl GST)	Licence fee amount per year
Year 1	90%		\$3,000	\$3,300	\$330.00
Year 2	90%	1.033	\$3,099	\$3,409	\$340.89
Year 3	85%	1.033	\$3,201	\$3,521	\$528.21
Year 4	85%	1.033	\$3,307	\$3,638	\$545.64
Year 5	80%	1.033	\$3,416	\$3,758	\$751.53

Note - Assuming CPI is 3.3% per year (subject to change)

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

In the preparation of this report, Open Space has liaised with Finance and Business Development on the proposed licence terms and conditions.

SUMMARY

It is proposed that Council enter into a licence agreement with Knox Old Boys Rugby Union Club for a period of five years subject to the conditions outlined in the Draft Heads of Agreement (refer to Attachment 3) and in accordance with the Local Government Act (1993) to formalise the club's existing utilisation of the facility.

The clubhouse facility is on community land, which is governed by the Sportsground Plan of Management. The plan authorises leases or licences over land categorised as sportsground and was resolved by Council on 24 June 2003. The Knox Old Boys Rugby Union Club is an established club with over 200 members.

The club has occupied the site since 1959 and is keen to formalise their continued usage by their agreement with Council to enter into a five year licence. Club officials and staff have reached agreement on the terms for the proposed licence.

RECOMMENDATION

- A. That Council as Trustee of Barra Brui Oval (Barra Brui Reserve Trust) grant a five year licence to Knox Old Boys Rugby Union Club Inc for the use of the Barra Brui clubhouse, commencing from the date of Council's resolution and on the terms and conditions as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Ministers' consent.

Amanda Colbey
Manager Parks, Sport & Recreation

Steven Head
Director Open Space

Attachments:

- 1. Location map**
- 2. State Valuation Officer report (15/01/03)**
- 3. Draft Heads of Agreement (3/12/2003)**
- 4. Letter of support (9/11/2004)**

BUDGET FOR 2004/05 1ST QUARTER REVIEW AS AT 30 SEPTEMBER 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the quarterly financial review for the period ended 30 September 2004.
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 2004/2005 budget comparing actual expenditure and revenue for the quarter against the budget.
RECOMMENDATION:	That Council approve the budget transfers and restrictions to reserves as outlined in this report.

PURPOSE OF REPORT

To present to Council the quarterly financial review for the period ended 30 September 2004.

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 22 June 2004, Council adopted the 2004-2008 Management Plan, which incorporated the annual budget for Council for 2004/2005. The resolution adopting this Management Plan was under Minute 294.

COMMENTS

General Budgetary Position

This review analyses the financial performance of the Council for the 1st quarter of 2004/2005 comparing actual expenditure and revenue for the quarter against budget. Council's budgetary position for the quarter ended 30 September is slightly above forecasts. The organisation's year to date net expenditure shows a surplus of (\$5,690,621) compared to a budgeted surplus of (\$5,797,408) a negative variance of (\$106,787).

This total variance is broken down as follows:

	Budget YTD	Actual YTD	Variance
Expenditure	\$19,700,832	\$18,718,254	\$982,578
Income	\$25,498,240	\$24,408,875	(\$1,089,365)
Net Result	\$5,797,408	\$5,690,621	(\$106,787)

DEPARTMENTS	Sept YTD (NET)			Year
	Actual	Budget	Variance	Budget
Planning & Environment	202,505	291,901	89,396	1,154,500
Development & Regulation	851,260	660,275	(190,985)	2,638,100
Open Space	1,438,716	1,854,991	416,275	7,414,400
Technical Services	2,449,961	2,585,375	135,414	9,482,700
Waste Management	(358,721)	(107,675)	251,046	569,300
Civic Management	651,611	548,799	(102,812)	2,195,700
Finance & Business	(12,543,720)	(13,347,491)	(803,771)	(33,826,800)
Community Services	1,617,768	1,716,417	98,649	6,397,200
Net Expenditure / (Revenue)	(5,690,621)	(5,797,408)	(106,787)	(3,974,900)

Restricted Income

Section 94 - As at September 2004, Council has received \$392,816 in Section 94 Contributions. Of this amount \$269,290 is related to the 2000/2003 Residential Plan. A breakdown of these contributions is shown in appendix B.

Internally Restricted Reserves

At the beginning of the 2004/2005 financial year, balances available in internally restricted reserves totalled \$9,401,402. During the coming 12 months, Council has committed to spend \$3,965,600 from the reserves, offset by transferring in \$4,129,200 and additional interest of \$298,300 to these funds. This figure does not include funds drawn from the property reserve to purchase a property which will be held for resale in the current financial reporting period.

Assuming that all capital works/projects are fully spent at year end, this will increase the total balance available in internally restricted reserves to \$9,863,302. This figure does not make allowance for additional transfers to and from reserves throughout the year.

Restricted Assets	\$
Opening Balance	9,401,402
Less : Commitments	3,965,600
Add: Transfers	4,129,200
Add: Interest	298,300
Closing Balance	9,863,302

Summary of requested budget adjustments

AREA	NON-DISCRETIONARY ITEMS		DISCRETIONARY ITEMS	
	Additional Expense	Additional Revenue	Additional Expense	Additional Revenue
	\$	\$	\$	\$
COMMUNITY SERVICES				
- operational	(116,200)	10,800	0	0
- capital projects	42,700	37,200	0	0
Sub Total	(73,500)	48,000	0	0
OPEN SPACE				
- operational	(319,500)	96,500	0	0
- capital projects	(33,000)	0	0	0
Sub Total	(352,500)	96,500	0	0
PLANNING & ENVIRONMENT				
- operational	700	44,500	0	0
- capital projects	187,500	0	0	0
Sub Total	188,200	44,500	0	0
TECHNICAL SERVICES				
- operational	(209,300)	105,700	0	0
- capital projects	0	0	0	0
Sub Total	(209,300)	105,700	0	0
CIVIC MANAGEMENT				
- operational	48,200	2,500	0	0
- capital projects	0	0	0	0
Sub Total	48,200	2,500	0	0
FINANCE & BUSINESS				
- operational	660,900	(14,200)	0	0
- capital projects	142,300	0	0	0
Sub Total	803,200	(14,200)	0	0
DEVELOPMENT & REGULATION				
- operational	(224,300)	(73,000)	0	0
- capital projects	0	0	0	0
Sub Total	(224,300)	(73,000)	0	0
Total Council Budget Adjustments	180,000	210,000	0	0
NET EXPENDITURE	(30,000)		0	
<i>Adjustment - () decrease in Expenditure or Income</i>				

Community Services

The net result for budget changes in Community Services is a saving of \$121,500. There were many minor adjustments within the department, the most significant being the reduction of consultant costs, casual salaries, postage costs and materials across the entire department. The department has also requested to carry out a cultural feasibility study, however this work will be funded by future Sec 94 contributions and accordingly does not effect Council's cash result.

Open Space

The net result for budget changes in Open Space produced a saving of \$449,000. There were savings identified across all cost centres, the most significant being reductions in salaries, wages, materials and waste disposal across the department. Revenue was increased reflecting increased income at Council's golf courses.

Planning & Environment

Planning & Environment requires additional funds of \$143,700. This was due to work requirements relating to the residential strategy.

Technical Services

The net result for budget changes in Technical Services produced savings of \$315,000. The most significant changes being in salaries, contractors, materials, waste disposal, and external plant hire across the department. This was partly offset with additional funds required for 2 major legal cases totalling \$290,000. See appendix A for more details.

Civic Management

The net budget result for Civic Management required additional funds of \$45,700. There were no significant changes within this department. See appendix A for details.

Finance & Business

The net result for Finance and Business required additional funds of \$817,400. The most significant variation being an increase in Council's workers compensation of \$475,000 and employee leave entitlements of \$185,500. Also there was an increase in the NSW Fire brigade levy of \$40,000 and a shortfall in the Financial Assistance Grant of \$39,000.

Development and Regulation

The net budget result for Development and Regulation identified a savings of \$151,300. This is mainly due to a reduction in compliance and regulation legal costs of \$60,000, contractors of \$100,000 and consultant costs of \$30,000. These savings were however, offset by a reduction in revenue of \$73,000 mainly due to a decrease in construction certificate income.

Net totals for each department are as follows:

Department	Amount
Community Services	(121,500)
Open Space	(449,000)
Planning & Environment	143,700
Technical Services	(315,000)
Civic Management	45,700
Finance and Business	817,400
Environment & Regulatory Services	(151,300)
Net Surplus	30,000

2004/2005 Budget Summary	Original Budget	Carry Forwards	Sept Review	Revised Budget
	\$	\$	\$	\$
Operating Budget				
Total Cash In	69,290,900	140,200	180,000	69,611,100
Total Cash Out	58,561,600	0	(242,200)	58,319,400
Headline Budget Surplus/(Deficit)	10,729,300	140,200	422,200	11,291,700
Funds To Restricted Assets	6,645,800	0	92,500	6,738,300
Operating Surplus/(Deficit)	4,083,500	140,200	329,700	4,553,400
Capital Works Program				
Projects	8,874,500	1,707,800	329,700	10,912,000
Funded By				
Operating Surplus	778,800	140,200	329,700	1,248,700
Infrastructure Levy	1,704,700	0		1,704,700
Loans	1,600,000	0		1,600,000
Sub Total	4,083,500	140,200	329,700	4,553,400
Section 94	27,600	136,000	30,000	193,600
Other Restricted Assets	4,763,400	1,003,200	0	5,766,600
Working Funds	0	428,400	(30,000)	398,400
Total Funding	8,874,500	1,707,800	329,700	10,912,000
Net Surplus/(Deficit)	0	0	0	0

Projected Working Funds Position as at 30 June 2005	
Working Funds 1 July 2004	\$481,000
Less	
Carried Forward Works from 2003/2004	(\$428,400)
Unrestricted Working Funds	\$52,600
Plus Variations September 2004 Review	\$30,000
Projected Unrestricted Working Funds 30 June 2005	\$82,600
Council's unrestricted working funds reflect the short-term ability of the Council to fund unplanned expenditure.	

Capital Works & Projects

	Sep YTD Actual	Full Year Budget	Variance
Planning & Environment	\$26,640	\$330,000	\$303,360
Development & Regulation	\$0	\$0	\$0
Open Space	\$118,558	\$1,747,000	\$1,628,442
Technical Services	\$1,263,583	\$5,367,500	\$4,103,917
Civic Management	\$696	\$0	(\$696)
Finance & Business Development	\$269,306	\$380,000	\$110,694
Community Services	\$0	\$0	\$0
	\$1,678,783	\$7,824,500	\$6,145,717

Expenditure for capital works & projects for the period ended 30 September 2004 is \$1,678,783 against a full year budget of \$7,824,500. Finance will continue to monitor capital works expenditure on a quarterly basis to ensure that carried forwards are minimized at the end of the year.

CONSULTATION

Not Applicable

FINANCIAL CONSIDERATIONS

Should Council adopt the recommendations of this report, Council's working fund balance will increase to \$82,600.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business staff have worked closely with the General Manager and Directors and their Managers of each department in reviewing their budgets, to provide this quarterly review.

SUMMARY

The net result of the September review will increase Council's working fund balance to \$82,600. In addition \$92,500 will be transferred to the superannuation reserve.

RECOMMENDATION

- A That Council adopt the non discretionary variations contained in this report.
- B That available funds of \$30,000 be added to working funds.
- C That \$92,500 be transferred to the Superannuation Reserve.

Michael Lopez
Management Accountant

John Mckee
Director Finance & Business

Brian Bell
General Manager

Attachments: **Appendix A - Summary Review**
 Appendix B - Restricted Assets
 Appendix C- September Financial Reports

NOTICE OF MOTION

INTERFACE ISSUES

Notice of Motion from Councillor L Bennett dated 11 November 2004.

I move:

- A. That a consultant be employed to make recommendations to Council on options for handling the interface issues between properties zoned single residential and those zoned for apartments under LEP 194 or LEP 200.
- B. That such options include (but not be limited to):
 - rezoning of neighbouring properties to permit townhouse and/or villa development
 - rezoning of neighbouring properties to permit unit development
- C. That the key objective be to minimise interface issues and ensure an appropriate buffer between single residential zones and medium density zones.
- D. That the consultant's investigation be limited to properties on the interface which share a common boundary and common street frontage. The consultant should not look at properties where the common street frontage is the Pacific Highway.
- E. That Council write to resident's whose detached dwellings fall within the consultants brief inviting them to make written submissions for the consultant's consideration.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett
Councillor for St Ives Ward

NOTICE OF MOTION

PRIVATE CERTIFIERS

Notice of Motion from Councillor E Malicki dated 10 November 2004.

I move that:

Council gather information on a series of developments poorly controlled by Private Certifiers and then seek a deputation to raise the matter urgently with the relevant Minister and DIPNR.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

URBAN CONSERVATION AREAS

Notice of Motion from Councillor L Bennett dated 11 November 2004.

I move:

- A. That Council write to Genia McCaffery, President of the Local Government Association, NSW requesting that the Association raise with the State Government the need to continue the present system of protection of areas of conservation value through the incorporation of UCA's into LEP's.
- B. That Council take steps to ensure that the issue of UCA's and DIPNR's letter freezing Gazettal of UCA's pending a review be placed as an item on the agenda for NSROC.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett
Councillor for St Ives Ward

NOTICE OF MOTION

CATEGORISATION OF COUNCILS IN NEW SOUTH WALES

Notice of Motion from Councillor N Ebbeck dated 11 November 2004.

I move that:

“The General Manager provide a report to Council on the categorisation of Councils in New South Wales, together with the options and processes available for Ku-ring-gai Council to review and upgrade its classification within those categories”.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Nick Ebbeck
Councillor for Wahroonga Ward