



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 25 SEPTEMBER 2007 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
**** ** ***

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 4 September 2007

Minutes numbered 338 to 350

MINUTES FROM THE MAYOR

MM.1 Lead on Ku-ring-gai

1

File: P41852

Since my election to Council in 2004, I have promised myself and the community I would support the youth of Ku-ring-gai. I unconditionally support KYDS and sports facilities, and I also assisted in the Drug and Alcohol Forum which Council hosted in 2006. This event was the catalyst for a number of youth related activities undertaken by Council's Youth Services, including a Safe Partying Forum and the Drug Action Week Band Night.

My belief that community leaders need to assist our youth is stronger than ever, and in many ways our own consultation through the Ku-ring-gai Council Community Plan shows there are areas for improvement in the youth services provided in Ku-ring-gai.

In addition to providing direct services to assist those in need of help, we should also be developing preventative programs, to encourage our younger members of the community to get involved - programs that will provide the learning opportunities for young people to experience real life working situations.

For the past 3 years I have been actively supporting members of the community in developing a youth based program that builds the capacity of a community through structured activities for young people. This program has been purpose-built to incorporate all sections of the community, including the business sector, to provide practical experience for young people through real-life projects and community activities.

This program is called Lead on Australia.

Lead On Australia is a community building model – or community enterprise structure - designed to enable young people to engage and become involved in real life business and community activities. The objectives of Lead On are to not only to develop and broaden the range of skills and experiences for the young people, but also, through involving older people, to raise awareness of the value of the role played by young people in a community.

The vital elements of the Lead On model are:

- Youth Governance
- Community Ownership
- Integration & Diversity
- Mentoring & Role Models

In brief, the Lead On Australia model is about gathering and mentoring a diverse group of young people, developing a range of real-life projects from the broader community (with an emphasis on the business community), and facilitating the outcomes. Essentially it is the activity and relationships from particular projects that builds the connections, skills and confidence for young people in the community.

PETITIONS

PT.1 **"Rippon Grange" - 35 Water Street & 64 Billyard Avenue, Wahroonga -
(Eight Hundred & Thirteen [813] Signatures)**

3

File: DA0855/06-2

"Petition from Chairman of John Williams Neighbourhood Group:

I write this letter in my capacity as Chair of the John Williams Neighbourhood Group Inc. As you know, our incorporated association proudly represents the residents of Wahroonga and neighbouring suburbs.

In particular I refer to the attached petition, which draws to your attention two matters of particular concern, as stated in the petition:

We request that -

- (a) the John Williams Hospital site at 35 Water St Wahroonga be zoned residential 2(c) consistent with the zoning and use of the surrounding private properties; and
- (b) the heritage values be protected by the urgent listing of the whole site on the State Heritage Register

We further request that you formally put the attached petition before a full Council meeting, and that support of Council be demonstrated by way of formal motions to endorse the above requests, based on the wide-spread community backing shown by the number of signatories to the petition.

We further seek a letter be sent from Council to the NSW State Heritage Office and the NSW State Heritage Council to reiterate and confirm Council's request for the urgent listing of the whole site as a State Heritage Site on the State Heritage Register, based on the unique and valuable heritage values of the built forms and the extant original gardens and landscaping.

Conclusion

We consider that in the light of the recent LEC decision, the requested rezoning and listing on the State Heritage Register will further protect a valuable part of Wahroonga's and NSW's heritage. The support of Council is essential to this effort, and will be strongly supported by the Wahroonga community.

On behalf the John Williams Neighbourhood Group and the community of supporters, we very much appreciate your putting forward of these requests."

- 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.*

File: REV0007/07

Ward: Gordon
Applicant: Peter Roach
Owner: Killara Lawn Tennis Club Ltd

To review the determination (refusal) of Development Application No 1246/06 for the erection of tennis court lighting and extended hours of operation of the tennis courts. This has been called to full Council for determination by Mayor, Councillor Nick Ebbeck.

Refusal.

File: DA0393/07

Ward: St Ives
Applicant: Bosco Seeto & Associates
Owner: Triport Developments Pty Ltd

To determine development application No.0393/07 for the erection of a two storey dwelling house.

Refusal.

File: DA1423/06

To determine Development Application No. 1423/06 which seeks consent for demolition of existing dwelling, carport & swimming pool & the construction of a new two storey dwelling with integrated garage, an indoor swimming pool at the rear of the property.

Approval.

GB.4 **3 to 7 Lorne Avenue, Killara - Demolition of Dwellings & Construction of a Residential Flat Building (60 Units), Car Park & Strata Subdivision** 188

File: DA1307/06

Ward: Gordon

Applicant: Frasers Killara Pty Ltd

Owner: Adarata Investments Pty Ltd, Sue-Ellen Hills, John G Alexander and D Gayle
Meredith, Lisa Charlene Bowd, William Stanhope Wade and Wendel Christine Wade

To determine development application No 0307/06, which seeks consent for demolition of dwellings and construction of a residential flat building (66 units), carpark and strata subdivision.

Recommendation:

Approval.

GB.5 **12 Woonona Avenue, Wahroonga - Demolition of Existing Structures & Construction of a Residential Flat Building** 301

File: DA0416/07

Ward: Wahroonga

Applicant: Peter Sotiriou

Owner: Peter Sotiriou

To determine Development Application 416/07 which seeks consent for the demolition of existing structures and construction of a residential flat building.

Recommendation:

Approval.

GB.6 **Representation on Community Committees/Organisations** 377

File: S02355

For Council to make appointments to community committees/organisations for 2007/2008.

Recommendation:

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

GB.7 **Election of Chairpersons/Deputy Chairpersons - 2006 to 2007 Committees & Advisory Committees** 380

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Files: S02080, S02110, S02355, S03447, S03448, S03449, S03816, S05043

For Council to give consideration to the election of the Chairpersons/Deputy Chairpersons for Council's Informal Committees & Advisory Committees.

Recommendation:

That Council elect the Chairpersons/Deputy Chairpersons for the Committees & the Advisory Committees.

GB.8 **Delegation of Authority - Mayor & Deputy Mayor, 2007/2008** 385

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File: S02017

For Council to give consideration to granting Delegations of Authority to Mayor and Deputy Mayor.

Recommendation:

That the Delegations of Authority as set out in Attachment A be granted to the Mayor, Councillor N Ebbeck and to the Deputy Mayor, Councillor A Andrew as set out in Attachment B.

GB.9 **National General Assembly of Local Government - 2007** 390

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File: S03788

For Council to determine its elected delegates to the 2007 National General Assembly of Local Government.

Recommendation:

That Council determine if it wishes to send delegates to the 2007 National General Assembly of Local Government.

GB.10 **Investment Report as at 31 August 2007** 396

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File: S05273

To present to Council investment allocations and returns on investments for August 2007.

Recommendation:

That the summary of investments and performance for August 2007 be received and noted.
That the certificate of the Responsible Accounting Officer be noted and the report adopted.

GB.11 **2007 Financial Assistance Grants to Community Groups** 406

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File: S06068

To advise Council of applications received from community groups for financial assistance in 2007, and to recommend to Council subsequent funding allocations.

Recommendation:

That Council approve the recommendations in this report for funding community and cultural groups through the Financial Assistance Program.

GB.12 **Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting of 20 August 2007** 501

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File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 20 August 2007.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 20 August 2007 and attachments be received and noted.

GB.13 **Bushfire Prone Land Map (2007)** 513

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File: S04805

To seek Council's approval to refer the updated Bushfire Prone Land Map (2007) to the NSW Rural Fire Service for certification.

Recommendation:

That Council approve the updated Bushfire Prone Land Map (2007) and send this to the NSW Rural Fire Service for certification.

GB.14 **Renewal of Bushland, Catchments & Natural Areas Reference Group Membership** 538

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File: S03448

For Council to endorse the renewal and new memberships to the Bushland, Catchments & Natural Areas Reference Group.

Recommendation:

That Council endorse the new and renewal of memberships to the Bushland, Catchments & Natural Areas Reference Group and that each retiring member be sent a letter of appreciation, thanking them for their contribution.

GB.15 Annual Tender for Supply, Supply & Delivery & Supply, Delivery & Laying of Asphalt Concrete 544

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File: S05465

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2007/08.

Recommendation:

That the tender rates be accepted, tenderers be advised of Council's decision and that the Common Seal be affixed to the contract.

GB.16 Draft Financial Statements for year ended 30 June 2007 548

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File: S05767

To present to Council the Draft Financial Statements for the year ended 30 June 2007 for certification and referral to Council's external auditors, Spencer Steer Chartered Accountants.

Recommendation:

That Council receive, certify and refer the Draft Financial Statements for the year ended 30 June 2007 to Council's external auditors Spencer Steer Chartered Accountants.

GB.17 Heritage Advisory Committee - Minutes of 16 July 2007 552

.
File: S03816

To report to Council the Minutes from the Heritage Advisory Committee Meeting held 16 July 2007.

Recommendation:

That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held 16 July 2007.

GB.18 Ku-ring-gai Town Centres Local Environmental Plan & Development Control Plan Update on Independent Consultants Review 559

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File: S04151

To provide Council with an update on the independent review of the outstanding issues with the Town Centres Local Environmental Plan (LEP) and Development Control Plan (DCP).

Recommendation:

That Council receive and note the report.

GB.19 Parks, Sport & Recreation Reference Group - Minutes of 30 August 2007 563

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File: S03447

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 30 August 2007.

Recommendation:

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on Thursday 30 August 2007 be received and noted.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 BMX Facility 570

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File: S04675

Notice of Motion from Councillor Tony Hall dated 13 September 2007.

I move:

"That the Council investigate and implement more appropriate areas for BMX bike riding in a controlled environment in Ku-ring-gai LGA to lessen the current conflicts that skateboarders suffer with intrusive bike riders at the St Ives Skate Rink at 6 Memorial Avenue, St Ives in the Village Green."

NM.2 Hassell Park 571

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File: S02285

Notice of Motion from Councillor Tony Hall dated 11 September 2007.

I move:

"1. That the Sportsgrounds Plan of Management be amended to facilitate the use of Hassell Park for early evening games on nine Saturdays per year.

2. That draft amendments to the plan of management be reported to Council prior to exhibition.
3. That all surrounding residents and neighbours be informed of this proposal by mail within 3 days and submissions be invited accordingly".

NM.3 134 Eastern Road, Wahroonga

572

.
File: P41852

Notice of Motion from Councillor Ian Cross dated 12 September 2007.

I move that:

- "1. The General Manager immediately contacts the land owner and seeks their level of interest for the sale of Lot 1, on the corner of Mona and Water Streets, Wahroonga.
2. The General Manager source valuations.
3. Confirmation that S94 funding could be used to obtain this land."

NM.4 Off-Leash Dog Area Turramurra

573

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File: S02038

Notice of Motion from Councillor Ian Cross dated 17 September 2007.

I move:

- "A. That the existing off leash area adjacent to Karuah Park on the corner of Karuah avenue and Turramurra avenue be disbanded as an off leash area.
- B. That the area immediately adjacent to the Turramurra Memorial Park oval (pedestrian walkway only) be declared an off leash area immediately.
- C. During the development of the Landscape master plan for Turramurra Park the matter of an appropriate location of a leash free area within the Park be considered.
- D. That appropriate sign posting of the new area be provided.
- E. That the sports field and associated facilities within the Memorial Park precinct remain on leash at all times".

NM.5 Reclassification of Council Land

574

File: S05477

Notice of Motion from Councillor Elaine Malicki & Councillor Laura Bennett dated 16 September 2007.

We move:

"Given the doubts expressed over the legality of Council's reclassification process, that Council seek a second legal opinion from a Senior Counsel and that the lawyer be given copies of the correspondence from the Department."

NM.6 Heritage List - 16 Stanhope Road, Killara

575

File: S04325

Notice of Motion from Councillor Jennifer Anderson dated 17 September 2007.

I move:

- "1. That Council resolve to heritage-list 16 Stanhope Road Killara and to include it as such in an amendment under schedule 7 of the KPSO.
2. That Council advise the Department of Planning of its decision to prepare a draft LEP in accordance with section 54 of the Environmental Planning and Assessment Act, 1979.
3. Upon receipt of a response from Department of Planning in relation to "2" above, the draft LEP be prepared and consultation with statutory authorities be undertaken in accordance with Section 62 of the Act."

NM.7 UTS Oval

576

File: S03621

Notice of Motion from Councillor Jennifer Anderson dated 17 September 2007.

At a recent meeting of the Community Reference Group for the redevelopment assessment of the UTS site, representatives of the UTS outlined an assessment of existing community facilities at the subject site.

With particular reference to the existing sports field, UTS outlined that should Council consider its retention as a sports ground so important that it was welcome to purchase the site.

I move:

"That Council staff commence negotiations with UTS to purchase its oval for community sport and recreation purposes for the amount of \$1.00".

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

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

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

- C.1 **Marian Street Theatre Feasibility Study - Consultant's Proposals** **1**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P51074

Report by Commercial Services Co-ordinator, Director Community & Director Strategy
dated 17 September 2007.

- C.2 **Salary Increase Negotiations** **61**
(Section 10A(2)(a) - Personnel matters concerning particular individuals)

File: S05387

Report by Director Corporate dated 18 September 2007.

John McKee
GENERAL MANAGER

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Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

MAYORAL MINUTE

LEAD ON KU-RING-GAI

Since my election to Council in 2004, I have promised myself and the community I would support the youth of Ku-ring-gai. I unconditionally support KYDS and sports facilities, and I also assisted in the Drug and Alcohol Forum which Council hosted in 2006. This event was the catalyst for a number of youth related activities undertaken by Council's Youth Services, including a Safe Partying Forum and the Drug Action Week Band Night.

My belief that community leaders need to assist our youth is stronger than ever, and in many ways our own consultation through the Ku-ring-gai Council Community Plan shows there are areas for improvement in the youth services provided in Ku-ring-gai.

In addition to providing direct services to assist those in need of help, we should also be developing preventative programs, to encourage our younger members of the community to get involved - programs that will provide the learning opportunities for young people to experience real life working situations.

For the past 3 years I have been actively supporting members of the community in developing a youth based program that builds the capacity of a community through structured activities for young people. This program has been purpose-built to incorporate all sections of the community, including the business sector, to provide practical experience for young people through real-life projects and community activities.

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The vital elements of the Lead On model are:

- Youth Governance
- Community Ownership
- Integration & Diversity
- Mentoring & Role Models

In brief, the Lead On Australia model is about gathering and mentoring a diverse group of young people, developing a range of real-life projects from the broader community (with an emphasis on the business community), and facilitating the outcomes. Essentially it is the activity and relationships from particular projects that builds the connections, skills and confidence for young people in the community.

RECOMMENDATION

- A. That Council provide in principle support for the Lead On Australia Program, and commit to assisting in the establishment of the program in Ku-ring-gai.
- B. That the Lead On Ku-ring-gai Steering Committee be invited to present at the next Community Development Committee, and that a report come to Council following this briefing.
- C. That Council staff investigate, with Lead On Australia, possible locations for suitable premises for Lead On to operate from, including the community room under the Turramurra Library.
- D. That an additional \$5,000 be included in the Financial Assistance Program in the 2008-09 budget, for Youth Services, and that Lead On Ku-ring-gai be invited to apply for funding for projects which meet the Financial Assistance guidelines.

Nick Ebbeck
Mayor

PETITION

"RIPPON GRANGE" - 35 WATER STREET & 64 BILLYARD AVENUE, WAHROONGA - (EIGHT HUNDRED & THIRTEEN [813] SIGNATURES)

"Petition from Chairman of John Williams Neighbourhood Group:

I write this letter in my capacity as Chair of the John Williams Neighbourhood Group Inc. As you know, our incorporated association proudly represents the residents of Wahroonga and neighbouring suburbs.

In particular I refer to the attached petition, which draws to your attention two matters of particular concern, as stated in the petition:

We request that -

- (a) the John Williams Hospital site at 35 Water St Wahroonga be zoned residential 2(c) consistent with the zoning and use of the surrounding private properties; and
- (b) the heritage values be protected by the urgent listing of the whole site on the State Heritage Register

We further request that you formally put the attached petition before a full Council meeting, and that support of Council be demonstrated by way of formal motions to endorse the above requests, based on the wide-spread community backing shown by the number of signatories to the petition.

We further seek a letter be sent from Council to the NSW State Heritage Office and the NSW State Heritage Council to reiterate and confirm Council's request for the urgent listing of the whole site as a State Heritage Site on the State Heritage Register, based on the unique and valuable heritage values of the built forms and the extant original gardens and landscaping.

Conclusion

We consider that in the light of the recent LEC decision, the requested rezoning and listing on the State Heritage Register will further protect a valuable part of Wahroonga's and NSW's heritage. The support of Council is essential to this effort, and will be strongly supported by the Wahroonga community.

On behalf the John Williams Neighbourhood Group and the community of supporters, we very much appreciate your putting forward of these requests."

RECOMMENDATION

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

PETITION

ROSEVILLE CHASE COMMUNITY PETITION ON GUN SHOP APPROVAL - (SEVEN HUNDRED & SEVENTY-TWO [772] SIGNATURES)

Petition presented by Councillor Jennifer Anderson:

"This is a petition regarding the opening of a gun shop at 19-21 Babbage Road, Roseville Chase which the Ku-ring-gai Council approved on 25th July via DA 0621/07. The signatories to this petition want the decision of the Council to approve the DA to be rescinded or for Council to find alternative premises for the gun shop in a more appropriately located area".

RECOMMENDATION

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

PETITION

PETITION TO OPPOSE DEMOLITION & SUPPORT THE HERITAGE LISTING OF "ST HELENS", 16 STANHOPE ROAD, KILLARA - (ONE HUNDRED & TWO [102] SIGNATURES)

Petition presented by Councillor Adrienne Ryan:

"We, the undersigned, strongly oppose the demolition and support the heritage listing of "St Helens" 16 Stanhope Road, Killara for the following reasons:

- "St Helens" has been recommended by two Council heritage experts for heritage listing.
- "St Helens" is significant as a largely externally intact example of the Inter-War Georgian Revival Styles, within the important streetscape of Stanhope Road.
- "St Helens" has social significance for its part in the development of the suburb of Killara and essential to the streetscape of Stanhope Road as the southern entrance to the suburb of Killara. Stanhope Road is considered to be one of Ku-ring-gai's important streetscapes (1987 Heritage Study).
- "St Helens" setbacks, building form and architectural detail reflect the planning instruments and condition of early 20th Century development and the high social standing of the occupants of the houses within this Killara street, e.g. Doctors and JPs.
- "St Helens" contributes significantly to the established character and feel of the street, as being a street which features substantial intact mansions of quality. "St Helens" is representative of the upper middle class development of Killara during 1890-1930.
- "St Helens" lies in the Killara UCA 10 first identified by the National Trust in 1996 and subsequently studied by Godden MacKay Logan and Perumal Murphy Alessi Pty Ltd. Both reports supported heritage listing "St Helens" and recommended UCA status for Culworth precinct No.10 in which "St Helens" is situated".

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	8 ARNOLD STREET, KILLARA - TENNIS COURT LIGHTING AND EXTENDED HOURS OF OPERATION
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	REV0007/07
SUBJECT LAND:	8 Arnold Street, Killara
APPLICANT:	Peter Roach
OWNER:	Killara Lawn Tennis Club Ltd
DESIGNER:	N.A.
PRESENT USE:	Tennis club
ZONING:	Residential 2(c2)
HERITAGE:	No
PERMISSIBLE UNDER:	Environmental Planning and Assessment Act 1979 – Existing Use Rights
COUNCIL'S POLICIES APPLICABLE:	Tennis courts
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	Protection of the Environment Operations Act 1997
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	9 March 2007
40 DAY PERIOD EXPIRED:	18 April 2007
PROPOSAL:	Tennis court lighting and extended hours of operation
RECOMMENDATION:	Refusal

DEVELOPMENT APPLICATION N^o	REV0007/07
PREMISES:	8 ARNOLD STREET, KILLARA
PROPOSAL:	TENNIS COURT LIGHTING AND EXTENDED HOURS OF OPERATION
APPLICANT:	PETER ROACH
OWNER:	KILLARA LAWN TENNIS CLUB LTD
DESIGNER	N.A.

PURPOSE FOR REPORT

To review the determination (refusal) of Development Application No 1246/06 for the erection of tennis court lighting and extended hours of operation of the tennis courts. This has been called to full Council for determination by Mayor, Nick Ebbeck.

EXECUTIVE SUMMARY

Issues:	Intensification of use, lighting, residential amenity and noise
Submissions:	10 submissions
Land & Environment Court Appeal:	No appeal lodged
Recommendation:	Refusal

HISTORY

Site history:

The site has been used as a tennis club since approximately 1912.

DA history:

- 9 November 2006 – DA 1246/06 for tennis court lighting lodged.
- 30 November 2006 – Request for additional information sent to applicant
- 22 December 2006 – Applicant responds to request and advises that there is no need for additional information to be provided.
- 23 January 2007 – DA 1246/06 refused for 5 reasons as follows:
 - 1. *Insufficient evidence has been provided as to the impacts of the proposed tennis court lighting with surrounding properties. The application does not satisfactorily demonstrate that light spill and/or glare from the light poles will not adversely impact the sleeping patterns and visual amenity of adjoining property owners.*
 - 2. *The proposed development involves extension of a non-conforming/prohibited use under the Ku-ring-gai Planning Scheme Ordinance and an increase in hours of operation. Insufficient justification is provided by the applicant in this respect. The extension of use, particularly outdoor activity, is considered unreasonable within a low density residential context.*

Item 1

3. *Noise generated up until 10pm Monday to Saturday and 8.30 on Sundays will disrupt the sleeping patterns of surrounding residents and will generate 'offensive noise' as described under the POEO Act 1997.*
4. *The lighting proposal (and associated extension of operational hours) will detract from views and the 'peace and quiet' enjoyed by residents and conflicts with Council's Residential Design Manual and Policy for Tennis Courts, Half Courts, Sports Patios and the Like.*
5. *The proposal is not considered to be in the public interest.*

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c2)
Visual Character Study Category:	Pre 1920-Post 1968
Lot Number:	Pt. 11
DP Number:	DP 1083606
Area:	4892m ²
Side of Street:	Western
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The Killara Lawn Tennis Club is located on the western side of Arnold Street, between Werona Avenue and Locksley Street. The site is irregular in shape, with an area of 4892m² and a frontage of 123.58m to Arnold Street.

The site contains 6 tennis courts and a clubhouse, with no on-site parking for patrons. The tennis courts do not currently have any form of artificial lighting and are therefore only used during daylight hours. The club has operated in this manner for approximately 95 years.

Surrounding development

Surrounding development includes the Killara Lawn Bowling Club, immediately to the west of the site, and dwelling houses adjoining the north of the site. Development on the opposite side of Arnold Street is predominantly comprised of dwelling houses and also includes St Martins Anglican Church.

THE PROPOSAL

Details of the proposed lighting are as follows:

- Lighting for all 6 tennis courts.

Item 1

- 4 x 8 metres high mounting poles are required per court (total of 24 mounting poles), located at the edge of the court opposite the service line.
- 24 x 1000 watt metal halide luminaires will be attached to the mounting poles. The luminaires will be horizontally mounted.

Extended hours of operation

- The intended hours of operation of the lighting will be from approximately sunset to 10.00pm Monday to Saturday inclusive and to 8.30pm on Sundays, extending the existing hours of outdoor play which have to date been restricted to daylight hours only.
- This effectively increases the hours of operation of the tennis courts in the evenings by approximately 5 hours in mid-winter (4.52pm sunset) and approximately 2 hours in mid-summer (8.10pm sunset).

In support of the request for a review of the determination, the applicant has provided the following statement:

"The assessing officer did not appear to understand plans or the workings of the club. The applicant would appreciate a senior staff member be present at the review."

The original DA assessment was undertaken by an Executive Assessment Officer, and this review has been carried out by another Executive Assessment Officer.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the request under Section 82A of the Environmental Planning and Assessment Act 1979 for a review of determination. In response, submissions from the following were received:

1. Joan and Rob Knox – 22 Arnold Street, Killara
2. Mr and Mrs Zazulak- 15 Arnold Street, Killara (5 submissions)
3. Marjorie Bailey- Unit 1 25 Arnold Street, Killara
4. Jane Hickling- 11 Arnold Street, Killara (2 submissions)...
5. Dr Brian Booth – 4 Arnold Street, Killara
6. The Honourable P A McNerney QC - 15 Locksley Street, Killara
7. Dora and George Fracchia – 16 Arnold Street, Killara
8. David Lee and Lily Khor – 11 Locksley Street, Killara
9. Birandre K Arora and Pratibha Arora - 21 Arnold Street, Killara
10. S & J Chiang – 19 Locksley Street, Killara

The submissions raised the following issues:

Increase in the use of the club and lighting conflicts and detracts from the quiet residential character of the neighbourhood

As discussed in the 'Statutory Provisions' section of this report (below), the Killara Tennis Club operates under existing use rights, by virtue of its establishment prior to the gazettal of the Ku-ring-gai Planning Scheme Ordinance. The site has been zoned for residential use under the KPSO since 1971. The club is predominantly surrounded by residential properties.

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The proposed tennis court lighting will extend the duration of the noise currently generated by the non-conforming use into the evening hours, seven days per week. The proposal does not specifically address the issue of additional hours of use in the context of a prohibited use and does not make any reference to Clause 42 of the Environmental Planning and Assessment Regulation 2000, in particular in relation to the intensification of an existing use. Insufficient justification has been provided in relation to the effect of the extended hours on the surrounding low density residential area. Insufficient evidence is provided to demonstrate that extended hours of use will not adversely impact the sleeping patterns and visual amenity of surrounding property owners. With regard to the above, the application is not supported.

Impacts of lighting on living areas and bedrooms directly facing the courts, impact on sleeping and entertaining

As detailed above, insufficient information has been provided to demonstrate that the proposed illumination, comprised of both direct light spill and indirect glare, will not detrimentally impact upon the current level of amenity enjoyed by residents. More specifically, the applicant has not quantified or discussed the impact of both light spill and indirect glare on the rooms (including bedrooms) and private open spaces in the adjoining dwellings, facing the tennis courts and proposed lighting.

Noise levels, close proximity of houses to courts, lack of screening/separation, interruptions to sleep

There is an existing lack of separation and screening between the courts and the adjoining properties. In this regard, tennis courts 3, 4 and 6 adjoin the rear boundaries of Nos 11, 15, 19 and 21 Locksley Street. The dwelling house at No.19 Locksley Street is set back approximately 3.5m from Court 4, No.15 Locksley Street is set back approximately 12m from Court 6 and No.11 Locksley Street is set back approximately 20m from Court 4. Objections have been received from these properties. Given the very close proximity of these dwellings to the tennis courts, the extended hours of activity after dark and associated increased noise levels will unreasonably impact upon the quiet amenity of the adjoining residences.

The Environmental Noise Assessment provided with the application states that “ *The effects of noise on sleep...cannot be predicted with any degree of accuracy* ’ The report also recommends that a 1.8m high acoustic fence be provided along the boundaries of the courts and the rear property boundaries of the adjoining residential properties along Locksley Street. The report acknowledges that noise could be generated by high revving of car engines, slamming of car doors and loud conversations, etc, and specifies that these factors could be overcome by “ *management procedures*”.

With regard to the shortcomings of the Environmental Noise Assessment as discussed later in this report, a 1.8 metre high fence along the boundary would not adequately control or prevent the noise of tennis players, including both voices and the sound of hitting tennis balls and the like, from adversely affecting surrounding residential properties located to the rear of the site along Locksley Street. This impact is unreasonable within a quiet residential context.

Additionally, it is not practical or likely that the club would be able to adequately ‘manage’ the behaviour or movements of club members and non-members after they leave the premises.

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Increased noise and activity is also considered likely to affect the quiet amenity of residents along Arnold Street. This issue is discussed in greater detail later in this report.

Parking pressure

A Traffic Impact Study prepared by a suitably qualified person has not been provided with the application. The lighting of the courts would increase the number of vehicles visiting the site during the extended hours.

The proposal will clearly increase the activity levels of the club, including vehicular movements and parking demand, during the extended hours. Objectors have expressed concern that members leaving the club will generate obtrusive noise and this is considered to be a valid concern.

The club has a liquor license, extended use of club and drinking hours

Residents have expressed concern over the extended hours of use of the club and the fact that the club is licensed to serve alcohol, which can lead to antisocial behaviour. The effect of alcohol consumption during the evening in association with the increased hours of tennis play and after-match social interaction could potentially disrupt the amenity of surrounding residents.

Impact on heritage quality of the surrounding streetscape, impact on heritage must be reviewed

The site is located within Killara UCA 9 and has been identified as a contributory item. The provision of functional elements to the tennis courts, such as light poles and associated fixtures would not have an adverse impact on the heritage significance of the site or surrounding area, and Council's Heritage Officer has raised no objection to the proposal on heritage grounds.

The Killara Tennis Club is a private club

The applicant has indicated that the courts are open to the general public for hire.

Proposal is not consistent with 4.6.2 of DCP 38

Section 4.6.2 of DCP 38 states that a "... tennis court should be located to ensure that there is sufficient area between the court and the property boundary to...minimise potentially adverse impacts such as noise, overlooking and visual intrusion..." The proposal is unsatisfactory with regard to the close proximity of the courts to the adjoining residential dwellings (3.5m-20m) , resulting in increased noise impacts, potential overlooking of the adjoining dwellings from the clubhouse and visual intrusion as a result of the proposed lighting. Based on the sound pressure levels provided by the applicant (discussed in detail later in this report), the proposed 1.8m high boundary/acoustic fence would not adequately control intrusive noise generated by the use of the courts.

Proposal not consistent with Section 1.2 of Council's Tennis Court Policy

Clause 1.2 of Council's Tennis Courts Policy stipulates that tennis courts shall be sited a minimum of 3.0 metres from the side or rear boundaries and comply with the existing or fixed building line to the front of the property.

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This Clause generally relates to the design and siting of new tennis courts. The subject courts were established prior to the implementation of the Policy and no change is proposed to the current location of the tennis courts.

This objection does, however, highlight the close proximity of the courts to adjoining residential properties. Council's Tennis Court Policy specifically prohibits the lighting of "private" tennis courts, or tennis courts surrounded by residential housing, in order to protect residential amenity. The proposed development is located in an existing residential area and is a non-conforming use within the Residential 2(c2) zone. Further, the proposal relates to 6 tennis courts, and is clearly inconsistent with the planning objectives of this policy, with particular regard to maintaining residential amenity.

The applicant has indicated that the Roseville Lawn Tennis Club is a comparable example of the use of tennis courts after dark in a residential area. The approval of lighting for the Roseville Lawn Tennis Centre was granted under delegation by Council on 29 July 2005 under DA 1534/03. However, approval was only granted for 2 of the 5 tennis courts, being Courts 4 and 5 which adjoin the rear of residential properties at No.37 and No.39 Bancroft Avenue. The dwelling on No.37 Bancroft Avenue is approximately 37m from Court 4 and the dwelling on No.39 is approximately 38m from Court 5. Further, angled off-street parking for 12 vehicles is provided immediately adjacent to Courts 4 and 5. The significantly greater separation between the dwellings and tennis courts and the provision of car parking for patrons are significant differences between the proposed Killara Lawn Tennis Club and the consent granted for the Roseville Lawn Tennis Club.

Privacy impacts at night, the club balcony overlooks adjoining properties and with lights on inside the house, direct privacy impacts could result

The lack of screening between the subject and adjoining properties and the use of the clubhouse at night could potentially increase overlooking of the adjoining residential properties.

Impact on property values

Impacts on property values are not valid matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Precedent for other similar applications for private tennis courts

While approval of this application would be unlikely to establish a precedent due to the unique circumstances of the case, it may lead to an expectation that tennis court lighting in residential areas will be approved by Council.

CONSULTATION - WITHIN COUNCIL

Landscaping

No objections, subject to conditions.

Engineering

No objections, subject to conditions.

Heritage

No objections on heritage grounds.

STATUTORY PROVISIONS

Section 82A of the Environmental Planning and Assessment Act 1979

Substantially the same development

No modifications to the proposal have been made in the Section 82A review application, and the development is the same development as the development described in the original application.

Protection of the Environment Operations Act 1997 (POEO) / Noise Guide for Local Government

The Protection of the Environment Operations Act 1997 (POEO Act) provides regulatory tools for managing noise impacts. However, as detailed in the Noise Guide for Local Government, this Act is only useful in dealing with existing or new noise problems and is at the end of the “*noise management spectrum*”. It is clearly preferable to avoid the creation of the noise problem in the first instance, as elaborated in Section 1.2 of the Noise Guide for Local Government:

Successful noise management is based on a spectrum of considerations and options. At one end of the spectrum is prevention using long-term strategic approaches that aim to avoid or minimise potential noise impacts before they occur. Land use planning has a key role in helping to prevent potential noise impacts, both at the strategic planning level for an area and at a project-specific level.

At the other end of the noise management spectrum is the need to remedy existing noise impacts that are unacceptable and causing disturbance to the community. The Protection of the Environment Operations Act 1997 (POEO Act) provides regulatory tools for managing noise impacts from new and existing noise-producing developments.

In this case the subject and surrounding sites are zoned residential and this zoning prohibits commercial sporting facilities such as the subject tennis courts, essentially due to such being incompatible with low density residential development. It would be poor town planning practice to approve an intensification of a non-conforming use when there are likely to be adverse amenity impacts, particularly noise disturbance in the evenings.

In this regard, the applicant has submitted an Environmental Noise Assessment prepared by Noise and Sound Services. This assessment makes reference to the POEO Act and the Noise Guide for Local Government 2004.

The Environmental Noise Assessment recognises that during a tennis match the noise levels generated are highly intermittent, yet the assessment places undue emphasis on the LAeq, 15 minute noise levels, which essentially averages the noise levels generated over a 15 minutes period. The Noise Guide for Local Government provides guidance on identifying the most

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appropriate noise descriptor for a range of situations, and where sleep disturbance is being assessed, the LA1(60 seconds) or LAmax noise levels are specified as the most important descriptors. The LAmax noise levels are essentially the maximum noise levels generated over the period of measurement.

The Environmental Noise Assessment is inadequate in this regard as the maximum noise levels that are likely to be generated during tennis matches on the courts have not been appropriately considered in determining the extent of noise level exceedances. The assessment concludes that a 1.8m high acoustic barrier is required to address an 8dB noise level exceedance, however, the maximum noise generated intermittently during tennis matches will result in significantly higher exceedances. The assessment includes measured sound pressure levels of 68dB to 72dB (maximum noise levels) from tennis matches, which would result in an exceedance of 26dB, rather than the stated 8dB. In this regard, the Environmental Noise Assessment does not appropriately consider the 68dB to 72dB maximum noise levels in the conclusions and recommendations.

The Noise Impact Assessment included with the application states that the effect of the noise on sleep patterns cannot be accurately ascertained. Resident objectors have raised sleep patterns as a significant concern relating to the proposal. Disturbance of sleep patterns for children and adults will significantly reduce residential amenity.

In this regard, extension of tennis play into the night will unreasonably interfere with the 'comfort and repose' of persons outside the premises and will generate offensive noise as classified under the POEO Act. As previously discussed, it is preferable to avoid the creation of the problem in the first instance, rather than rely on the POEO Act to address noise and amenity issues in a residential area.

Ku-ring-gai Planning Scheme Ordinance

The subject site is zoned Residential 2(c2) under the provisions of the Ku-ring-gai Planning Scheme Ordinance. The tennis club ('recreational facility') is a prohibited use in the 2(c2) zone and the club has been operating under existing use rights since the gazettal of the Ku-ring-gai Planning Scheme Ordinance on 1st October 1971.

The tennis club use is accepted as an existing use as defined in Section 106 of the Environmental Planning and Assessment Act 1979. Section 108(3) of the Environmental Planning and Assessment Act 1979 essentially prevents Council from assessing the proposal with regard to the provisions of the Ku-ring-gai Planning Scheme Ordinance, and Clause 41 of the Environmental Planning and Assessment Regulation 2000 allows an existing use to be altered or expanded, and intensified, subject to development consent being obtained. However, this does not restrict Council from assessing the merits of the proposed expansion and intensification.

The Land and Environment Court has established a planning principle in relation to existing use rights, including the following component concerning amenity impacts which is considered to be relevant to this application:

What are the impacts on adjoining land?

The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of

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sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.

In this instance there will be adverse amenity impacts on the adjoining residential dwellings, including noise impacts in the evenings, light spill/glare, visual impact and potential privacy impacts. Given that the proposal is likely to adversely affect the amenity of adjoining residents, it is not acceptable or reasonable to extend the hours of operation and intensify the existing, non-conforming use in an area zoned for residential development.

Development Control Plan 38 – Residential Design Manual

Clause 4.6.2 of DCP 38 stipulates that '*lighting of tennis courts for night tennis will generally not be permitted*'.

The proposal will adversely impact upon the residential amenity of residents. The extended use of the courts after daylight hours is incompatible with the surrounding residential area and is considered unreasonable.

Policy for Tennis Courts, Half Courts, Sports Patios and the Like (Tennis Court Policy)

The Policy for Tennis Courts, intended to apply to private residential courts, aims to protect the amenity of adjoining properties by establishing appropriate setback and siting controls.

The policy specifies that the '*use of tennis courts for any other purpose other than normal domestic use is prohibited by the Ku-ring-gai Planning Scheme Ordinance*'.

In relation to lighting, the policy states the following:

2.0 Lighting

Private Tennis Courts

2.1 Council will not approve temporary or permanent lighting of a private tennis court for night play. This is due to the possible unreasonable detrimental effect on the amenity of the neighbourhood:

2.1.1 By causing additional noise at times when it would not otherwise occur, that noise being "offensive noise" as defined in the Noise Control Act 1975.

2.1.2 By introducing illumination that would detract from the amenity of views of homes within the locality.

2.1.3 By placing at risk the peace and quiet of the local environment.

The intent of this section of the Tennis Court Policy is to prevent adverse impacts caused by additional noise due to lighting at times when it would not otherwise occur within a residential context.

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The tennis courts proposed to be illuminated are directly adjoined by residential dwellings on three sides. Significant objection has been expressed by residents in relation to additional impact on neighbourhood peace and quiet, visual impact, light spill, privacy and noise levels.

Given that the tennis club and courts would not ordinarily be permissible under Council's planning controls, such an intensification of the use is considered inappropriate and will unacceptably detract from the residential amenity of surrounding residents. The lighting proposal and associated extension of hours will detract from the peace and quiet currently enjoyed by residents after sunset. Furthermore, noise generated up until 10pm is likely to be classified as 'offensive noise' (under the POEO Act) as previously discussed. The proposal is inconsistent with the provisions of the Tennis Code Policy.

ANY OTHER RELEVANT MATTERS

There are no additional matters that have not already been addressed.

CONCLUSION

After consideration of the development against sections 79C and 82A of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is not suitable for the site and is not in the public interest. Therefore, it is recommended that the original determination be confirmed and the application refused.

RECOMMENDATION:

Pursuant to Section 82A and 80(1) of the Environmental Planning and Assessment Act, 1979

REFUSAL

THAT Council, as the consent authority, having reviewed its determination pursuant to S82A of the Environmental Planning and Assessment Act 1979 maintain its refusal of development consent to Development Application No. 1246/06 for extended hours of operation and the erection of lighting standards and luminaires on each of the 6 tennis courts on land at 8 Arnold Street, Killara, for the following reasons:

1. The proposed development involves intensification of a non-conforming use under the Ku-ring-gai Planning Scheme Ordinance. The intensification of the existing use within a low density residential area would have an adverse impact on the amenity of surrounding residents, particularly with regard to noise impact, visual impact, light spill and privacy impacts.
2. Noise generated up until 10pm Monday to Saturday and until 8.30pm on Sundays would adversely affect residential amenity and would disrupt the sleeping patterns of surrounding residents. In this regard, the proposal would be likely to generate 'offensive noise' as described under the POEO Act 1997.
3. The submitted Environmental Noise Assessment is unsatisfactory as the assessment and conclusions rely on the LAeq (15 minute) noise levels rather than the LAmx

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noise levels, which are the most appropriate noise descriptors for intermittent noise sources when considering sleep disturbance. As a consequence, the recommended acoustic measures will not adequately limit noise generated directly from the use of the tennis courts.

4. Noise generated by patrons after leaving the premises, including loud conversations, high revving of car engines, slamming of car doors and the like, is likely to affect the amenity of residents in Arnold Street.
5. The lighting proposal and associated extended hours of operation will detract from views and the 'peace and quiet' enjoyed by residents, and conflicts with Council's Residential Design Manual and Policy for Tennis Courts, Half Courts, Sports Patios and the like.
6. Insufficient evidence has been provided as to the impacts of the proposed tennis court lighting with regard to surrounding properties. The application does not satisfactorily demonstrate that light spill and/or glare from the proposed lighting will not adversely impact the sleeping patterns and/or visual amenity of adjoining property owners.
7. The proposal is not in the public interest.

G Youhanna
Executive Assessment Officer

M Leotta
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

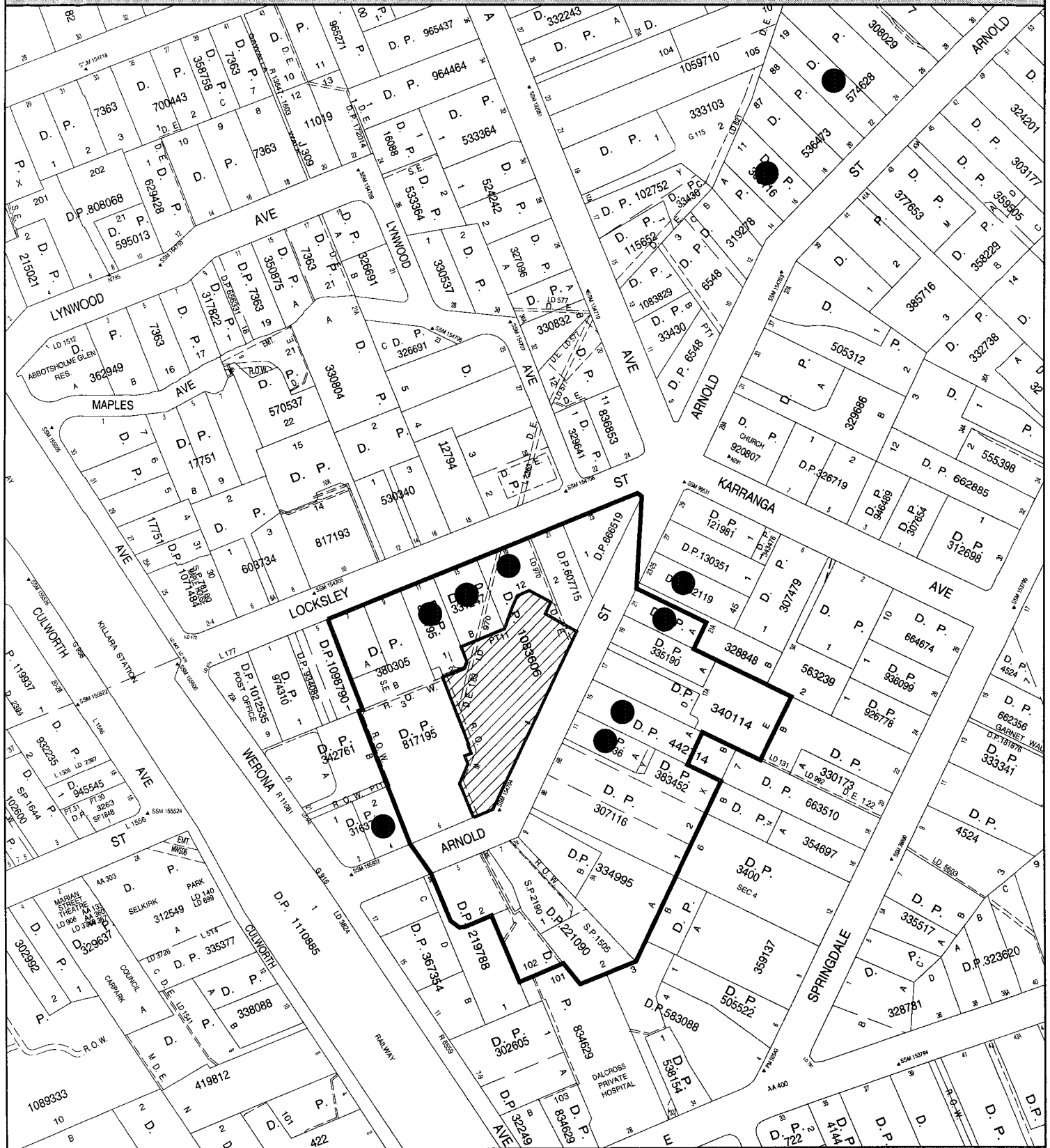
M Miocic
Director
Development & Regulation

Attachments:

1. Location sketch - 827456
2. Zoning extract - 827456
3. Acoustic report - 827458
4. Lighting plan - 827461

LOCATION SKETCH 8 Arnold Street, KILLARA

DEVELOPMENT APPLICATION No REV0007/07



Scale : 1:3000

16-08-2007



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION



CIRCULATED AREA



Environmental Noise Assessment

at:-

**The Killara Lawn Tennis Club,
Arnold Street, Killara
NSW 2071.**

July 2006

Report No. nss 20887 Rev A – Final

Prepared by

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1. INTRODUCTION

Noise and Sound Services was requested by the Killara Lawn Tennis Club, to carry out a noise impact assessment of the proposed extended hours of use of the club until 10:00 pm, with court lighting, for seven days per week.

The purpose of the assessment is to provide an independent and accurate assessment of noise levels that may be likely with the addition of tennis club lighting. A comparison of the predicted noise levels are made with the NSW Government Noise criteria. This includes criteria for lawful sporting activities provided in Chapter 159 of the EPA's Environmental Noise Control Manual (1994).

2. SITE DESCRIPTION

Killara Lawn Tennis Club is situated close to the corner of Arnold Street and Locksley Street, Killara as shown in Figure 1 below. The club is in a predominately residential area, next to the Killara Bowling Club and opposite St Martin's Church. The club is approximately 100 metres from Werona Road and 150 metres from the elevated North Shore train line.

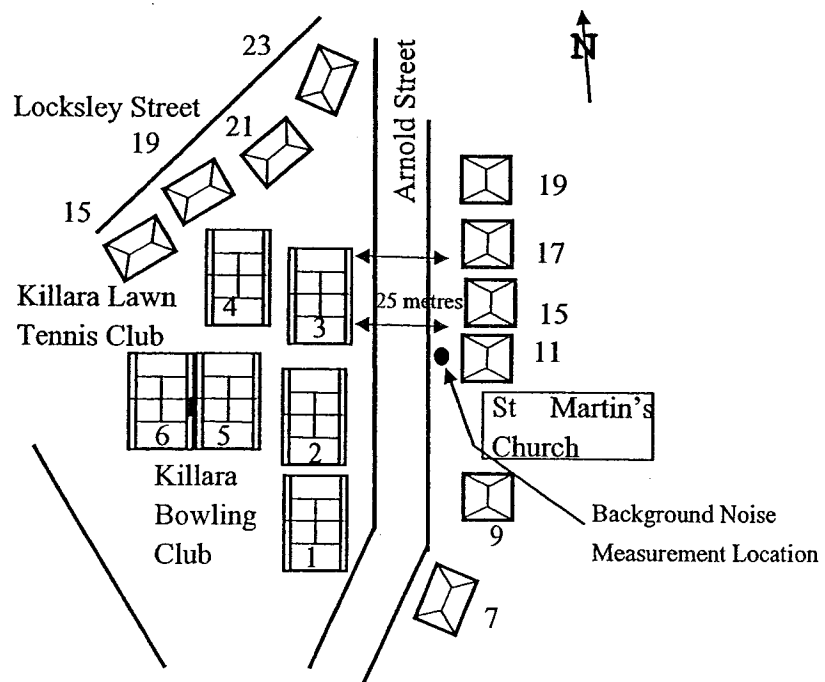


Figure 1. Site Plan. Not to Scale. All dimensions are Approximate.

The closest residential dwellings are in Locksley Street where garden boundaries are approximately 5 metres from the closest tennis court serving position. The residential boundaries at Arnold Street are approximately 25 metres from the closest tennis court serving position as shown in Figure 1 above. Scale plan details are shown in the architectural drawing by '*Lindsay Little & Associates Pty Ltd*' of Level 1, 6, Moore Avenue, Lindfield, NSW 2070 for job number 2957/04, drawing number A01 D dated 21.07.04.

The residential dwellings in the vicinity are a mixture of single and two-storey houses. It is proposed to extend the hours of operation, at the club until 10:00 pm seven day per week with the use of court lighting.

3. CRITERIA

Noise criteria are provided by the Department of the Environment and Conservation on behalf of the NSW Government.

3.1 Protection of the Environment Operations Act 1997

Noise regulations are made under the Protection of the Environment Operations Act 1997 (POEO) NSW with the objective of controlling noise in residential areas ('neighbouring noise'). One of the main features of the Act is to allocate powers of enforcement for Councils, the police, the NSW Department of the Environment and Conservation and the Waterways Authority of NSW to prevent and minimise pollution including the emission of offensive noise.

The POEO Act defines offensive noise as noise that:

- (a) by reason of its level, nature, character or quality, or time at which it is made or any other circumstances:
 - i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in any circumstances prescribed by the regulations.

The POEO Act provides for a range of notices that may be issued when an unacceptable level of noise has been emitted.

3.2 The Noise Guide for Local Government 2004

In addition, the Noise Guide for Local Government published by the Department of Environment and Conservation (NSW) states '*A noise source is generally considered to be intrusive if noise from the source, when measured over a 15 minute period exceeds the background noise by more than 5 dB*'. It is assessed at the most affected point on or within the neighbouring residential property (unless that residence is more than 30 metres from the boundary). Intrusive noise can represent offensive noise, but whether this is always the case depends on the source of the noise, noise characteristics and cumulative noise levels.

3.3 Sleep Disturbance

The NSW Government recognises that many short-term high-level noises which occur at night (10:00 pm to 7:00 am (8:00 am weekends)) may comply with noise goals (given section 6.1 below) and yet be undesirable because of the sleep disturbance or arousal effect.

Sleep arousal is a function of both the noise level and the duration of the noise. Not all people are affected to the same degree by noise and, at different times, a person will be more or less affected by the same noise. Even in cases where a person is not awoken by noise, that person's sleep may be affected. The effects of noise on sleep therefore cannot be predicted with any degree of accuracy.

Noise control should be applied with the general intent to protect people from sleep disturbance. To achieve this, the noise level that is exceeded for 1% of any one-minute period ($L_{A1, 1 \text{ minute}}$) of any specific noise source should not exceed the background level ($L_{A90, 15 \text{ minute}}$) when the source noise is not present, by more than 15 dBA when measured at a distance of 1 metre outside of the bedroom window.

3.4 Road Traffic Noise Criteria

The NSW Government has produced criteria for road traffic noise '*Environmental Criteria for Road Traffic Noise*' (May 1999). This provides criteria for land use expansions with potential to create additional traffic on local

roads. Here the criterion ($L_{Aeq, 1 \text{ hour}}$) is 55 dBA for day time (7:00 hours until 22:00 hours) and 50 dBA for night time (22:00 hours until 07:00 hours).

4. NOISE MEASUREMENTS AND SOURCE NOISE LEVELS

4.1 Existing Background and Ambient Noise Measurements

This section describes the instrumentation used for the existing background and ambient noise measurements, the measurement procedure and the results. The measurement locations are shown in Figure 1 and were chosen to be representative of the background noise at the nearest residential properties at the proposed site.

4.2 Instrumentation

The instrumentation used during the noise source survey consisted of a Brüel and Kjær sound level meter model 2250 (serial no. 2446904). This meter conforms to Australian Standard AS IEC 61672.1-2004: '*Electroacoustics - Sound level meters – Specifications*', as a class 1 precision sound level meter and has an accuracy suitable for both field and laboratory use.

The calibration of the meter was checked before and after the measurement period with a Brüel and Kjær acoustical calibrator model 4231 (serial no. 2445349). No significant system drift occurred over the measurement periods.

The sound level meter and calibrator have been checked, adjusted and aligned to conform to the Brüel and Kjær factory specifications within the last 24 months and issued with a conformance certificate. The internal test equipment used is traceable to the National Measurement Laboratory at C.S.I.R.O., Lindfield, NSW, Australia.

4.3 Measurement Procedure

The free field outdoor noise measurements were carried out in general accordance with Australian Standard AS 1055 on Wednesday 14 June 2006 between 21:15 hours and 22:15 hours. The measurements were carried out at a height of approximately 1.5 metres at the front boundary with 11, Arnold Street, Killara.

The 'A' frequency weighting and the 'fast' time weighting were used exclusively. The weather during the measurement period was cool, clear sky, with negligible wind. The time of the measurements was selected as representing a time when the background is likely to be the lowest during the proposed extension of hours for use. Noise levels for higher rail traffic flows (i.e. a worst case scenario) have also been calculated. The results are necessarily a "snapshot" of the noise levels on the particular days of the survey. Noise levels can vary with time due to different weather or traffic conditions, also low level measurements can be affected by animal or insect noises. However, during the noise survey it was understood that the noise levels were typical and the weather did not have an adverse effect on the measurements.

The assessment background noise level (L_{A90}) at the subject site was found to be **41 dBA** at night time. Attended noise monitoring revealed that the ambient and background level was clearly dominated by noise emanating from distant road traffic using the Pacific Highway (approximately 200 metres south west) and rail traffic (approximately 150 metres south west).

4.4 Measured Source Noise Levels

4.4.1 Tennis

Noise levels measurements from typical tennis matches were carried out on Thursday 23 May 2002. The noise levels consisted of ball / racket interactions and speech from the players. The noise levels vary considerably over the course of the games. The noise levels were highly intermittent and therefore had an insignificant effect on the statistical measurements (see Appendix A). The maximum levels at a distance of 5 metres are shown in Table 1 below and are used for predicting source noise levels at the nearest residential property. The measured $L_{Aeq, 15 \text{ minutes}}$ was 56 dBA, however as this included some extraneous noise, it is estimated that the level from tennis alone is 54 dBA.

TABLE 1. MAXIMUM NOISE LEVELS FROM TENNIS MATCHES.

Source	$L_{Amax, fast}$ @ 5 metres (dBA)
Serve of the Tennis Ball	58 to 72
Hitting the Tennis Ball During Play	50 to 62
Voice on the Tennis Court - Normal	51 to 56
Voice on the Tennis Court - Raised	56 to 65

4.4.2 Vehicle Movement

Measurements of vehicle movements have been carried out by Noise and Sound Services. At a distance of 1.2 metres a car drive-by generates a noise level ($L_{A1, 60 \text{ second}}$) of 71 dBA.

5. NOISE GOALS

This section details the specific noise goals.

5.1 Sporting Activities Goal

For intrusive noise the goal ($L_{Aeq, 15 \text{ minute}}$) is 5 dB plus the background noise level (L_{A90}) and this is shown in Table 2 below.

TABLE 2 – INTRUSIVE NOISE GOAL

Time of Day	Rating Background Noise Levels (L_{A90}) dBA	Intrusive Noise Level Goal ($L_{Aeq, 15 \text{ min}}$) dBA
Night	41	46

5.2 Sleep Disturbance Goal

The short-term night time (i.e. after 10:00 pm) noise goal ($L_{A1, 60 \text{ second}}$) is 56 (i.e. $41 + 15$).

5.3 Road Traffic Noise Goal

Road traffic noise goals are not dependent upon the background noise level and this is shown in Table 3 below.

TABLE 3 – ROAD TRAFFIC NOISE GOAL

Time of Day	Road Traffic Noise Level Goal ($L_{Aeq, 1 \text{ hr}}$) dBA	Maximum Increase In Existing Noise Road Traffic Levels (dB)
Night	50	2

6. NOISE MODELLING AND ASSESSMENT

This section provides details of the noise modelling procedure and gives an assessment of the predicted noise levels.

6.1 Noise Modelling Specifications

The source noise has been modelled using the International Standard ISO 9613-2 (1996(E)) '*Acoustic – Attenuation of sound during propagation outdoors Part 2 General method of calculation*'. This Standard specifies methods for the description of noise outdoors in community environments. The method described in the Standard is general in the sense that it may be applied to a wide variety of noise sources and covers the major mechanism of attenuation. Due to the close proximity of the noise sources in question to the nearest property, only attenuation due to geometric divergence (i.e. $20 \log_{10} (r_2/r_1)$ where 'r' is the relative distance in metres) and the barrier effect of the relative ground levels have been taken into account. The predicted noise levels are shown in Table 4 below.

TABLE 4 – PREDICTED NOISE LEVELS FORM TENNIS ACTIVITIES

Receiver Position (Tennis Courts)	Predicted Noise Level ($L_{Aeq, 15 \text{ minute}}$) dBA	Noise Level Goal ($L_{Aeq, 15 \text{ minute}}$) dBA	Exceedance dB
9 to 19 Arnold Street at 25 metres (Courts 1, 2 and 3)	42*	46	0
15 to 21 Locksley Street at 5 metres (Courts 4 and 6)	54	46	8

*Note from $54 - 20 \log_{10} (25/5)$.

The tennis activity noise goals are met for residential dwellings in Arnold Street but are exceeded by 8 dB for residences in Locksley Street, hence mitigation measures are recommended.

6.1.1 Mitigation Measures

To reduce the noise level by 8 dB at the residential side of the boundaries in Locksley Street that face courts 4 and 6 an acoustic barrier at least 1.8 metres high needs to be constructed. This can be of any impervious material such as lapped and capped timber, 'Colorbond' steel, brick or light weight blockwork, however there must be no holes or gaps (including beneath the barrier). The existing open paling fence could be upgraded to a lapped and capped timber fence providing the 1.8 metres height is reached. The fence would need to cover the entire length of the residential boundaries from the boundary with the Bowling club to the blockwork retaining wall at court 4.

The alternative would be to not use courts 4 and 6 after dark. Management procedures would need to be implemented to ensure that courts were not used, particularly for court 6 if there was some light spill from court lighting at court 5 after dark.

6.2 Prediction of Short Term Night Time Noise

As the proposed court lighting will be off at 10:00 pm no night time activity from tennis matches is predicted. However there could be some noise generated from people leaving the courts after 10:00 pm. The short term noise goal for vehicle noise is met at a distance of 7 metres from the vehicle to neighbouring bedroom windows. Management procedures should be implemented to ensure that loud speech, slamming of car doors and the high revving of car engines, etc. does not occur when members are leaving the tennis club in the evening and particularly after 10:00 pm.

6.3 Prediction of On-Road Traffic Noise

This section gives predictions of noise level from road traffic, using the tennis club facilities, in Arnold and Locksley Street between 22:00 and 23:00 hours. A basic formula as given in the Calculation of Road Traffic Noise from the UK Department of Transport and Welsh Office (1988) has been applied.

For six tennis courts, it is estimated that a maximum of 24 cars could be leaving the club in that one hour. It is assumed that not more than 50% of the vehicles leaving the club after 10:00 pm will travel in any single direction, giving a maximum of 12 cars in any one road area in any one night time hour. This gives a

traffic noise level ($L_{Aeq, 1 \text{ hour}}$) of 48 dBA at the nearest residential façade which meets the night time goal of 50 dBA.

7. CONCLUSIONS

It is concluded that all NSW Government noise criteria can be met with the exception of the boundaries of tennis courts 4 and 6 and the residences at Locksley Street. Here the 8 dB exceedance can be reduced with the addition of a 1.8 metre high fence acoustic barrier along the boundary between the tennis courts and Locksley Street. As an alternative, management procedures would need to be implemented to ensure that courts 4 and 6 were not used after dark.

Management procedures should also be implemented to ensure that loud speech, slamming of car doors and the high revving of car engines does not occur when members leave the tennis club after 10:00 pm. A procedure should also be put in place to ensure that court lighting is turned off not later than 10:00 pm every evening.

Date	Prepared by:	Status
22 June 2006	Ken Scannell MSc MAAS MIOA	Final
6 July 2006	Ken Scannell MSc MAAS MIOA	Rev A

APPENDIX A – MEASURED SOUND PRESSURE LEVELS

Environmental noise levels can vary considerably with time; therefore it is not adequate to use a single number to fully describe the acoustic environment. The preferred, and now generally accepted, method of recording and presenting noise measurements is based upon a statistical approach. For example, the L_{A10} noise level is the level exceeded for 10% of the time, and is approximately the average maximum noise level. The L_{A90} level is the level that is exceeded for 90% of the time, and is considered to be approximately the average of the minimum noise level recorded. This level is often referred to as the “background” noise level. The L_{Aeq} level represents the average noise energy during the measurement period.

The acoustic environment of the proposed development is influenced by distant road traffic and railway noise. A site survey to determine the existing acoustic environment of the area was carried out at the site on Wednesday 14 June between 21:15 and 22:15 hours. The measurement procedure and the equipment used for the noise survey are given in section 4 of this report. All sound pressure levels in Table A1 below are rounded to the nearest whole decibel. Source noise levels were taken at Roseville Lawn Tennis Club in 2002 and are shown in Table A2 below.

TABLE A1 – 11, ARNOLD STREET - WEDNESDAY 14 JUNE 2006

Time		Sound Pressure Level (dBA)					
Start	Finish	L_{Aeq}	L_{A1}	L_{A10}	L_{A50}	L_{A90}	L_{A99}
21:15	21:30	49	58	50	44	41	40
21:30	21:45	50	56	48	44	41	39
21:45	22:00	46	53	47	43	43	39
22:00	22:15	46	56	48	44	44	41

TABLE A2 – SOURCE AND AMBIENT NOISE LEVELS AT 5 METRES FROM A TENNIS MATCH AT ROSEVILLE TENNIS CLUB – DAY TIME SAMPLE. 23 May 2002.

Time		Sound Pressure Level (dBA)					
Start	Finish	L_{Aeq}	L_{A1}	L_{A10}	L_{A50}	L_{A90}	L_{A99}
15:15	15:30	56	68	56	51	48	46
15:45	16:00	54	64	56	51	48	47

Illumination Schedule						
Area	Label	AVG	Max	Min	Min/AVG	Min/Max
Court 1	TPA 1	332	447	97	0.3	0.2
Court 2	TPA 2	372	442	271	0.7	0.6
Court 3	TPA 3	312	433	86	0.3	0.2
Court 4	TPA 4	324	457	78	0.2	0.5
Court 5	TPA 5	374	457	229	0.6	0.5
Court 6	TPA 6	313	447	85	0.3	0.2
Court 7	TPA 7	359	448	200	0.6	0.5
Court 8	TPA 8	360	508	73	0.2	0.1
Court 9	TPA 9	412	508	301	0.7	0.8
Court 10	TPA 10	368	515	73	0.2	0.1
Court 11	TPA 11	420	515	302	0.7	0.6

Luminaire Schedule						
Symbol	Label	AVG	Max	Min	Min/AVG	Min/Max
203800	ACE M1000/L 240V MH	MT1000B/BH/SRL	115000	0.7	3600hrs	24

AS 2560.2.1-2003 Table 1 Compliance Criteria						
Symbol	Label	AVG	Max	Min	Min/AVG	Min/Max
2560.2.1-2003	Table 1 Compliance Criteria	250	150	0.6	0.2	0.3
2560.2.1-2003	Table 1 Compliance Criteria	350	250	0.6	0.3	0.4

Luminaire Specifications	
Symbol	Label
203800	ACE M1000/L 240V MH
MT1000B/BH/SRL	115000
0.7	3600hrs
24	

Spill Schedule	
Symbol	Label
203800	ACE M1000/L 240V MH
MT1000B/BH/SRL	115000
0.7	3600hrs
24	

GENERAL NOTES:

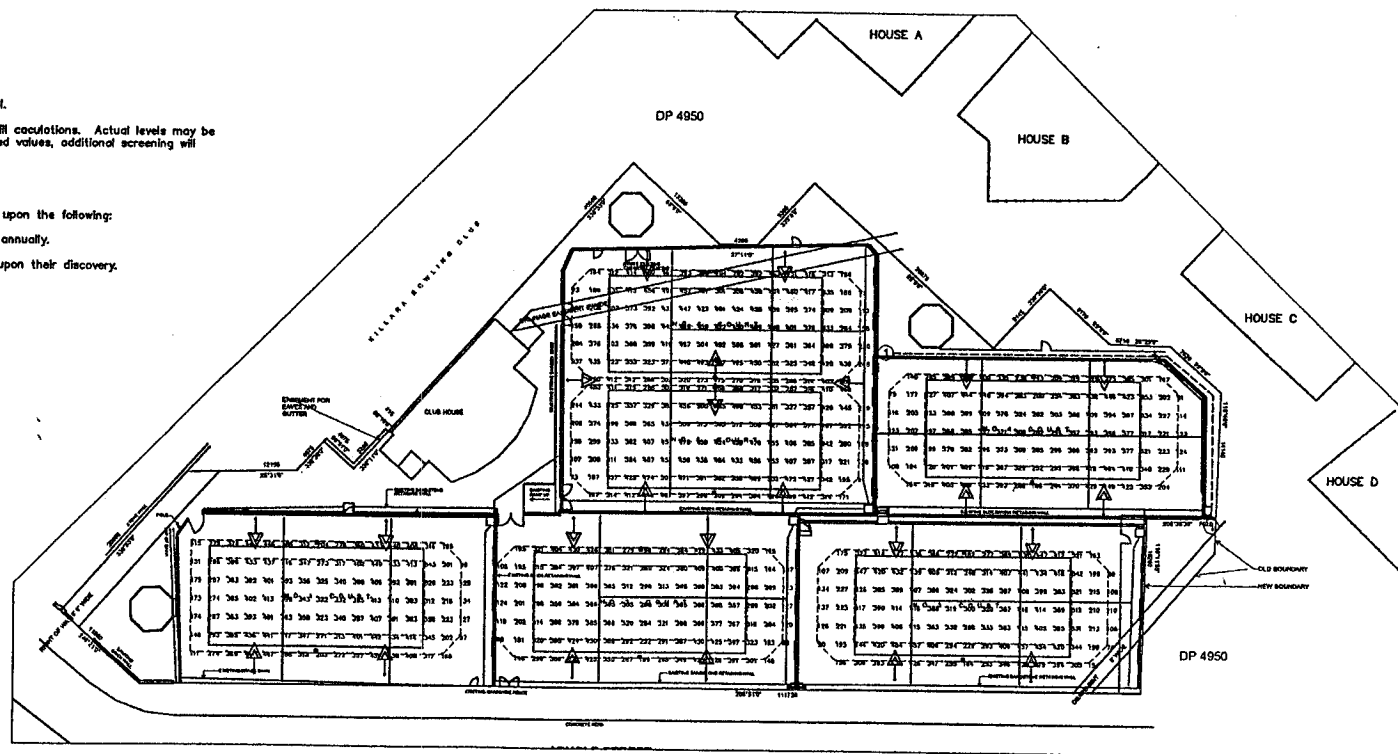
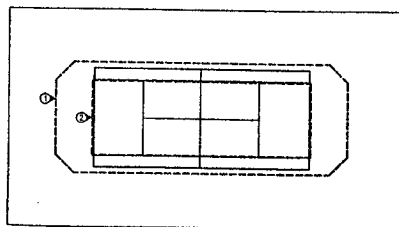
- All fixture tilt angles @ 0°.
- All fixture mounting heights @ 8m.
- All fixture orientation as shown on drawing.
- Illuminance levels calculated to AS 2560.2.1-2003.
- PPA: Principle playing area.
- TPA: Total playing area.
- Each court provides compliant lighting if individually switched.
- Spill levels calculated to AS 4282-1997.
- Maximum spill illuminance: lux @ 1.5m above ground level on house wall.
- Illuminance for spill light taken @ initial lamp lumens.
- Trees, fencing and other possible obstructions were not included in spill calculations. Actual levels may be lower due to obstructions mentioned. If spill levels still exceed allowed values, additional screening will be required on the fence lines marked ①-----①.

The Light Loss Factor applied to this scheme was 0.70 and is based upon the following:

- Low Pollution Category and an IP44 luminaire cleaned and maintained annually.
- Bulk re-lamp after no longer than 3600 hours of service.
- Any spontaneous lamp failures prior to this time are to be replaced upon their discovery.

DRAWING NOTES:

- ① TPA.
- ② PPA.



WARNING! Due to variations in, luminaire manufacture, lamp & electrical supply, there will be some variation in the actual illumination levels from those nominated in the above scheme.

Project Name:
KILARA LTC

Drawing Title:
PROPOSED LIGHTING LAYOUT AS 2560.2.1-2003
& RESULTING SPILL LIGHT ANALYSIS TO AS4282 -1997

Designer:
S.L.E

Checker:

Scale:
1:500

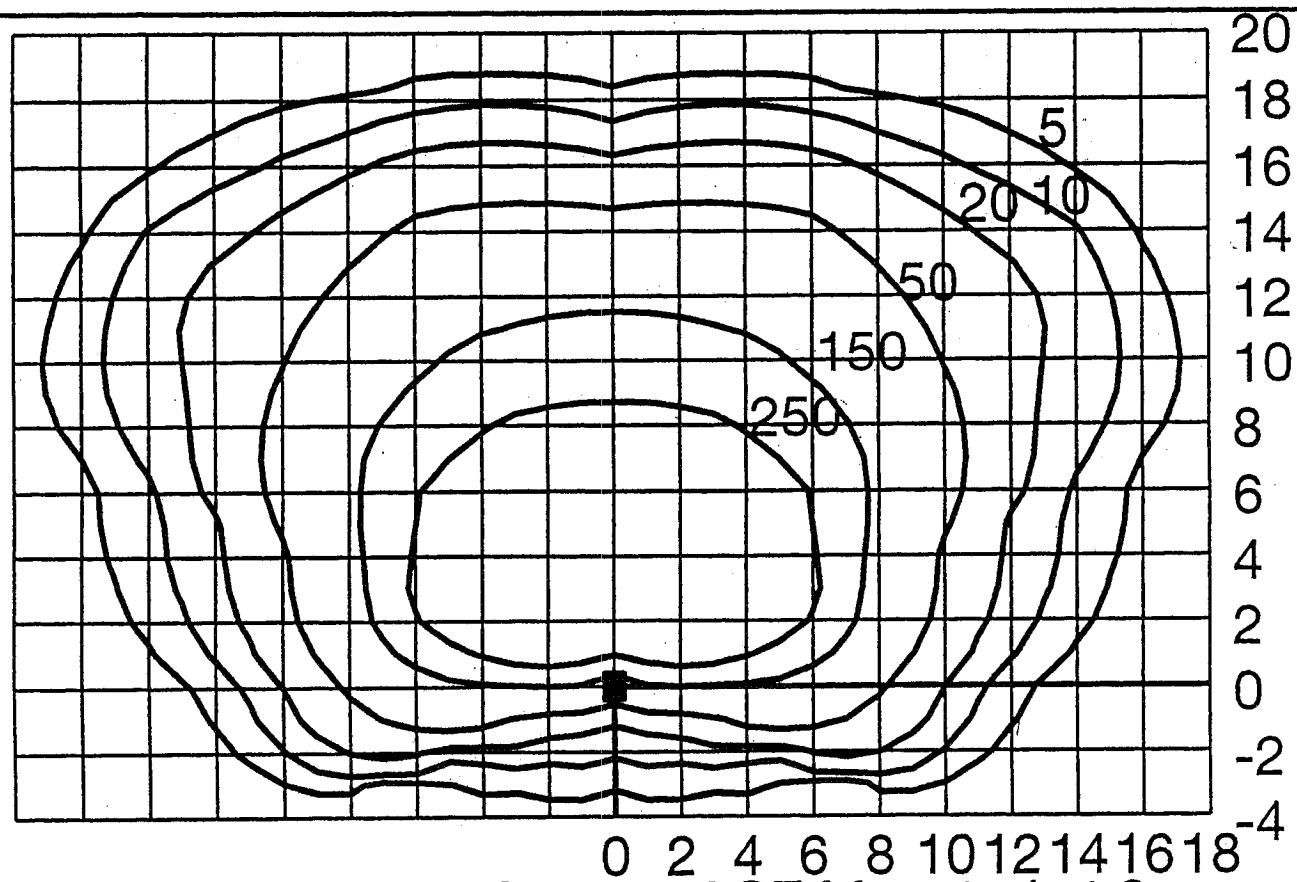
Date:
27.06.06

Spectra Lighting
11 INDUSTRIAL AVE WACCE, OLD 4874, PH (07) 3333 3000 FAX (07) 3333 3000

Drg. No.:
1

Rev.:

Proj. No.:
S06-028



1kW Metal Halide Spectra ACE Mounted at 8m

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	102 ROSEDALE ROAD, ST IVES - ERECTION OF A TWO STOREY DWELLING HOUSE
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	393/07
SUBJECT LAND:	102 Rosedale Road, St Ives
APPLICANT:	Bosco Seeto & Associates
OWNER:	Triport Developments Pty Ltd
DESIGNER:	Bosco Seeto & Associates
PRESENT USE:	Vacant
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (KPSO)
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 38 - Residential Design Manual, DCP - Construction & Waste Management, DCP 43 Carparking, DCP 47 - Water Management, DCP 56 - Notification
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	Commonwealth EPBC Act 1999, NSW TSC Act 1995, SEPP 19, Bushland in urban areas, SREP Sydney Harbour Catchment, SEPP Building Sustainability Index (BASIX)
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	11 May 2007
40 DAY PERIOD EXPIRED:	20 June 2007
PROPOSAL:	Erection of a two storey dwelling house
RECOMMENDATION:	Refusal

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DEVELOPMENT APPLICATION N^o 393/07
PREMISES: 102 ROSEDALE ROAD, ST IVES
PROPOSAL: ERECTION OF A TWO STOREY DWELLING HOUSE
APPLICANT: BOSCO SEETO & ASSOCIATES
OWNER: TRIPORT DEVELOPMENTS PTY LTD
DESIGNER: BOSCO SEETO & ASSOCIATES

PURPOSE FOR REPORT

To determine development application No.0393/07 for the erection of a two storey dwelling house.

EXECUTIVE SUMMARY

EXECUTIVE SUMMERY

Issues: Impact on Blue Gum High Forest (critically endangered community)

Submissions: 39

Land & Environment Court Appeal: Yes (first call over to be held on 19 September 2007)

Recommendation: Refusal

HISTORY

Site history:

The site previously accommodated a dwelling house (now demolished). The site is currently a vacant residential lot.

Development application history:

DA2448/90

20 November 1990 Council at its ordinary meeting of 20 November 1990 refused development application 2448/90 to subdivide Lot 12 & Lot 13 in DP17431 (100 and 102 Rosedale Road, St Ives) into 9 lots with a centrally constructed cul-de-sac roadway. DA2448/90 was refused due to the detrimental impact of the proposal upon the surrounding area.

DA0966/00

21 November 2001 Council at its ordinary meeting of 21 November 2001 refused development application 966/00 for a 4 lot subdivision at Lot 12 in DP17431 (102 Rosedale Road, St Ives). DA966/00 was refused due to

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adverse impacts on the endangered ecological community Blue Gum High Forest, non-compliance with Council's subdivision controls, failure to satisfy bushfire protection requirements and non submission of a Species Impact Statement.

December 2001 The applicant lodged a Class 1 Appeal to the Land & Environment Court against Council's refusal of DA0966/00 (Appeal No.11095 of 2001).

28 June 2004 Commissioner Hussey dismissed the appeal due to the proposals inability to provide a sufficient asset protection zone, the impact on the endangered BGHF community and the absence of a SIS.

DA 0902/04

18 July 2005 On 18 June 2005, Council refused (under delegated authority) development application 0902/04 for the erection of a dwelling house at Lot 13 in DP DP17431 (No.100 Rosedale Road, St Ives). DA902/04 was refused due to significant impact on the endangered ecological community Blue Gum High Forest (BGHF) on the site and on adjoining land.

DA 0393/07

11 May 2007 Development application lodged

16 May 07 Notification period commenced

19 June 2007 Mayoral minute adopted by Council to engage an independent ecological consultant to assess the proposal in relation to existing BGHF on the site and on adjoining land.

25 July 2007 Letter sent to Federal Department of the Environment and Water Resources advising that Council have engaged the services of Dr Smith to undertake an independent ecological assessment of the proposal and that a copy of the report will be forwarded forthwith.

25 July 2007 Federal Department of the Environment and Water Resources notify Council that the proposal is a 'controlled action' under the EPBC Act.

6 August 2007 Completion of independent ecological report prepared by Dr Peter Smith.

6 August 2007 Copy of Dr Smith's ecological report is forwarded to the Federal Department of the Environment and Water Resources.

6 August 2007 NSW Department of Planning advise that the Federal and NSW Government have signed a Bilateral Agreement which accredits Part 4 (development assessment) of the EPA Act to be used by the Federal government to make a determination of the proposal under the EPBC

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Act.

Land and Environment Court appeal history:

28 August 2007 Council receives notice of a Class 1 Application to the Land and Environment Court lodged by Bosco Seeto & Associates in relation to the deemed refusal of DA393/07 (Appeal No. 10804 of 2007).

19 September 2007 First callover is to be held.

THE SITE AND SURROUNDING AREA

The site:

Zoning:	Residential 2(c)
Visual Character Study Category:	1945-68
Lot Number:	12
DP Number:	17431
Easements/rights of way:	No
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush Fire Prone Land:	Yes (Bushfire prone vegetation Category 1)
Endangered Species:	Yes (critically endangered Blue-Gum High Forest)
Urban Bushland:	Yes
Contaminated Land:	No

Site description:

The site is located on the western side of Rosedale Road, between Pentecost Road and Vista Street, St Ives. The site is a rectangular shaped allotment with a frontage to Rosedale Road of 52.12metres and a depth of 100.585metres. The total area of the site is 5242.49m². The site falls from the rear (north-west) corner to the front (south-east) corner, at an average gradient of approximately 12.6%.

The site is heavily vegetated, except for a cleared area where there was previously a dwelling house. The dwelling has since been demolished and the site is now a vacant residential lot. The site also contains the remains of the driveway to the demolished dwelling.

The vegetation on the site is Blue Gum High Forest (BGHF) which is listed as a critically endangered ecological community under both the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

Surrounding development:

Browns Forest and Dalrymple Hay Nature Reserve is located to the east and further south of the site.

No.100 Rosedale Road (located immediately south and down slope of the site) is also a vacant site

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which is heavily vegetated. The current owner of 100 Rosedale Road is The Minister Administering The National Parks & Wildlife Act 1974. The Department of Environment and Climate Change (DECC) have advised that No.100 Rosedale Road is pending gazettal under the National Parks and Wildlife Act 1974 to be part of the Dalrymple Hay Nature Reserve and Browns Forest.

No.104 Rosedale Road (located immediately north of the site) is owned by Sydney Water Corporation and includes a water reservoir and a telecommunications tower.

The subject site and the above surrounding properties support one of the largest remaining areas (about 20ha) of critically endangered Blue Gum High Forest community.

Residential dwelling houses are located opposite (east) the site.

THE PROPOSAL

The proposal involves the erection of a two storey dwelling house. The proposed dwelling would be located in the cleared area where the previous dwelling house was located.

The floor layout of the dwelling includes primary living areas at ground floor (main entrance, living, dining, kitchen, rumpus, bath and study). A double garage is located adjacent to the primary living areas and is integrated within the building form. The first floor includes 4 bedrooms, 2 ensuites, 2 bathrooms and a family room.

It is also proposed to re-instate and upgrade the existing driveway.

CONSULTATION - COMMUNITY

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. Susan F Israel, Po Box 169, St Ives
2. Janet Fairlie Cuninghame, 29a Orinoco Street, Pymble
3. Margaret Booth, 19 Kingsford Avenue, Turramurra
4. Marlen Dyne, 27 Amarna Parade, Roseville
5. Mr and Mrs Bryan Penny, 10 Coolangatta Avenue, Elanora
6. William Filson, 57 Sylvan Avenue, Lindfield East
7. Eija Roti, 10 Putarri Avenue, St Ives
8. Nancy Pallin, Chair of the Blue Gum High Forest Group, PO Box 697, Turramurra
9. Peter Chorley, 51 Dumaresq Street, Gordon
10. Neroli Lock, 4 Leuna Avenue, Wahroonga
11. Christine Berlioz, President of St Ives Progress Association, PO Box 938, St Ives
12. GM and Y Cohen, 34 Banks Avenue, North Turramurra
13. Julie Jenkins, jannej@bigpond.net.au
14. Stewart & Suzanne Gemmell, 26 Somerset Avenue, Turramurra
15. Robert and Shirley Slatyer, 66 Raglan Steet, Mosman
16. Mrs Jan Langley, 17 Churchill Road, Killara
17. Les Nicholls, 82 Lucinda Avenue, Wahroonga
18. B Krockenberger, 47 Bowen Avenue, Turramurra
19. Jill Johnston, 7 Yarabah Avenue, Gordon

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20. Helen Gardner, 2/18 Willow Crescent, Ryde
21. Anne Carroll, 36 Karranga Avenue, Killara
22. Gordon E Limburg, Vice President of Hornsby Conservation Society Inc
23. Philippa F Hoffmann, 6 Greendale Avenue, Pymble
24. Jeannette Tsoulos, 158 Ryde Road, West Pymble
25. Michael R Pope, 7 Sussex Road, St Ives
26. John Burke, 116 Browns Road, Wahroonga
27. Laurie Parkhouse, 3 Dural Street, Kenthurst
28. Mary C Hazelton & Russell M Warner, 3 Narrelle Avenue, Pymble
29. Ian Cohen MLC, The Greens, Legislative Council, Parliament House Macquarie Street, Sydney
30. Margaret Beavis, 9 Barana Parade, Roseville Chase
31. Azar, azar@kbt.com.au
32. Rymill Abell, 1 Cook Road, Lindfield
33. Dr RM Mason, President, Hornsby Conservation Society, PO Box 1643, Northgate
34. Alex Bunce, Po Box 534, St Ives
35. Valerie Insall, 13 Baldwin Street, Gordon
36. Ken Holland, 34/650 Pacific Highway, Killara
37. Jane Gye, 18 Marshall Avenue, Warrawee
38. Pat Chadwick, 14 Harcourt St, East Killara
39. NSW Department of Environment and Climate Change (DECC)

Issues raised in the submissions include:

Significant adverse impact on the critically endangered community, Blue Gum High Forest (BGHF)

- *The necessary bushfire asset protection zones will require significant clearing of the understorey vegetation of BGHF*
- *Adverse cumulative impacts to BGHF on adjoining conservation reserves due to clearing of understorey vegetation for bushfire asset protection and cumulative environmental impacts to land downslope (erosion, increased nutrient level, alteration of soil moisture levels, weed encroachment)*
- *The development will jeopardize future regeneration of BGHF*
- *The proposal will have significant adverse impacts on the historical, cultural, scientific, heritage and anaesthetic values of the St Ives BGHF*
- *Impact on the biodiversity values of the adjoining reserves through the loss of important habitat for threatened species*
- *The proposal will result in the loss of connectivity between the subject site and vegetation to the west, south, north and east*

These objections are well founded and are discussed in this report.

The development is subject to the requirements of the EPBC Act

The applicant has referred the proposal to the Federal Department of the Environment and Water Resources for assessment in relation to the EPBC Act requirements.

Inadequacies with the Species Impact Statement (SIS)

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- *The SIS does not acknowledge that the BGHF is 'critically endangered'*
- *A number of threatened fauna species have been recorded on the site and on adjoining sites. Loss of habitat and fragmentation resulting from clearing of the site will have the potential to remove and modify habitat for these threatened species*
- *Current SIS is unacceptable as the proponent has not applied for the Director General's requirements in accordance with the TSC Act 1995*

These objections are well founded and are discussed in this report.

Failure to satisfy SEPP19

The proposal fails to satisfy the aims and objectives of SEPP19 and does not adequately address concerns relating to bushfire management and retention of BGHF.

Request Council to rezone the land from Residential to Open Space (passive recreational use); request Council to acquire the land and consolidate it with the adjoining Reserve and Sydney Water Reservoir

The requests are not a relevant matter for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act.

The bushfire assessment report concludes that the proposal cannot meet the requirements of Planning for Bushfire Protection 2006 for asset protection zones (APZs) on the north and south aspects;

No. 100 Rosedale is DECC land to be added to the Dalrymple Hay Reserve; and DECC guidelines state that APZs are to be provided within the development site.

The NSW Rural Fire Service requires the entire site to be managed as an Inner Protection Area. No Bushfire protection measures have been required on adjoining land.

The proposal does not achieve ecologically sustainable development

The objection is well founded as discussed throughout this report.

***The proposed development is incompatible with its locality;
The site is surrounded by land which will not be developed for residential purposes; and
The proposal fails to satisfy the objectives of DCP38.***

The proposal fails to satisfy the aims under Section 1.2 of DCP 38 as discussed later in this report. The site is not suitable for the proposed development having regard to the impacts on the critically endangered BGHF community.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

"This application is not supported as it is considered that it will have the following highly significant, negative impacts upon Blue Gum High Forest which is classified as a Critically Endangered Ecological Community (BGHFCEEC):

Removal of all regenerating BGHF plants for the dwelling site, including associated earthworks and site disturbance covers approximately 1100 m2.

Clearing of BGHF vegetation for bushfire protection. Proposed clearing of the CEEC is a Key Threatening Process to its long term survival and its status creates a greater imperative to conserve all remnants of BGHF.

General

The subject site is situated on the western side of Rosedale Road. It is adjoined by a Sydney Water depot to its north, Council's Land Management (LMU) Unit No. 111 named Browns Forest to its west and State Rail Authority land (former privately owned Lot 13) to its south. BGHFCEEC covers the subject and above mentioned adjoining sites.

The proposed dwelling site is located on the original dwelling site 'clearing' set in the southerly slope at the northern side of the site. The original dwelling was demolished some years ago. The 'clearing' contains several regenerating BGHF species as evidenced by the flora details for Quadrat 2 - refer Appendix II of the applicant's Species Impact Statement (SIS). The route of the original driveway is to provide vehicular access to the proposed dwelling site.

Removal of BGHF from the site

The proposed works require the clearing of the viable regenerating BGHF plants from this area. There is inconsistency between 6.2 and Appendix II of the SIS, concerning the number of BGHF plants in Quadrat 2. 6.2 notes that the relatively high number of positive indicator species present within all 3 onsite quadrats indicates that the site currently contains a viable representation of BGHF.

Section 6.2.2 of the SIS claims that utilising the 'clearing' for the proposed dwelling will decrease the impact of vegetation clearing within the site. The existing 'clearing' is proposed to be extended by retaining walls to 2.5 metres height, and grading for a 1 in 3 batter around its north-west hemisphere to reduce the heights of the retaining walls and improve the amenity view from the rear of the dwelling. Further, retained fill to 1.25 metres height south of the dwelling is to accommodate 4 dispersal trenches.

Bushfire protection

The entire subject site and 3 adjoining sites support category 1 bushfire-prone vegetation consisting of BGHFCEEC. Construction of the dwelling will require the clearance and management of on-site vegetation consistent with Rural Fire Services guidelines for asset protection. The proposed dwelling site is a flame zone. This application is to be assessed under Planning for Bushfire Protection-2006 (PBP-2006) as it was lodged with Council after 1 March 2007.

Council's Technical Officer Fire, Mark Arnfield, agrees regarding the required APZ. It is considered the following APZ setbacks, with their inclusive Outer Protection Area (APO), are required for the subject dwelling in 100 FDI (Fire Danger Index) areas:

- 20 metres northerly APZ with an OPA of 10 metres
- 35 metres easterly APZ with an OPA of 15 metres
- 35 metres westerly APZ with an OPA of 15 metres
- 50 metres south-easterly APZ with an OPA of 25 metres
- 35 metres south-westerly APZ with an OPA of 15 metres

According to a meeting between Mr S Fisher of the NSW Rural Fire Service and the applicant's Bushfire Management Consultant: Mr R Free (see letter dated 24 July 2006 in Appendix 6) the Inner Protection Area (IPA) of 20 metres to the west, 20 metres to the south, 20 metres to the east for the proposed dwelling would be sufficient subject to the remainder of the bushland being managed to reduce the fuel loading.

According to all assessments, the subject site cannot support the entire APZ that will extend onto adjoining properties that contain BGHF to the north, west and south of it. Clearance of BGHF vegetation to meet bushfire requirements will have a highly significant, negative impact upon this CEEC within the site.

Clearing the understorey and shrub layers and permanently maintaining the remaining vegetation as an APZ will deplete the BGHF to the structure of a relic that is totally opposed to the aims and objectives of the Threatened Species Conservation (TSC) Act and Environmental Protection and Biodiversity Conservation (EPBC) Act to conserve this CEEC.

Removal/negative impact upon trees/vegetation

Only the removal of Trees T2, T4 and T215 of the following 10 trees, identified in the applicant's Arborist report prepared by Landscape Matrix Pty Ltd and dated 19 April 2007 is supported:

T2 & T4: 2 *Pinus radiata* (Monterey Pine) located adjacent and close to the site's Rosedale Road boundary and adjacent to the southern side of the existing track. These are 2 of a row of Monterey Pines that line the site's Rosedale Road frontage and their removal is supported due to their poor condition and conflict with the Blue Gum High Forest character.

T23 & T30: 2 *Eucalyptus saligna* (Sydney Blue Gum) are located close to the southern side of the existing track. Both trees are in fair, although not dangerous, condition therefore their removal is not supported.

T52: *Eucalyptus pilularis* (Blackbutt) and ***T53:*** *Allocasuarina torulosa* (Forest Oak) are located 16 and 13 metres, respectively, from the south-western end of the proposed dwelling site. Both trees are in fair condition. There is no visible indication of active termite activity in Tree T52. Removal of these trees is not supported.

T77 & T80: 2 *Angophora costata* (Sydney Red Gum) located close to the site's western boundary 22 and 20 metres from the proposed dwelling's western corner. Both trees are in

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decline however, their removal is not supported due to their distance from the proposed dwelling site and they contribute to the natural character of the forest.

T213: Jacaranda mimosifolia (Jacaranda) is located close to the northern side of the clearing. Removal of this tree is supported due to it being inconsistent with the Blue Gum High Forest character.

T215 consists of the remains of a dead trunk (Eucalyptus sp) located adjacent to the southern side of the existing access track and is leaning against T1: Eucalyptus paniculata (Grey Ironbark). This tree provides some habitat value for bird roosting, mammal and amphibian movements, and insect habitat. This tree is currently exempt and could be removed at any time and should be removed pending approval of this application.

Proposed retention of Trees T1: Eucalyptus paniculata (Grey Ironbark) and T29: Eucalyptus saligna (Sydney Blue Gum) within the pathway and driveway and adjacent to and near the Rosedale Road boundary, respectively, is not supported as proposed construction works including drainage lines, around both trees in fair condition, will place further stress on them and hasten their decline.

It is most unlikely that Tree T29 will be retained within the driveway as both the Stormwater Drainage and Landscape plans show only 2 metres width driveway to the northern side of the tree's trunk. The existing track is 2.5 metres wide beside this tree and is constructed of 2 concrete strips. The existing driveway is to be used for the driveway instead of the proposed route and no excavation is permitted into the root zones of either tree to ensure that they will not be further compromised.

Grading of the 1 in 3 batter (as shown on the stormwater plan) will extend into the primary root zones of Tree T86 Eucalyptus pilularis (Blackbutt) located close to the northern boundary of the site and Tree T241 (also a Eucalyptus pilularis (Blackbutt)), located close to the southern boundary of the adjoining Sydney Water depot site. Although the proposed grading works are likely to have a moderate negative impact upon these trees it is not supported due to the area of BGHF negatively affected.

Proposed removal of the above mentioned 10 trees and negative impacts upon 4 additional trees is a secondary issue to the requirement to clear most of the BGHF from the site, including the dwelling location, that collectively will have a highly significant, negative impact upon the BGHF at the site and further erode the core habitat of this CEEC.

It is most likely that any future development upon the subject site will necessitate removal/pruning of trees for safety reasons as time progresses.

Stormwater drainage

Stormwater that is proposed to be captured by underground rainwater tanks and absorption trenches and dispersed by overland flow appears to be reasonable, although the proposal should emulate the site's existing hydrology to ensure equity for existing native vegetation that is to be retained.

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The Stormwater Drainage and Landscape plans are inconsistent regarding proposed driveway construction detail in that the Stormwater Drainage plan shows concrete construction between the garage and the eastern end of the 'bridge' and perpendicular lines at regular intervals along the driveway between the 'bridge' and the Rosedale Road boundary that appear to indicate expansion joints within concrete paving. However, the Landscape plan shows concrete construction between the garage and the eastern end of the 'bridge' and gravel surface between the 'bridge' and the Rosedale Road boundary.

Other comments

Section 6.4 of the SIS offers no alternate solutions and the ameliorative measures proposed in DGR 7 are dubious due to the extent of vegetation clearing proposed for bushfire protection: no compensation or translocation strategies are suggested and long term management strategies and ongoing monitoring of progressive residential impacts upon the BGHF is not specific and will have little benefit as most BGHF layers would, over time, be removed and the seed bank be gradually depleted to maintain bushfire protection. It is very doubtful whether a long term management strategy for the site would be of any benefit.

Further, it is inevitable that the BGHF within the site will eventually succumb to the pressures of urbanization due to the initial and long term clearing of native species, general maintenance and possible future development works including exempt and complying development.

The Flora and Fauna consultant's conclusion "that the proposed development is not likely to result in a significant effect on the endangered ecological community" totally avoids addressing the critical extent to which the CEEC has declined.

Section 6.1 of the SIS states that principal impacts will be clearing and modification of BGHF for bushfire protection measures. The removal of weed species to reduce the potential clearing of native species is certainly appropriate and will facilitate regeneration of BGHF species. However, underscrubbing (in perpetuity) as required in Section 6.2.1 of the BGHFCEEC will lead to its long term modification that will have a highly significant, negative impact upon it. Clearing the understorey tree and shrub layers and permanently maintaining the remaining vegetation as an APZ will render it a relic of BGHF. Fig. 1 of the SIS shows that approximately 90% of Lot 12 will be cleared or modified to accommodate a bushfire protection Asset Protection Zone (APZ) for the proposed dwelling.

PART B of the SIS, prepared by Conacher Travers and dated April 2007, repeatedly refers to the onsite BGHF as Endangered Ecological Community instead of its upgraded status of Critically Endangered Ecological Community, except within Section 6.3 where its heightened status is briefly mentioned.

Proposed massed planting of the 1 in 3 batter to the north-western side of the dwelling site with the following 4 indigenous ground cover species: Centella asiatica (Swamp Pennywort), Geranium sp. (Native Geranium), Glycine clandestina (Twining Glycine) and Microlaena stipoides (Weeping Rice Grass) is an inappropriate solution to the issue as none of the above 4 species currently occur within the immediate site of Quadrat No. 2 that occupies the central area of the excavated 'clearing'. Only low BGHF ground cover species that occur within then immediately vicinity of the house site should be used.

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Geranium homeanum (Northern Cranesbill) is identified in Quadrats 2 and 4 of 2004 of Appendix II. Fig 5 shows 5 quadrats, of which quadrats 4 and 5 are located outside the subject site. It is unknown whether quadrat 2 of 2004 is the same as quadrat 2 of 2006."

Engineering

Council's Development Engineer, Masahiro Kimura, commented on the proposal as follows:

"BASIX Certificate

The Applicant shall submit revised concept stormwater drainage plans to comply with BASIX commitments (132819S). In particular, the correct 'roof area' (see Site Details) and required rainwater tank capacity (30,000L).

Alternatively, the BASIX certificate may be amended to comply with submitted stormwater plans by Clapham Design Services.

Site storage requirement

Detail of the required site storage calculations in accordance with Council's Water Management DCP47 [particularly Section 6.7.1] shall be provided."

Biodiversity

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

"EPBC referral

The proponent should refer this DA, SIS and SEE to the Australian Government Minister for the Environment and Water Resources via the Department of the Environment and Water Resources as it has a high potential for significant impact upon an ecological community of national significance (ie Blue Gum High Forest [BGHF]). The subject site is part of a larger area of core habitat listed specifically under the EPBC Act 1999 and by the Department of Environment and Conservation and Climate (formerly Department of Conservation / National Parks and Wildlife Service of NSW) under the NSW TSC Act 1995.

"A person who proposes to take an action that will have, or is likely to have, a significant impact on a matter of national environmental significance must refer that action to the Minister for a decision on whether assessment and approval is required under the EPBC Act. Substantial penalties apply for taking such an action without approval (civil penalties up to \$5.5 million or criminal penalties up to 7 years imprisonment)." Excerpt from the EPBC Act

Species Impacts Statement (SIS)

The proposed development will have greater impacts than suggested by the SIS as the SIS has not fully taken into account offsite impacts, the total impacts of the building footprint including the cut and fill with diversion trenches and dispersal trenches. There is insufficient or no assessment of runoff / erosion issues, including those from diversion trenches

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(upslope of proposed house) and dispersal trenches down-slope of proposed house), likely from both on site and on the adjoining important BGHF reserves or remnants upslope on Sydney water land (IE via root damage etc). Native vegetation has not been shown on the previous building footprint – this area is not totally clear.

Similarly, the potential impacts of the bush fire / fuel management have been underestimated as the setback (APZ plus IPA) are underestimated and will be greater than the 35 metres suggested in the SEE. The slope for the likely fire bushfire paths is greater than that stated (>12%) which would require a 50 m wide setback and hence require a much greater loss of vegetation under Planning for Bushfire guidelines (see comments by Mark Arnfield, Technical Officer Fire attached).

As it stands with the suggested 20m APZ, almost 100 percent of the site will require fuel management. That is, removal of most understorey species and thinning trees native to BGHF. There is also an irregularity with the APZ and IPZ zones proposed as the maps in the SIS and SEE show them as cut-off “circles” that stop at the boundaries of the land.

The access road is proposed to be a two lane road so will likely require more tree loss than suggested by the proponents. The road will also cause localised runoff concentration and pollutants from concrete, road-base and or bitumen which will further impact on BGHF on and off site.

The SIS has not addressed feasible alternatives as required by the Director General’s (DG) SIS requirements (see page 80). The only alternative suggested, but that was not actually considered, was the re- location of the building. There must be other feasible alternatives available that could reduce or ameliorate the potential significant impacts on and off site.

The SIS did not consider the change in status of BGHF to critically endangered which was determined on 20 April 2007 but was published as a preliminary determination for at least a year previously, therefore the intent was clear. The Director General’s (DG) SIS requirements clearly state (page 12 of SIS) that additional ecological communities could be added to the schedules of the TSC Act between the issue of the DG’s requirements and the granting of consent. If this occurs, these additional matters will need to be addressed.

BGHF was added to the Schedule 1a part 2 of the TSC Act. The change in status creates a greater imperative to conserve all remnants of BGHF. The change in status and the change in definition of BGHF to include any remnant that may consist of isolated trees without understorey means that calculations of BGHF within the site will be underestimated and the relative loss will be higher.

The SIS also did not address The Director General’s requirement for the preferred outcome of “no adverse impact on or loss of Endangered Ecological Communities” or how this will be achieved via mechanisms such as offsetting etc (page 74 SIS).

The SIS should have assessed potential impacts of the proposed development on the threatened Barking Owl as has been recently recorded in the area and the site provides some habitat for this species.

Statement of Environmental Effect (SEE)

There is an irregularity in this document as it states there will not be a significant impact caused by the proposed development. The SEE was written in February 2007, however the SIS was not written until April 2007. Hence the SEE could not report that there is no significant impact before the field work and results of the SIS were finalised.

Conclusions / recommendations

Based upon the comments set out above, the fact that BGHF is critically endangered and that the proposed development will impact on the most important remnant of intact BGHF in existence, it must be concluded that there will be a significant impact upon BGHF on and off the site.

There are deficiencies in the SIS that were either not addressed or inadequately addressed. If the DA is not amended to reduce its potential impacts, then the SIS must be redone to address the deficiencies, including the Director General's requirements that were not addressed. It must also be done in light of the change to status of BGHF to Critically Endangered.

I recommend that:

This SIS and SEE be referred to the relevant staff in Department of Environment and Climate Change for comment.

The DA, SIS and SEE, including comments from our Technical Officer Fire, be referred to the Rural Fire Service for comment

Council asks the proponent to refer this DA and SIS to the Australian Government Minister for the Environment and Water Resources for comment under the EPBC if they have not already done so. We should also make any relevant assessments and public comment available to the Minister to allow a thorough appraisal of the proposal. Offsite impacts must also be considered under the EPBC Act."

Bushfire

Council's Technical Officer – Fire, Mark Arnfield, has provided the following comments:

"The slope gradient that will most influence bushfire behaviour is measured at 12.8°. A slope of this grade with group 1 vegetation surrounding and at an FDI of 100 will require a setback of 50m. If the site is accepted as infill then setbacks may be reduced to account for the existing building envelope. If this is the case then higher construction standards and other performance criteria will have to be met."

Ecological

At the Council meeting of 19 June 2007, the following Mayoral Minute was adopted:

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- A. *That Council engage an independent ecological consultant, recognised as an expert in assessing Blue Gum High Forest, to review the Development Application for 102 Rosedale Road, St Ives (DA0393/07)*

Dr Peter Smith (P&J Smith Ecological Consultants) has undertaken an independent ecological assessment of this proposal (**Attachment D**). Dr Smith concludes that the proposed development would have a significant impact on Blue Gum High Forest (BGHF). The conclusions of Dr Smith's report are summarised below:

- The site has a total area of 5242m² of which about 4145 m² is critically endangered ecological community BGHF. About 1097 m² is a clearing where BGHF species are regenerating.
- The BGHF forms part of a larger area of about 20ha, including Dalrymple-Hay Nature Reserve, Browns Forest Reserve and Sydney Water Lane, which is one of the largest remnants of BGHF.
- The site is badly weed-infested, but still supports at least 115 native plant species, including 23 species that have not been recorded from Dalrymple-Hay Nature Reserve and Browns Forest Reserve. It is a valuable part of one of the most important remnants of BGHF, adding to the overall plant species diversity of the remnant.
- The proposed dwelling and associated clearing would remove most of the regenerating plants and would have a major impact on the surrounding BGHF, particularly as a result of the bushfire measures.
- About 80-90% of BGHF on the site would be converted to an Inner Protection Area (IPA) requiring permanent removal of about 80-85% of the understorey vegetation, and selective clearing of specific tree types to create a discontinuous tree canopy.
- Other trees likely to be removed include 3 large Sydney Blue Gums, one large Grey Ironbark, one large Blackbutt and two smaller Angophoras. Other large trees may be impacted by works within their root zones.
- About 81% of the site would be converted to an inner protection area, about 11% would be converted to an outer protection area, and about 8% would be retained as BGHF (a narrow band along the eastern boundary, including part of the driveway).
- The remainder of the BGHF would be severely modified for bushfire protection, while regeneration of BGHF in the old clearing would be permanently curtailed.
- The majority of the BGHF vegetation on site would be removed or modified.
- The SIS does not demonstrate how the objective of 'no net loss' of BGHF would be achieved. No compensatory measures have been proposed to offset the impact of the development.
- The recent upgrading of BGHF from an endangered community to a critically endangered community makes it even more important that there should be no significant impact and

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no net loss of the community as a result of the proposed development.

CONSULTATION – EXTERNAL REFERRAL BODIES

Rural Fire Services

In accordance with the provisions of section 79BA of the Environmental Planning and Assessment Act 1979, Council 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 comments provided by the Rural Fire Service are as follows:

“Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service, in respect to bush fire matters, provides the advice that the development should have the following conditions:

- 1. The entire property shall be maintained in perpetuity as an ‘Inner Protection Area (IPA)’ as outlined within ‘Planning for Bush Fire Protection 2006’ and the Service’s document ‘Standards for asset protection zones.’*
- 2. Access is to comply with Chapter 4, specifically access and turning for a category one bush fire tankers required by ‘Planning for Bushfire Protection 2006.’*
- 3. The proposed dwelling is to comply with the requirements of Level 3 construction as required by Australian Standard AS3959-1999 ‘Construction of buildings in bushfire-prone areas’.*
- 4. In recognition that reticulated supplies exceed the allowable distance for hydrant location and hose lay to the further most elevation of the proposed dwelling, the proposed dwelling shall have a dedicated 10,000 litre water supply tank provided. The tank shall be positioned no closer than 10 metres and no further than 20 metres from the dwelling. A 65mm Storz fitting and ball shall be installed in the tank. Suitable access to within 6 metres of the dedicated water supply for a Category 1 heavy bushfire tanker shall also be provided. In addition, a 30 metre long x 19mm diameter fire hose and reel should be installed adjacent to the pump. The hose reel should be supplied, via the petrol powered pressure pump, from the dedicated fire fighting water supply.*
- 5. The use of timber in this proposal is not permitted.*
- 6. Roofing shall be gutterless or have leafless guttering and valleys which are to be screened with non corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.*
- 7. To aid in fire fighting activities, pedestrian access to the rear of the property shall be maintained at all times.*
- 8. Any new fencing shall be constructed from non-combustible materials.*

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Department of Environment and Climate Change

Under the provisions of section 91 of the Environmental Planning and Assessment Act 1979, the proposal has been referred to The Department of Environment and Climate Change (DECC) as Integrated Development on the basis that it requires development consent from Ku-ring-gai Council as well as a permit under Section 90 of the National Parks and Wildlife Act 1977 to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal Place.

DECC advises:

"...it cannot process this application due to inadequate information being provided. There appears to be only one reference to heritage in the Statement of Environmental Effects (under Section 4.8) and this states that "there is not (sic) item of environmental heritage on site or immediately adjacent to the site upon which the proposal would have any impact." For a permit to be issued DECC requires a description of the item itself, an Aboriginal Heritage assessment including a justification for why the item should be destroyed or impacted and any measures that will be undertaken to mitigate the impact of the proposal. The application and accompanying documents provided to DECC do not provide this information."

Insufficient information has been provided on Aboriginal heritage to conclude that the site has no aboriginal significance. No aboriginal heritage assessment (prepared by a suitably qualified person) has been submitted.

STATUTORY PROVISIONS

**Environmental Planning and Assessment Act 1979 (as amended) (EPA Act 1979)
NSW Threatened Species Conservation Act 1995 (TSC Act 1995)**

The Blue Gum High Forest (BGHF) on the site is listed as a critically endangered ecological community under the TSC Act 1995.

Section 5A under the EPA Act 1979 (as amended) and the TSC Act 1995 sets out seven factors (the 'seven part test' of significance) that should be taken into consideration when assessing whether a development is likely to have a significant impact on threatened spaces, populations or ecological communities or their habitats.

Council's Technical Officer Biodiversity, David Wilks, and the independent ecological consultant Dr Smith both conclude that the development will have a significant impact on the critically endangered ecological community, BGHF and the development is a key threatening process.

Clause 78A(8) of the EPA Act 1979 (as amended) requires the development application to be accompanied by a Species Impact Statement (SIS) prepared in accordance with the provisions of Division 2 of Part 6 of the TSC Act 1995. Under Section 111(1) of the TSC Act 1995, the applicant must make an application to the Department of Environment and Climate Change (DECC) for the Director General's requirements (DGR's) concerning the form and content of the SIS.

The applicant has prepared a SIS (prepared by Conacher Travers, dated April 2007). The DECC

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have advised Council (by letter dated 27/06/07) that the SIS is not acceptable in its current format. The SIS has been prepared in accordance with the DGRs requirements that were issued in 2006 for a previous applicant and a different development proposal. The applicant must make a separate application to DECC for the DGRs for the current proposal. The DECC have no records that the proponent has made this application.

The DECC also supports the comments made by Council's Technical Officer Biodiversity, David Wilks, regarding the inadequacies of the SIS.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)

The EPBC Act requires the approval of the Federal Minister for the Environment (in addition to any State or Local Government approval or determination) for actions that will have or are likely to have, a significant impact on a matter of national environmental significance. Threatened species and communities listed in the EPBC Act are considered to be a matter of national environmental significance.

The Blue Gum High Forest (BGHF) on the site is also listed as a critically endangered ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The applicant has referred the proposal to the Federal Minister for the Environment (via the Federal Department of the Environment and Water Resources (DEWR)) for assessment in relation to the EPBC Act requirements (**Attachment E** - Flowchart detailing the assessment process under the EPBC Act).

The Federal Department's assessment to date (by letter dated 25 July 2007) advises the following:

*"We have decided that the proposed action is a **controlled action** and, as such, requires assessment and approval by the Minister for the Environment and Water Resources before it can proceed.*

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- *Listed threatened species and communities (sections 18 and 18A)*

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because:

- *It has the potential to substantially degrade the integrity of the critically endangered Blue Gum High Forest ecological community on the development site and to adversely impact areas of high quality Blue Gum High Forest on adjoining properties."*

The Commonwealth and NSW governments have signed a bilateral agreement which accredits the environmental process under Part 3A, 4 and 5 of the EPA Act 1979.

This means that the assessment done by Council (under Part 4 of the EPA Act) will be used by the

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Commonwealth government to make their determination under the EPBC Act.

Once Council determines the development application, a copy of the assessment report and any conditions of approval/reasons for refusal are forwarded to the NSW Department of Planning. The NSW Department of Planning, forward Council's report and determination to the Federal Department. On receipt of this information, the Federal Department will make a determination under the EPBC Act.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

SEPP19 applies to the site, and the aims and objectives state:

2 Aims, objectives etc

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,*
- (b) its aesthetic value, and*
- (c) its value as a recreational, educational and scientific resource.*

(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
- (c) to protect rare and endangered flora and fauna species,*
- (d) to protect habitats for native flora and fauna,*
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,*
- (f) to protect bushland as a natural stabiliser of the soil surface,*
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
- (h) to protect significant geological features,*
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
- (j) to protect archaeological relics,*
- (k) to protect the recreational potential of bushland,*
- (l) to protect the educational potential of bushland,*
- (m) to maintain bushland in locations which are readily accessible to the community, and*

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(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

The proposal fails to satisfy either the general and specific aims and objectives of SEPP19. A primary concern relates to the protection of the critically endangered community BGHF. The detrimental impacts associated with the bushfire clearing of BGHF on the site will result adverse cumulative environmental impacts to the BGHF community on adjoining properties.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the Sydney Harbour Catchment area (Clause 3(1) of the SREP). The proposal will not have a detrimental impact on the catchment, as the planning principles of the SREP are generally met and the site is not in close proximity to or within views of any waterway, wetland or riparian zone.

Ku-ring-gai Planning Scheme Ordinance

Part A: Development standards

Development standard	Proposed	Complies
Building height 8m (max)	6.9m	YES
Built upon area 60%(3145.49m ²)(max)	9.7% (509.825m ²)	YES

Part B: Aims and objectives for residential zones (Schedule 9):

The proposal fails to satisfy Clause 1(a) and (b) of Schedule 9 under the KPSO.

The development fails to maintain and improve the existing environmental character of the site due to the extensive clearing of BGHF necessary to satisfy the APZ requirements of NSW Rural Fire Service. The detrimental impacts associated with the clearing of BGHF on the site will result adverse cumulative environmental impacts to the BGHF community on adjoining properties.

The objective under Clause 2(c) of the KPSO states:

“any building or development work shall maintain or encourage replacement of tree-cover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced”

The development fails to satisfy this objective due to the impacts on BGHF.

POLICY PROVISIONS

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

The proposal fails to satisfy the following aims under Section 1.2 of DCP38:

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1. *Encourage development which does not dominate, but harmonises with and contributes to the treed landscape and is sympathetic to the street and locality to which it is proposed*
2. *Ensure that with each development sufficient landscaping is provided to contribute to the conservation and replenishment of the tree canopy of Ku-ring-gai, including locally occurring native tree species suited to the site.*
3. ...
4. *Conserve and protect endangered species (flora and fauna), the natural topography and other geographical and environmental features of Ku-ring-gai.*
5. *Achieve ecologically sustainable development*
6. ...
7. *Protect and minimize the impact of development on adjoining properties and the natural environment*

The proposal fails to satisfy the above objectives due to the significant modification to the landscape character of the site (as a result of the bushfire requirements) and the associated detrimental impacts to the critically endangered community, BGHF.

Development Control	Proposed	Complies
4.1 Streetscape:		
Building setbacks (s.4.1.3)		
Front setback:		
14m (Ave) -75% front elevation	46.759m	YES
12m (min) – 25% front elevation		
Side setback:		
Ground floor: 6.25m(min)	7.059m	YES
1 st floor: 7.8m (min)	8m	YES
Rear setback: 12m(min)	25.728m	YES
4.2 Building form:		
FSR (s.4.2.1) 0.3:1 (1572.7sqm max)	0.077:1	YES
Site area: 5242.49sqm	(404.6sqm)	
Height of building (s.4.2.2)		
2 storey (max) and	2 storey &	YES
8m (site >20° slope) or	6.9m	YES
7m (site <20° slope)		
Building height plane (s.4.2.3)		
45° from horizontal at any point 3m above boundary	Within building height plane	YES
First floor (s.4.2.4)		
FSR: < 40% total FSR (161.84sqm)	209.59sqm	NO
	51.8%	
Roof Line (s.4.2.6)		
Roof height		
(3m – two+ storey)	2m	YES
Roof pitch 35° (max)	22.5°	YES

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Development Control	Proposed	Complies
Built-upon area (s.4.2.7) 50% (2621.245m ²) (max)	9.7% (509.825m ²)	YES
Unrelieved wall length (s.4.2.8) 12m (max) 8m (max) where walls exceed 4m in height	8m ground floor 8m first floor	YES YES
Solar access (4.2.11) 4h solar access to adjoining properties between 9am to 3pm	> 4hours to adjoining properties	YES
Cut & fill (s.4.2.14) Max cut 900mm Max cut & fill across building area of 1800mm and 900mm No cut or fill within side setbacks	1500mm 1500mm (cut) 2.5m (cut)	NO YES NO
4.3 Open space & landscaping:		
Soft landscaping area (4.3.3) 50% (2621.245m ²) (min)	90.3% (4732.9m ²)	YES
Tree replenishment (s.4.3.6) 10 Trees required	10+ trees provided	YES
Landscaping cut & fill (4.3.7) max cut or fill 500mm relative to natural ground no cut & fill within 2m of boundary	2.5m 0mm	NO YES
Useable open space (s.4.3.8) Min depth 5m and min area 50m ²	Depth >5m Area >50m ²	YES YES
4.4 Privacy & security:		
There are no residential dwelling houses adjoining the site. The development exceeds the minimum setback controls under Section 4.1.3 of DCP38. The development does not result in any privacy or security impacts to adjoining properties.		
4.5 Access & parking:		
No. of car parking spaces (s.4.5.1) 2 spaces behind building line	2 spaces behind building line	YES
Size of car parking space (s.4.5.2) 5.6m x 5.4m	5.9m x 6.3m	YES
Design of Carports and Garages (s.4.5.3) Where forward of the building line, front setback complies with s.4.1.3 and/or the building line	46.759m	YES
Driveway width (s.4.5.6) 3.5m	4m (existing)	NO (existing)

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- Section 4.2.4 (first floor)

The first floor area must not exceed 40% of the total floor space as defined under Section 4.2.1 of DCP38. The proposed first floor represents 51% of the total floor area, exceeding the maximum 40% requirement by 47.75sqm. The first floor is stepped back at the upper levels in order to avoid bulky vertical wall surfaces. The incorporation of balconies at first floor also reduces the visual bulk of the building. The dwelling is not excessive in size, bulk and scale when viewed from surrounding areas.

- Section 4.2.14 (cut and fill) & Section 4.3.7 (landscaping cut and fill)

The proposal includes a drainage trench to the rear north-west elevation of the dwelling which would involve up to 2.5m of excavation. The footprint of the dwelling would involve up to 1.5m of excavation.

Council's Landscape Officer has advised that the proposed excavation and associated batter (as shown on the stormwater drainage plan) will extend into the primary root zones of two *Eucalyptus pilularis* (Blackbutt) trees located close to the northern boundary of the site and located close to the southern boundary of the adjoining Sydney Water depot site. The excavation and batter is likely to have a negative impact upon these trees. Both trees are of good health and are significant in the landscape. As the trees contribute to the critically endangered BGHF, the extent of excavation and batter is not supported.

Development Control Plan 40 – Construction and Demolition Waste Management

The proposal is satisfactory with regards to the provisions of DCP40.

Development Control Plan No. 43 – Car Parking

Council's Development Engineer has raised no objection to the proposal in relation to DCP43. Two carparking spaces have been provided on site.

Development Control Plan 47 – Water Management

Council's Development Engineer has advised that site storage calculations in accordance with Section 6.7.1 of DCP47 have not been submitted.

LIKELY IMPACTS

The necessary bushfire requirements would result in a significant and adverse impact on the critically endangered BGHF community on the site and on adjoining properties.

SUITABILITY OF THE SITE

The site is not suitable for the proposed development due to the adverse impacts on BGHF.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application is not considered to be in the public interest.

CONCLUSION

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

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT Council, as the consent authority, refuse development consent to Development Application No.393/07 for the erection of a two storey dwelling house on land at No.102 Rosedale Road, St Ives, as shown on plans A01, A02 & A03, prepared by Bosco Seeto & Associates dated 1/05/2007, for the following reasons:

Critically Endangered Community, Blue Gum High Forest (BGHF)

1. The proposal will result in a significant adverse impact to the critically endangered community Blue Gum High Forest which exists on the site and on adjoining land.

Particulars

- (a) The site and adjoining properties (Dalrymple-Hay Nature Reserve, Browns Forest Reserve, Sydney Water Land and No.100 Rosedale Road (owned by DECC)) support one of the largest remaining areas (about 20ha) of the critically endangered community, Blue Gum High Forest. The proposed development of the site will result in the severe modification of BGHF and a substantial reduction in its native species diversity and ecological function.
- (b) NSW Rural Fire Service requires that the entire site to be maintained as an Inner Protection Area as outlined under Planning for Bushfire Protection 2006. The bushfire protection measures will severely modify the critically endangered BGHF on the site.
- (c) Construction of the dwelling house will remove most of the regenerating plants in the clearing. Regeneration of BGHF in the clearing would be permanently curtailed.

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- (d) The proposal fails to satisfy the aims and objectives of SEPP19 – Bushland in Urban Areas.
- (e) The proposal fails to satisfy the aims under Clause 1(a) and (b) and the objectives under Clause 2(c) of Schedule 9 under the KPSO.
- (f) The proposal fails to satisfy the aims under Clause 1.2 of DCP38.

Species Impact Statement

2. The submitted Species Impact Statement (SIS) is inadequate and fails to satisfy the relevant legislative requirements.

Particulars:

- (a) The SIS fails to satisfy the legislative requirements of the Threatened Species Conservation Act 1995. Under Section 111(1) of the TSC Act 1995, the applicant must make an application to the Department of Environment and Climate Change (DECC) for the Director General's requirements concerning the form and content of the SIS. DECC have no records that the proponent has made this application with regards to the subject proposal.
- (b) The SIS fails to acknowledge the recent upgrading of BGHF from an endangered community to a critically endangered community under the NSW TSC Act 1995 and the Commonwealth EPBC Act 1999.
- (c) The SIS (prepared by Conacher Travers, April 2007) fails to demonstrate how the objective of 'no net loss' of BGHF would be achieved. No compensatory measures have been proposed to offset the impact of the development. The relocation of the dwelling to an alternative location on the site would still have the same impact due to the APZ requirements for the entire site.
- (d) The recent upgrading of BGHF from an endangered community to a critically endangered community raises the importance of the fact that there should be no significant impact and no net loss of the community as a result of the development.
- (e) The proposal will have greater impacts than suggested by the SIS. The SIS fails to properly address the total impacts of the development on and off the site with regards to cut and fill, diversion trenches (upslope of the dwelling) and dispersal trenches (downslope of the dwelling). Unsatisfactory assessment has been made regarding runoff/erosion issues on and off the site.
- (f) The SIS fails to assess potential impacts on the threatened Barking Owl which has been recently recorded in the area.

Aboriginal heritage

3. Insufficient information has been provided on Aboriginal heritage to conclude that the site has no aboriginal significance.

Item 2

Particulars:

- (a) A aboriginal heritage assessment (prepared by a qualified consultant) has not been submitted.

4. Construction of the dwelling and driveway

Particulars:

- (a) The proposed removal of the following trees as identified in the Arborist report prepared by Landscape Matrix Pty Ltd, dated 19 April 2007 is not well founded and not supported due to their contribution to the endangered ecological community BGHF:

T23 *Eucalyptus saligna* (Sydney Blue Gum)

T30 *Eucalyptus saligna* (Sydney Blue Gum)

T52 *Eucalyptus pilularis* (Blackbutt)

T53 *Allocasuarina torulosa* (Forest Oak)

T77 *Angophora costata* (Sydney Red Gum)

T80 *Angophora costata* (Sydney Red Gum)

- (b) The proposed excavation and associated batter (as shown on the stormwater drainage plan) will extend into the primary root zones of two *Eucalyptus pilularis* (Blackbutt) trees located close to the northern boundary of the site and located close to the southern boundary of the adjoining Sydney Water depot site. The excavation and batter is likely to have a negative impact upon these trees. Both trees are of good health and are significant in the landscape. As the trees contribute to the critically endangered BGHF, the extent of excavation and batter is not supported.
- (c) The proposed massed planting of the drainage trench is inappropriate and incompatible with existing BGHF ground cover species.
- (d) The driveway will cause localised runoff concentration and pollutants from concentrate (road-base and/or bitumen) will impact on BGHF on and off the site.

5. Unsatisfactory information

Particulars:

- (a) The concept stormwater drainage plans do not comply with the BASIX commitments.
- (b) The proposal fails to satisfy the requirements of Section 6.7.1 of DCP47. Detail of the required site storage calculations has not been submitted.
- (c) The Statement of Environmental Effects (dated February 2007) and the SIS (date April 2007) have not been prepared in concert.
- (d) The Stormwater plan and landscape plan are inconsistent.

Item 2

R Eveleigh
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

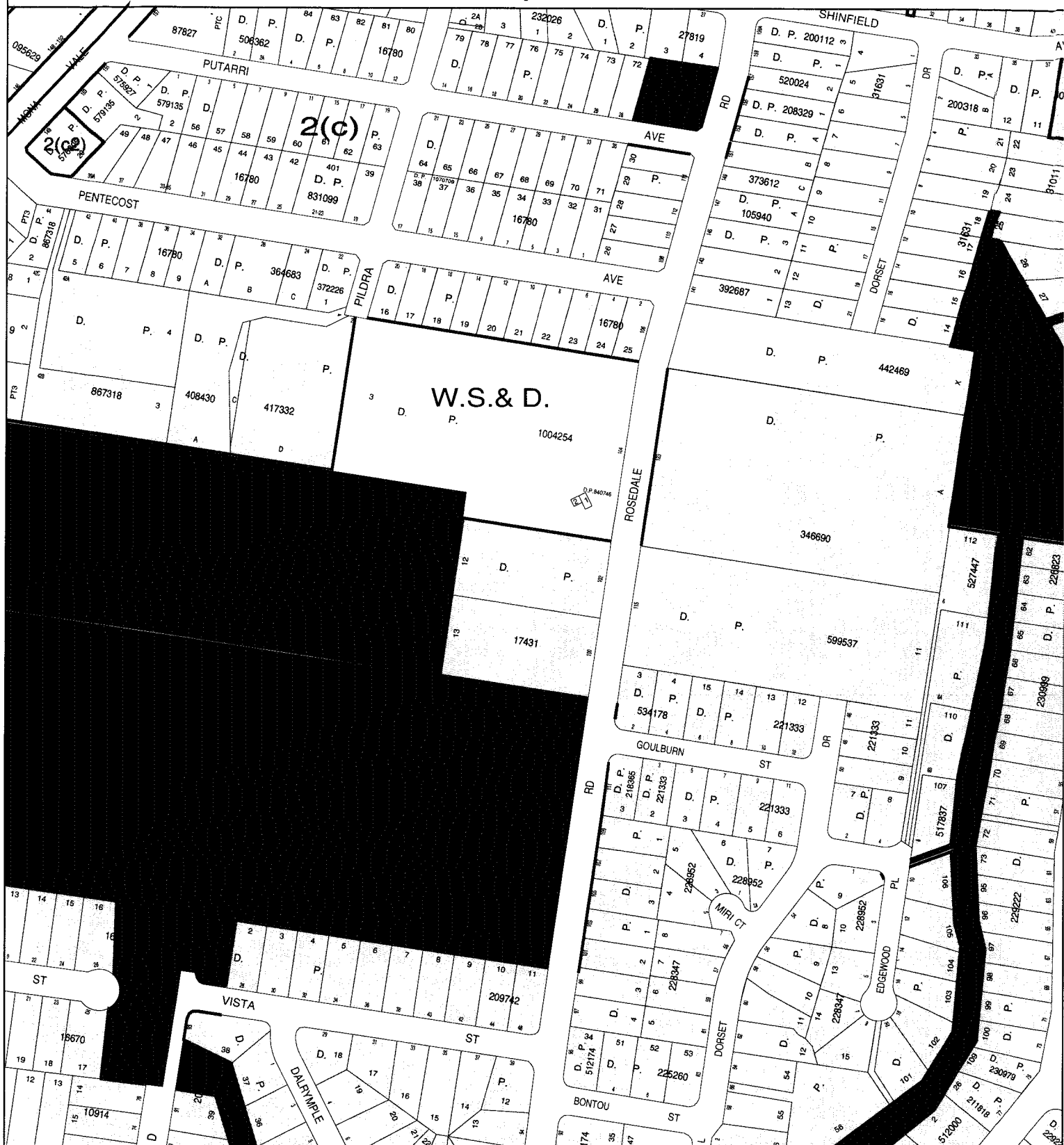
M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Location sketch - 827709**
- Zoning Extract - 827699**
- Architectural Plans - 827701**
- Ecological Assessment - 809991**
- EPBC Act Environment Assessment Process - 827704**

102 Road ST IVES DA 0393/07



ZONES

2. RESIDENTIAL

- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H

3. BUSINESS

- (a) RETAIL SERVICES
- FLOOR SPACE RATIOS
- | | | |
|----|--------|-----------|
| A1 | 2.0:1 | 3(a)-(A1) |
| A2 | 1.0:1 | 3(a)-(A2) |
| A3 | 0.75:1 | 3(a)-(A3) |
- (b) COMMERCIAL SERVICES
- FLOOR SPACE RATIOS
- | | | |
|----|-------|-----------|
| B1 | 1.0:1 | 3(b)-(B1) |
| B2 | 1.0:1 | 3(b)-(B2) |

5. SPECIAL USES

- | | |
|-------------------------------------|--------|
| (a) SPECIAL USES A
(Schools etc) | SCHOOL |
| (a1) SPECIAL USES A1 | 5(a1) |
| (b) SPECIAL USES (Railway) | |

6. OPEN SPACE

- (a) RECREATION EXISTING
- (b) RECREATION PRIVATE
- (c) RECREATION PROPOSED

RESERVATIONS

OPEN SPACE

- (a) OPEN SPACE
(Public Parks & Recreation)
- (b) COUNTY OPEN SPACE

SPECIAL USES

- SPECIAL USES (Parking etc) **PARKING**

ROADS

- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED
- (d) LOCAL ROAD WIDENING

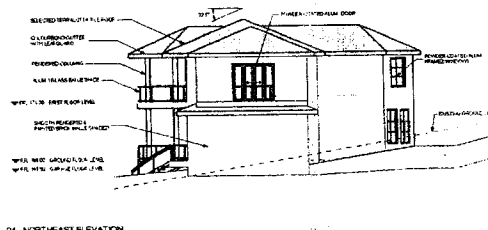
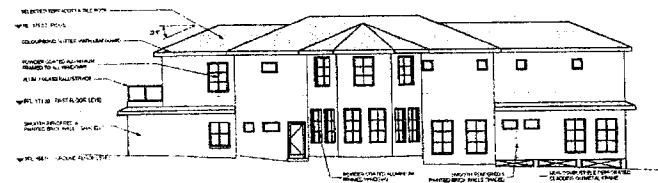
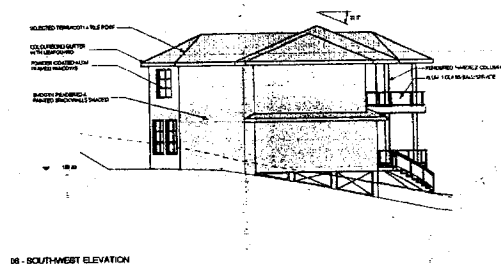
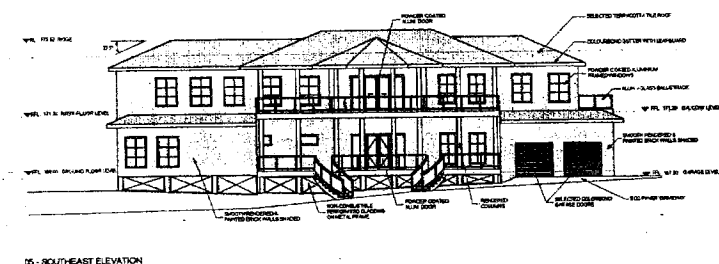
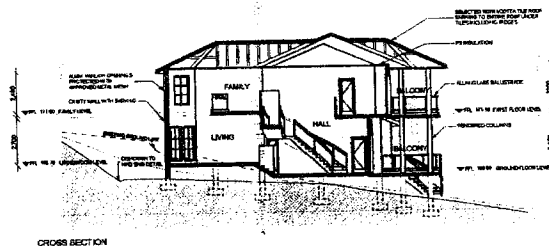
GENERAL

- EXISTING COUNTY ROAD
OTHER PLANNING INSTRUMENTS



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Date:17-09-2007



ISSUE A DA ISSUE 8 MAY 2007

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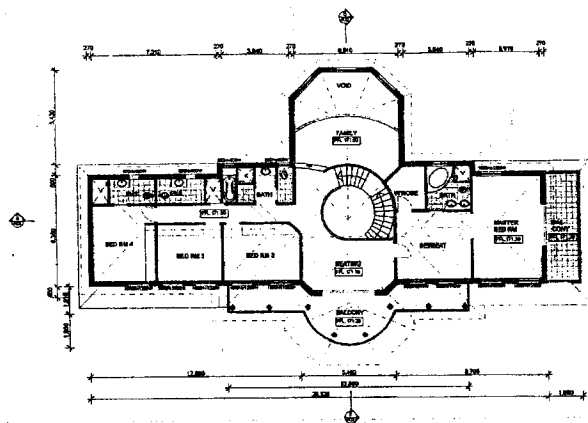
102 ROSEDALE ROAD, ST. IVES

DRAWING TITLE

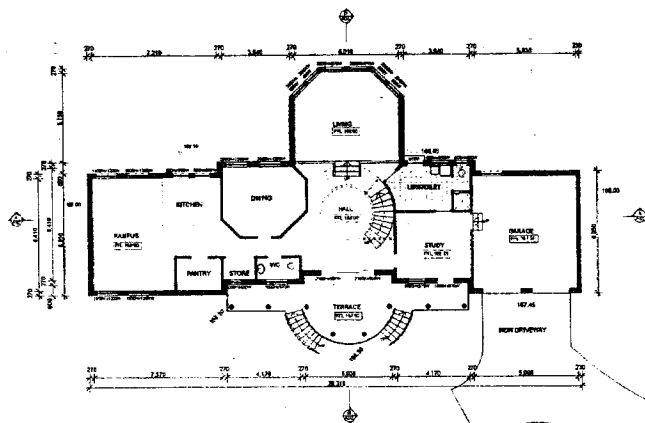
PROPOSED ELEVATIONS & SECTIONS

SCALE DATE DRAWING NO. REV.

1:100@A1 FEB 2007 A.03



FIRST FLOOR PLAN



GROUND FLOOR PLAN

AREA CALCULATION	
TOTAL SITE AREA	5420m ²
GROUND FLOOR AREA	184m ²
FIRST FLOOR AREA	184m ²
TOTAL GROSS FLOOR AREA	378m ²
FSR	0.071
GARAGE AREA	43m ²
TERRACE AREA	29m ²
BALCONY AREA	40m ²
BUILT-UPON AREA	262m ²

ISSUE A DA/ISSUE 01/05/2007

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PROPOSED FLOOR PLANS

SCALE DATE DRAWING NO. REV.

1:100 @ A1 FEB 2007 A.02



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Impact of Proposed Development at 102 Rosedale Road, St Ives on Blue Gum High Forest

Report prepared for Ku-ring-gai Council

Peter Smith

August 2007

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1. Introduction

Ku-ring-gai Council is considering a development application (DA0393/07) for the erection of a two storey dwelling on Lot 12, DP 17431, 102 Rosedale Road, St Ives. The site has an area of about 5242 m² and is forested, except for a cleared area where there was once a two storey dwelling (now removed). The vegetation at the site is Blue Gum High Forest, which is listed as a critically endangered ecological community under both the NSW *Threatened Species Conservation Act 1995* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. A species impact statement, considering the impact of the proposed development on Blue Gum High Forest and on threatened flora and fauna species known or potentially occurring at the site, has been prepared by Conacher Travers (2007).

I have been engaged by Ku-ring-gai Council to review the development application, with particular reference to the impact on Blue Gum High Forest. I was previously engaged by Council to provide expert ecological evidence in NSW Land and Environment Court Proceedings No. 11095 of 2001 (Smith 2002a-b), which was an appeal against Council's refusal of a subdivision application for the same property (although at that time it was known, apparently in error, as 100 Rosedale Road). The proposal was for a subdivision into four residential lots with a common access. The appeal was dismissed by the Court because of the inability to provide a sufficient asset protection zone, and the impact on Blue Gum High Forest.

I have previously surveyed the vegetation of the site with Dr Judy Smith on 19/4/2002 (Smith 2002a). To assess the current condition of the vegetation, Dr Judy Smith and I again surveyed the site on 18/7/2007, between 1030 and 1515 hours in fine weather. We closely searched two 20 x 20 m quadrats, one in the forest and one in the clearing (Map 1), recording all native and introduced plant species growing in or overhanging each quadrat. We also searched the remainder of the property less thoroughly, recording additional native plant species.

2. Survey Results

The site adjoins Dalrymple-Hay Nature Reserve, Browns Forest Reserve and Sydney Water land. Together, these lands support one of the largest remaining areas (about 20 ha) of the critically endangered ecological community, Blue Gum High Forest. The site itself supports a diversity of native plant species, despite its history of residential use and its current heavy weed infestations. Combining the results of our two surveys with surveys by Conacher Travers (2007) in March 2004 and August-September 2006, a total of 115 native plant species has been recorded at 102 Rosedale Road (Appendix 1).

By comparison, a total of 188 native plant species has been recorded in surveys of Dalrymple-Hay Nature Reserve and Browns Forest Reserve since 1984 (Appendix 1). The species recorded at 102 Rosedale Road include 23 native species that have not been recorded from Dalrymple-Hay Nature Reserve and Browns Forest Reserve: *Asplenium australasicum*, *Austrodanthonia racemosa*, *Caesia parviflora* var. *parviflora*, *Carex breviculmis*, *Cassinia uncata*, *Corybas aconitiflorus*, *Ficus rubiginosa*, *Galium binifolium*, *Geitonoplesium cymosum*, *Glycine microphylla*, *Gnaphalium gymnocephalum*, *Hypericum gramineum*, *Juncus continuus*, *Livistona australis*, *Lomandra confertifolia*, *Lomatia myricoides*, *Macrozamia communis*, *Melia azedarach*, *Pellaea falcata*, *Phyllanthus gunnii*, *Pterostylis curta*, *Rumex brownii* and *Solanum pungetium*. The subject site is thus a valuable part of an important Blue Gum High Forest remnant, supporting species that are not known to occur elsewhere in the remnant. It is in poor condition, with many weeds, as can be seen from the quadrat data (Appendix 2), but the large number of native species recorded indicates good regeneration potential.

There is a cleared area in the centre of the site, where there was once a two storey dwelling, which was removed some years ago. I have mapped the extent of the forest and the clearing, based on the tree canopies shown on the survey plan prepared by Degotardi, Smith and Partners (Revision A, dated 24/5/2006). The Blue Gum High Forest covers an area of about 4145 m² or 79% of the site, while the cleared area is about 1097 m² or 21% of the site (Map 1).

The cleared area has a large number of introduced weeds and plantings, with 43 introduced species recorded in the quadrat (Appendix 2). However, it also supports many regenerating native species: 45 native species were recorded in the quadrat (Appendix 2), and 66 native species in total in the cleared area (Appendix 1). The number of native species in the clearing quadrat was actually greater than in the forest quadrat, where 36 native species and 24 introduced species were recorded (Appendix 2). Overall, 80 native species were recorded by us in the forest (Appendix 1). Native species that we recorded in the clearing, but not in the forest, included 11 species that have not been recorded from Dalrymple-Hay Nature Reserve and Browns Forest Reserve: *Asplenium australasicum*, *Austrodanthonia racemosa*, *Carex breviculmis*, *Cassinia uncata*, *Glycine microphylla*, *Gnaphalium gymnocephalum*, *Hypericum gramineum*, *Juncus continuus*, *Pellaea falcata*, *Pterostylis curta* and *Rumex brownii*. The clearing is by no means devoid of native plants. It supports many native species and adds to the overall species richness of the site, and of the entire Blue Gum High Forest remnant.

3. Impact of Proposed Development

3.1 Extent of Impact

The proposed new dwelling on 102 Rosedale Road would be located in the cleared area where the old dwelling was located, and the access would follow the old driveway (site plan prepared by Bosco Seeto and Associates, Drawing A.01, 1/5/2007). Construction of the house and surrounds would remove most of the regenerating plants in the clearing.

The arboricultural report prepared by Paroissien (2007) identifies six live native trees for removal, including three large canopy trees (two *Eucalyptus saligna* and one *E. pilularis*; trees 23, 30 and 52) and three smaller trees (two *Angophora costata* and one *Allocasuarina torulosa*; trees 53, 77 and 80). Two other large canopy trees are also likely to be removed as they are located within the proposed driveway (one *Eucalyptus paniculata* and one *E. saligna*; trees 1 and 29). Another three large trees may be affected by works within their root zones (two *Eucalyptus paniculata* and one *E. pilularis*; trees 21, 86 and 213A).

An extensive asset protection zone will be required to protect the proposed dwelling from bushfires. Conacher Travers (2007) state that about 85-90% of the Blue Gum High Forest on the site would be converted to an inner protection area, requiring the permanent removal of about 80-85% of the understorey vegetation, and selective clearing of specific tree types (dead trees and *Allocasuarina torulosa* trees) to create a discontinuous tree canopy.

Figure 1 of Conacher Travers (2007) indicates that about 81% of the site would be converted to an inner protection area, about 11% would be converted to an outer protection area, and only about 8% would be retained as Blue Gum High Forest. The latter would form a narrow band along the eastern boundary of the site, including part of the driveway. The remainder of the Blue Gum High Forest would be severely modified for bushfire protection purposes, while regeneration of Blue Gum High Forest in the old clearing would be permanently curtailed.

3.2 NSW Threatened Species Conservation Act

Section 5A of the NSW *Environmental Planning and Assessment Act 1979*, as amended by the *Threatened Species Conservation Act 1995* and *Threatened Species Conservation Amendment Act 2002*, sets out seven factors (the 'seven part test' of significance) that should be taken into account when deciding whether a development is likely to have a significant impact on threatened species, populations or ecological communities, or their habitats. The seven factors are considered below in relation to the impact of the proposed development of 102 Rosedale Road, St Ives, on the critically endangered ecological community, Blue Gum High Forest.

(a) *In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.*

Not applicable to a threatened community.

(b) *In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.*

Not applicable to a threatened community.

(c) In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

Blue Gum High Forest has always been a restricted community, associated with Wianamatta Shale soils in higher rainfall areas of the northern Sydney suburbs. Its original extent has been estimated at about 3720 ha, which has now been drastically reduced by urban development to only about 168 ha, a reduction of over 95% (Tozer 2003). Furthermore, the remnants are highly fragmented and are scattered through an urban landscape, where they are subject not only to continuing attrition from further development, but also to increasing degradation from edge effects such as weed invasion, inappropriate fire regimes and an influx of stormwater, bringing excessive moisture, pollutants and nutrients. The NSW Scientific Committee (2007) has assessed that Blue Gum High Forest is facing an extremely high risk of extinction as a functioning ecological community in the immediate future, and has recently upgraded the listing of the community from endangered to critically endangered.

The subject site, 102 Rosedale Road, forms part of one of the largest remaining areas of Blue Gum High Forest. The area of the property is about 5242 m², of which 79% is Blue Gum High Forest and 21% is a clearing with regenerating Blue Gum High Forest species. The site is badly weed-infested, but still supports at least 115 native plant species, 23 of which have not been recorded in the adjoining Dalrymple-Hay Nature Reserve and Browns Forest Reserve. It is a valuable part of one of the most important remnants of this critically endangered community, adding to the overall plant species diversity of the remnant.

Construction of the proposed dwelling on the site would remove most of the regenerating plants in the clearing, and would also have a major impact on the surrounding Blue Gum High Forest, particularly as a result of the bushfire protection measures. Conacher Travers (2007) state that about 85-90% of the Blue Gum High Forest on the site would be converted to an inner protection area, requiring the permanent removal of about 80-85% of the understorey vegetation, and selective clearing of specific tree types (dead trees and *Allocasuarina torulosa* trees) to create a discontinuous tree canopy. Other trees likely to be removed include three large *Eucalyptus saligna*, one large *E. paniculata*, one large *E. pilularis* and two smaller *Angophora costata*. Other large trees may be impacted by works within their root zones.

The NSW Scientific Committee (2001) defines clearing as 'the destruction of a sufficient proportion of one or more strata (layers) within a stand or stands of native vegetation so as to result in the loss, or long term modification, of the structure, composition and ecological function of the stand or stands'. Conversion of 85-90% of the Blue Gum High Forest on 102 Rosedale Road to an inner protection area represents clearing under this definition. It would be a severe modification of the Blue Gum High Forest on the site, and can be expected to result in a substantial reduction in its native species diversity and ecological function. It would effectively reduce the extent of the community, and is part of a trend of continual attrition and degradation that is placing the community at greater and greater risk of extinction as a functioning ecological community.

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

The proposed bushfire protection measures would mean the permanent removal of about 80-85% of the understorey vegetation in 85-90% of the Blue Gum High Forest on the subject land

(Conacher Travers 2007). This is likely to result in a substantial reduction in the diversity of native species at the site.

(d) In relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

Figure 1 of Conacher Travers (2007) indicates that about 81% of the site would be converted to an inner protection area, and about 11% would be converted to an outer protection area, and only about 8% would be retained as Blue Gum High Forest. The latter would form a narrow band along the eastern boundary of the site, including part of the driveway. The remainder of the Blue Gum High Forest would be severely modified for bushfire protection purposes, while regeneration of Blue Gum High Forest in the old clearing would be permanently curtailed. The majority of Blue Gum High Forest vegetation on the subject land would be removed or modified.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

The proposed development will not have a fragmenting or isolating effect.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.

The total remaining area of Blue Gum High Forest is only about 168 ha, representing less than 5% of its original extent (Tozer 2003). The community has been so reduced and fragmented, and is at such high risk of extinction as a functioning ecological community, that the NSW Scientific Committee (2007) has recently upgraded its listing from endangered to critically endangered. All remaining areas have high conservation significance. The subject site forms part of one of the largest and most important remnants of the community, and supports plant species that have not been recorded elsewhere in the remnant. The vegetation is in poor condition as a result of past disturbance and weed invasion, but is nevertheless an important area of habitat.

(e) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

No critical habitat has been declared for Blue Gum High Forest.

(f) Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

No recovery plan has yet been adopted for Blue Gum High Forest, and no threat abatement plan has yet been adopted for clearing of native vegetation. The Department of Environment and Climate Change is currently preparing a Recovery Plan for the Endangered Ecological Communities of the Cumberland Plain, including Blue Gum High Forest. As part of this process, the Department has mapped the vegetation communities of the Cumberland Plain and undertaken a conservation significance assessment (NSW National Parks and Wildlife Service 2002). This mapping has identified the vegetation on the subject site as Blue Gum High Forest, and has assessed it as 'core' habitat. The preferred outcome for areas identified as core habitat is no adverse impact on or loss of endangered ecological communities.

The Director-General's requirements for a species impact statement for the subject site state that if any direct or indirect loss of Blue Gum High Forest is proposed, then the species impact statement must demonstrate how 'no net loss' will be achieved. This may be achieved through off-setting (e.g. purchase of compensatory habitat and its long term protection) and/or rehabilitation/revegetation of disturbed remnants of Blue Gum High Forest and their long term protection. The appropriate offset ratio would be purchase or restoration of three times the area of land impacted by the proposed development.

The species impact statement prepared by Conacher Travers (2007) has not addressed this issue. Even though the species impact statement concludes that the site supports a viable representation of Blue Gum High Forest, and that the proposed development will impact on about 85-90% of the community on the site, no proposals have been made to offset this loss. The species impact statement has not demonstrated how the desired objective of 'no net loss' would be achieved.

(g) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Clearing of native vegetation is listed as a key threatening process under the *Threatened Species Conservation Act 1995*. The NSW Scientific Committee (2001) defines clearing as 'the destruction of a sufficient proportion of one or more strata (layers) within a stand or stands of native vegetation so as to result in the loss, or long term modification, of the structure, composition and ecological function of the stand or stands'. Conversion of 85-90% of the Blue Gum High Forest on 102 Rosedale Road to an inner protection area represents clearing under this definition. The NSW Scientific Committee (2007) has identified 'small-scale clearing associated with residential subdivision, road upgrading, extension and maintenance of service easements, etc' as a particular threat to Blue Gum High Forest.

My conclusion from the above seven part test is that the proposed residential development of 102 Rosedale Road, St Ives, would have a significant impact on the critically endangered ecological community, Blue Gum High Forest.

The species impact statement prepared by Conacher Travers (2007) does not change my conclusion. It has not demonstrated how the objective of 'no net loss' of Blue Gum High Forest would be achieved. No compensatory measures have been proposed to offset the impact of the development. The only discussion of alternatives is a conclusion that relocation of the proposed dwelling to any other part of the site would still have the same impact because a similar asset protection zone would be required. A bushland management plan is proposed to ensure minimal indirect impacts on the adjoining Dalrymple-Hay Nature Reserve and Browns Forest Reserve. But this does not compensate for the direct impacts of the development on the Blue Gum High Forest on the site itself.

The recent upgrading of Blue Gum High Forest from an endangered community to a critically endangered community (NSW Scientific Committee 2007) makes it even more important that there should be no significant impact and no net loss of the community as a result of the proposed development.

3.3 Commonwealth Environment Protection and Biodiversity Conservation Act

As well as its listing under NSW legislation, Blue Gum High Forest is also listed as a critically endangered ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. However, the listing under the latter Act differs in that it does not include stands that are less than 1 ha in area, nor does it include stands of Blue Gum High Forest trees without a native understorey (Threatened Species Scientific Committee 2005).

The Blue Gum High Forest on 102 Rosedale Road is less than 1 ha in area, but it forms part of a larger stand of about 20 ha, including Dalrymple-Hay Nature Reserve, Browns Forest Reserve and Sydney Water land (Conacher Travers 2007, Figure 3). The Blue Gum High Forest on the site is badly weed-infested, but it still supports a native understorey, with 115 native plant species recorded from the site, almost all of which are understorey species (Appendix 1). The vegetation on 102 Rosedale Road corresponds to Blue Gum High Forest as listed under the Commonwealth legislation as well as the NSW legislation.

An action that is likely to have a significant impact on a critically endangered community requires the approval of the Australian Government Minister for the Environment and Water Resources. The Department of the Environment and Heritage's (2006) significant impact criteria state that an action is likely to have a significant impact if there is a real chance or possibility that it will:

- reduce the extent of an ecological community;
- fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines;
- adversely affect habitat critical to the survival of an ecological community;
- modify or destroy abiotic (non-living) factors (such as water, nutrients or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns;
- cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting;
- cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:
 - assisting invasive species, that are harmful to the listed ecological community, to become established; or
 - causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community; or
- interfere with the recovery of a critically endangered community.

As discussed above, the proposed residential development of 102 Rosedale Road, together with the proposed bushfire protection measures, would only retain only about 8% of the site as Blue Gum High Forest. The remainder of the Blue Gum High Forest would be severely modified through conversion to an asset protection zone, and regeneration of Blue Gum High Forest in the old clearing would be permanently curtailed. The development can be expected to result in a substantial reduction in the native species diversity and ecological function of the Blue Gum High Forest on the site, and would effectively reduce the extent of the community. Twenty-three of the native plant species on the site have not been recorded in the adjoining Dalrymple-Hay Nature Reserve and Browns Forest Reserve. The site is a valuable part of one of the most important remnants of this critically endangered community, adding to the overall plant species diversity of the remnant. The Threatened Species Scientific Committee (2005) has identified this remnant as one of the five largest high-quality remnants of the community.

The total remaining area of Blue Gum High Forest is only about 168 ha, representing less than 5% of its original extent (Tozer 2003). The community has been so reduced and fragmented, and is at such high risk of extinction as a functioning ecological community in the immediate future, that any further loss or degradation of the community represents a significant impact in terms of the above criteria. The proposed development should therefore be referred to the Australian Government Minister for the Environment and Water Resources for assessment. Because of the extent of the impact, the Minister is unlikely to approve the development.

Conacher Travers (2007, Appendix V) similarly concluded that a referral is likely to be required, as the proposed development is likely to impact on a significant stand of a critically endangered ecological community. However, I understand that no referral has yet been made.

4. Conclusions

The subject site, 102 Rosedale Road, St Ives, has a total area of about 5242 m², of which about 4145 m² is the critically endangered ecological community, Blue Gum High Forest, and about 1097 m² is a clearing where Blue Gum High Forest species are regenerating. It forms part of a larger area of about 20 ha, including Dalrymple-Hay Nature Reserve, Browns Forest Reserve and Sydney Water land, which is one of the largest remnants of Blue Gum High Forest. The site is badly weed-infested, but still supports at least 115 native plant species, including 23 species that have not been recorded from Dalrymple-Hay Nature Reserve and Browns Forest Reserve. It is a valuable part of one of the most important remnants of Blue Gum High Forest, adding to the overall plant species diversity of the remnant.

Construction of the proposed dwelling on the site would remove most of the regenerating plants in the clearing, and would also have a major impact on the surrounding Blue Gum High Forest, particularly as a result of the bushfire protection measures. About 85-90% of the Blue Gum High Forest on the site would be converted to an inner protection area, requiring the permanent removal of about 80-85% of the understorey vegetation, and selective clearing of specific tree types (dead trees and *Allocasuarina torulosa* trees) to create a discontinuous tree canopy. Other trees likely to be removed include three large *Eucalyptus saligna*, one large *E. paniculata*, one large *E. pilularis* and two smaller *Angophora costata*. Other large trees may be impacted by works within their root zones.

About 81% of the site would be converted to an inner protection area, and about 11% would be converted to an outer protection area, and only about 8% would be retained as Blue Gum High Forest. The latter would form a narrow band along the eastern boundary of the site, including part of the driveway. The remainder of the Blue Gum High Forest would be severely modified for bushfire protection purposes, while regeneration of Blue Gum High Forest in the old clearing would be permanently curtailed. The majority of Blue Gum High Forest vegetation on the subject land would be removed or modified.

My conclusion from a seven part test is that the proposed development would have a significant impact on Blue Gum High Forest. The species impact statement prepared by Conacher Travers (2007) does not change my conclusion. It has not demonstrated how the objective of 'no net loss' of Blue Gum High Forest would be achieved. No compensatory measures have been proposed to offset the impact of the development. The recent upgrading of Blue Gum High Forest from an endangered community to a critically endangered community makes it even more important that there should be no significant impact and no net loss of the community as a result of the proposed development.

Blue Gum High Forest is listed as a critically endangered ecological community under Commonwealth legislation as well as NSW legislation. I consider that the proposed development would have a significant impact on the community in terms of the Commonwealth criteria, requiring a referral to the Australian Government Minister for the Environment and Water Resources for assessment. Because of the extent of the impact, the Minister is unlikely to approve the development. Conacher Travers (2007, Appendix V) similarly concluded that a referral is likely to be required, as the proposed development is likely to impact on a significant stand of a critically endangered ecological community. However, I understand that no referral has yet been made.

Acknowledgements

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Appendix 1. Native flora species recorded at 102 Rosedale Road compared with Dalrymple-Hay Nature Reserve and Browns Forest Reserve

Scientific names follow the Flora of NSW (Harden 1992, 1993, 2000, 2002), except for grasses (Wheeler *et al.* 2000). Smith and Smith surveys on 19/4/02 and 18/7/07. Conacher Travers (2007, Appendix II) surveys in March 2004 and August-September 2006. List for Dalrymple-Hay Nature Reserve and Browns Forest Reserve from Benson and Keith (1984, as reported by Benson and Howell 1994), Rodgie and Hartnell (1985), Limburg (1991), Atlas of NSW Wildlife (data extracted 23/7/07) and other Department of Environment and Climate Change records.

Scientific name	Common name	102 Rosedale Road		Conacher Travers	Dalrymple-Hay NR & Browns Forest
		Smith and Forest	Smith Clearing		
Class Filicopsida	Ferns				
Family Adiantaceae					
<i>Adiantum aethiopicum</i>	Common Maidenhair	X	X	X	X
<i>Adiantum hispidulum</i>	Rough Maidenhair				X
Family Aspleniaceae					
<i>Asplenium australasicum</i>	Bird's Nest Fern		X		
Family Blechnaceae					
<i>Blechnum cartilagineum</i>	Gristle Fern	X	X	X	X
<i>Doodia aspera</i>	Prickly Rasp Fern	X			X
<i>Doodia caudata</i>	Small Rasp Fern				X
Family Cyatheaceae					
<i>Cyathea australis</i>	Rough Treefern				X
Family Dennstaedtiaceae					
<i>Histiopteris incisa</i>	Bat's Wing Fern				X
<i>Hypolepis muelleri</i>	Harsh Ground Fern	X			X
<i>Pteridium esculentum</i>	Bracken	X	X	X	X
Family Dicksoniaceae					
<i>Calochlaena dubia</i>	Common Ground Fern	X	X	X	X
Family Lindsaeaceae					
<i>Lindsaea microphylla</i>	Lacy Wedge Fern				X
Family Pteridaceae					
<i>Pteris tremula</i>	Tender Brake	X	X		X
Family Sinopteridaceae					
<i>Pellaea falcata</i>	Sickle Fern		X	X	
Family Thelypteridaceae					
<i>Christella dentata</i>					X
Class Cycadopsida	Cycads				
Family Zamiaceae					
<i>Macrozamia communis</i>	Burrawang	X		X	
Class Magnoliopsida	Flowering plants				
Subclass Magnoliidae	Dicotyledons				
Family Acanthaceae					
<i>Brunoniella pumilio</i>	Dwarf Blue Trumpet				X
<i>Pseuderanthemum variabile</i>	Pastel Flower	X	X	X	X
Family Apiaceae					
<i>Centella asiatica</i>	Swamp Pennywort	X	X	X	X
<i>Hydrocotyle laxiflora</i>	Stinking Pennywort	X		X	X
<i>Hydrocotyle peduncularis</i>		X	X	X	X
<i>Hydrocotyle tripartita</i>	Pennywort				X
<i>Xanthosia pilosa</i>	Woolly Xanthosia				X
Family Araliaceae					
<i>Polyscias sambucifolia</i>	Elderberry Panax	X		X	X
Family Asclepiadaceae					
<i>Tylophora barbata</i>	Bearded Tylophora	X	X	X	X
Family Asteraceae					
<i>Brachycome angustifolia</i>					X
<i>Cassinia aculeata</i>	Dolly Bush	X			X
<i>Cassinia uncata</i>	Sticky Cassinia		X		
<i>Gnaphalium gymnocephalum</i>	Creeping Cudweed		X		
<i>Helichrysum scorpioides</i>	Button Everlasting				X
<i>Lagenifera gracilis</i>	Slender Lagenophora		X		X
<i>Lagenifera stipitata</i>	Blue Bottle-daisy				X
<i>Olearia microphylla</i>	Small-leaved Daisy-Bush				X
<i>Ozothamnus diosmifolius</i>	White Dogwood	X	X	X	X
<i>Senecio hispidulus</i>	Hill Fireweed	X			X
<i>Senecio species E</i>					X
<i>Sigesbeckia orientalis</i>	Indian Weed				X
<i>Vernonia cinerea</i>					X
Family Bignoniaceae					
<i>Pandorea pandorana</i>	Wonga Wonga Vine	X		X	X

Scientific name	Common name	102 Rosedale Road		Conacher Travers	Dalrymple-Hay NR & Browns Forest
		Smith and Forest	Smith Clearing		
Family Campanulaceae					
<i>Wahlenbergia gracilis</i>	Sprawling Bluebell	X	X	X	X
<i>Wahlenbergia stricta</i>	Tall Bluebell				X
Family Casuarinaceae					
<i>Allocasuarina torulosa</i>	Forest Oak	X	X	X	X
Family Celastraceae					
<i>Maytenus silvestris</i>	Narrow-leaved Orangebark	X		X	X
Family Clusiaceae					
<i>Hypericum gramineum</i>	Small St Johns Wort		X		
Family Convolvulaceae					
<i>Dichondra repens</i>	Kidney Weed	X		X	X
<i>Polymeria calycina</i>	Polymeria				X
Family Cunoniaceae					
<i>Callicoma serratifolia</i>	Black Wattle				X
<i>Ceratopetalum gummiferum</i>	Christmas Bush				X
Family Dilleniaceae					
<i>Hibbertia aspera</i>	Rough Guinea Flower	X	X	X	X
<i>Hibbertia dentata</i>	Twining Guinea Flower				X
<i>Hibbertia empetrifolia</i>	Trailing Guinea Flower				X
<i>Hibbertia scandens</i>	Climbing Guinea Flower				X
Family Elaeocarpaceae					
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	X	X	X	X
Family Epacridaceae					
<i>Acrotriche divaricata</i>	Ground-berry				X
<i>Leucopogon juniperinus</i>	Prickly Beard-heath	X	X	X	X
<i>Leucopogon lanceolatus</i>	Lance Beard-heath			X	X
Family Euphorbiaceae					
<i>Breynia oblongifolia</i>	Breynia		X	X	X
<i>Glochidion ferdinandi</i>	Cheese Tree				X
<i>Omalanthus populifolius</i>	Bleeding Heart				X
<i>Phyllanthus gunnii</i>	Blunt Spurge			X	
<i>Poranthera microphylla</i>	Small Poranthera	X	X	X	X
Family Fabaceae					
<i>Acacia decurrens</i>	Green Wattle	X		X	X
<i>Acacia floribunda</i>	Sally Wattle	X		X	X
<i>Acacia implexa</i>	Hickory Wattle				X
<i>Acacia linifolia</i>	Flax-leaved Wattle				X
<i>Acacia longifolia</i>	Sydney Golden Wattle				X
<i>Acacia longissima</i>		X	X	X	X
<i>Acacia myrtifolia</i>	Myrtle Wattle				X
<i>Acacia parramattensis</i>	Parramatta Green Wattle				X
<i>Acacia stricta</i>	Straight Wattle				X
<i>Acacia suaveolens</i>	Sweet Wattle				X
<i>Acacia ulicifolia</i>	Prickly Moses				X
<i>Daviesia ulicifolia</i>	Gorse Bitter Pea		X		X
<i>Desmodium gunnii</i>		X	X	X	X
<i>Desmodium rhytidophyllum</i>	Rusty Tick-trefoil	X			X
<i>Glycine clandestina</i>	Love Creeper			X	X
<i>Glycine microphylla</i>		X	X	X	
<i>Glycine tabacina</i>		X	X	X	X
<i>Hardenbergia violacea</i>	False Sarsaparilla	X	X	X	X
<i>Indigofera australis</i>	Native Indigo	X	X	X	X
<i>Kennedia rubicunda</i>	Red Kennedy Pea	X	X		X
<i>Platylobium formosum</i>	Handsome Flat-pea	X	X	X	X
<i>Pultenaea daphnoides</i>	Large-leaf Bush-pea				X
<i>Pultenaea flexilis</i>	Graceful Bush-pea				X
<i>Pultenaea linophylla</i>					X
<i>Pultenaea retusa</i>		X			X
Family Geraniaceae					
<i>Geranium homeanum</i>	Northern Cranesbill		X	X	X
<i>Geranium solanderi</i>	Native Geranium	X	X		X
Family Goodeniaceae					
<i>Goodenia heterophylla</i>	Variable-leaved Goodenia			X	X
Family Haloragaceae					
<i>Gonocarpus tetragynus</i>	Poverty Raspwort	X	X		X
<i>Gonocarpus teucrioides</i>	Germander Raspwort			X	X
Family Lamiaceae					
<i>Mentha satuireioides</i>	Creeping Mint				X
<i>Plectranthus parviflorus</i>	Cockspur Flower				X
Family Lauraceae					
<i>Cassytha glabella</i>	Slender Devil's Twine				X
<i>Cassytha pubescens</i>	Common Devil's Twine	X		X	X
Family Lobeliaceae					
<i>Pratia purpurascens</i>	Whiteroot	X	X	X	X
Family Loganiaceae					
<i>Logania albiflora</i>					X

Scientific name	Common name	102 Rosedale Road		Conacher Travers	Dalrymple-Hay NR & Browns Forest
		Smith and Forest	Smith Clearing		
Family Meliaceae					
<i>Melia azedarach</i>	White Cedar			X	
Family Menispermaceae					
<i>Sarcopetalum harveyanum</i>	Pearl Vine				X
Family Moraceae					
<i>Ficus rubiginosa</i>	Port Jackson Fig	X			
Family Myrsinaceae					
<i>Rapanea howittiana</i>	Brush Muttonwood				X
<i>Rapanea variabilis</i>	Muttonwood				X
Family Myrtaceae					
<i>Acmena smithii</i>	Lilly Pilly				X
<i>Angophora costata</i>	Sydney Red Gum	X	X	X	X
<i>Angophora floribunda</i>	Rough-barked Apple				X
<i>Backhousia myrtifolia</i>	Grey Myrtle				X
<i>Corymbia quammifera</i>	Red Bloodwood				X
<i>Eucalyptus paniculata</i>	Grey Ironbark	X		X	X
<i>Eucalyptus pilularis</i>	Blackbutt	X	X	X	X
<i>Eucalyptus saligna</i>	Sydney Blue Gum	X		X	X
<i>Leptospermum polygalifolium</i>	Yellow Teatree				X
<i>Rhodamnia rubescens</i>	Scrub Turpentine				X
<i>Syncarpia glomulifera</i>	Turpentine				X
Family Oleaceae					
<i>Notelaea longifolia</i>	Large Mock-olive	X		X	X
Family Oxalidaceae					
<i>Oxalis exilis</i>		X	X	X	X
<i>Oxalis perennans</i>					X
Family Pittosporaceae					
<i>Billardiera scandens</i>	Appleberry			X	X
<i>Bursaria spinosa</i>	Blackthorn				X
<i>Pittosporum revolutum</i>	Rough-fruit Pittosporum	X		X	X
<i>Pittosporum undulatum</i>	Pittosporum	X	X	X	X
Family Plantaginaceae					
<i>Plantago debilis</i>	Slender Plantain		X	X	X
Family Polygalaceae					
<i>Comesperma volubile</i>					X
Family Polygonaceae					
<i>Persicaria decipiens</i>	Slender Knotweed				X
<i>Persicaria subserotina</i>	Hairy Knotweed				X
<i>Rumex brownii</i>	Swamp Dock		X	X	
Family Proteaceae					
<i>Banksia ericifolia</i>	Heath Banksia				X
<i>Hakea dactyloides</i>					X
<i>Lomatia myricoides</i>	River Lomatia	X			
<i>Persoonia laurina</i>	Golden Geebung				X
<i>Persoonia levis</i>	Broad-leaved Geebung				X
<i>Persoonia linearis</i>	Narrow-leaved Geebung	X		X	X
Family Ranunculaceae					
<i>Clematis aristata</i>	Old Man's Beard	X		X	X
<i>Clematis glycinoides</i>	Headache Vine	X	X	X	X
Family Rhamnaceae					
<i>Pomaderris ferruginea</i>					X
Family Rosaceae					
<i>Rubus parvifolius</i>	Native Raspberry	X		X	X
Family Rubiaceae					
<i>Galium biniifolium</i>		X		X	
<i>Galium propinquum</i>	Maori Bedstraw	X	X		X
<i>Opercularia aspera</i>	Coarse Stinkweed				X
<i>Opercularia diphylla</i>					X
<i>Pomax umbellata</i>	Pomax				X
Family Rutaceae					
<i>Zieria smithii</i>	Sandfly Zieria			X	X
Family Santalaceae					
<i>Exocarpos cupressiformis</i>	Cherry Ballart	X		X	X
Family Sapindaceae					
<i>Dodonaea triquetra</i>	Common Hop Bush				X
Family Scrophulariaceae					
<i>Veronica plebeia</i>	Trailing Speedwell	X	X	X	X

Scientific name	Common name	102 Rosedale Road		Conacher Travers	Dalrymple-Hay NR & Browns Forest
		Smith and Forest	Smith Clearing		
Family Solanaceae					
<i>Solanum americanum</i>	Glossy Nightshade				X
<i>Solanum prinophyllum</i>	Forest Nightshade				X
<i>Solanum pungetium</i>	Eastern Nightshade	X			
Family Stylidiaceae					
<i>Stylidium graminifolium</i>	Grass Triggerplant				X
Family Ulmaceae					
<i>Trema tomentosa</i>	Native Peach				X
Family Verbenaceae					
<i>Clerodendrum tomentosum</i>	Hairy Clerodendrum	X		X	X
Family Violaceae					
<i>Viola betonicifolia</i>	Showy Violet				X
<i>Viola hederacea</i>	Ivy-leaved Violet				X
Family Vitaceae					
<i>Cayratia clematidea</i>	Slender Grape				X
<i>Cissus hypoglauca</i>	Giant Water Vine				X
Subclass Liliidae	Monocotyledons				
Family Anthericaceae					
<i>Arthropodium minus</i>	Small Vanilla Lily	X	X		X
<i>Caesia parviflora</i> var. <i>parviflora</i>	Pale Grass-lily			X	
<i>Caesia parviflora</i> var. <i>vittata</i>	Pale Grass-lily				X
<i>Thysanotus tuberosus</i>	Common Fringe-lily				X
Family Arecaceae					
<i>Livistona australis</i>	Cabbage-tree Palm			X	
Family Commelinaceae					
<i>Commelina cyanea</i>	Scurvy Weed	X	X	X	X
Family Cyperaceae					
<i>Carex breviculmis</i>			X		
<i>Caustis flexuosa</i>	Curly Wig				X
<i>Cyperus gracilis</i>		X		X	X
<i>Gahnia sieberiana</i>					X
<i>Lepidosperma laterale</i>	Variable Sword-sedge			X	X
Family Juncaceae					
<i>Juncus continuus</i>			X		
<i>Juncus homalocalis</i>			X		X
<i>Juncus prismatocarpus</i>	Branching Rush				X
<i>Juncus usitatus</i>	Common Rush	X	X	X	X
Family Lomandraceae					
<i>Lomandra brevis</i>	Tufted Mat-rush				X
<i>Lomandra confertifolia</i>	Slender Mat-rush			X	
<i>Lomandra filiformis</i>	Wattle Mat-rush				X
<i>Lomandra gracilis</i>					X
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	X		X	X
<i>Lomandra multiflora</i>	Many-flowered Mat-rush				X
Family Luzuriagaceae					
<i>Eustrephus latifolius</i>	Wombat Berry	X	X	X	X
<i>Geitonoplesium cymosum</i>	Scrambling Lily			X	
Family Orchidaceae					
<i>Acianthus fornicatus</i>	Pixie Caps		X		X
<i>Caladenia catenata</i>	White Caladenia			X	X
<i>Calochilus campestris</i>	Copper Beard Orchid				X
<i>Corybas aconitiflorus</i>	Spurred Helmet Orchid			X	
<i>Cryptostylis subulata</i>	Large Tongue Orchid				X
<i>Dipodium punctatum</i>	Hyacinth Orchid				X
<i>Pterostylis curta</i>	Blunt Greenhood		X		
<i>Pterostylis grandiflora</i>	Cobra Greenhood				X
<i>Pterostylis nutans</i>	Nodding Greenhood				X
Family Phormiaceae					
<i>Dianella caerulea</i>	Blue Flax Lily	X	X	X	X
<i>Dianella revoluta</i>	Mauve Flax Lily				X
Family Poaceae					
<i>Austrodanthonia pilosa</i>	Smooth-flower Wallaby Grass				X
<i>Austrodanthonia racemosa</i>			X		
<i>Austrodanthonia tenuior</i>					X
<i>Austrostipa</i> sp.					X
<i>Dichelachne micrantha</i>	Shorthair Plumegrass			X	X
<i>Dichelachne parva</i>		X	X		X
<i>Digitaria divaricatissima</i>	Umbrella Grass				X
<i>Digitaria parviflora</i>	Small-flowered Finger Grass				X
<i>Digitaria ramularis</i>					X
<i>Echinopogon caespitosus</i>	Hedgehog Grass	X	X	X	X
<i>Echinopogon ovatus</i>	Forest Hedgehog Grass	X	X	X	X
<i>Entolasia marginata</i>	Bordered Panic	X	X	X	X
<i>Entolasia stricta</i>	Wiry Panic	X		X	X
<i>Imperata cylindrica</i>	Blady Grass	X	X	X	X

Scientific name	Common name	102 Rosedale Road		Conacher Travers	Dalrymple-Hay NR & Browns Forest
		Smith and Forest	Smith Clearing		
<i>Lachnagrostis filiformis</i>	Blowngrass		X		X
<i>Microlaena stipoides</i>	Weeping Grass	X	X	X	X
<i>Oplismenus aemulus</i>	Basket Grass	X	X	X	X
<i>Oplismenus imbecilis</i>	Basket Grass	X	X	X	X
<i>Panicum simile</i>	Two Colour Panic				X
<i>Poa affinis</i>		X	X	X	X
<i>Themeda australis</i>	Kangaroo Grass			X	X
Family Smilacaceae					
<i>Smilax australis</i>	Sarsaparilla				X
<i>Smilax glycyphylla</i>	Sweet Sarsaparilla	X		X	X

Appendix 2. Native and introduced flora species recorded in the two quadrats at 102 Rosedale Road, 18/7/2007

* introduced species

Scientific name	Common name	Quadrat 1 (forest)	Quadrat 2 (clearing)
Class Filicopsida	Ferns		
Family Adiantaceae			
<i>Adiantum aethiopicum</i>	Common Maidenhair		X
Family Aspleniaceae			
<i>Asplenium australasicum</i>	Bird's Nest Fern		X
Family Blechnaceae			
<i>Blechnum cartilagineum</i>	Gristle Fern		X
Family Dennstaedtiaceae			
<i>Hypolepis muelleri</i>	Harsh Ground Fern	X	
<i>Pteridium esculentum</i>	Bracken		X
Family Dicksoniaceae			
<i>Calochlaena dubia</i>	Common Ground Fern		X
Family Pteridaceae			
<i>Pteris tremula</i>	Tender Brake		X
Family Sinopteridaceae			
<i>Pellaea falcata</i>	Sickle Fern		X
Class Magnoliopsida	Flowering plants		
Subclass Magnoliidae	Dicotyledons		
Family Acanthaceae			
<i>Pseuderanthemum variabile</i>	Pastel Flower	X	
Family Apiaceae			
<i>Centella asiatica</i>	Swamp Pennywort		X
<i>Hydrocotyle laxiflora</i>	Stinking Pennywort	X	
Family Araliaceae			
<i>*Hedera helix</i>	English Ivy	X	
Family Asclepiadaceae			
<i>Tylophora barbata</i>	Bearded Tylophora	X	
Family Asteraceae			
<i>*Bidens pilosa</i>	Cobbler's Pegs		X
<i>*Cirsium vulgare</i>	Spear Thistle		X
<i>*Conyza</i> sp.		X	X
<i>*Erigeron karvinskianus</i>	Bony-tip Fleabane		X
<i>Gnaphalium</i> sp.			X
<i>*Hypochaeris radicata</i>	Catsear	X	X
<i>Ozothamnus diosmifolius</i>	White Dogwood	X	X
<i>*Senecio madagascariensis</i>	Fireweed	X	X
<i>*Soliva sessilis</i>	Bindyi		X
<i>*Sonchus oleraceus</i>	Common Sowthistle		X
Family Bignoniaceae			
<i>*Jacaranda mimosifolia</i>	Jacaranda		X
Family Campanulaceae			
<i>Wahlenbergia gracilis</i>	Sprawling Bluebell		X
Family Caprifoliaceae			
<i>*Lonicera japonica</i>	Japanese Honeysuckle	X	X
Family Casuarinaceae			
<i>Allocasuarina torulosa</i>	Forest Oak	X	
Family Celastraceae			
<i>Maytenus silvestris</i>	Narrow-leaved Orangebark	X	
Family Clusiaceae			
<i>Hypericum gramineum</i>	Small St Johns Wort		X
Family Convolvulaceae			
<i>Dichondra repens</i>	Kidney Weed	X	
Family Crassulaceae			
<i>*Crassula multicava</i>	Shade Crassula	X	X
Family Dilleniaceae			
<i>Hibbertia aspera</i>	Rough Guinea Flower		X
Family Epacridaceae			
<i>Leucopogon juniperinus</i>	Prickly Beard-heath		X
Family Ericaceae			
<i>*Rhododendron</i> sp.	Azalea		X
Family Euphorbiaceae			
<i>Breynia oblongifolia</i>	Breynia		X
Family Fabaceae			
<i>Acacia longissima</i>		X	

Scientific name	Common name	Quadrat 1 (forest)	Quadrat 2 (clearing)
<i>Desmodium gunnii</i>			X
<i>Glycine microphylla</i>		X	X
<i>Hardenbergia violacea</i>	False Sarsaparilla	X	X
<i>Indigofera australis</i>	Native Indigo	X	X
<i>Kennedia rubicunda</i>	Red Kennedy Pea	X	X
* <i>Medicago</i> sp.			X
<i>Platylobium formosum</i>	Handsome Flat-pea	X	X
* <i>Senna pendula</i>	Cassia	X	X
* <i>Trifolium repens</i>	White Clover		X
* <i>Vicia</i> sp.			X
Family Geraniaceae			
<i>Geranium homeanum</i>	Northern Cranesbill		X
Family Lauraceae			
* <i>Cinnamomum camphora</i>	Camphor Laurel	X	
Family Lobeliaceae			
<i>Pratia purpurascens</i>	Whiteroot		X
Family Malaceae			
* <i>Cotoneaster glaucophyllus</i>			X
* <i>Spiraea cantoniensis</i>	May Bush	X	X
Family Melastomataceae			
* <i>Tibouchina urvilleana</i>	Glory Bush		X
Family Myrtaceae			
<i>Angophora costata</i>	Sydney Red Gum		X
<i>Eucalyptus paniculata</i>	Grey Ironbark	X	
<i>Eucalyptus pilularis</i>	Blackbutt	X	X
<i>Eucalyptus saligna</i>	Sydney Blue Gum	X	
Family Ochnaceae			
* <i>Ochna serrulata</i>	Ochna	X	
Family Oleaceae			
* <i>Jasminum mesnyi</i>	Primrose Jasmine	X	
* <i>Ligustrum lucidum</i>	Large-leaved Privet	X	X
* <i>Ligustrum sinense</i>	Small-leaved Privet	X	X
Family Oxalidaceae			
* <i>Oxalis debilis</i>	Lilac Shamrock	X	X
<i>Oxalis exilis</i>		X	X
* <i>Oxalis incarnata</i>	Pale-flowered Wood Sorrel	X	
Family Passifloraceae			
* <i>Passiflora edulis</i>	Common Passionfruit	X	
Family Pittosporaceae			
<i>Pittosporum revolutum</i>	Rough-fruit Pittosporum	X	
<i>Pittosporum undulatum</i>	Pittosporum	X	X
Family Plantaginaceae			
<i>Plantago debilis</i>	Slender Plantain		X
* <i>Plantago lanceolata</i>	Lamb's Tongues		X
Family Proteaceae			
<i>Lomatia myricoides</i>	River Lomatia	X	
Family Ranunculaceae			
<i>Clematis glycinoides</i>	Headache Vine	X	X
Family Rosaceae			
* <i>Rubus fruticosus</i> spp.agg.	Blackberry		X
<i>Rubus parvifolius</i>	Native Raspberry	X	
Family Rubiaceae			
<i>Galium propinquum</i>	Maori Bedstraw		X
Family Scrophulariaceae			
<i>Veronica plebeia</i>	Trailing Speedwell	X	X
Family Solanaceae			
* <i>Solanum nigrum</i>	Black-berry Nightshade	X	X
<i>Solanum pungetium</i>	Eastern Nightshade	X	
Family Sterculiaceae			
* <i>Brachychiton acerifolius</i>	Illawarra Flame Tree	X	
Family Theaceae			
* <i>Camellia</i> sp.			X
Family Verbenaceae			
* <i>Lantana camara</i>	Lantana	X	
* <i>Verbena bonariensis</i>	Purpletop		X
* <i>Verbena litoralis</i>	Coastal Verbena		X
Subclass Liliidae	Monocotyledons		
Family Alliaceae			
* <i>Agapanthus praecox</i>	Agapanthus	X	X
Family Araceae			

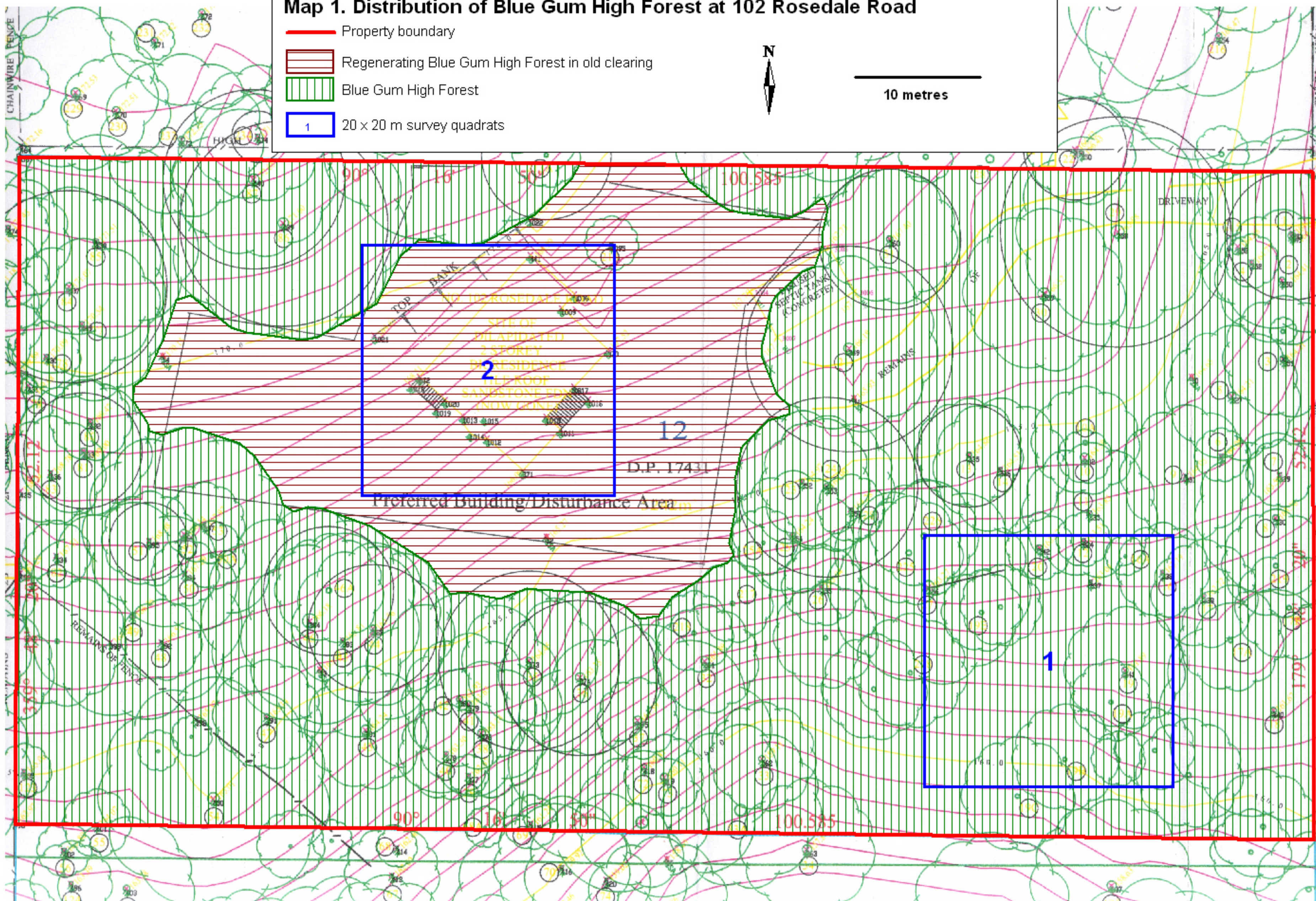
Scientific name	Common name	Quadrat 1 (forest)	Quadrat 2 (clearing)
<i>*Monstera deliciosa</i>	Fruit-salad Plant		X
Family Asparagaceae			
<i>*Protasparagus aethiopicus</i>	Asparagus Fern	X	X
Family Commelinaceae			
<i>Commelina cyanea</i>	Scurvy Weed	X	X
Family Iridaceae			
<i>*Iris</i> sp.			X
Family Juncaceae			
<i>*Juncus capillaceus</i>			X
<i>Juncus continuus</i>			X
<i>Juncus homalocalis</i>			X
<i>Juncus usitatus</i>	Common Rush		X
Family Lomandraceae			
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	X	
Family Luzuriagaceae			
<i>Eustrephus latifolius</i>	Wombat Berry	X	X
Family Orchidaceae			
<i>*Epidendrum ibaguense</i>	Crucifix Orchid		X
<i>Pterostylis curta</i>	Blunt Greenhood		X
Family Phormiaceae			
<i>Dianella caerulea</i>	Blue Flax Lily	X	X
Family Poaceae			
<i>*Andropogon virginicus</i>	Whisky Grass		X
<i>Austrodanthonia racemosa</i>			X
<i>*Axonopus fissifolius</i>	Narrow-leaved Carpet Grass		X
<i>*Briza maxima</i>	Quaking Grass		X
<i>*Bromus catharticus</i>	Prairie Grass		X
<i>*Cortaderia</i> sp. (dead)			X
<i>*Cynodon dactylon</i>	Common Couch		X
<i>Echinopogon ovatus</i>	Forest Hedgehog Grass		X
<i>Entolasia marginata</i>	Bordered Panic	X	X
<i>Entolasia stricta</i>	Wiry Panic	X	
<i>Imperata cylindrica</i>	Blady Grass		X
<i>Microlaena stipoides</i>	Weeping Grass	X	X
<i>Oplismenus aemulus</i>	Basket Grass	X	X
<i>Oplismenus imbecilis</i>	Basket Grass	X	
<i>*Paspalum dilatatum</i>	Paspalum		X
<i>Poa affinis</i>		X	X
<i>*Setaria gracilis</i>	Slender Pigeon Grass		X
<i>*Stenotaphrum secundatum</i>	Buffalo Grass		X
Family Smilacaceae			
<i>Smilax glycyphylla</i>	Sweet Sarsaparilla	X	
Family Zingiberaceae			
<i>*Hedychium gardnerianum</i>	Ginger Lily	X	
<i>*Unidentified shrub</i>		X	
<i>*Unidentified shrub</i>		X	
Native species		36	45
Introduced species		24	43
Total species		60	88

Map 1. Distribution of Blue Gum High Forest at 102 Rosedale Road

- Property boundary
- Regenerating Blue Gum High Forest in old clearing
- Blue Gum High Forest
- 20 x 20 m survey quadrats



10 metres



Rosedale Road

EPBC ACT ENVIRONMENT ASSESSMENT PROCESS – REFERRAL

Deciding if a proposed action needs to be referred

- Is the proposed action likely to have a significant impact on a matter of national environmental significance?
The matters of national environmental significance are:
 - Nationally threatened species and ecological communities
 - Migratory species protected under international agreements
 - Ramsar wetlands of international importance
 - the Commonwealth marine environment
 - World Heritage properties
 - National Heritage places
 - Nuclear actions.
- Is the proposed action likely to have a significant impact on the environment in general (for actions by Commonwealth agencies or actions on Commonwealth land) or the environment on Commonwealth land (for actions outside Commonwealth land)?
- If you are not certain about whether your proposed action requires approval under the EPBC Act you may refer the proposal for a decision by the Australian Government Minister for the Environment and Water Resources.

Approval is not required from the Australian Government Minister for the Environment and Water Resources.

Person proposing to take the action makes a referral to the Australian Government Minister for the Environment and Water Resources via the Department of the Environment and Water Resources.

Action is clearly unacceptable
Minister makes a decision within 20 business days.

Minister makes a decision within 20 business days on whether approval is required under the EPBC Act and on process of assessment.

Controlled Action

Not Controlled Action 'Particular Manner'

Not Controlled Action

Action is subject to the assessment and approval process under the EPBC Act. (Refer to the Assessment/Decision Whether to Approve flowchart)

Approval is not required if the action is taken in accordance with the manner specified.

Approval is not required if the action is taken in accordance with the referral.

Further information about the EPBC Act is available from the Department of the Environment and Water Resources web site www.environment.gov.au/epbc, or by contacting the Department's Community Information Unit, email ciu@environment.gov.au, or freecall 1800 803 772.



Australian Government

Department of the Environment and Water Resources

Printed March 2007

EPBC ACT ENVIRONMENT ASSESSMENT PROCESS – ASSESSMENT / DECISION WHETHER TO APPROVE

Can the action be assessed using:

- A State/Territory assessment process accredited under a bilateral agreement?
Bilateral agreements currently exist with Queensland, Western Australia, Tasmania, New South Wales and the Northern Territory.
- An Australian Government assessment process accredited under a Ministerial declaration?
There are currently no Ministerial declarations for Australian Government processes

YES

Accredited Assessment (Case by case)

Action to be assessed by:
• An accredited State/Territory process; or
• An accredited Australian Government process.

State/Territory or Australian Government agency prepares assessment report.

Assessment on referral information

The Department must prepare a draft Recommendation Report.

Draft Recommendation Report published for 10 business day public comment period.

Recommendation Report finalised and provided to the Minister.

Assessment on Preliminary Documentation

Minister directs proponent to publish referral information for public comment.

Minister requests further information from proponent.

Minister directs proponent to publish referral and additional information for public comment.

Public comment on proponent's information.

Proponent's information is revised taking into account public comments. The proponent then provides the Minister with the revised information or a notice stating that no comments were received.

Department for the Environment and Water Resources prepares Recommendation Report and provides it to the Minister.

Assessment by EIS/PER

Minister provides either standard or tailored guidelines to proponent for draft EIS or PER.

Preparation of draft EIS/PER.

Minister approves publication of draft PER/EIS.

Public comment on draft EIS/PER.

EIS/PER finalised taking into account public comments. The proponent then provides the finalised EIS/PER to the Minister.

Assessment by Public Inquiry

Minister appoints commissioners and sets terms of reference.

Commission conducts inquiry and provides an inquiry report to the Minister.

Australian Government Minister for the Environment and Water Resources makes decision to approve, approve with conditions or not approve the proposed action.

- For assessment by EIS/PER or preliminary documentation, a decision must be made within 40 business days of receiving finalised documentation from the proponent.
- For assessment by inquiry, a decision must be made within 40 business days of receiving an inquiry report.
- For assessment by a State/Territory process, a decision must be made within 30 business days of receiving an assessment report.
- For assessment on referral information, a decision must be made within 20 business days of receiving a Recommendation Report.

EPBC ACT ENVIRONMENT ASSESSMENT PROCESS – REFERRAL

Deciding if a proposed action needs to be referred

- Is the proposed action likely to have a significant impact on a matter of national environmental significance?
The matters of national environmental significance are:
 - Nationally threatened species and ecological communities
 - Migratory species protected under international agreements
 - Ramsar wetlands of international importance
 - the Commonwealth marine environment
 - World Heritage properties
 - National Heritage places
 - Nuclear actions.
- Is the proposed action likely to have a significant impact on the environment in general (for actions by Commonwealth agencies or actions on Commonwealth land) or the environment on Commonwealth land (for actions outside Commonwealth land)?
- If you are not certain about whether your proposed action requires approval under the EPBC Act you may refer the proposal for a decision by the Australian Government Minister for the Environment and Water Resources.

NO

Approval is not required from the Australian Government Minister for the Environment and Water Resources.

YES

Person proposing to take the action makes a referral to the Australian Government Minister for the Environment and Water Resources via the Department of the Environment and Water Resources.

Action is clearly unacceptable

Minister makes a decision within 20 business days.

Person informed of decision

Person may withdraw referral and take no action

Person may withdraw and submit a modified proposal as a new referral

Person may request the Minister to reconsider the decision

10 business day public comment period.

Department of the Environment and Water Resources prepares report on relevant impacts and comments.

Minister makes a reconsideration decision within 20 business days.

Action is clearly unacceptable

Controlled Action

Minister makes a decision within 20 business days on whether approval is required under the EPBC Act and on process of assessment.

Controlled Action

Not Controlled Action 'Particular Manner'

Not Controlled Action

Action is subject to the assessment and approval process under the EPBC Act. (Refer to the Assessment/Decision Whether to Approve flowchart)

Approval is not required if the action is taken in accordance with the manner specified.

Approval is not required if the action is taken in accordance with the referral.

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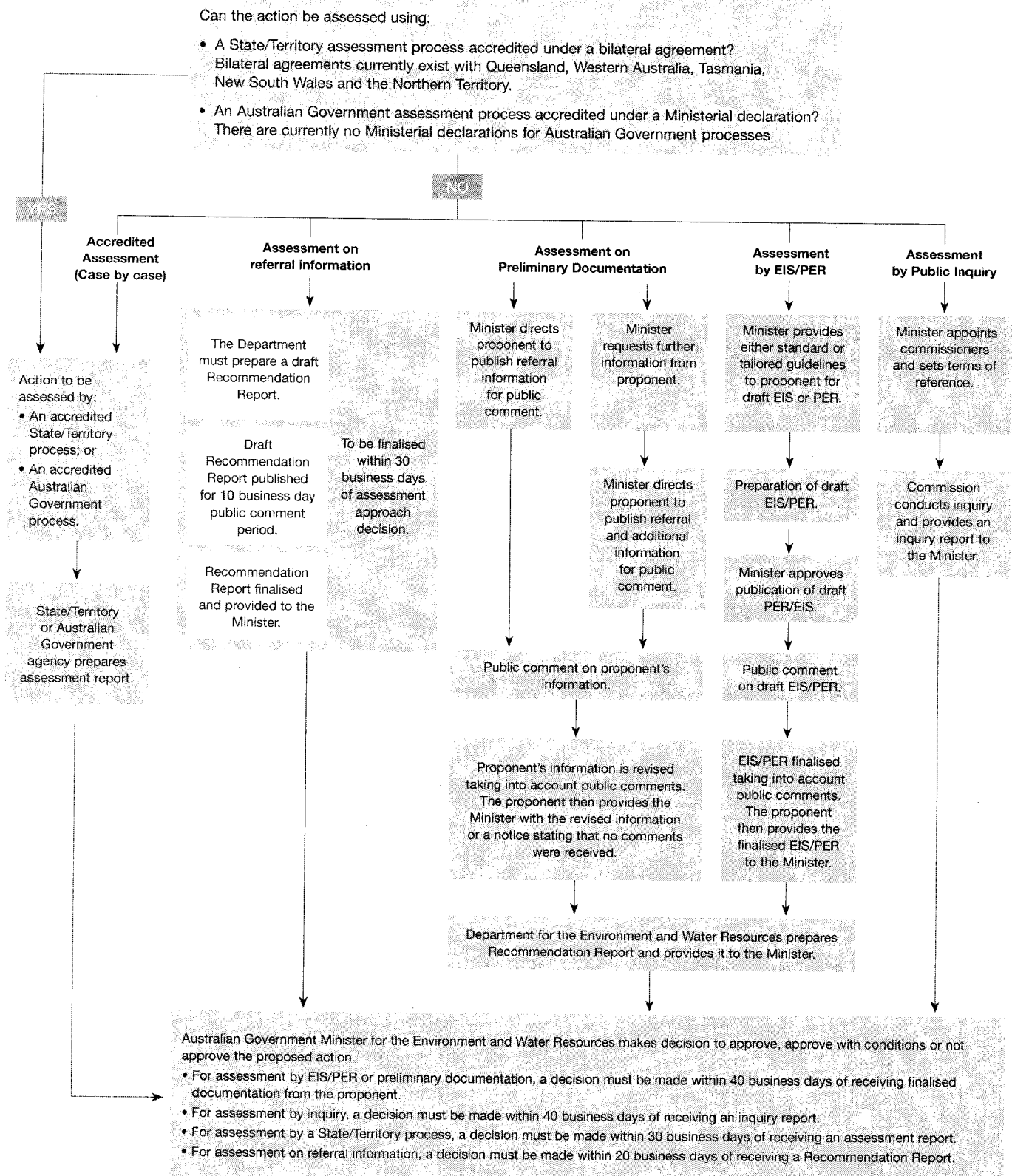
Australian Government

Department of the Environment and Water Resources

Printed March 2007

EPBC ACT ENVIRONMENT ASSESSMENT PROCESS

- ASSESSMENT / DECISION WHETHER TO APPROVE





Australian Government

Department of the Environment and Water Resources

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

Date
2 July 2007
EPBC Ref
2007/3455
EPBC contact
Victoria Bartlett
02 6274 1101
Victoria.bartlett@environment.gov.au

Dear Mr McKee

Decision on referral

Residential Dwelling, Lot 12 DP 17431, Rosedale Road, St Ives

This proposed action, to develop a residential dwelling and associated driveway and landscape works at 102 Rosedale Road, St Ives, New South Wales, has now been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

We have decided that the proposed action is a controlled action and, as such, requires assessment and approval by the Minister for the Environment and Water Resources before it can proceed.

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A).

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because:

- It has the potential to substantially degrade the integrity of the critically endangered Blue Gum High Forest ecological community on the development site and to adversely impact areas of high quality Blue Gum High Forest on adjoining properties.

Please note that this decision only relates to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 4 of the EPBC Act.

A copy of the document recording this decision is enclosed.

If you have any questions about the referral process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Ms Tania Rishniw
Acting Assistant Secretary
Environment Assessment Branch





Australian Government

Department of the Environment and Water Resources

**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled
action**

Residential Dwelling, Lot 12 DP 17431, Rosedale Road, St Ives (EPBC 2007/3455)

This decision is made under Section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

proposed action	To develop a residential dwelling and associated driveway and landscape works at Lot 12 DP 17431, Rosedale Road, St Ives, New South Wales
------------------------	---

Referral decision: Controlled action

status of proposed action	The proposed action is a controlled action. <i>The project will require assessment and approval under the Environment Protection and Biodiversity Conservation Act 1999 before it can proceed.</i>
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relevant controlling provisions	The project is likely to have a significant impact on: <ul style="list-style-type: none">• Listed threatened species and communities (sections 18 & 18A)
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designated proponent	Bosco Seeto and Associates
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Decision on assessment approach

assessment approach	To be advised.
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Person authorised to make decision

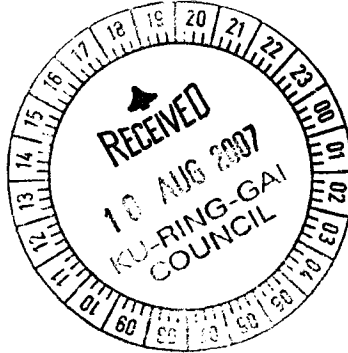
Name and position	Ms Tania Rishniw Acting Assistant Secretary Environment Assessment Branch
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date of decision	25.7.07
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NSW GOVERNMENT
Department of Planning

General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



Contact: John Ross
Phone: 02 9228 6541
Fax: 02 9228 6311
Email: john.ross@planning.nsw.gov.au
Our ref: file number
Your ref:
File: 2007-3455 - 102 Rosedale Road
St Ives.doc

6th August 2007

Dear Sir or Madam:

Subject: Proposed Residential Development (EPBC 2007/3455)

The Department of Environment and Water Resources (DEWR) has considered the above referral and has determined that the action is a controlled action within the meaning of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. A copy of the instrument of decision is attached.

The Commonwealth and NSW government have signed a Bilateral Agreement which accredits the environmental assessment processes under Parts 3A, 4 and 5 of the *Environmental Planning and Assessment Act 1979*. This means that the assessment done by the council will be used by the Commonwealth government to make their determination under the EPBC Act.

Once a determination has been made on the development application by council, would you please forward a copy of the assessment report and any conditions of approval to the Department of Planning. We will then forward the report to DEWR so that they can make a determination under the EPBC Act. I will advise DEWR that the assessment will be assessed under Part 4 of the EP&A Act and will be done under the Bilateral Agreement.

Should you require further information, please contact John Ross on 9228 6541, or for information about the Bilateral Agreement see our website at:

<http://www.planning.nsw.gov.au/assessingdev/environmentalassessment.asp>

Yours faithfully

John Ross
6.8.07

John Ross

Senior EPO

Sector Strategies and Systems Innovation

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	16 STANHOPE ROAD, KILLARA - DEMOLITION AND CONSTRUCTION OF A NEW TWO STOREY DWELLING
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1423/06
SUBJECT LAND:	16 STANHOPE ROAD KILLARA - DEMOLITION AND CONSTRUCTION OF A NEW TWO STOREY DWELLING
APPLICANT:	Urbaneqsue Planning Pty Ltd
OWNER:	Dr. Rina Yee Man & Mr. Edwin Wak Sing Mok
DESIGNER:	Bligh Voller Nield Architecture
PRESENT USE:	Residential
ZONING:	Residential 2(c2)
HERITAGE:	Yes, adjoins heritage items
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, DCP 38, DCP40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management - Ku-ring-gai Residential Control Plan, Development Control Plan No. 40 - Construction and Demolition Waste Management, Development Control Plan No. 43 - Car Parking Code, Development Control Plan No. 47 -Water Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy 55, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	20 December 2007
40 DAY PERIOD EXPIRED:	29 January 2007
PROPOSAL:	Demolition of the existing dwelling and construction of a new two-storey dwelling.
RECOMMENDATION:	Approval 16 Stanhope Road, Killara

Item 3

16 Stanhope Road, Killara
DA1423/06
5 September 2007

DEVELOPMENT APPLICATION N^o 1423/06
PREMISES: 16 STANHOPE ROAD, KILLARA
PROPOSAL: DEMOLITION OF THE EXISTING DWELLING AND
CONSTRUCTION OF A NEW TWO STOREY
DWELING.
APPLICANT: URBANESQUE PLANNING PTY LTD
OWNER: DR RINA YEE MAN AND MR EDWIN WAK SING
MOK
DESIGNER BLIGH VOLLER NIELD ARCHITECTURE

PURPOSE FOR REPORT

To determine Development Application No. 1423/06 which seeks consent for demolition of existing dwelling, carport & swimming pool & the construction of a new two storey dwelling with integrated garage, an indoor swimming pool at the rear of the property.

EXECUTIVE SUMMARY

Issues: Setback, building height plane, bulk and scale

Submissions: 36 submissions were received

Land & Environment Court Appeal: Appeal Number 104749 of 2007 lodged 6 August 2007

Recommendation: Approval

PREVIOUS DEVELOPMENT APPLICATION HISTORY

DA 1022/06 – Demolition of the existing dwelling house and all other structures on site.

Development Application No. 1022/06 sought consent for the demolition of the existing dwelling and all other existing structures at No.16 Stanhope Road (Lot 11) and was refused under delegation on 13 November 2006 for the following reasons:

1. *The demolition of the existing dwelling results in an adverse streetscape impact.*

Particulars

1. *The proposal will not maintain or enhance the existing streetscape and will affect the heritage significance of the adjoining heritage item. It is inconsistent with the objectives set out in Schedule 9 (Clauses 1(a) and 1(b) of the Ku-ring-gai Planning Scheme Ordinance).*
2. *The proposed demolition is unsympathetic to the existing streetscape, locality or the adjoining property and contradicts the aims set out in section 1.2 of Development Control Plan 38.*

Item 3

3. *No. 16 Stanhope Road has been assessed and identified as having heritage significance; it is graded as a contributory item in a proposed conservation area.*
4. *It is graded as a contributory item in a proposed conservation area and the demolition of this structure with no subsequent development proposed, will have significant adverse impacts on the streetscape and the heritage value therein as:*
 - a. *The subject dwelling is of heritage significance in its own right*
 - b. *The dwelling is sited in proximity to several listed heritage items and form an important component of the overall heritage fabric of Stanhope Road*
5. *The existing dwelling is structurally safe. Additions and alterations can be made to the existing dwelling without reducing the qualities it has as a potential heritage item.*

DA 1217/06 – Boundary adjustment

Development Application No. 1217/06 sought consent for a boundary adjustment between No.16 and 16A Stanhope Road. The boundary adjustment resulted in a larger allotment of 1,785 m² for No. 16 Stanhope Road and a smaller allotment of 1,183.4 m² (841.9 m² excluding the battleaxe handle) for No. 16A Stanhope Road.

No objections were received in response to notification. The application was approved under delegation on 4 January 2007.

DA 1217/06A – Modification of originally imposed consent conditions No. 6 and No. 11 relating to a boundary adjustment

Development Application No. 1217/06A sought consent for the modification of the originally imposed consent Conditions 6 and 11 of DA1217/06. In accordance with Development Control Plan No. 56, the development application was not notified. The proposed development was refused under delegation on 28 February 2007 for the following reasons:

- The proposed modifications are inappropriately reliant upon the assumed granting of consent by Council to a Development Application that is yet to be determined.
- The proposed modifications create an unacceptable degree of uncertainty as to the possible permanent retention of a dwelling that will straddle the adjusted property boundary.

Heritage status - Review of potential heritage items in Ku-ring-gai

Background

In 2001, Ku-ring-gai Council prepared a study which identified a total of 464 properties in the local government area (LGA) of potential heritage significance. In 2004, Council re-examined the 464 potential heritage items, developing a criteria for prioritising the review of selected properties. From the original 464 properties, properties were either selected for immediate review or deletion as potential heritage items. No.16 Stanhope Road was identified as a potential heritage item in the study.

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In June 2005, Ku-ring-gai Council commissioned Perumal Murphy Alessi Pty Ltd and Glen Cowell Heritage Services Pty Ltd to undertake the assessment of 154 potential heritage items within the Ku-ring-gai local government area and prepare a report. The purpose of the review was to professionally assess the 154 properties identified in the Ku-ring-gai Council study to determine each property's significance and suitability as a heritage listed property, with the appropriate conservation controls under the Ku-ring-gai Planning Scheme Ordinance (KPSO).

The report, titled *Review of Potential Heritage Items in the Ku-ring-gai Local Government Area*, was placed on non-statutory exhibition from 20 November to 20 December 2006. A report was presented to Council on 12 June 2007, which recommended a peer review be undertaken by an independent heritage consultant in respect of 16 Stanhope Road.

The independent heritage consultant, Ian Kirk, reviewed information available to date, including studies prepared by Perumal Murphy Alessi (April 2006), Godden Mackay Logan (August 2006) and Graham Brooks and Associates (December 2006). The report by Ian Kirk concluded that 16 Stanhope Road has insufficient heritage significance to justify individual listing as a heritage item.

Given the findings of the independent heritage report, a supplementary Council report was presented to Council on 28 August 2007, where it was recommended that 16 Stanhope Road not be maintained as a potential heritage item. Council resolved to retain 16 Stanhope Road on the list of potential heritage items.

The implication of this on the status of the subject site is that there is no advancement on the statutory weighting of the property as a heritage item.

National Trust Urban Conservation Area (UCA No 10)

No.16 Stanhope Road is located in a classified National Trust Urban Conservation Area (UCA No 10). The subject property is considered to be contributory to UCA No 10. The National Trust classified the UCA in 1996, after considering a report titled *"Housing in NSW Between the Wars"*. Council undertook a detailed review of UCA 10 in September 2005 and the report prepared by Godden Mackay Logan, titled *Ku-ring-gai Urban Conservation Areas Study*, identified the house as having contributory value.

The UCA classification is not a statutory document as Council has not been able to proceed to a draft LEP. Hence, minimal weighting can be given to the UCA classification for the assessment of this development application.

CURRENT DEVELOPMENT APPLICATION HISTORY

DA 1423/06

20 December 2006	Application lodged
11 January 2007	DA notified
13 February 2007	Letter sent to applicant, raising the following issues: <ul style="list-style-type: none">• Non-compliance Basix Certificate• Landscape Plan

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22 March 2007	Amended landscape plan and BASIX certificate submitted to Council
16 April 2007	Additional information regarding the proposed front fence submitted to Council
18 April 2007	Letter sent to applicant, raising the following issue: <ul style="list-style-type: none"> • Side setback • Height of building • Stormwater Concept Plan
7 May 2007	Meeting held with the applicant to discuss the non-compliance with the side setback and building height controls in response to Council's letter of 18 April 2007
10 May 2007	Amended architectural and landscape plans submitted to Council.
1 August 2007	Development application is re-notified.
6 August 2007	Appeal lodged with the NSW Land & Environment Court against the deemed refusal of DA1423/06

THE SITE AND SURROUNDING AREA

The Site

Zoning:	Residential 2(c2)
Visual Character Study Category:	1920-1945
Lot Number:	1
DP Number:	224690
Area:	1785m ²
Side of Street:	North-west
Cross Fall:	South to north
Stormwater Drainage:	To the rear of the property
Heritage Affected:	No, but adjoins heritage items
Heritage Conservation Area:	Yes- Draft UCA No.10
In the vicinity of a heritage item:	Yes- Nos. 2, 3, 4, 5, 6, 7, 18 and 21 Stanhope Road
Required Setback:	Minimum 9 metres and 11 metres average
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Yes - Blue Gum High Forest
Urban Bushland:	No
Contaminated Land:	No

The subject property is known as 16 Stanhope Road, being legally described as Lot 1 within Deposited Plan 224690. The property is zoned 2(c2) under the Ku-ring-gai Planning Scheme Ordinance. The site has a frontage of 25.4m to Stanhope Road, a rear boundary length of 25m, an

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eastern side boundary of 73.785m and a western side boundary of 69m. The property has a fall of 2 metres from the front to the rear of the property.

The subject site currently occupied by a two storey, brick dwelling, has with an attached carport along the eastern side boundary. The existing residence has a minimum setback of 24.5 metres from the Stanhope Road boundary.

Surrounding development

Stanhope Road contains a mixture of one and two storey dwellings, with a number of heritage-listed properties. Council's Visual Character Study identifies the site and surrounds as being within the 1920-1945 category.

Stanhope Road contains a number of heritage items, including the adjacent property to the east at No. 18 Stanhope Road. Other heritage listed properties include numbers 2, 3, 4, 5, 6, 7 and 21 Stanhope Road. Surrounding sites are zoned Residential 2(c2) and 2(b).

The adjacent property at 18 Stanhope Road, is a two storey brick dwelling. This property is separated from the subject site by the access handle of 16A Stanhope Road that runs the length of the side boundary. The dwelling is set back approximately 24.3 metres from Stanhope Road and 12.4 metres from the eastern boundary of the subject site. The adjacent property to the west, 14 Stanhope Road, contains a single storey residence and is separated from the subject site by the access handle of 14A Stanhope Road. This dwelling is set back approximately 14.5 metres from the street and 6 metres from the common boundary with the subject site.

THE PROPOSAL

The proposal application involves demolition of the existing two storey dwelling, carport and swimming pool and construction of a new two to three storey dwelling house, with associated landscape works. The proposed integrated garage will be located at the rear of the proposed dwelling and will be accessible via the battleaxe handle to No. 16A Stanhope Road.

The dwelling will comprise following:

Lower Ground Floor: Double garage, gym, laundry, bedroom, indoor swimming pool, deck and utility areas.

Ground Floor: Library, chinese room, guest room with ensuite, W.C., formal living room/dining room, music room, informal living room, kitchen and rear deck.

First floor: Three bedrooms, three ensuites, study and rear deck.

The proposed dwelling will have a minimum setback of 19.8 metres from the front boundary and an average front setback of 21.8m. The proposed dwelling will be set back 0.925 metres from the eastern boundary adjoining the access handle of 16A Stanhope Road, 3 metres from the western boundary adjoining the access handle of 14A Stanhope Road and 29 metres from the rear boundary.

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The proposal also includes the construction of a new fence along the front boundary and forward of the building line. The proposed 1.5m high fence will comprise steel palisade with concrete capping and brick in-fills. As indicated on the amended plans, the existing timber fencing along the western and eastern side boundaries will be retained. It is also proposed to raise the level of the front yard and transplant a palm tree within the front setback. Excavation is proposed to the rear of the dwelling to provide a level grade for the rear yard.

CONSULTATION – COMMUNITY

In accordance with Council's Notifications DCP, owners of surrounding properties were given notice of the application on 11 January 2007.

The following submissions have been received:

1. Mr. and Mrs. Carroll, c/- Glendinning Minto and Associates, No. 14A Stanhope Road, Killara
2. Mrs. Carroll (received outside notification period)
3. Ian Stutchbury (received outside notification period)

The submissions raised the following issues:

1. **Mr. and Mrs. Carroll, c/- Glendinning Minto and Associates**

Lack of detail of proposed reinforced concrete wall fence 1.8 high along western boundary of driveway. Impact on existing vegetation.

As indicated on the site plan (Drawing Number DA-A008 Issue B), a rendered concrete wall, 1.8m high, was proposed along the western and eastern side boundaries. However, no details or information were provided to Council for assessment at the time of lodgement.

On 13 February 2007, a letter was sent to the applicant requesting fencing details and the deletion of the rendered concrete wall along the eastern and western side boundaries. The existing 1.8m timber boundary fencing will now be retained along these boundaries.

An arborist's report and amended landscape plan were submitted on 15 March 2007 and 14 May 2007. The arborist report, addresses issues related to potential impact on four trees on or near the site boundaries. Council's Landscape Officer supports the proposal, subject to conditions.

The design proposes extensive fill and does not take into account the fall of the land. As a result, the proposed building and landscaped area will be at a level well above Natural Ground Level and will accentuate the size and bulk of the building when viewed from the rear and from No 14A Stanhope Road. The building should be redesigned to respond to the slope of the site.

As indicated on Drawing Number DA-F001 Issue C, approximately 450mm of fill is proposed at the rear of the property. The proposal complies with Section 4.3.7 of DCP 38 and the proposed fill is required to create a level useable rear yard. The majority of the proposed fill will be located adjacent to the rear boundary and access handle of No.14A Stanhope Road. This fill will be approximately 10m from the proposed dwelling and will not accentuate the size and bulk of the new building.

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Furthermore, the proposed dwelling is appropriately set back from the rear and side boundaries. It will be partially screened by the existing timber boundary fence and existing and proposed landscaping along the common boundary. The proposed vegetation along the side and rear boundaries will soften the bulk and scale of the development.

As noted on the landscape plan, five Turpentine trees and one Chinese Elm tree will be planted along the front and side boundaries. The vegetation will soften the bulk and scale of the proposed dwelling and is capable of attaining heights of between 13m to 18m.

The proposal also includes a maximum fill of 900mm at the front of the property. The fill is required to create a level front yard and will be located adjacent to the access handle at No. 14A and 16A Stanhope Road.

The proposed fill at the front of the property will be approximately 50m from No.14A Stanhope Road. The proposed fill will not physical raise nor visually increase the size and bulk of the proposed dwelling.

The enclosure of the swimming pool adds unnecessary building bulk.

The proposal includes an enclosed swimming pool in the lower ground floor of the dwelling. The swimming pool will be set back 3m from the western side boundary and 29m from the rear boundary. As noted from the Site Context Plan (Drawing Number DA-A003 Issue B), the swimming pool will be located adjacent to the access handle of No.14A Stanhope Road.

The existing and proposed vegetation (i.e. Elaeocarpus Reticulatus, Tristaniopsis Laurina and Viburnum Tinus) along the western boundary will soften the bulk and scale of the dwelling and enclosed swimming pool.

It is further noted that the existing dwelling at No.14A Stanhope Road will be located approximately 30m from the proposed dwelling. Hence, the proposed development will have minimal visual impacts on No. 14A Stanhope Road and the indoor pool will not result in undue building bulk.

We have not been made aware of the proposed boundary adjustment to increase the size of No. 16 Stanhope Road and reduce the area of No. 16A Stanhope Road.

This is not a relevant consideration under this development application as the issue raised relates to another DA. However, in accordance with Council's Notification DCP, the owner and the occupier of No.14A Stanhope were notified on 1 November 2006 of the proposed boundary adjustment.

The site does not have access to a drainage easement and it appears from the plans that the land is to be subdivided thus reducing the capacity of the site for on site dispersal. There has been no consultation with respect to the granting of a drainage easement.

Subdivision is not proposed under this DA.

Council's Development Engineer was consulted on 20 March 2007 and has no objection to the proposed development, subject to engineering conditions. A deferred commencement condition has been recommended to ensure that stormwater is disposed via a drainage easement (to be created) through downstream properties and connected to an approved Council system.

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It is noted that the 8.0m maximum ceiling height is breached. This is a function of the dwelling design not stepping down the site and the applicant should be required to amend the plan to comply.

The proposed dwelling does not comply with the 8m maximum building height requirement specified in Clause 46 of the Ku-ring-gai Planning Scheme Ordinance. The proposed development will result in a new building height of 9.5m. A State Environmental Planning Policy No.1 objection has been submitted as part of the development application and a detailed assessment thereof, is undertaken later in this report.

In summary, a SEPP 1 objection can be supported as the non-compliance is the result of a vaulted ceiling design and not an unnecessarily or unreasonably elevated building envelope.

2. Mrs. Carroll (received after notification period)

The second submission received by Mrs. Carroll was after the notification period expired and posed numerous questions. As many of the questions asked refer to similar issues, the substantive issues raised in the submission are considered as follows:

Weighting and consideration of heritage values/ Land and Environmental Court appeals

The submitter raised questions relating to the weighting Council and the Court can and has given to heritage values in previous appeals and potentially that which may be afforded in the circumstances of the current development application. In essence, the submitter contends that there are heritage grounds on which to refuse the application and this is borne out in other appeals which dealt with demolition of an existing dwelling.

In accordance with statutory provisions, the Court applies weight in considering an issue where there is an established heritage link with a subject property and there is a degree of imminence and certainty in recognising heritage values through an LEP or draft Environment Planning Instrument. In *Coles & Merc v Ku-ring-gai Council* [2007] NSWLEC 249, the Court confirmed that imminence and certainty is also the test that must be applied and satisfied in relation to a draft LEP. In that appeal, the Court concluded that despite the existence of a draft LEP and associated DCP for town centre development, the draft EPI's adoption and application remained questionable. These are the same statutory considerations applicable to Council in their assessment of this DA.

In the circumstances of this application, conjecture that non-statutory heritage recognition of the property may constitute a valid and determinative reason for refusal of the application by Council and similarly serve to have an appeal dismissed were it brought before LEC, is questionable in light of the *Coles vs. KMC* decision.

In the circumstances of the subject property and the current development application, considerable time has elapsed since initial recognition of potential heritage significance in the consultant's report, without any statutory weight being conferred through an LEP or draft LEP. Neither has UCA 10 been given statutory weighting under the Act. That is not to say that a draft UCA is an irrelevancy, but rather, its consideration and weighting, is dependent on the statutory weighting afforded an item by inclusion in the KPSO or draft LEP. In the absence of the latter, the former cannot be considered determinative.

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Council's Heritage Advisor noted that further information has come to light which suggests that the existing dwelling may potentially be ascribed to a well known architectural firm. However, this information has not been confirmed as accurate nor does it change the dwelling's current non-statutory heritage status. Similarly, Council's resolution to maintain the current status of this property as a potential heritage item maintains the non statutory weighting afforded to the dwelling.

The question ultimately to be considered, is whether or not determinative weight can be given to non-statutory matters. Section 79C of the Environmental Planning and Assessment Act is clear in its inclusion of LEPs and draft LEP's as matters for assessment and deliberate in its exclusion of non-statutory documents where there is no legally weighted association. Both the Court and Council are bound by the same legislation.

The submitter raises concern that Council may not give due recognition to specific Court appeals, of which she cites 37 Arnold Street, 50 Roseberry Road and 10 Boomerang Street.

The Court appeals identified by the submitter are known to Council and have been considered in the assessment of this report.

No.37 Arnold is listed as a Heritage Item in Schedule 7 of the KPSO. It was proposed to be demolished and replaced with a single storey dwelling in 2000. The Court refused the application and placed some importance on the UCA as the dwelling was heritage listed. Therefore, there was a clear nexus for heritage protection between LEP inclusion and the non-statutory UCA listing.

No.50 Rosebery was not a heritage item when an application was lodged for demolition and replacement with a new dwelling. It was included in UCA No.9. An Interim Heritage Order (IHO) was requested by Council and made by the Minister to give Council time to prepare a draft LEP to include it as a heritage item. When the Court considered the appeal, the IHO had lapsed. However, the draft LEP had been prepared but not gazetted. Accordingly, the Commissioner placed importance on the UCA as part of the overall heritage issue identified in the draft LEP.

A similar case in 2002 involved the demolition of 10 Boomerang Street. It is located in a draft Conservation Area (LEP 21) but not gazetted. The Court refused demolition on heritage grounds. However, in this case, Council had prepared a draft LEP to list the property as a heritage item.

The subject site and dwelling, although located in a UCA, has not been afforded the protection of heritage listing or inclusion in a draft LEP. This is a clear and determinative distinction between this proposal and the cited appeals dismissed by the LEC.

In conclusion, there is no statutory heritage control or provision preventing redevelopment on site within the parameters of the Ku-ring-gai Planning Scheme Ordinance and Development Control Plan No.38. Demolition and construction of a new dwelling is permissible under the zoning. However, under Clause 61E of the KPSO, Council must consider impacts of a proposal on land in the vicinity of a heritage item. Stanhope Road contains a number of heritage properties listed under Schedule 7 of the KPSO. These are nos. 2, 3, 4, 5, 6, 7, 18 and 21 Stanhope Road. No.18 is located immediately to the east of the subject site and will be separated from the proposed residence by the access handle and driveway to No. 16A Stanhope Road.

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Council's Heritage Advisor has assessed the impact of the proposal on heritage items within the vicinity of the subject site and concludes that the development is "*reasonable and acceptable*" and "*would have minimal impacts on the significance of the nearby (heritage) item, the UCA or streetscape of Stanhope Road*". No conditions are recommended by the Heritage Advisor, except the archival recording of the existing dwelling prior to demolition.

It is also noted that on 31 May 2007, Council was notified that the NSW Heritage Office will not issue an Interim Heritage Order on No. 16 Stanhope Road, Killara. This was in response to a request from a member of the public to have an Order issued.

Delay in process of preparing a draft LEP

The submitter questions why there have been delays in preparing a draft LEP and whether this is the result of Ministerial inaction or political motivation. The submitter further asks if these reasons could be used in contesting an appeal before the LEC.

The reasons for delay are varied and fall outside the scope of assessment of the current DA. Development application assessment by a consent authority cannot extend beyond the scope of section 79C of the Environmental Planning and Assessment Act.

Previous Development Application and reason for refusal

DA1022/06 was refused by Council on 13 November 2006. This application sought consent for demolition of the existing dwelling. No other works or buildings were proposed. In the absence of an acceptable replacement dwelling, determinative weight was given to Clause 61E and Schedule 9 of the KPSO. The proposal would have had undue adverse impact on the adjacent and surrounding heritage items and the overall streetscape as it would have resulted in a vacant site.

Safe guards/guarantees

The submitter is concerned that there are no guarantees that the applicant will proceed to construction should consent be granted and the existing house demolished.

If this were to happen, it would constitute a non-compliance with development consent. Council would then take appropriate compliance action. Non-compliance with the terms and conditions of consent is a possibility relative to any DA consent. Should the consent holder seek amendment to a proposal as approved by Council, they may do so pursuant to statutory requirements and the tests specified therein. Any new application or amendment is subject to merit assessment, pursuant to S79C of the EP&A Act. Council cannot speculate on the future actions of a consent holder nor does this hold any relevance to the assessment of this DA.

3. Ian Stutchbury – Clive Lucas, Stapleton & Partner Pty Ltd (received outside notification period)

The third submission received by Ian Stutchbury was outside the notification period. The submission is a statement by Mr. Stutchbury advising that, upon approach, his firm could not support demolition of the existing residence. This was based on a drive-by viewing of the property and a photograph of the dwelling. Mr Stutchbury did not advise who the approach was from nor did he provide specific reasons for this conclusion.

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16 Stanhope Road, Killara
DA1423/06
5 September 2007

Re-notification

The application was renotified on 1 August 2007. This was because Council's information systems were updated after initial notification of the application, identifying the site as a potential heritage item, as per the Heritage study prepared in 2001. In accordance with DCP 56, notification of development applications pertaining to potential heritage items require a notification sign to be placed on the subject site.

The renotified proposal and plans were identical to those originally notified.

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application. The following submissions were received:

1. D. A Carroll, 14A Stanhope Road, Killara
2. L A Mears, 3 Stanhope Road, Killara
3. P A Thompson, 4/539 Pacific Highway, Killara
4. Dr & Mrs MH Bachmayer, 2 Culworth Avenue, Killara
5. K Cowley, 1 Kenilworth Road, Lindfield (two submissions)
6. A Carroll, 36 Karranga Avenue, Killara
7. L.R. Mears, 3 Stanhope Road, Killara
8. A. Haskell, 44 Dumaresq Street, Gordon
9. J. Power, 5/568 Pacific Highway, Killara
10. S. Warby, 49 Warrangi Street, Turramurra
11. J. Kitson, 18 Mount Ida Street, Gordon
12. J. Brereton, 47 Nelson Road, Killara
13. M, Marel, 96 Spencer Road, Killara
14. E.J. Cowper, 30/69 Stanhope Road, Killara
15. M. Breden, 12 Kardella Avenue, Killara
16. G. Harkin, 31 Treatts Road, Lindfield
17. P.E. Old, 11 Stanhope Road, Killara
18. Mrs. R.M. Stobo, 5 Kardella Avenue, Killara
19. Dr and Mrs. F.H. Lang, 8 Stanhope Road, Killara
20. Perrignon, 22 Northcote Road, Lindfield
21. T.Y.Chuang, 19A Stanhope Road, Killara
22. R. Sims, 4 Kalang Avenue, Killara
23. J. Langley, 17 Churchill Road, Killara

The submissions raised the following issues:

Streetscape and design

The submitters are concerned that the height and style of the proposal is more in keeping with high density development than the existing streetscape of Stanhope Road. The submitters are also concerned that demolition will adversely impact the significance of the streetscape.

The proposed dwelling is a single dwelling and constitutes low density development commensurate with the existing intensity and zoning of development along Stanhope Road.

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The proposed dwelling design has been assessed by Council's Heritage Advisor in consideration of its proximity to listed heritage items. The Heritage Advisor is aware of all heritage reports and studies undertaken to date in respect of the subject site and the surrounding streetscape and is satisfied that the proposed dwelling is of an appropriate scale, bulk and form.

The proposed dwelling has been assessed against the development standards and residential objectives set out in the KPSO and the provisions of DCP 38 and found to be satisfactory. This is discussed in detail later in this report. The proposed dwelling is subject to BASIX requirements and a BASIX certificate has been submitted with the development application. This confirms the suitability of the design in respect of energy efficiency and water use.

The submitter also raised issues relating to elevation, fencing, trees, drainage and design. These issues are identical to those raised by the same submitter in response to the first notification of the development application and have been considered above.

Subdivision, boundary adjustment and demolition of two homes.

The development application is for the demolition of the existing residence and construction of a new dwelling. No subdivision, boundary adjustment or demolition of another dwelling is proposed under this application.

The submitter is in error and is referring to three previous approvals for:

- Subdivision of 16 Stanhope Road into two allotments, being 16 Stanhope Road and 16A Stanhope Road (battleaxe allotment)
- Demolition of the dwelling at 16A Stanhope Road
- A boundary adjustment between the two lots

All three approvals have been acted upon by the consent holder.

Assessment of the current proposal is based on the adjusted lot boundaries as approved.

Trees

Council's Landscape Officer supports the proposal, subject to conditions, including a requirement for the Canary Island Palm to be transplanted within the front setback.

Views

The submitter is concerned that views from the street to the rear of the property will be restricted by the proposed dwelling.

The proposal maintains adequate separation distances relative to front and side boundaries. The rear of the property is reasonably and logically associated with use as private open space. The layout and design of the dwelling is appropriate in this regard.

Due to configuration as a battle axe allotment, any views from the street to 16A Stanhope Road (currently vacant) will be largely confined to views afforded along the access handle to that

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property. This is commensurate with the vast majority of battle axe allotments and does not represent inappropriate design and layout of the proposed dwelling at 16 Stanhope Road.

Heritage significance of property and weighting of heritage values with the Land and Environment Court.

The submitter raised the same issues in their original submission. These matters are discussed in detail above.

Insufficient evidence

The submitter is concerned that insufficient evidence has been provided in submitted reports to justify removal of the property from the potential heritage item list. It is assumed that the submitter is referring to Council commissioned heritage reports.

Successive reports have been undertaken in respect of the subject site by suitably qualified and experienced heritage consultants, including a peer review of earlier findings. The conclusion of the peer review was that the subject site does not warrant heritage listing. However, Council has nevertheless resolved to retain the subject property as a potential heritage item.

Community concern

The submitter notes that there is a significant level of public interest in the proposal.

The development application has been notified in accordance with Council's Notification DCP and all persons are entitled to make a submission on the proposal. The assessment of the issues raised in those submissions must be in accordance with the heads of consideration specified in s79C of the Environmental Planning and Assessment Act 1979. Public interest in any development application, whether it be in opposition or support, is not, in of itself, grounds on which to approve or refuse an application. Rather, it is the underlying concerns generating that interest that must be considered pursuant to s79C.

The owner does not value and appreciate this home

This is a personal assessment of the property owner by the submitter and is an irrelevant consideration under the Act.

Streetscape and building design

Impacts on streetscape amenity have been considered above.

Compliance with DCP 38

Compliance with DCP 38 requirements and discussion of the proposal in respect of those provisions is detailed later in this report.

Landscaping

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Council's Landscape Officer supports the proposal, subject to conditions, including a requirement for the Canary Island Palm to be transplanted within the front setback.

Late submissions

In response to the second notification of the development application, 7 submissions were received outside the submission period. The late submissions were received from the following persons:

- 1 S and E Beverley-Schack
- 2 M Jordan, 4 Redgum Avenue, Killara
- 3 S Cameron, 24 Vista Street, Pymble
- 4 C and M Davies, 29 Weronia Avenue, Killara
- 5 R Gooding, 11 Killara Avenue, Killara
- 6 J Quin
- 7 B Noble, 56 Stanhope Road, Killara
- 8 T.E. Quoye, 15 Stanhope Road, Killara
- 9 R and J Marshman, 22 Wattle Street, Killara
- 10 J. Watson, 43 Epping Avenue, Eastwood

All submissions were in opposition to the proposal and raised no further issues beyond those already discussed above.

Petition

A petition with 110 signatures was presented on behalf of residents by Councillor Ryan at Council's meeting of 28 August 2007. Council resolved to receive the petition and refer it to appropriate Council officers.

The petition opposes the demolition of the subject dwelling and supports heritage listing of the site.

The petition was received outside the official notification period applicable to this development application. The petition raises no additional matters relevant to the heritage significance of the property and to the subject development application that have not already been raised in the submissions discussed above.

CONSULTATION - WITHIN COUNCIL

Heritage

Council's Heritage Advisor, Paul Dignam, was consulted on 26 March 2007 and provided the following comments:

Demolition of the house would allow removal of a house that has historic values for its relationship to the early subdivisions and development of the area and has aesthetic values mainly as a largely intact (externally) example of a large Georgian Revival style building and would affect the integrity of the UCA. Demolition would also remove an important item in the existing high quality streetscape, which is comprised of architecturally notable houses

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complimented by fine gardens. I accept that there would be little impact on the neighbouring heritage item.

Much of the applicant's argument is that the existing house does not reach the threshold for local heritage listing. The arguments put forward are that the interior does not match the grandness of the facade, the architectural merit is questionable, it cannot be ascribed to a known architect and is most likely the work of a builder. I have undertaken some additional research and have not discovered who the designer or builder is. I have found evidence to indicate it may be the architect Winter C Renyolds. However, at present there is no definite proof. The decision on architectural merit and thus a call on aesthetic significance remains 'a difference of opinion' between various experts.

Demolition of the house would have minor impacts on the adjoining heritage item but the replacement house is a reasonable and acceptable replacement house and would not have adverse impacts on it.

The condition of the building is not raised as an issue in any of the heritage reports and it is evident that it is reasonable that the building could be reused or adapted to suit the needs of the owner. In my opinion, the existing house could be easily adapted without removing its heritage significance or contribution to the UCA and the fine streetscape of Stanhope Road. The critical issue is that the new building will not have historic value and as such will reduce the integrity of the UCA and its potential as a heritage item.

Clearly Council's heritage consultant has made a recommendation to list the house but Council has not had an opportunity to consider or make a decision on its heritage status.

Conclusions and recommendations

The proposed building is an acceptable replacement house and it would not adversely affect the significance of the adjoining heritage item.

It is my opinion that the house has some individual aesthetic and historic value, is a contributory item in the National Trust UCA 10 and has substantial streetscape values. I agree with the recommendations of Council's heritage consultant that the building meets the threshold for listing as a local heritage item, however, I must acknowledge that the status of the site has not changed as a result of the recommendation. It must be recognised that this site is not currently listed and that Council has not been able to establish a conservation area in the area to include Stanhope Road.

*In conclusion I do not believe that heritage can be used as the basis for refusing the application given that the replacement house would have minimal impacts on the significance of the nearby item, the UCA or streetscape of Stanhope Road. I recommend that the site be recorded to an archival standard before any works commence on site **(Condition No. 3).***

Additional comments were provided by Council's Heritage Advisor on 28 May 2007:

New information has been found that indicates the house was designed by a well known architectural firm – Budden & Greenwell and was built by L J Jamieson of Tryon St

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Chatswood. The information is contained in the NSW Construction Review 1922, which is a list of building contacts. The contract was dated 24 November 1922.

Budden and Greenwell was a very active firm in Ku-ring-gai. Both architects were residents of Powell Street, Killara. Budden served as the President of the RAlA for a number of years.

This information tends to lessen the applicant's claim that the house "was not designed by an architect and is most likely the work of a builder". If this information is correct, then there is a strong argument to support future heritage listing of the house in line with the review undertaken by Council and refuse demolition.

Comment

Council's Heritage Advisor concludes that the proposed dwelling is acceptable and reasonable and will have minimal impact on the adjacent heritage item, the UCA and streetscape. This is the applicable test that must be satisfied under Clause 61E of the KPSO.

Council's Heritage Advisor acknowledges that no statutory weighting can be conferred on the existing dwelling in the absence of a heritage listing, a draft LEP or given the non-statutory status of the UCA.

Further research into the ascribed architect remains inconclusive. Notwithstanding confirmation of the architect, the legal standing of the property in heritage terms will remain non-statutory without inclusion in a draft LEP and therefore, non determinative. This position was further confirmed by resolution of Council in respect of the report presented to the Council meeting of 28 August 2007. At that meeting, it was resolved to maintain the current status of the property as a potential heritage item. This confers no statutory weighting or any greater certainty or imminence to statutory recognition of any heritage values than that which exists at present.

Landscaping

Council's Landscape Officer was consulted on 29 May 2007 and provided the following comments:

Tree removal

No objection is raised to the removal of the following trees for the proposed development.

Tree No / Species / Height & Condition

Tree 1 / Liquidambar styraciflua (Liquidambar) / 12 metres high in good condition. Tree removed prior to new exemptions under the TPO.

Tree 2 / Jacaranda mimosifolia (Jacaranda) / 8 metres high in fair condition

Tree 3 / Fraxinus sp (Ash) / 9 metres high, unstable branching structure.

Tree 4 / Acer palmatum (Japanese Maple) / 6 metres high in good condition.

Tree 5 / Jacaranda mimosifolia (Jacaranda) / 10 metres high in good condition

Tree 7 / Juniperus sp. (Juniper) / 16 metres high in fair condition, in decline.

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Tree 10, a Phoenix canariensis (Canary Island Palm) and 12 metres high, is in good condition and will be transplanted within the front setback.

Impact on trees located within adjoining property – 16 A Stanhope Road

The initial proposal required excavation 2 metres from the western boundary which would impact on 4 trees located within the access handle of the adjoining property. These trees include a Jacaranda mimosifolia (Jacaranda), 2 x Cinnamomum camphora (Camphor laurel) and an Ulmus sp. (Elm).

The revised arborist's report by Urban Forestry Australia, dated 13 March 2007, recommended the removal of 3 of the subject trees including the Ulmus, which is in poor condition and 2 x Camphor laurels which are weed species and exempt under the TPO.

As the trees are located on the adjoining property, removal of the trees cannot take place without consent of the owner.

To circumvent this issue, the applicant has made amendments to the proposal to minimise the impact on the 4 trees. The amendments involve raising the path along the western side of the dwelling to existing ground levels preventing excavation within the trees' critical root zones. Therefore, there will be no excavation within 3 metres of the western boundary adjacent to the subject trees.

The proposed amendments are considered acceptable. Conditions will be recommended to preserve the trees.

Amended landscape plan

The landscape plan by Jocelyn Ramsay & Associates, Drawing No. 0706, Rev F dated 04/05/07 is considered satisfactory, subject to the following amendments;

To comply with DCP38 the 6 x Syncarpia glomulifera (Turpentine) on the front boundary shall be replaced with Angophora floribunda (Rough barked Apple), which is a locally occurring species from the Blue Gum High Forest plant community.

To reduce the impact on the streetscape, the access path along the western boundary adjacent to the proposed retaining wall shall be deleted and replaced with an additional layer of screen planting.

Note: *The planting proposed for the side boundaries is considered adequate screening for the proposed development.*

BASIX

Amendments were made to the Water commitments for Basix and the area now required for indigenous/low water use plants has been reduced from 964 sqm to 204 sqm. The landscape plan complies with the Basix landscape requirement.

CONCLUSION

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The Landscape Officer finds the proposal acceptable in relation to landscape issues, subject to conditions (Condition Nos. 5, 9, 10, 11, 12, 17, 18, 24, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47).

Engineering

Council's Development Engineer, Masahiro Kimura, was consulted on 20 March 2007 and provided the following comments:

The site drains to the rear.

The applicant has proposed a dual OSD/OSR system as part of their stormwater management plan.

The submitted drainage plans comply with BASIX.

Garage dimensions, turning areas and driveway grades comply with AS/NZS 2890.1 (2004) - "Off-street car parking". Vehicle manoeuvrability can be accommodated entirely within the proposed right of carriageway (refer DA 1217/06).

As the proposed on-site detention/infiltration system is above ground (i.e. on landscaped area) this will increase the area available for infiltration of stormwater.

A perusal of the submitted drawings reveals the following:

*Documentary evidence from the Land and Property Information demonstrating that the necessary Torrens Title Subdivision – Boundary Adjustment for 16 & 16A Stanhope St Killara (refer DA 1217/06) has been registered, will be required as a **DEFERRED COMMENCEMENT** condition.*

*Stormwater for the proposed dwelling piped to a public drainage system located over neighbouring property(s) (possibly to Marian St car park via Culworth Ave properties). This will also become the subject of **deferred commencement consent**.*

CONCLUSION

The concept drainage plan is suitable, subject to modifications. The drainage plan shall not be stamped at this stage as it is suitable as a concept design only and will require advancement/refinement prior to Construction Certificate issue (needs to be updated in order to comply with DCP47). Overall, the proposal is acceptable, subject to conditions (Conditions Nos. 2, 3, 13, 19, 20, 21, 22, 48, 49, 50, 51, 52, 55, 56, 57, 58, 59, 60, 61 and 64).

STATUTORY PROVISIONS

State Environmental Planning Policy No.55 – Remediation of Land

The provision of SEPP55 requires Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, is unlikely to contain any contamination. No further investigation is warranted in this case.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

State Environmental Planning Policy No. 1 (SEPP 1) – Development Standards

A SEPP 1 objection to Clause 46 of the KPSO has been submitted with the development application to address the proposed non-compliance with the 8 metre maximum Height of Building development standard. The proposed development will result in a new building height of 9.5 m, a breach of 1.5m.

The following five part test is used by Council to determine the merits of a SEPP 1 objection:

1. Whether the planning control to be varied is a development standard

Clause 46 of the KPSO restricts the height of dwellings to 8 metres and is considered to be a development standard as defined under Section 4 of the Environmental Planning and Assessment Act 1979.

2. The underlying objective or purpose of the standard

Clause 46 of the KPSO does not have specific objectives pertaining to the permissible height of dwellings. However, Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance provides the aims and objectives for residential zones and the general aims are as follows:

- a) To maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and
- b) To permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.

The specific objectives are as follow:

- a) All new dwelling-houses and additions to dwelling-houses maintain a reasonable level of sunlight to neighbours' living areas and recreation space between 9am and 3pm during the winter solstice on 22 June; and
- b) All new dwellings and additions to dwelling-houses are sited and designed so as to minimize overlooking of neighbours' living areas and recreation space; and
- c) Any building or development work shall maintain or encourage replacement of tree cover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced; and
- d) Any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as a soft landscaping area; and
- e) All new dwelling houses and additions to existing dwelling houses are of a height, size and bulk generally in keeping with that of neighbouring properties and where larger building

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area proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development; and

The objectives of Section 4.2 (Building Form) of Development Control Plan 38, and the assessment criteria as outlined in Clause 4.2 should also be considered. The intention of the two storey height limit and 7m maximum height is to:

- Limit the height of dwellings so that they do not dominate the treed landscape of Ku-ring-gai.
- Limit the extent of overshadowing and visual and aural intrusion on the private open space of neighbouring properties.
- Ensure significant views from neighbouring dwellings are not unduly compromised.
- Maintain the integrity of existing streetscapes.

3. Whether compliance with the development standard is consistent with the aims of the SEPP 1 policy and, in particular, whether compliance with the development standard tends to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979

The aim of SEPP 1 is to:

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

In this regard, the objects of Section 5(a)(i) and (ii) of the Act are:

- (a) To encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land.

It is considered that compliance with the development standard is unnecessary in this instance (as discussed in detail below). However, non-compliance with the development standard will not hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act.

4. Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The applicant has put forward the following arguments in support of the variation to the development standard:

- *The internal design of the ceiling has no external manifestation and does not add to the height or bulk of the building.*
- *The standard does not give consideration to the possibility of other than flat (i.e. horizontal) ceilings.*

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- *The height of the dwelling does not dominate the treed landscaped.*
- *The non-compliance does not produce any adverse overshadowing or visual or aural intrusion on the private space of neighbouring dwellings.*
- *The non-compliance does not unduly compromise any significant views from neighbouring dwellings. Neighbouring dwellings have outlooks towards the rear (north).*
- *The proposal does not undermine the integrity of the existing streetscape. The character of the development is compatible with neighbouring buildings in terms of height and pitched roof form.*

The applicant's SEPP 1 objection is considered to be well founded. The proposed development satisfies the residential objectives and the intent of the building height development standard contained therein, in that:

- The proposed new dwelling will be consistent in bulk and scale with surrounding development.
- The proposed non-compliance occurs within the roof area of the dwelling and is directly attributable to a vaulted ceiling design and does not add to the overall height or bulk of the building.
- The proposed new ridge height is lower than the existing ridge height by 225mm.
- The proposed new dwelling will maintain a two storey appearance to Stanhope Road and will have minimal streetscape impacts.
- The height of the new dwelling will allow for 4+ hours of sunlight to the adjoining properties.
- The non compliance will not result in undue privacy or bulk impacts on adjoining properties, due to adequate separation distances.
- Significant views will not be compromised.

It is therefore considered that compliance with the development standard is unnecessary in the circumstances of the case.

5. Whether the objection is well founded

The SEPP 1 objection is considered to be well founded as it achieves the underlying objective of the building height control.

Ku-ring-gai Planning Scheme Ordinance

Part A: Development standards

Development standard	Proposed	Complies
Site Area: 1,785m ²		
Minimum size allotments		
Site Area: 836m ² (min)	1,785m ²	YES
Site Width: 18m (min)	25.46m	YES
Building height 8m (max)	9.5m	NO (SEPP 1)
Built-upon areas 60%(1071m ²)(max)	39.32% (702.73m ²)	YES

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16 Stanhope Road, Killara
DA1423/06
5 September 2007

Building Height (cl.46):

A SEPP 1 objection has been lodged in respect of the non-compliance with the 8 metres maximum building height development standard. The objection is well founded and can be supported as detailed above.

Development in the vicinity of heritage items (cl.61E):

The subject site is located to the west of 18 Stanhope Road, which is a listed heritage item under Schedule 7 of the KPSO. Council's Heritage Advisor has assessed the proposed development and his comments have been provided earlier in this report. In summary, Council's Heritage Advisor considers the replacement dwelling to be suitable in scale, bulk and form as it relates to 18 Stanhope Road and several other heritage listed properties within Stanhope Road.

Part B: 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 Clause 25(D) have been satisfied.

POLICY PROVISIONS**DCP 38 - Ku-ring-gai Residential Design Manual****Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual**

Development Control	Proposed	Complies
4.1 Streetscape:		
Building setbacks (s.4.1.3)		
Front setback:		
11m (Ave) -75% front elevation	21.8m	YES
9m (min) – 25% front elevation	19.8m	YES
Side setback:		
Ground floor: 2.988m(min)	3m (eastern side boundary)	YES
	925mm (western side boundary)	NO
1 st floor: 3.735m (min)	3m (eastern side boundary)	NO
	925mm (western side boundary)	NO
Rear setback: 12m(min)	29m	YES
Front fences (s.4.1.5)		
Height: 1.2m(max)	1.465m	NO
4.2 Building form:		
FSR (s.4.2.1) 0.3:1 (max)	0.49:1	NO

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Height of building (s.4.2.2) 2 storey (max) and 8m (site >20° slope) or 7m (site <20° slope)	Part 3 storey & 9.5m	NO NO
Building height plane (s.4.2.3) 45° from horizontal at any point 3m above boundary	1.7m (eastern side boundary) 3.4m (western side boundary)	NO NO
First floor (s.4.2.4) FSR: < 40% total FSR	17%	YES
Roof Line (s.4.2.6) Roof height (5m – single storey) (3m – two+ storey) Roof pitch 35° (max)	1.4m 30°	YES YES
Built-upon area (s.4.2.7) 50% (892.5m ²) (max)	39.32% (702.73m ²)	YES
Unrelieved wall length (s.4.2.8) 8m (min)	11.7m	NO
Solar access (4.2.11) 4h solar access to adjoining properties between 9am to 3pm	4 hours to No. 14, 14A and 18 Stanhope Road	YES
Cut & fill (s.4.2.14) Max cut 900mm Max cut & fill across building area of 1800mm and 900mm	1.1m 1.1m cut No fill	NO YES YES
No cut or fill within side setbacks		NO
4.3 Open space & landscaping:		
Soft landscaping area (4.3.3) 50% (892.5m ²) (min)	60.68% (1082.27m ²)	YES
Tree replenishment (s.4.3.6) 10 Trees required	10 trees provided	YES
Landscaping cut & fill (4.3.7) max cut or fill 500mm relative to natural ground	1.3m (fill) 1.8m (cut)	NO NO
No cut & fill within 2m of boundary		NO
Useable open space (s.4.3.8) Min depth 5m and min area 50m ²	15m x Depth 22m Area 330m ²	YES YES
4.4 Privacy & security:		
Refer discussion below.		
4.5 Access & parking:		
No. of car parking spaces (s.4.5.1) 2 spaces behind building line	2 spaces behind building line	YES

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Size of car parking space (s.4.5.2) 5.4m x 5.4m	5.5m x 5.8m	YES
Driveway width (s.4.5.6) 3.5m	5.6m (existing access handle to 16A Stanhope Rd)	N/A
4.6 Ancillary facilities:		
Swimming pools (s.4.6.1) Setback from boundary: 2m	2m	YES
Pool coping <500mm above ground level	400mm	YES
Pool excavation not below the canopy of trees		YES

Part 4.1 Streetscape***Side setback******Eastern boundary***

Section 4.1.3 of DCP 38 states that development should be appropriately located on site to maintain streetscape character, ensure the amenity of neighbouring properties is maintained or enhanced, allow for the provision of landscaping and provide room for additional tree plantings to grow to maturity, facilitate solar access, protect significant vegetation and facilitate efficient use of the site.

The proposed dwelling fails to achieve the minimum ground and first floor side setback requirements along the eastern side boundary. The proposed development will result in a new ground and first floor side setback of 0.925m from the boundary.

The non-compliance is located adjacent to the access handle of No. 16A Stanhope Road. The access handle has a width of 4.6m. Therefore, the proposed dwelling will have a total setback of approximately 5.5m from the side boundary of No.18 Stanhope Road.

The proposed windows along the eastern elevation will be orientated towards the access handle of 16A Stanhope Road. No. 18 Stanhope Road will be partially protected by the existing and proposed screen planting and an existing 1.8m timber boundary fence. It is further noted that No. 18 Stanhope is set back 8m from the common boundary. The dwellings at No.16 and 18 Stanhope Road will have a minimum separation of approximately 13.5metres. Any potential overlooking to the adjoining property will be adequately mitigated by this separation distance.

The proposed integrated garage will be located at the rear of the new dwelling and vehicular access to the garage will be via the access handle at No.16A Stanhope Road. Hence, the subject property and adjoining access handle will present a single allotment appearance to Stanhope Road.

As noted from the site context plan, the proposed ground and first floor side setback is consistent with some of the existing dwelling side setbacks along Stanhope Road.

The non-compliance will not result in undue overshadowing impact on any internal or external living areas on adjoining or adjacent properties. Shadow diagrams submitted with the application

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indicate that shadow cast by the dwelling at 3pm on 21 June (being the time and date of greatest shadow) will primarily be over the front portion of the access handle of 16A Stanhope Road.

Under these circumstances, the non-compliance is acceptable.

Western boundary

The proposed dwelling does not comply with the minimum first floor side setback requirement with No. 14A Stanhope Road. The proposed first floor will be set back 3m from the western side boundary, a breach of 0.735m.

The non-compliance is located adjacent to the battleaxe handle of No. 14A Stanhope Road, which has a width of 4.6m. Hence, the proposed dwelling will be setback 7.6m from the side boundary of No. 14 Stanhope Road.

One window will be located along the first floor of the western elevation. The window will be orientated towards the access handle of No. 14A Stanhope Road and will provide some outlook over the front yard of No. 14 Stanhope Road. The window will be located at the end of a corridor and is required for daylighting purposes and is not specifically for providing views.

The dwellings at No. 14 and 16 Stanhope Road will have a minimum separation of approximately 9metres. Any overlooking to the adjoining property will be mitigated by this separation distance.

Four hours of solar access will be available to No. 14 and 14A Stanhope Road.

Front fences

As stated in DCP No.38, front fences are a critical aspect in determining the appearance of a street and should be designed so to maintain streetscape character, be consistent with the established pattern of fences and allow private gardens to merge with their neighbours and support the landscape character of the area.

Due to these reasons, front fences are restricted to the height of 1.2 metres for visually transparent fences. The proposed application fails to meet the maximum height limit for front fence by 0.225 metre.

A site inspection was conducted on 28 May 2007, it was noted that front fences form part of the existing streetscape and a number of front fences along the street exceed the 1.2 metre fence height requirement. The proposed steel palisade fence is consistent with the height and fence pattern along Stanhope Road and will have no additional impacts on the existing streetscape.

Under these circumstances, the proposed front fence is acceptable.

Part 4.2 Building form

Floor Space Ratio (F.S.R)

The intent of the FSR control is to ensure the scale of new development is not excessive and relates well to the local context and streetscape and to minimise the impact of development on

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significant views and to maintain adequate privacy and solar access to adjoining residential properties.

The proposed dwelling will result in a floor space ratio of 0.49:1 or 874.335 m². The FSR calculation includes the indoor swimming pool, timber deck at ground floor level and the void, storage and plant area at lower ground floor level (these areas account for 320.15m²).

DCP 38 specifies a total FSR of 0.3:1 for a site of this size.

Despite the non-compliance, the proposed development achieves the objectives of the FSR control for the following reasons:

- The void areas are at lower ground level and are not habitable areas that do not add to the bulk and scale of the dwelling when viewed from the street or adjoining sites (refer to SEPP 1 discussion).
- The swimming pool is only included as FSR as it is an indoor pool. This component of the FSR is at lower ground level and will not be readily visible from adjoining sites.
- The deck is included as FSR as it is above ground level. It is located directly above the enclosed pool. This part of the building is two-storey in height and appropriately set back from surrounding development with sufficient landscaping.
- The intent of the FSR control is to limit the scale of dwellings and thereby internal habitable areas which may potentially impact the amenity of surrounding properties. The FSR associated with the void area is essentially basement space, while the swimming pool occupies no greater area on site than the majority of outdoor swimming pools. The deck at ground level is 'captured' in the FSR calculation by the sloping topography of the site that necessitates a split level design. It is essentially an outdoor adjunct to the kitchen and dining area and is not additional internal living area. These areas represent a technical non compliance with the FSR control rather than a true excess in building scale. If these areas are excluded from calculation, then total FSR for the dwelling is 0.31:1.
- The proposal is compliant with the maximum first floor FSR control of 40% under DCP 38. A total of 17% of the total FSR is located on the upper level at the front of the dwelling. This means that the vast majority of total FSR is located at a lower level in response to the sloping contour of the site. This minimises potential amenity impacts on neighbouring properties.
- The proposal is generally consistent with the bulk and scale of surrounding development along Stanhope Road, which contains a mix of larger dwellings of varied design.
- The neighbouring dwellings at 14 and 18 Stanhope Road are both large, two storey homes, with maximum ridge heights of 128.54 and 126.87, respectively. The proposed dwelling will have a ridge height of 128.535, which is generally consistent with its neighbours.
- The proposed dwelling will maintain a two-storey appearance to Stanhope Road.
- The proposal will maintain a predominantly two-storey appearance to neighbouring properties.

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- The proposal maintains an appropriate landscape to built upon area ratio, which includes vegetation along the front and side boundaries to soften the bulk and scale of the dwelling.
- The proposed built upon area is 39.32% and is compliant with the more restrictive 50% built upon area control of DCP 38 as opposed to the 60% maximum built upon area development standard under the KPSO.
- The proposed dwelling is appropriately set back from the front, side and rear boundaries to ensure no undue imposition of bulk upon the streetscape or adjoining properties. This is particularly so in respect of the front boundary, with a minimum building line setback of 19.8m and an average front setback of 21.8m.
- The location of access handles adjoining the side boundaries means separation between buildings on adjacent sites will be greater than that normally expected in a low density urban context. The proposed dwelling is located approximately 9 and 13 metres, respectively from the dwellings at No. 14 and 18 Stanhope Road.
- Four hours of solar access will be provided to all neighbouring properties.
- There will be no undue impacts on the privacy of any neighbouring properties.

Height of building

Section 4.2.2 of DCP 38 states that a dwelling must not exceed two storeys in height. Council may consider an additional floor on sloping sites where the height is not evident from public areas or adjoining properties and excavation is not excessive.

The proposal will result in a maximum building height of 3 storeys. However, this is a technical non-compliance as a proposed void area, to be used for storage and plant, 'triggers' the storey definition. This void measures approximately 1.3m to 1.7m in height above the existing ground level. By definition under DCP38, any protrusion greater than 1.2m above ground level constitutes a storey. Accordingly, the dwelling is technically 3 storeys at this point.

Due to dimension requirements for the garage level (i.e. lower ground floor) the ground floor level above is set by default. To maintain a single RL across the ground floor, it is necessary to create a void under the front portion of the dwelling, as illustrated on Section Plan (DA-F001 Issue C - attached).

Excavation to a maximum depth of 900mm is proposed at this lower ground floor level to accommodate a plant and storage area.

The 3 storey component of the dwelling can be supported for the following reasons:

- The 3 storey component is a technical non-compliance only as it relates to a non habitable void area beneath the dwelling. The intent of the 3 storey control is to limit the number of habitable floor levels.
- The dwelling will maintain a two storey appearance to Stanhope Road.

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- The 3 storey component is confined to the front portion of the dwelling and is located within the sub-floor area of the proposed dwelling and will not be visible from Stanhope Road.
- The dwelling does not present as 3 storeys to adjoining properties as the lower ground floor will not have an external height dimension consistent with a residential storey (i.e. a floor to ceiling height of between 2.4m-3m).
- The proposed dwelling will have a ridge height of RL 128.535 which is 225mm lower than the ridge height of the dwelling.
- As noted from the Section Plan (Drawing Number: DA-F001 Issue C), the subject property has a fall of approximately 1m from the front to rear of the proposed dwelling. This necessitates excavation to the extent proposed and is not excessive.
- The proposal is generally consistent with the bulk and scale of surrounding development along Stanhope Road, which contains a mix of larger dwellings of varied design.
- The neighbouring dwellings at 14 and 18 Stanhope Road are both large, two storey homes, with maximum ridge heights of 128.54 and 126.87 respectively. The proposed dwelling will have a ridge height of 128.535, which is generally consistent with its neighbours.
- The dwelling is set within a landscaped context, with 60.68% of the site proposed as landscaped area. Within this setting, the proposed dwelling will not be unduly dominant.
- The proposed dwelling is appropriately set back from the front, side and rear boundaries to ensure no undue imposition of bulk upon the streetscape or adjoining properties. This is particularly so in respect of the front boundary, with a minimum building line setback of 19.8m and an average front setback of 21.8m.
- The location of access handles adjoining the side boundaries means separation between buildings on adjacent sites will be greater than that normally expected in a low density urban context. The proposed dwelling is located approximately 9 and 13 metres from the dwellings at No. 14 and 18 Stanhope Road, respectively.

Building height plane

As stated in section 4.2.3 of DCP 38, development should avoid the creation of an overbearing effect upon adjoining development in order to:

- *Maintain the relative scale relationship between buildings;*
- *Ensure that daylight to habitable rooms in adjacent dwellings is not significantly reduced;*
- *Ensure that sunlight to the private open spaces of the subject property and adjacent properties is not significantly reduced;*
- *Encourage increased setback with increased height.*

The proposed development does not comply with the building height plane requirement along the eastern and western elevations. The breach to the building height plane is approximately 3m. As noted from the site plan, the proposed non-compliance is located adjacent to the access handles of

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14A and 16A Stanhope Road. The proposed dwelling will be located approximately 7.6m and 5.5m from the side boundary of No.14 and 18 Stanhope Road and 9m from the nearest dwelling (No. 14 Stanhope Road). Hence, the proposed development will not generate any overbearing effect upon neighbouring properties, including internal or external living areas.

The proposed vegetation (i.e. *Xylosma Senticosa*, *Raphiolepis Indica*, *Viburnum Tinus* and *Elaeocarpus Reticulatus*) along the eastern and western boundaries will soften the bulk and scale of the dwelling. In addition, the subject property and adjoining access handle will present a single allotment appearance to Stanhope Road, as vehicular access to the proposed dwelling is via the existing access handle serving 16A Stanhope Road.

As indicated by the shadow diagrams (Drawing Number DA-A013A Issue B), four hours of solar access will be available to neighbouring properties.

The breaches identified would not result in any significant bulk and scale issues, overshadowing or privacy concerns. On this basis, the proposed departure from Council's control is acceptable.

Unrelieved wall length

Section 4.2.8 of DCP 38 states that new development should incorporate architectural relief and modulation of facades to avoid a bulky appearance.

The proposed dwelling will have an unbroken wall length of 11.7m along the eastern and western elevations. The proposed walls are situated 3m from the western boundary and 0.925m from the eastern boundary. In addition, the non-compliance is located approximately 28.6m from the front boundary and approximately 1.235m below the street level. The non-compliance will not be readily visible from Stanhope Road.

The non-compliance along the eastern elevation will be located adjacent to the access handle of 16A Stanhope Road. As indicated on the Site Context Plan (Drawing Number DA-A0003 Issue B), the unrelieved wall will be located approximately 13.5m from the dwelling at 18 Stanhope Road.

The non-compliance along the western elevation will be located adjacent to the access handle of 14A Stanhope Road. The proposed dwelling will be located approximately 5.5m from the side boundary of No.18 Stanhope Road and approximately 9m from the dwelling at 14 Stanhope Road.

In addition to the separation distances between common boundaries and adjacent dwellings, the existing and proposed vegetation along the western boundary (i.e. *Viburnum Tinus*, *Camphor Laurel* and *Ulmus Glabra Lutescens*) and eastern boundary (i.e. *Xylosma Senticosa* and *Raphiolepis Indica*) will soften the bulk and scale of the development.

Cut and fill

As noted from the Site Section Plan (Drawing Number DA-A010 Issue C), the subject property has a fall of approximately 1.3 metres from the front to the rear of the proposed building platform. The proposal involves excavation to a maximum depth of 1.1m to accommodate the front of the building platform. Garaging is to be provided generally at grade along the eastern side of the dwelling. Clearance requirements for the garage set the level of the ground floor of the dwelling. For improved internal amenity the design maintains the same level for the ground floor all the way

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through the building. This gives rise to excavation to a maximum depth of 1.1m toward the front of the building platform. The excavated area is also utilised in the function of the dwelling to accommodate rainwater tanks and plant/storage areas.

The excavation has no implications for stormwater management, ground stability both on and off site or adverse impacts on existing or proposed landscaping. The excavation does not exacerbate the scale and bulk of the dwelling, as the site is to be appropriately landscaped and setbacks to common boundaries are sufficient.

The non-compliance is minor and will be located in the sub floor area of the proposed dwelling and, once completed, will be imperceptible from surrounding land and the public domain.

Part 4.3 Open Space and Landscape

Landscaping cut and fill

As noted from the site plan, the subject site has a fall of 2 metres from the front to the rear of the property. The proposal involves excavation and fill at the front and rear of the proposed dwelling.

The proposal includes a maximum excavation of 1.8m at the rear of the property. The proposed cut is to level the ground profile at the rear, which was modified previously through former residential development. The excavation is necessary to provide a level landscaped area suitable for the active and passive recreation needs associated with private open space.

Fill to a maximum depth of 1.3m is proposed in the front yard. The fill extends from the front boundary toward the proposed dwelling. The depth of the fill increases with the fall of the land away from the street, achieving a maximum depth of 1.3m at the front of the dwelling. Conversely, fill to a maximum depth of 500mm is proposed at the very rear of the site, achieving maximum depth near the rear property boundary as the site continues to slope down from front to rear.

The proposed earthworks will have no adverse effects on stormwater management, ground stability both on and off site, nor adversely impact existing and proposed landscaping. The proposed fill will not result in any ground levels elevated to an extent that outlook over adjoining sites could be unreasonably obtained. It is also noted that the subject site is bounded by the access handles of 14A and 16A Stanhope Road along the eastern and western side boundaries, respectively. Fill in the front yard will have no undue visual impact upon the streetscape and will assist in lowering the profile of the proposed dwelling when viewed from the street.

The proposal maintains a sufficient quality and quantity of landscaping on site. Council's Development Engineer and Landscape Officer have no objection to the proposed earthworks.

Part 4.4 Privacy and Security

Privacy

Eastern elevation

- The combined formal living and dining room windows and a terrace associated with the library, will be located along the ground floor of the eastern elevation. The windows and

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terrace will be set back 0.925metres from the eastern side boundary, adjacent to the access handle of 16A Stanhope Road.

The dwelling is set back 5.5m from the boundary of 18 Stanhope Road, with a minimum separation of 13.5metres between the proposed dwelling and the dwelling at 18 Stanhope.

Any outlook afforded by the proposed windows and terrace will be primarily over the adjoining access handle of 16A Stanhope Road. This will be further mitigated by the proposed landscaping, the existing paling fencing and existing camellia hedging along the access handle boundary with 18 Stanhope Road.

The dwelling at 18 Stanhope Road is aligned at approximately 12° to its western boundary. Window sill heights range from 119.06 to 120.16 in respect of ground floor windows. The upper floor of this dwelling is set back from the ground floor, with sill heights from 123.25 to 124.09. The ground floor RLs for the proposed dwelling windows and terrace are 120.345. Accordingly, there is no significant elevation of the proposed building windows and terracing above the adjacent property at 18 Stanhope and no direct views of any internal or external living areas.

Western elevation

- A single terrace associated with Bedroom 4, the 'chinese' room and a multi-pane living room window will be located along the western elevation. The terrace and window will be set back 3 metres from the side boundary and adjacent to the access handle of 14A Stanhope Road. The access handle is 4.6m wide and the distance between the subject dwelling and the neighbouring dwelling is a minimum of approximately 9m.

Screen planting is also proposed along the side boundary. Council's Landscape Officer confirms that the plant species will be capable of attaining minimum heights of 3m. Tall growing species are also proposed at various points along the boundary and will complement adjacent canopy trees located along the access handle, generally in line with the proposed terrace and window.

One window will be located along the first floor of the western elevation. The window will be set back 3 metres from the side boundary and orientated toward the access handle of 14A Stanhope Road. The window will be located at the end of a corridor, with potential outlook over the front yard of 14 Stanhope Road.

The dwelling at 14 Stanhope Road is aligned parallel to its eastern boundary. Ground floor window sill heights range from 119.86 to 120.45. The upper level of this dwelling is set well back from the side boundary. The ground floor RLs for the proposed dwelling windows and terrace are 120.345. Accordingly, there is no significant elevation of the proposed building windows and terracing above the adjacent property at 14 Stanhope and no direct views of any internal or external living areas.

Southern elevation

- The south elevation fronts the street and will have no undue privacy impacts.

Northern elevation

- The north elevation faces the rear yard and affords no direct views over the rear yards or dwellings of adjoining sites.

Part 4.5 Access and Parking

Driveway

As discussed previously, the proposed integrated garage will be located within the side elevation of the new dwelling and vehicular access will be via the battleaxe handle at No.16A Stanhope Road. This is a satisfactory arrangement.

Development Control Plan 40 – Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 38 and the proposal is acceptable in this respect.

Development Control Plan No. 43 – Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 38 and the proposal is acceptable in this respect.

Development Control Plan 47 – Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 38 and the proposal is acceptable in this respect.

Likely impacts

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

Suitability of the site

The site is suitable for the proposed development.

Any submissions

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

Public interest

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

- the proposed development is a permissible activity within the Residential 2(c2) zone,
- the proposal will maintain the overall heritage significance of surrounding heritage items,
- the proposal will not result in undue social, environmental or economic impacts.

Any other matters for consideration

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There are no other matters for consideration.

CONCLUSION

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved.

RECOMMENDATION:

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards to Clause 46 – Height of Buildings* of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unnecessary in the circumstances of this case as the non-compliance will not result in the undue imposition of built form upon the streetscape or adjoining sites. The proposal will also maintain appropriate levels of privacy and solar access for adjoining properties.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1423/06 is consistent with the aims of the Policy, grant deferred commencement development consent to DA 1423/06 for the demolition of the existing dwelling, carport and swimming pool and the construction of a new storey dwelling with indoor swimming pool and a front fence on land at 16 Stanhope Road, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

DEFERRED COMMENCEMENT TERMS

1. Stormwater drainage (deferred commencement)

In order to activate this consent, the applicant shall submit full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Council's website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property.

The following details must be included:

- plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information

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- longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail including all trees within seven (7) metres of the proposed drainage system
- means to preserve the root systems of trees within seven (7) metres of the drainage system
- Certification and design of the proposed easement route by a suitably qualified/experienced arborist.

This consent will not operate until the required hydraulic design documentation has been submitted to and approved by Council's Development Engineer.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

2. Registration of subdivision (deferred commencement)

In order to activate this consent, the Applicant must submit to Council, documentary evidence from the Land and Property Information that the necessary Torrens Title Subdivision – Boundary Adjustment for 16 & 16A Stanhope Rd Killara (refer DA 1217/06) has been registered. Evidence is to be in the form of registered title documents.

Reason: To ensure that the allotments of land are created prior to the development occurring.

SPECIAL CONDITION

3. Archival recording of buildings

The recording document is to be submitted and approved to the satisfaction of Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate. The recording document is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives (if B&W). Any archival documents such as family records, old photographs should also be included.

Black & White photography is preferred for archival purposes but digital photography may be used provided the resolution of the camera is 8 mega pixels or higher and images are on archival photographic paper using archival inks or dyes. Black & White film processed using colour processing (C 41) is not acceptable because it is not archival stable.

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

All photographs or images to be stored in archival sheets or envelopes numbered and cross-referenced to catalogue sheets and plans showing position of camera. A photographic recording sheet must be included. Photographs or images of the following

- each elevation

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- selected interiors
- photographs of specific details nominated by Council
- all structures on site such as sheds, outhouses and significant landscape features
- several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements for B&W photography

- statement of reasons the recording was made
- photographic catalogue sheet
- photographic plan
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- one set of numbered negatives
- contact prints labelled and cross referenced
- selected prints

Minimum requirements for Digital photography

- statement of reasons the recording was made
- photographic catalogue sheet
- photographic plan
- location plan showing relationship of site to nearby area
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- CD or DVD with electronic images as TIFF file.
- set of thumbnail images (6 images on A4 paper) labelled and cross referenced
- selected 105 x 148mm images (A6) labelled and cross referenced (note only one report to contain selected large images)

CONDITIONS THAT IDENTIFY APPROVED PLANS

4. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA-A008 Issue C	Bligh Voller Nield Architecture	07.05.2007
DA-A010 Issue C	Bligh Voller Nield Architecture	07.05.2007
DA-A011 Issue C	Bligh Voller Nield Architecture	07.05.2007
DA-D001 Issue B	Bligh Voller Nield Architecture	07.05.2007
DA-D002 Issue B	Bligh Voller Nield Architecture	07.05.2007
DA-D003 Issue C	Bligh Voller Nield Architecture	07.05.2007
DA-E001 Issue D	Bligh Voller Nield Architecture	07.05.2007
DA-E002 Issue C	Bligh Voller Nield Architecture	07.05.2007
DA-F001 Issue C	Bligh Voller Nield Architecture	07.05.2007

Reason: To ensure that the development is in accordance with the determination of Council.

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5. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
0706 Rev F	Jocelyn Ramsay & Associates	04/05/07

Reason: To ensure that the development is in accordance with the determination of Council.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

6. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

7. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

8. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

9. Tree protection fencing

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

Schedule

Tree/location

#10 / *Phoenix canariensis* (Canary Island Palm)/ Western boundary forward of dwelling

Radius in metres

3 metres – following completion of transplanting

Reason: To protect existing trees during the construction phase.

The tree protection fence shall be constructed of star pickets at 2.4 metres wide spacings and connected by four strands of 2mm wire at 300mm wide spacings to a minimum height of 1.5 metres prior to work commencing.

Reason: To protect existing trees during the construction phase.

10. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- the name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

11. Tree protective fencing type galvanised mesh

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase

12. Tree fencing inspection

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Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

13. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between kerbs
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CC

14. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

15. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

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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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

16. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect the streetscape and the integrity of the approved development.

17. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
0706 Rev F	Jocelyn Ramsay & Associates	04/05/07

The above landscape plan(s) shall be amended in the following ways:

- The 6 x *Syncarpia glomulifera* (Turpentine) along the front boundary shall be replaced with 6 x *Angophora floribunda* (Rough barked Apple) from the Blue Gum High Forest plant community.
- To reduce the impact on the streetscape, the access path along the western boundary adjacent to the proposed retaining wall shall be deleted and replaced with an additional layer of screen planting.

Reason: To ensure adequate landscaping of the site

18. Excavation for services

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Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

19. Amendments to approved engineering plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved engineering plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
0632	ITC Group Pty. Ltd.	12/12/2006

The above engineering plan(s) shall at least be amended as follows:

- Consistent details with the plans duly approved by Council (e.g. driveway levels, rear garden levels, detention system walls etc.).
- Consistent pit dimension for SWP No.3 detailed on the plans.
- Minimum 150mm freeboard to the top of the basin perimeter provided above the overflow spillway invert.
- Levels for the detention system wall (TOW) detailed on the plans.
- Measures to ensure that overflow from the detention system is formally directed towards the interallotment system rather than as uncontrolled runoff down the driveway.

The above amendments are required to ensure compliance with the following:

- Ku-ring-gai Council Water Management Development Control Plan 47.

Note: An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifying Authority.

Reason: To ensure that the development is in accordance with the determination of Council.

20. Stormwater management plan (new single dwellings)

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scaled construction plans and specifications in relation to the

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stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tank systems and where proprietary products are to be used, manufacturer specifications and details must be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with BASIX commitments
- Details of the proposed on-site detention system required by Ku-ring-gai Water Management Development Control Plan No. 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 for volume, PSD and design requirements).

The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the BCA.

Reason: To protect the environment.

21. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with

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Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

22. The owner's consent of No. 16A Stanhope Rd Killara is required to modify the right of carriageway levels (required to provide access to the proposed double garage). Documentation is to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with the development consent

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

23. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- a) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- b) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- c) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

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d) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

24. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination of Council.

25. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia,
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

26. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work

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plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

27. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

28. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

29. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

30. Dust control

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During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

31. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002) *"Traffic Control Devices for Work on Roads"*. 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.

Reason: To ensure safety and amenity of the area.

32. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

33. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

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34. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

Reason: To protect public places.

35. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

36. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

37. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

38. Removal of refuse

Item 3

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.

Reason: To protect the environment.

39. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule	
Tree / Species / Location	Approved tree works
#2 / <i>Jacaranda mimosifolia</i> (Jacaranda) / Eastern boundary, forward of dwelling	Removal
#3 / <i>Fraxinus sp</i> (Ash) / Eastern boundary	Removal
#4 / <i>Acer palmatum</i> (Japanese Maple) / Eastern boundary, rear of dwelling	Removal
#5 / <i>Jacaranda mimosifolia</i> (Jacaranda) / Eastern boundary, rear of dwelling	Removal
#7 / <i>Juniperus sp.</i> (Juniper) / North eastern corner	Removal
#10 / <i>Phoenix canariensis</i> (Canary Island Palm) / Western boundary forward of dwelling	Transplanted to front of new dwelling

Removal or pruning of any other tree on the site is not approved.

Reason: To ensure that the development is in accordance with the determination of Council.

40. Arborist's report

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

Schedule	
Tree/location	Time of Inspection
<i>Jacaranda mimosifolia</i> (Jacaranda) / Adjoining property No 16A Stanhope Road	Excavation for dwelling
2 x <i>Cinnamomum camphora</i> (Camphor laurel) / Adjoining property No 16A Stanhope Road	Excavation for dwelling
<i>Ulmus sp.</i> (Elm) / Adjoining property No 16A Stanhope Road	Excavation for dwelling

Reason: To ensure protection of existing trees.

41. Excavation near trees

Item 3

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

Schedule Tree/location	Radius from trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) / Adjoining property No 16A Stanhope Road	3 metres
2 x <i>Cinnamomum camphora</i> (Camphor laurel) / Adjoining property No 16A Stanhope Road	3 metres
<i>Ulmus sp.</i> (Elm) / Adjoining property No 16A Stanhope Road	3 metres

Reason: To protect existing trees.

42. Hand excavation

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

Schedule Tree/location	Radius from trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) / Adjoining property No 16A Stanhope Road	3 metres
2 x <i>Cinnamomum camphora</i> (Camphor laurel) / Adjoining property No 16A Stanhope Road	3 metres
<i>Ulmus sp.</i> (Elm) / Adjoining property No 16A Stanhope Road	3 metres

Reason: To protect existing trees.

43. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree(s) root system

Schedule Tree/location	Radius from trunk
All trees located within 16A Stanhope Road and adjoining properties downhill of the site for the installation of the new inter-allotment stormwater easement.	Beneath canopy spread.

Reason: To protect existing trees.

44. Supervision of transplanting

Item 3

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate.

Schedule

Species/from

#10 / *Phoenix canariensis* (Canary Island Palm) /
Western boundary forward of dwelling

To

Forward of the new dwelling
within the lawn area as per
the approved landscape plan.

Reason: To protect the trees during transplanting.

45. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

Reason: To maintain the treed character of the area.

46. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

47. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

48. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Item 3

Reason: To protect the environment from erosion and sedimentation.

49. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site and generally in accordance (with required amendments) with the submitted concept drainage plans by ITC Group Pty. Ltd (refer Drawing No. 0632 H01, Revision 01, dated 12/12/2006). The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

Reason: To protect the environment.

- 50.** Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

- 51.** A contractor with specialist excavation experience must undertake the excavations for the development and ensure the structural amenity of adjoining structures and property is fully maintained.

Reason: Protect adjoining structures and property

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

52. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 115799S have been complied with.

Reason: Statutory requirement.

53. Swimming pool (part 1)

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- 1) Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:

Item 3

- a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and
- b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Reason: To ensure the safety of children.

- 2) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property, including a public place. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.

Note: Evidence from a practising acoustical engineer demonstrating compliance with the above shall be submitted to the Principal Certifying Authority prior to the operation of the pool.

Reason: To protect the amenity of surrounding properties.

54. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

55. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

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

Item 3

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

56. Certification of drainage works (new single dwellings)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention volume storage requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47, respectively, have been achieved in full
- retained water is connected and available for use specified in the BASIX commitments
- the drainage system has been installed by a licensed contractor in accordance with the Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained at appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

57. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Item 3

Reason: To protect the environment.

58. Easement drainage line construction

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the required interallotment drainage system has been installed and surveyed under the supervision of a designing engineer or equivalent professional.

Note: At the completion of the interallotment works, the following must be submitted to the Principal Certifying Authority for approval:

- details from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation
- a full works as executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s)

Reason: To protect the environment.

59. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing and layback in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

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

Reason: To protect the streetscape.

CONDITIONS TO BE SATISFIED AT ALL TIMES

60. Swimming pool (part 2)

Item 3

At all times:

1. Access to the swimming pool must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992*.
2. Noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.
3. Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.
4. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
5. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

Reason: Health and amenity.

61. Noise control – plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dba above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

62. Encroachment over burdens

At all times for the life of the approved development, no part of any structure shall encroach over any easement and no loadings shall be imposed to utilities within any easement unless approved by the owner(s) appurtenant to the burden.

This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway.

Item 3

The applicant's attention is directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard.

Reason: To ensure compliance with the development consent.

Gilead Chen
Development Assessment Officer

M Leotta
Team Leader
Development Assessment Services

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

:Attachments: **Locality Plan - 828134**
 Zoning Extract - 828134
 Architectural Plans – 828137, 828143, 828144
 Landscape Plan - 828146
 Survey Plan - 828149
 Photos of existing house - 828151
 Photos of surrounding houses - 828153
 Heritage report by "INHERITage" - 797070

LOCATION SKETCH

16 STANHOPE ROAD KILLARA

DEVELOPMENT APPLICATION No 1423/06



Includes 25 Objections from outside area of map.



OBJECTION



OBJECTION RECEIVED OUTSIDE NOTIFICATION PERIOD



SUBJECT LAND



CIRCULATED AREA



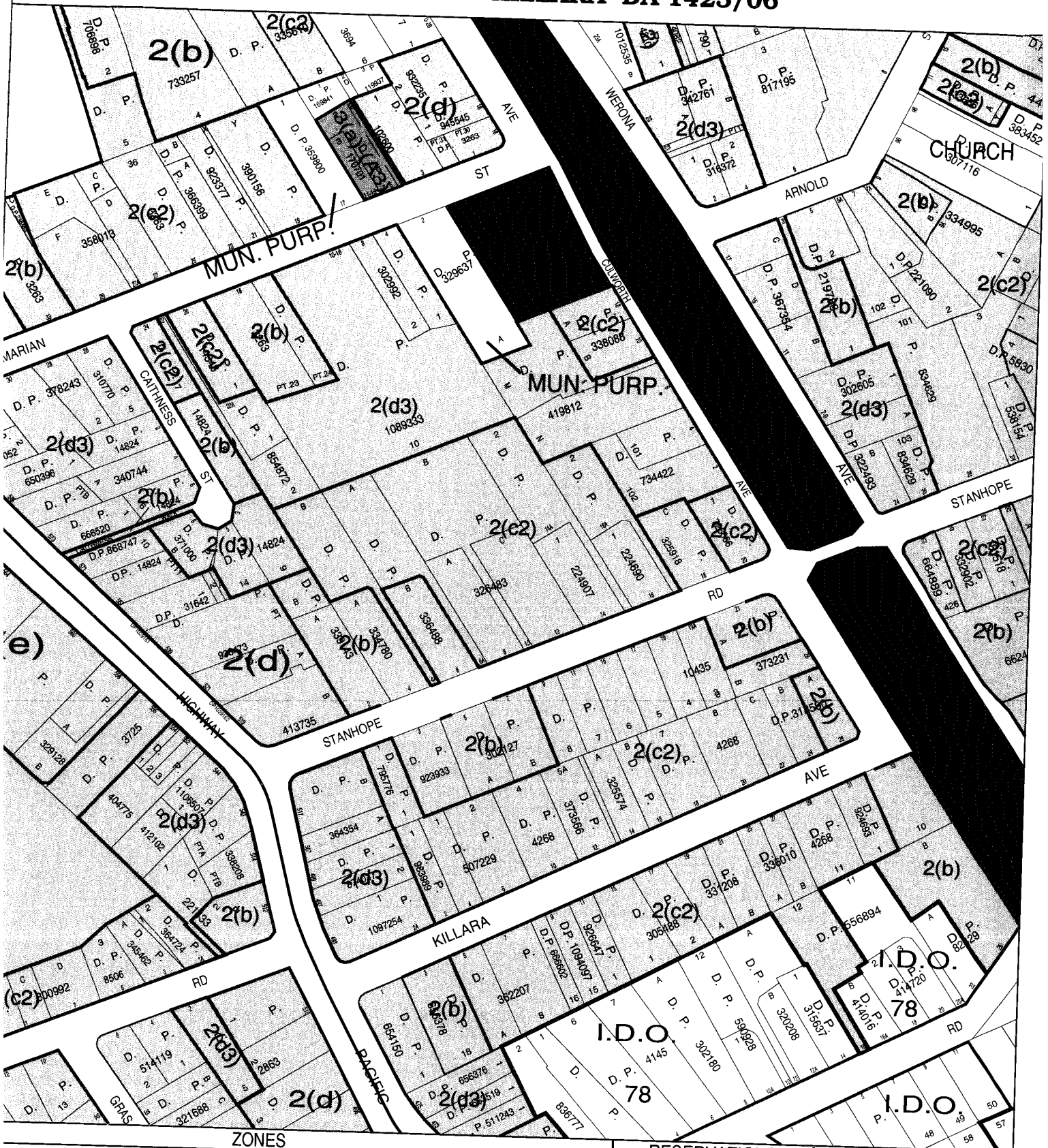
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12-09-2007



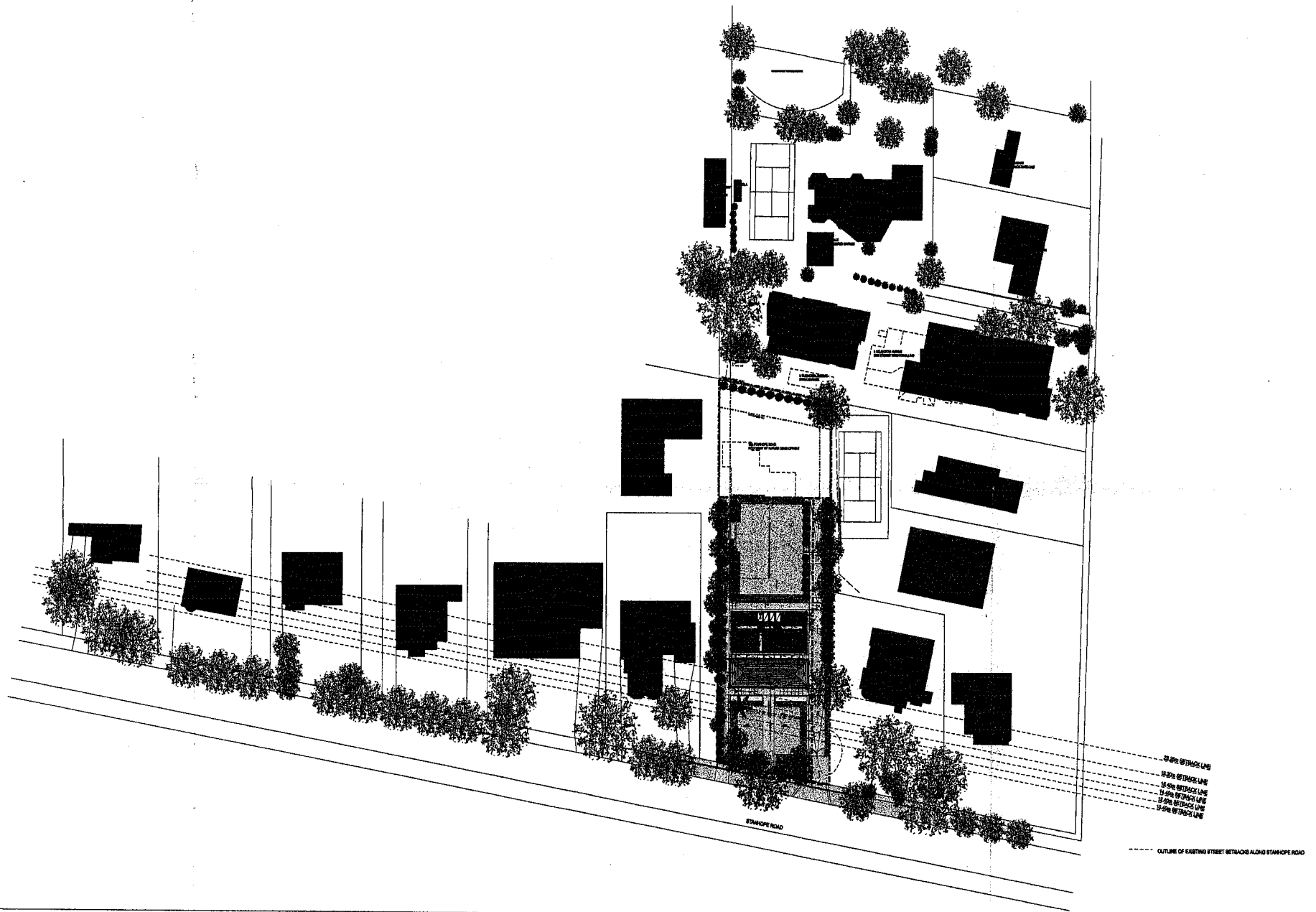
Zoning Extract

16 STANHOPE ROAD KILLARA DA 1423/06



ZONES			RESERVATIONS		GENERAL	
RESIDENTIAL			OPEN SPACE		EXISTING COUNTY ROAD	
1) RESIDENTIAL A			(a) OPEN SPACE (Public Parks & Recreation)		OTHER PLANNING INSTRUMENTS	
2) RESIDENTIAL B	2(b)		(b) COUNTY OPEN SPACE			
3) RESIDENTIAL C	2(c)		SPECIAL USES			
1) RESIDENTIAL C1	2(c1)		SPECIAL USES (Parking etc)			
2) RESIDENTIAL C2	2(c2)		ROADS			
3) RESIDENTIAL D	2(d)		(a) COUNTY ROAD PROPOSED			
3) RESIDENTIAL D3	2(d3)		(b) COUNTY ROAD WIDENING			
3) RESIDENTIAL E	2(e)		(c) LOCAL ROAD PROPOSED			
3) RESIDENTIAL F	2(f)		(d) LOCAL ROAD WIDENING			
3) RESIDENTIAL G	2(g)					
3) RESIDENTIAL H	2(h)					
3. BUSINESS			5. SPECIAL USES			
(a) RETAIL SERVICES	3(a)		(a) SPECIAL USES A (Schools etc)	SCHOOL		
FLOOR SPACE RATIOS			(a1) SPECIAL USES A1	5(a1)		
A1 2.0:1	3(a1A1)		(b) SPECIAL USES (Railway)			
A2 1.0:1	3(a1A2)		6. OPEN SPACE			
A3 0.75:1	3(a1A3)		(a) RECREATION EXISTING			
(b) COMMERCIAL SERVICES	3(b)		(b) RECREATION PRIVATE			
FLOOR SPACE RATIOS			(c) RECREATION PROPOSED			
B1 1.0:1	3(bB1)					
B2 1.0:1	3(bB2)					

Scale: 1:3000
Date: 12-09-2007



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1. DOCUMENT PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING OR THE PERFORMANCE OF THE BUILDING. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING.

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DATE DATE FOR
A 10.12.2008 DA
B 07.06.2007 DA - REVISED

DATE DATE FOR
A 10.12.2008 DA
B 07.06.2007 DA - REVISED

DATE DATE FOR
A 10.12.2008 DA
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B 07.06.2007 DA - REVISED

DATE DATE FOR
A 10.12.2008 DA
B 07.06.2007 DA - REVISED

EDWIN MOK
CLIENT PROJECT NUMBER

MOK RESIDENCE
18 STANHOPE ROAD, KILLARA
BAY PROJECT NUMBER

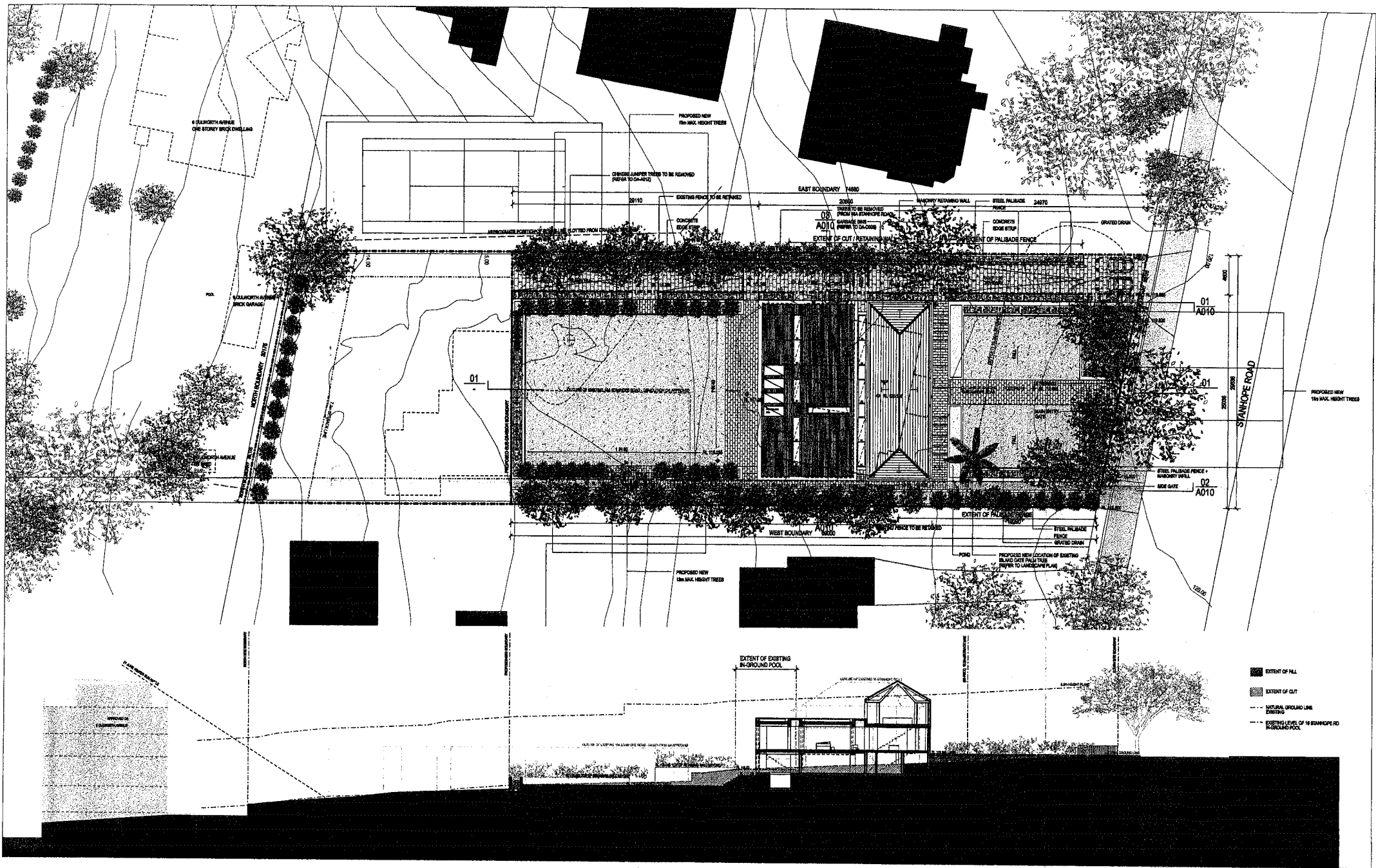
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SITE CONTEXT_02

DA-A003

B



BlighVollerFieldArchitecture

COMPANY INFORMATION
BlighVollerFieldArchitecture Pty Ltd
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DATE	FOR
A 16.12.2006 DA	
B 06.03.2007 DA-RP1	
C 07.05.2007 DA-REVISED	

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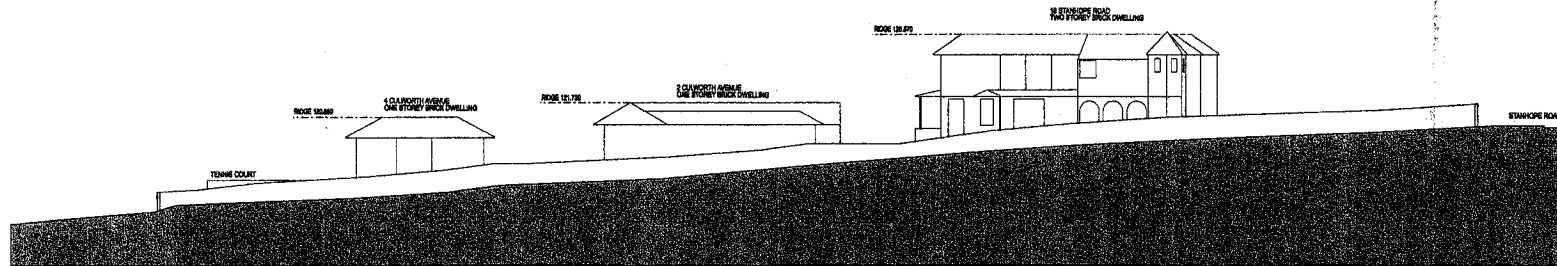
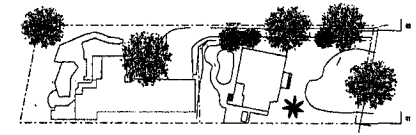
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16 STANHOPE ROAD, KILLARA
DA PROJECT NUMBER
S080102

SITE PLAN - PROPOSED

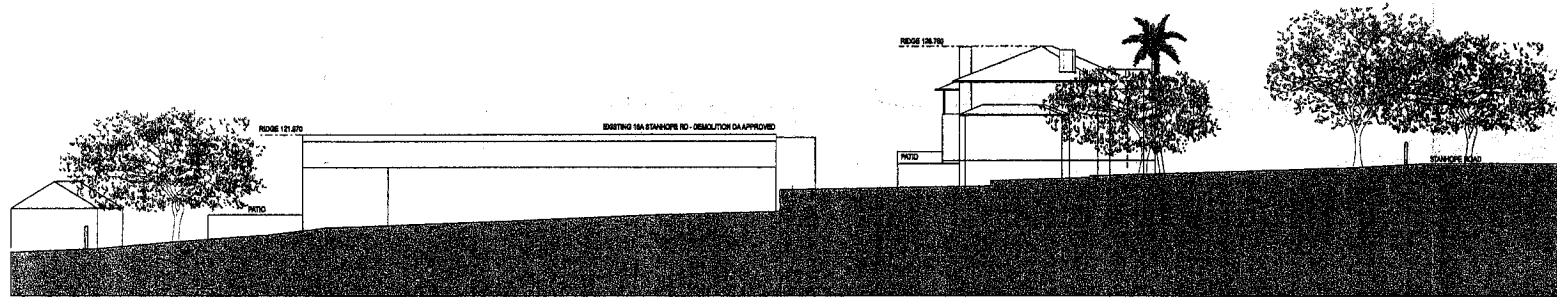
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DA- A008

C



SECTION 02



SECTION 01



BlighVollerNieldArchitecture

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18 STANHOPE ROAD, KILLARA
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REV. DATE FOR
A 15.12.2006 DA
B 07.06.2007 DA - REVISED

REV. DATE FOR
A 15.12.2006 DA
B 07.06.2007 DA - REVISED

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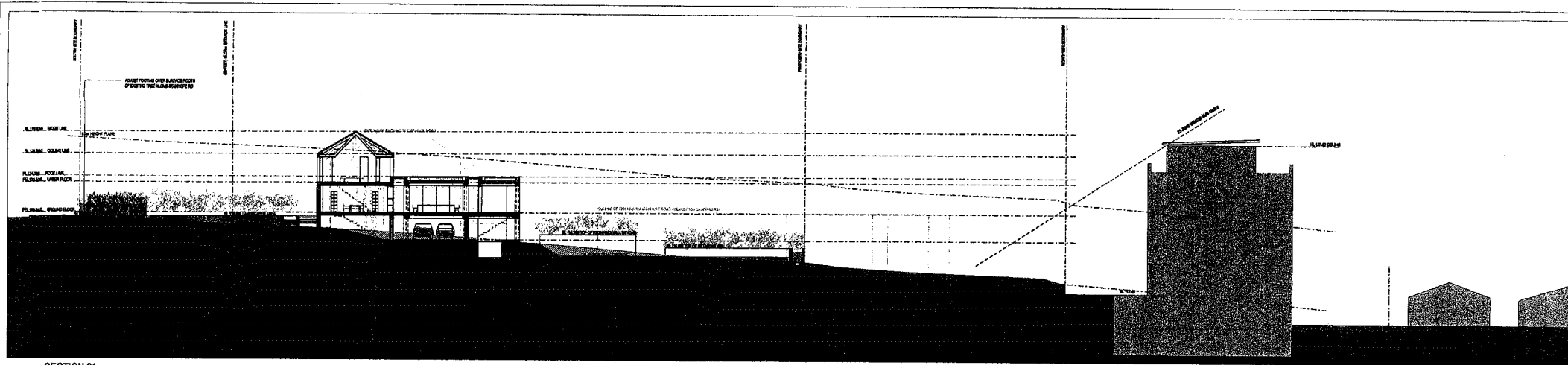
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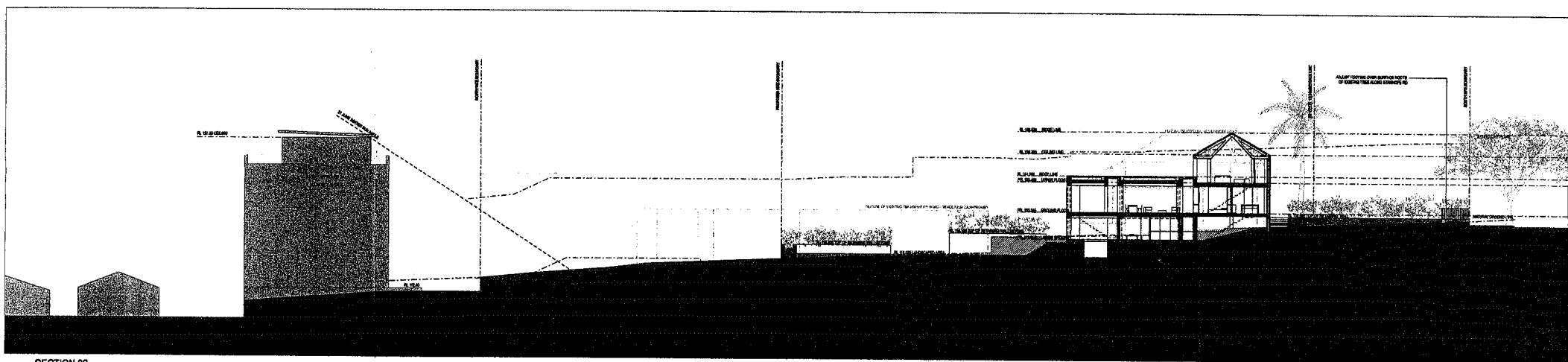
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MOK RESIDENCE
18 STANHOPE ROAD, KILLARA
DA PROJECT NUMBER
S080102

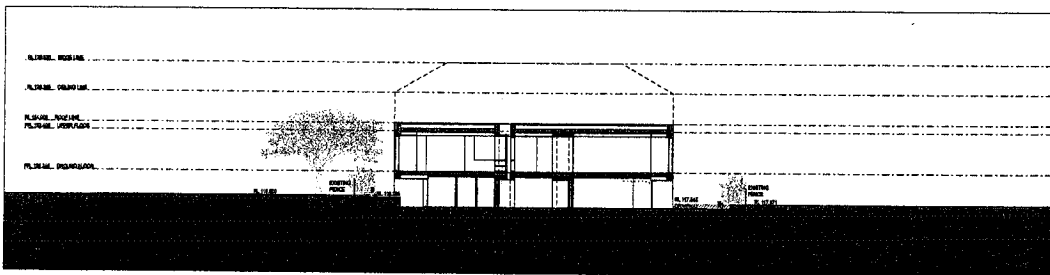
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CLIENT PROJECT NUMBER



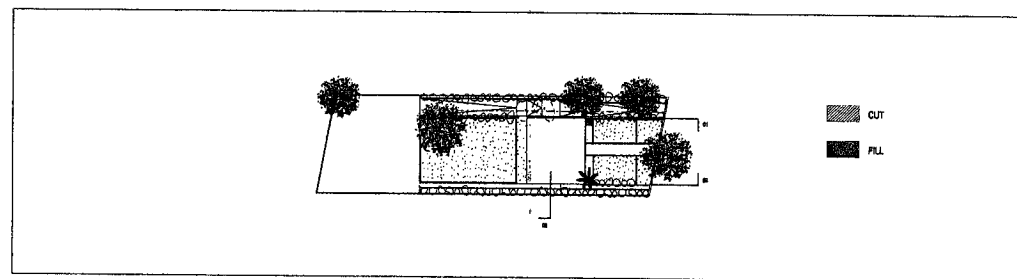
SECTION 01



SECTION 02



SECTION 03



BlighVollerNieldArchitecture

EDWIN MOK ARCHITECTURE
16 STANHOPE ROAD, KILLARA
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DATE	FOR
19.12.2006	DA
06.03.2007	DA - RFI
07.05.2007	DA - REVISED

DATE	FOR
19.12.2006	DA
06.03.2007	DA - RFI
07.05.2007	DA - REVISED

DATE	FOR
19.12.2006	DA
06.03.2007	DA - RFI
07.05.2007	DA - REVISED

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06.03.2007	DA - RFI
07.05.2007	DA - REVISED

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19.12.2006	DA
06.03.2007	DA - RFI
07.05.2007	DA - REVISED

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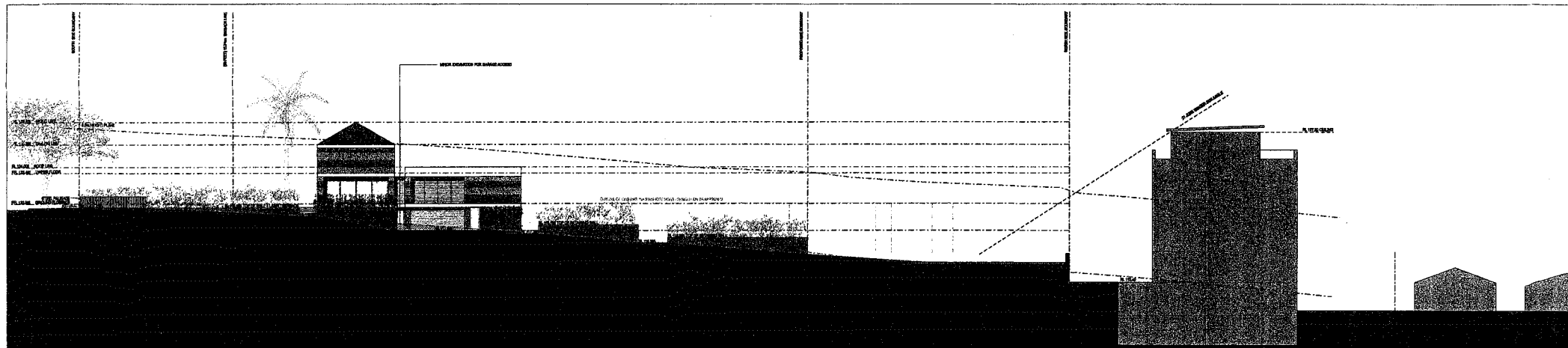
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SITE SECTIONS -
PROPOSED

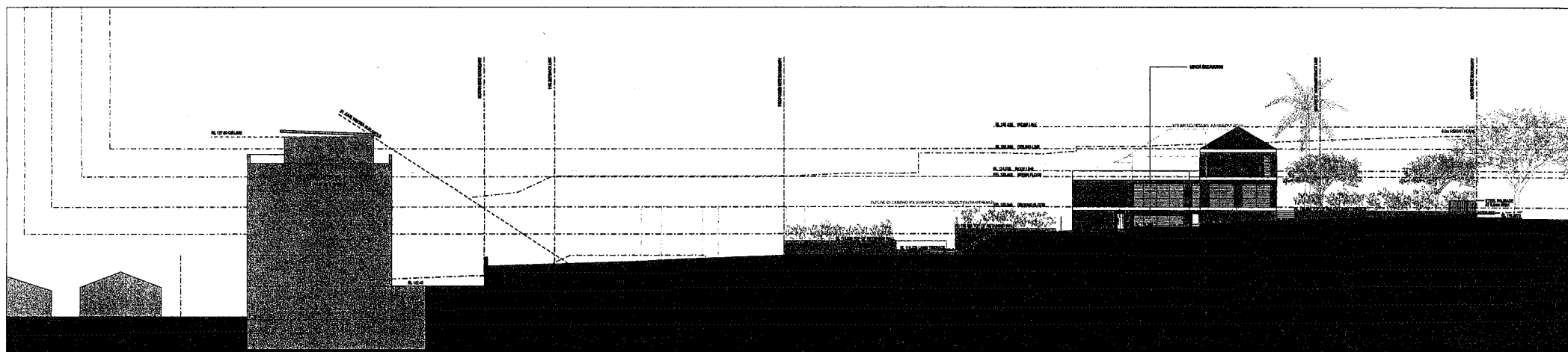
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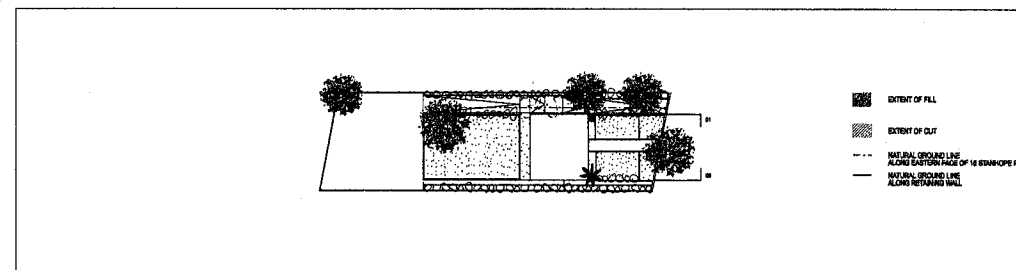
EDWIN MOK
16 STANHOPE ROAD, KILLARA
NSW 1575
S060102



ELEVATION 01



ELEVATION 02



BlighVolkerFieldArchitecture

Agreement to prepare this proposal is made on the basis that the client will provide all necessary information and approvals in a timely manner. The client acknowledges that the architect is not responsible for any delays or costs incurred by the client in obtaining necessary approvals or information. The client agrees to indemnify the architect from and against all claims, damages, losses and expenses, including reasonable legal costs, in connection with or arising out of the client's failure to provide such information or approvals in a timely manner.

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REV	DATE	FOR
A	10.12.2006	DA
B	06.08.2007	DA - RPT
C	07.05.2007	DA - REVISED

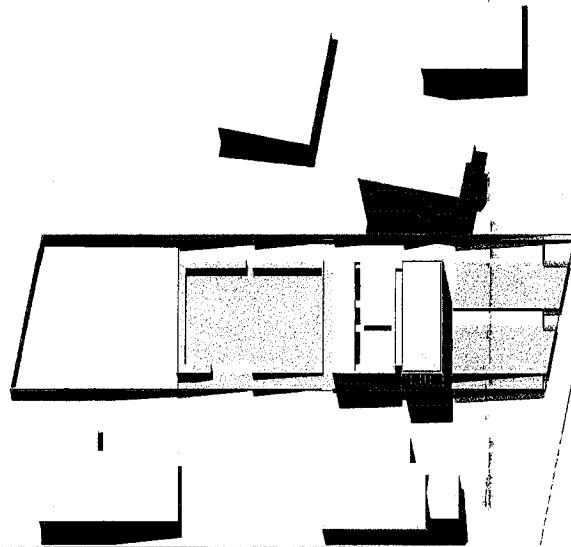
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EDWIN MOK
CLIENT PROJECT NUMBER

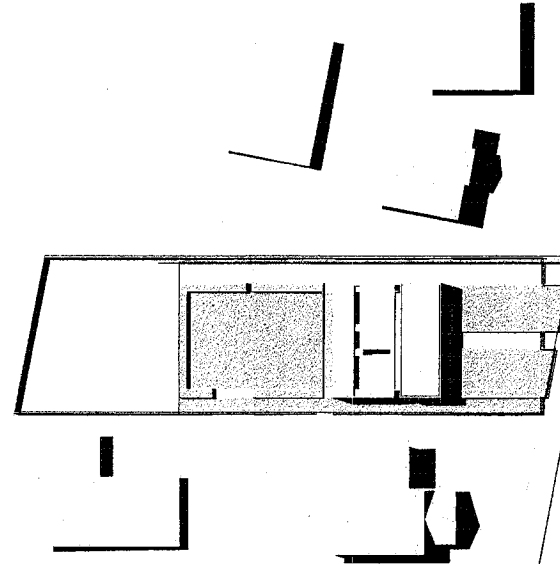
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NORTH COTE, NSW
8060102

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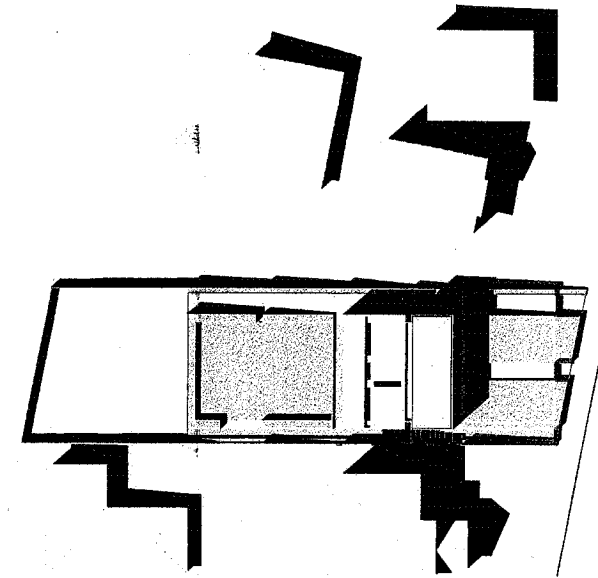
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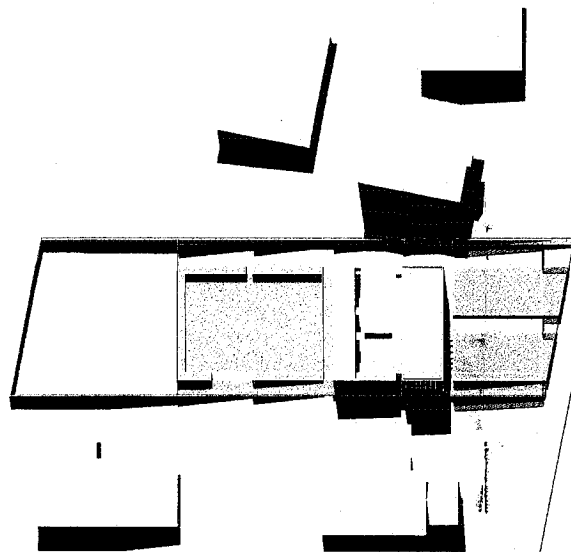
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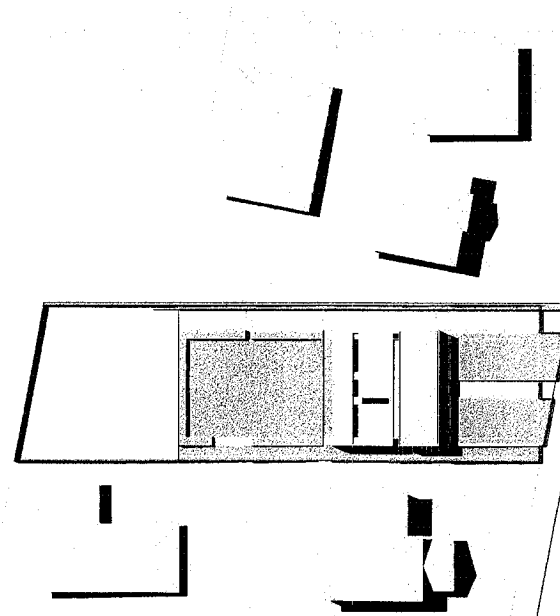
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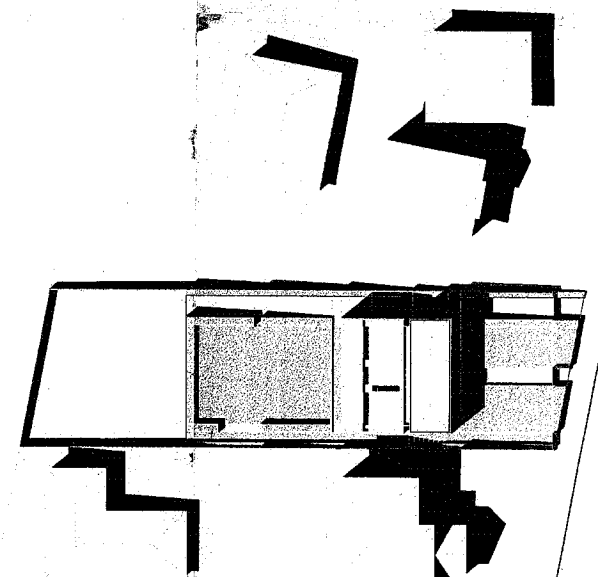
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MARCH 21 12PM



MARCH 21 3PM



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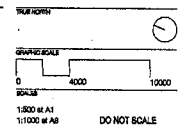
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DATE	DATE	FOR
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B	07.06.2007	DA - REVISED

CONSULTANT	CONSULTANT	CONSULTANT	CLIENT
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EDWIN MOK
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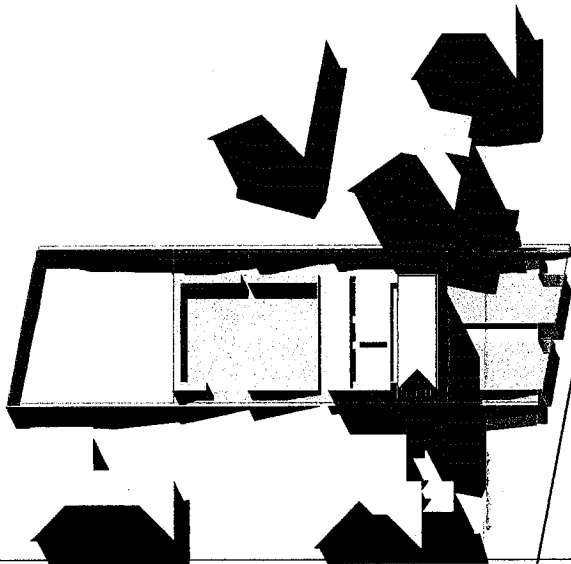
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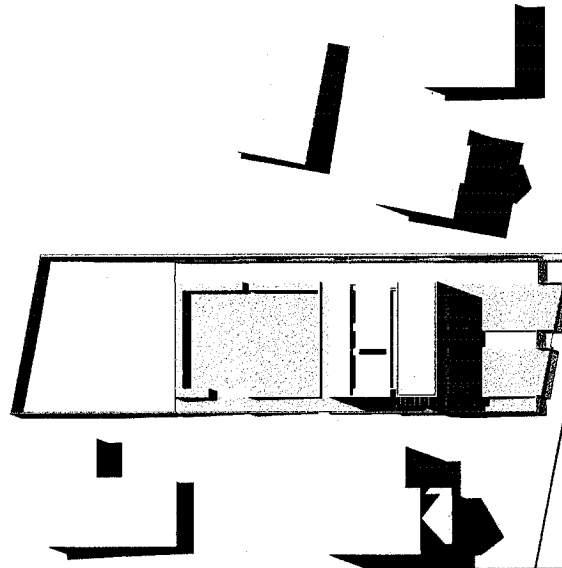
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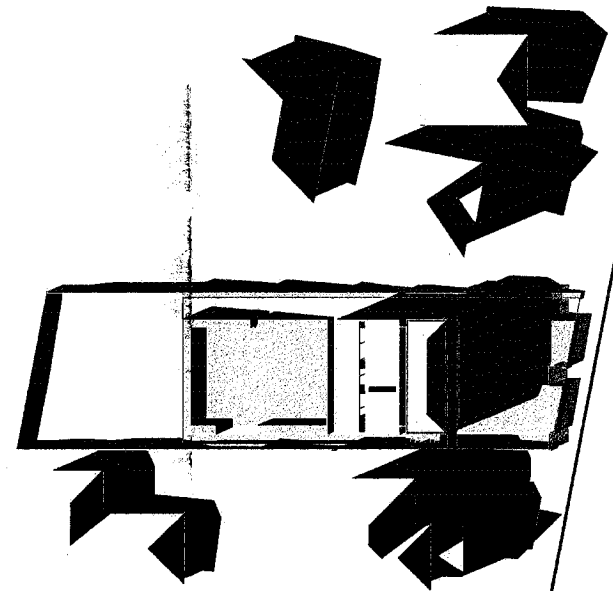
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JUNE 21 12PM



JUNE 21 3PM



BlighWallerFieldArchitecture

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B	07.06.2007	DA - REVISED

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CLIENT
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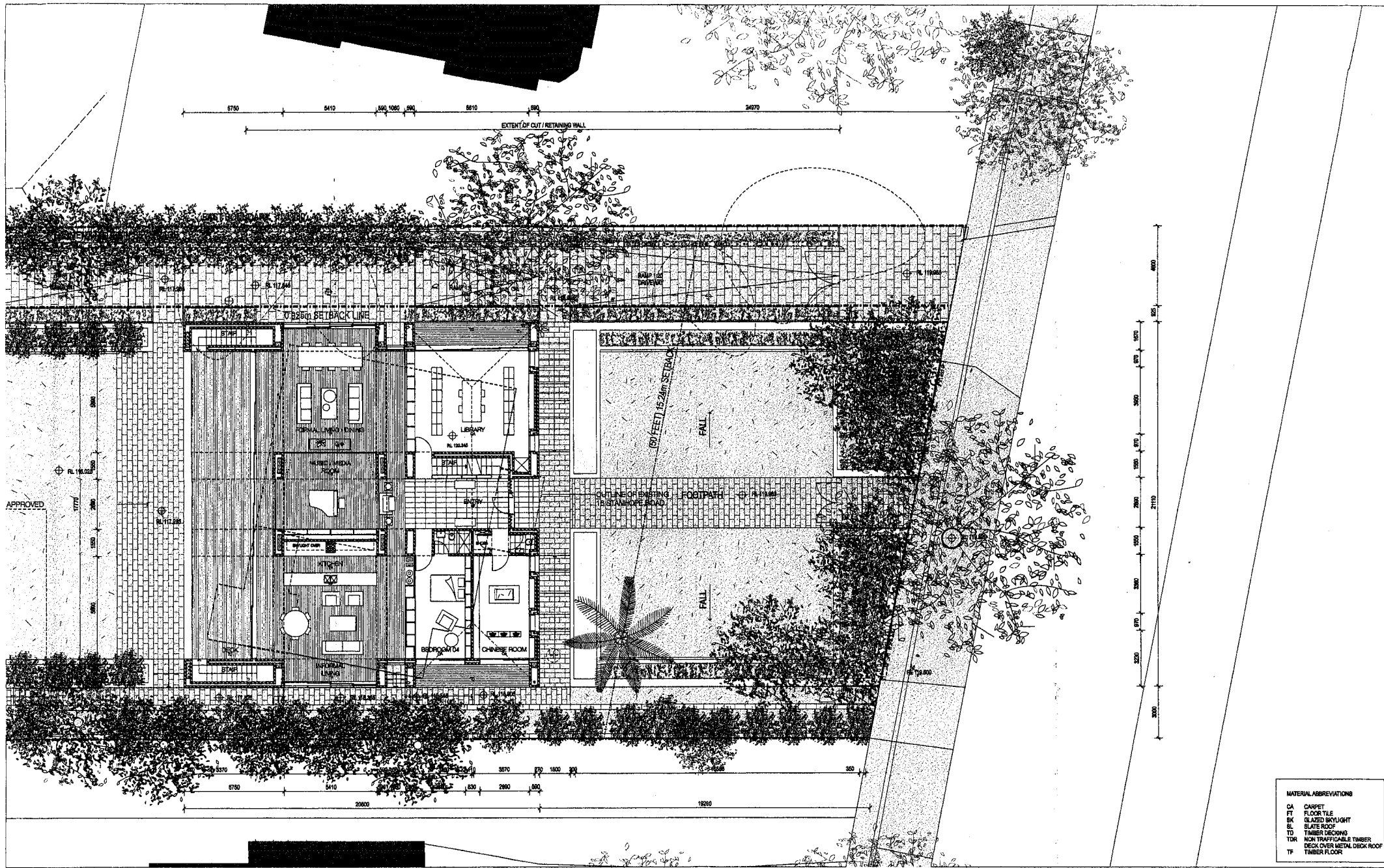
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18 STANHOPE ROAD, KILLARA
BWN PROJECT NUMBER
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1:1000 @ A0
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SHADOW DIAGRAMS
DRAWING NUMBER
DA - A013B
PAGE
B



- MATERIAL ABBREVIATIONS**
- | | |
|-----|---|
| CA | CARPET |
| FT | FLOOR TILE |
| SK | GLAZED SKYLIGHT |
| SL | SLATE ROOF |
| TD | TIMBER DECKING |
| TDR | NON TRAFFICABLE TIMBER
DECK OVER METAL DECK ROOF |
| TF | TIMBER FLOOR |



BlightVollerWardArchitecture

16 STANHOPE ROAD, KILLARA
DA - D002
18.12.2008
DA - REVISED
07.06.2007

Telephone +61 2 9397 7200
Facsimile +61 2 9397 7299
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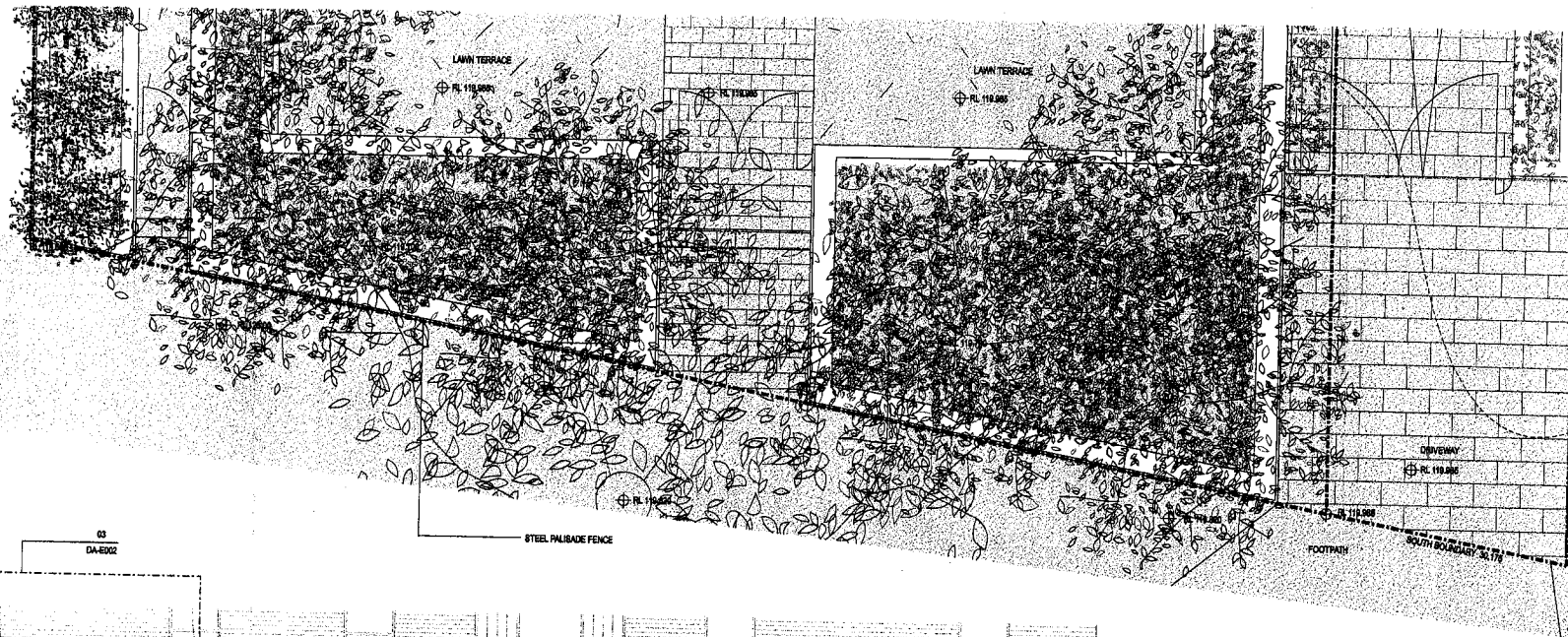
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07.06.2007	DA - REVISED				

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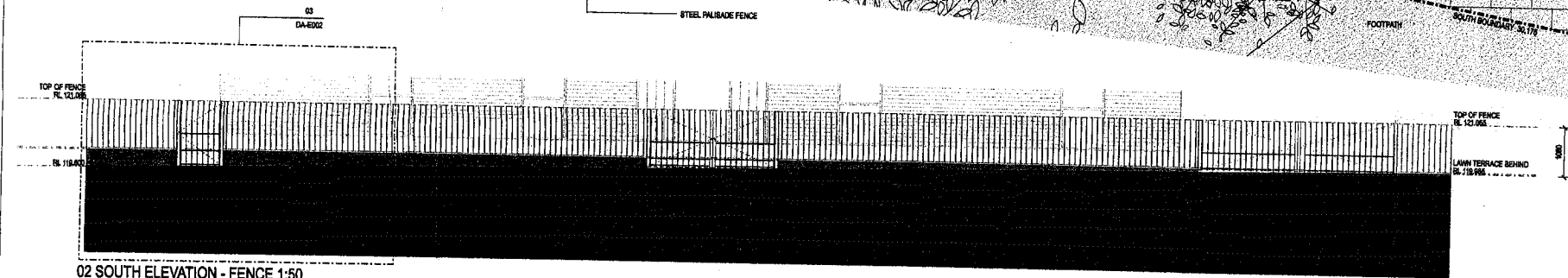
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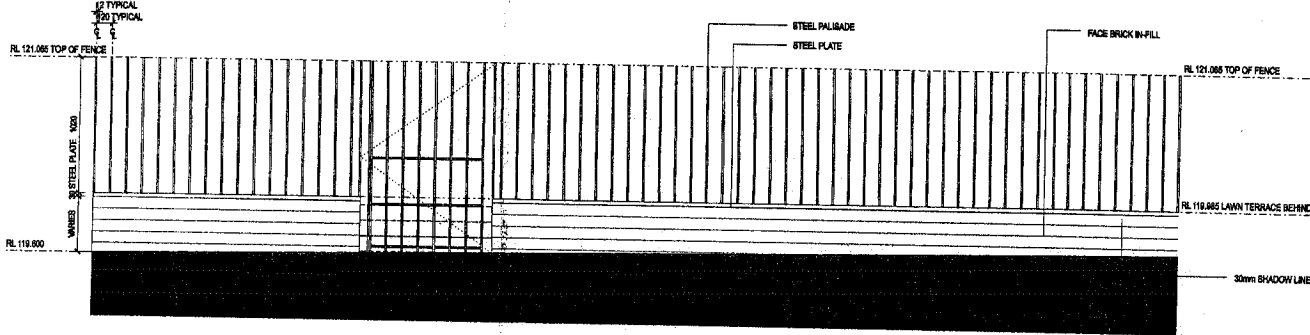
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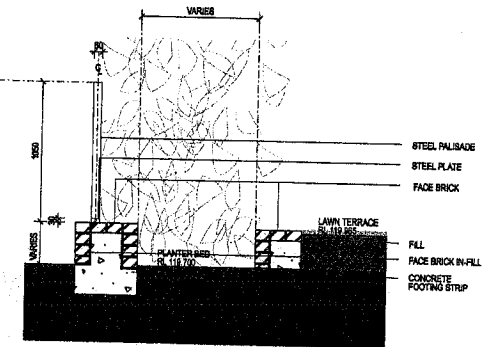
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03 DETAIL ELEVATION - FENCE 1:20



04 DETAIL SECTION - FENCE 1:20



BulghVollerNieldArchitecture

16 STANHOPE ROAD, KILLARA
NSW 2230
Tel: 02 8097 7100
Fax: 02 8097 7100
www.bvn.com.au

DATE	FOR
15.03.2007	DA - RFI
15.04.2007	DA - INFORMATION
07.06.2007	DA - REVISED

DATE	FOR

DATE	FOR

DATE	FOR

DATE	FOR

DATE	FOR

DATE	FOR

DATE	FOR

DATE	FOR

DATE	FOR

FRONT FENCE - DETAIL

DA-E002

C

PROPOSED SITE BOUNDARY

RL 126.535 - RIDGE LINE

RL 126.285 - CEILING LINE

RL 124.005 - ROOF LINE

EF 123.455 - UPPER FLOOR

EF 120.345 - GROUND FLOOR

OUTLINE OF EXISTING 16A STANHOPE ROAD - DEMOLITION DA APPROVED

EF 117.845 - LOWER GROUND

RL 118.825 TOP OF RETAINING WALL BEYOND

RL 118.025 LANDSCAPED AREA

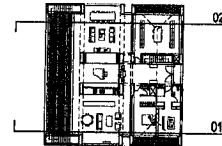
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OUTLINE OF EXISTING 16A STANHOPE ROAD

(60 FEET) 15.24m SETBACK LINE

CUT
FILL

SOUTH BOUNDARY



8.0m HEIGHT PLANE

NATURAL GROUND LINE

RL 126.535 - RIDGE LINE

8.0m HEIGHT PLANE

RL 126.285 - CEILING LINE

RL 124.005 - ROOF LINE

EF 123.455 - UPPER FLOOR

EF 120.345 - GROUND FLOOR

OUTLINE OF EXISTING 16A STANHOPE ROAD - DEMOLITION DA APPROVED

EF 117.845 - LOWER GROUND

RL 118.825 TOP OF RETAINING WALL BEYOND

RL 118.025 LANDSCAPED AREA

RL 118.185 TOP OF RETAINING WALL BEYOND

OUTLINE OF EXISTING 16A STANHOPE ROAD

OUTLINE OF EXISTING 16A STANHOPE ROAD - DEMOLITION DA APPROVED

RL 118.185 TOP OF RETAINING WALL BEYOND

RL 118.825 TOP OF RETAINING WALL

PROPOSED SITE BOUNDARY



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EDWIN MOK ARCHITECTURE
16 STANHOPE ROAD, KILLARA
NSW 2232
TEL: 02 9567 7900
WWW.EDWINMOK.COM.AU

REV	DATE	FOR
A	16.12.2006	DA
B	06.03.2007	DA-REV
C	07.05.2007	DA - REVISED

REV	DATE	FOR

CONSENT	DATE	FOR

CONSENT	DATE	FOR

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CONSENT	DATE	FOR

CONSENT	DATE	FOR

CONSENT	DATE	FOR

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CONSENT	DATE	FOR

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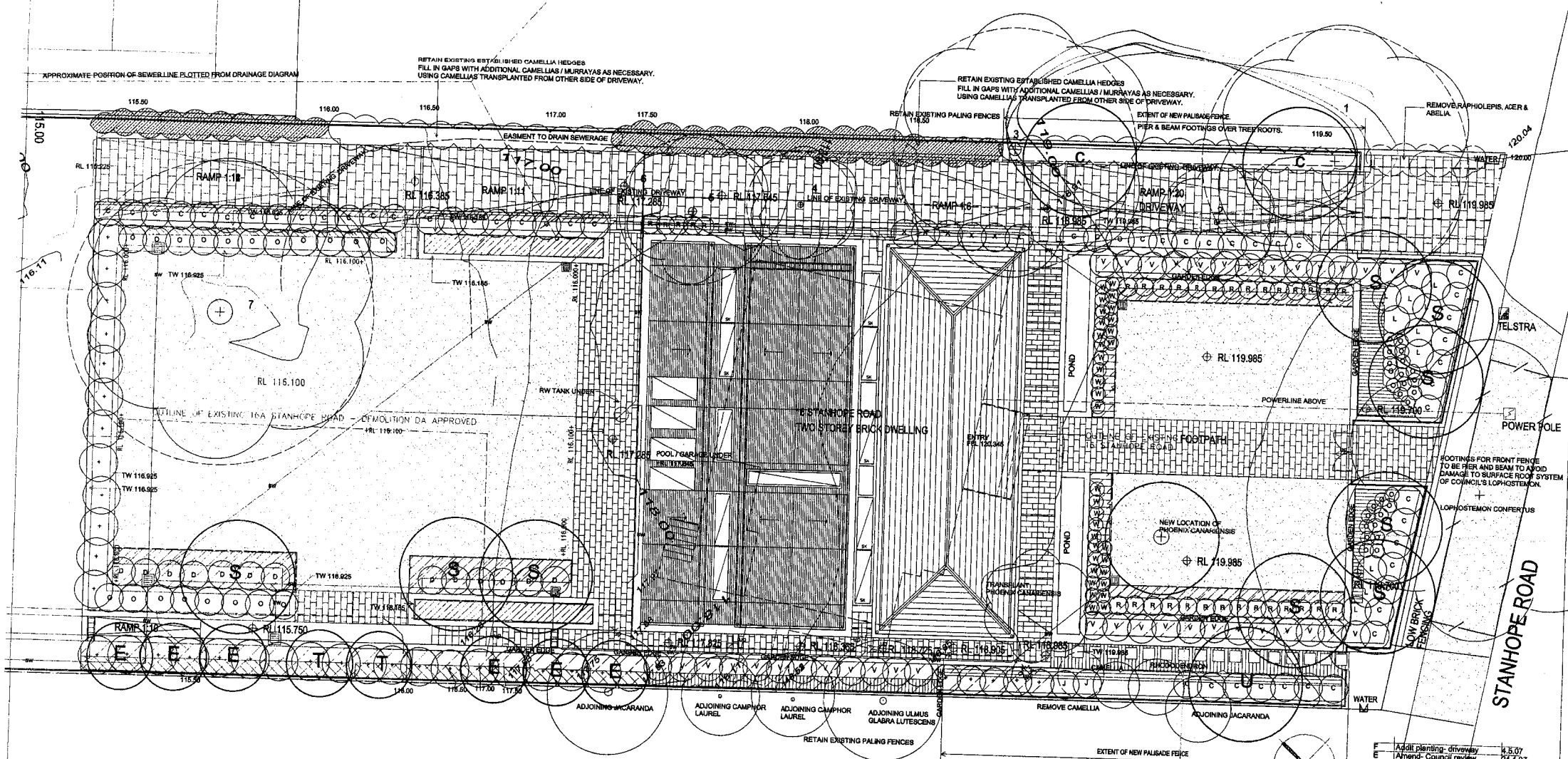
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DA - F001

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MOK RESIDENCE
16 STANHOPE ROAD, KILLARA
NSW 2232

S060102

EDWIN MOK
CLIENT PROJECT NUMBER



PLANT SCHEDULE

NAME	KEY	QTY	SIZE	STAKE	COMMON NAME	EST HT X SP @ MAT
CERRATOPTETALUM APETALUM	C	2	25L	+	Coccoloba	15 x 8m
ELAEAGNUS RETICULATUS	E	7	25L	+	Blueberry Ash	6 x 3m
SYNCAPIA GLOMULIFERA	S	9	25L	+	Turpentine	18 x 5m
TRISTANOPSIS LAURINA	T	2	25L	+	Water gum	5 x 3m
ULMUS PARVIFOLIA	U	1	100L	+	Chinese elm	13 x 7m
CAMELLIA SASANKUA	C	83	75L		Camellia	3 x 2.5m
HEBE WIRI MADE	H	15			Haba var	1 x 1m
LOROPETALUM CHINENSE	L	17			Coronilla	2 x 2m
MURRAYA PANICULATA	M	2	25L		Orange leucanthe	2 x 2m
MYRTUS COMMUNIS	M	35	25L		Myrtle	3 x 3m
RAPIHOLEPIS X DELACOURII	R	13	25L		Indian Hawthorn	2 x 2m
RAPIHOLEPIS INDICA	R	61	5L		Indian Hawthorn var	1 x 1m
VIBURNUM ODOROTISSIMA	V	39	25L		Viburnum	2 x 2m
VIBURNUM TINUS	V	120	25L		Viburnum	2 x 2m
XYLOSMA SENTICOSA	X	8	25L		Shiny yucca	hedged 3m
ALUUA CAULINE GIANT	A	300	2.5L		Agave	g/cover
BRACHYDOME ANGUSTIFOLIA	B				Native daisy	g/cover
CERASTIUM TOMENTOSUM	C				Snow in summer	g/cover
DANIELLA CAERULEA	D				Native flax	0.5 x 0.3m
HEUCHERA PALACE PURPLE	H				Alum root	0.4 x 0.4m
JUNIPERUS CONFERTA	J				Snow Juniper	g/cover
LIRIOPE EVERGREEN GIANT	L				Large liriope	0.5 x 0.5m
VIOLA HEDERACEAE	V				Native violet	g/cover
TRACHELOSIPERUM JASMINOIDES	T				Star Jasmine	g/cover/ sp/cover

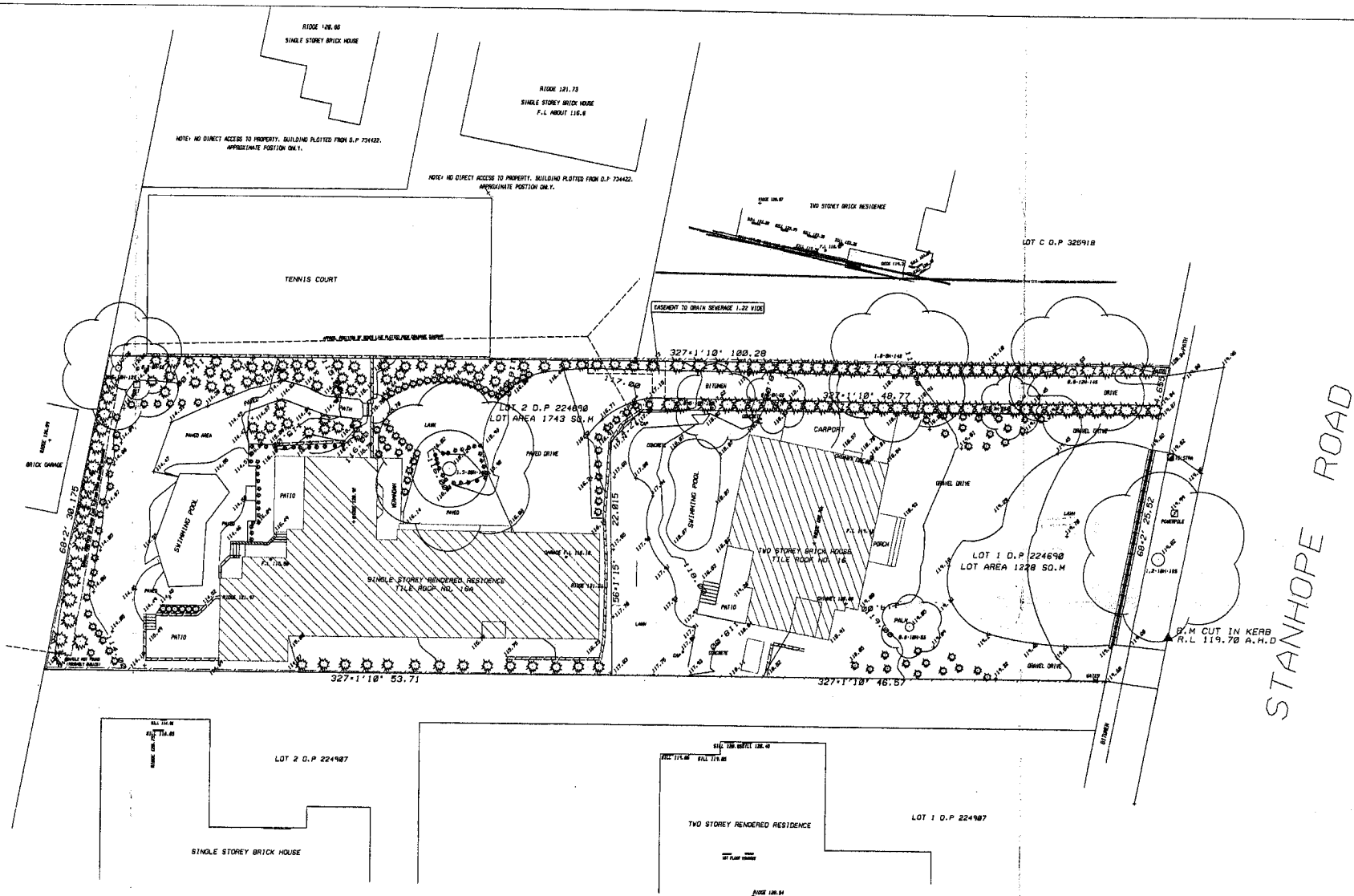
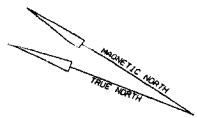
LEGEND

- EXISTING CONTOURS
- EXISTING LEVELS
- PROPOSED FINISHED LEVELS
- PROPOSED LEVEL TOP OF WALL
- EXISTING TREES / SHRUBS TO BE RETAINED
- EXISTING TREES / SHRUBS TO BE REMOVED
- NOTE: TREE NUMBERS REFER TO TREE ASSESSMENT REPORT.
- TEMPORARY PROTECTIVE FENCING: TREES RETAINED
- PROPOSED TURF AREAS
- PROPOSED STORMWATER LINES AND PITS refer to Hyd chgs for full details
- BRICK EDGING TO MASS PLANTED AREAS
- AREA OF INDIGENOUS / LOW WATER USAGE PLANTS TOTAL 208 SQM (204 REQ'D)
- EXISTING MIXED CAMELLIA, MURRAYA, CUPRESSUS HEDGE
- SECTION TO BE LEFT AND REPLANTED FOLLOWING
- DRIVEWAY REGRADING. USE ADDITIONAL CAMELLIAS REMOVED FOR DRIVEWAY CONSTRUCTION WHERE NECESSARY.

F Addl planting - driveway 4.5.07
 Amend - Council review 24.3.07
 DA 14.3.07
 G Levels amend 14.3.07
 B Consultant co-ord 13.3.07
 A PRELIM 5.3.07
 Issue: Amendments Date
 JOCELYN RAMSAY & ASSOC. PTY. LTD
 LANDSCAPE ARCHITECTS
 SUITE K - 680 PACIFIC HWY,
 KILLARA NSW 2074,
 ph. 02 9499 4220
 fax. 02 9499 4221
 email: jra@bigpond.net.au
 PROJECT:
 PROPOSED NEW RESIDENCE
 18 STANHOPE RD, KILLARA
 DRAWING:
 LANDSCAPE PLAN
 CLIENT:
 MR. E. MOK

DATE: MAR 07
 DWG. NO. 0708
 SCALE: 1:100 @ A1
 NO. IN SET 1

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JOB	DATUM	SCALE	DATE OF SURVEY	CLIENT	L.G.A	TOTAL SURVEYING-LAND & PROPERTY SURVEYORS P.O BOX 44 BELROSE NSW 2085 PH/FAX 94020790 MOB. 0417277107
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REV	DATE	FOR

CONSENT

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CONSENT

EDWIN MOK
CLIENT PROJECT MANAGER

MOK RESIDENCE
16 STANHOPE ROAD, KILLARA
BAYVIEW RESIDENT

8080102

GRAPHIC SCALE
0 4000 10000
Scale
1:200 at A1
1:400 at A3
DO NOT SCALE

SITE SURVEY

DA-A001

B

Photos of 16 Stanhope Road, Killara

Front of Property



Photos of 16 Stanhope Road, Killara

Front of Property showing Driveway



Photos of 16 Stanhope Road, Killara

Rear of the Property



Photos of 16 Stanhope Road, Killara

Front of Property without Fence



Photos of 16 Stanhope Road, Killara

Front Yard



Photos of 16 Stanhope Road, Killara

Rear Yard & Swimming Pool



Photos of 16 Stanhope Road, Killara

North-eastern side of Property



Photos of 16 Stanhope Road, Killara

South-western side of Property



Photos of 16 Stanhope Road, Killara

Rear Yard showing Back Steps



Photos of 16 Stanhope Road, Killara

Rear Yard - Close-up of Side of House



Photos of 16 Stanhope Road, Killara

Rear Yard - Outlook from Back Patio



Photos of 16 Stanhope Road, Killara

Existing Rear Yard Outlook 1



Photos of 16 Stanhope Road, Killara

Existing Rear Yard Outlook 2



Photos of 16 Stanhope Road, Killara

Rear of Existing Dwelling



Photos of Surrounding Properties

9 Stanhope Road, Killara



Photos of Surrounding Properties

10 Stanhope Road, Killara



Photos of Surrounding Properties

11 Stanhope Road, Killara



Photos of Surrounding Properties

12 Stanhope Road, Killara



Photos of Surrounding Properties

14A Stanhope Road, Killara



Photos of Surrounding Properties

14 Stanhope Road, Killara



Photos of Surrounding Properties

15 Stanhope Road, Killara



Photos of Surrounding Properties

17 Stanhope Road, Killara



Photos of Surrounding Properties

18 Stanhope Road, Killara



Photos of Surrounding Properties

19A Stanhope Road, Killara



Photos of Surrounding Properties

19 Stanhope Road, Killara



Photos of Surrounding Properties

21 Stanhope Road, Killara



Heritage Assessment Report
of
16 Stanhope Rd Killara



by

INHERITage
Heritage Advisors & Consultants
PO Box 670
Chatswood NSW 2057

Tel: 02 9419 8939
Email: inheritg@bigpond.net.au

June 2007

Table of Contents

- 1.0 Introduction**
- 2.0 Historic Background**
- 3.0 Assessment of Streetscape**
- 4.0 Description of Building**
- 5.0 Assessment of Significance**
- 6.0 Statement of Significance**
- 7.0 Conclusion and Recommendations**

1.0 INTRODUCTION

1.1 Background

This Heritage Assessment Review of 16 Stanhope Rd Killara was commissioned by Ku-ring-gai Council.

This report has drawn on information and research from other reports prepared by Perumal Murphy Alessi dated April 2006, Godden Mackay Logan dated August 2006, and Graham Brooks and Associates dated December 2006.

This report has been prepared by Ian Kirk - Heritage Advisor to Armidale Dumaresq and Inverell Shire Councils, former advisor to Woollahra, Moree Plains, City of Sydney and South Sydney Councils and listed consultant with the NSW Heritage Office with considerable heritage experience working individually and as part of a consultant team.

1.2 Objectives

The object of this report is to review the reports prepared on the heritage significance of the house at 16 Stanhope Rd Killara which is a potential heritage item.

This report is not intended to be, nor should be interpreted as a Conservation Plan for the buildings.

1.3 Methodology

This report has been prepared in accordance with the Heritage Assessment guidelines from the NSW Heritage Manual published by Heritage Office and the Department of Urban Affairs and Planning, The Conservation Plan by J.S. Kerr published by the National Trust of Australia (NSW), 4th Edition, 1996, and The Revised Burra Charter by P. Marquis-Kyle & M. Walker, published by Australia ICOMOS, 1999.

1.4 Limitations

The report has been prepared from historical research and analysis without excavation or physical intervention to the building fabric or site.

2.0 HISTORIC BACKGROUND

The history of the site has been well researched by previous reports and only limited further research has been carried out for the purpose of this report. A concise history of the site is included for clarity.

The site is within the Springdale Estate which was first subdivided and offered for sale in 1896 and then re-offered for sale in 1899. In 1922, Sydney merchant Percival Charles Basche purchased Lot 3 of the Springdale Estate from Arthur Ducker. At the Council meeting of 22 November 1922 building approval was granted and the existing house was constructed by 1924.¹

The house is first listed in the Sands Directory of 1924 and was initially known as "St Helens" and included a garage at the rear.

The house was sold in 1934 to Harold A. F. Rofo – Medical Practitioner and was transferred to his wife Roma C Rofo in 1960. In 1965, the property was sold to Chilton Investments who subdivided the site into 2 lots. Access to the new rear battleaxe lot was via a driveway created on the eastern side of the site. The house on the rear lot was constructed in the late 1960's.²

3.0 ASSESSMENT OF STREETSCAPE

The subject site is on the northern side of Stanhope Rd between the Pacific Highway and Culworth Ave in Killara within the municipality of Ku-ring-gai.

Stanhope Rd is a wide street which has been little altered since its original construction and has Brushbox Street trees

There is parallel parking on the both sides of the street.

The original subdivision pattern of this section of the street has generally been retained but slightly eroded by the battleaxe subdivisions.

To the east of the site is a 2 storey Federation Arts and Crafts house which is listed as a Heritage Item. To the west is an Inter War bungalow that has been added to and altered. Directly opposite is a single storey cottage c1980.

The streetscape integrity is medium within the vicinity of the subject site.

¹ Research notes prepared by Kathie Rieth for 16 Stanhope Rd

² Report by Godden Mackay Logan August 2006

4.0 DESCRIPTION of BUILDING

4.1 Exterior

The house is a 2 storey Georgian Revival style house constructed of dark liver colour face brickwork on sandstone basecoursing with timber double hung colonial style shuttered windows, timber doors and a glazed hipped and gable terra cotta tiled roof with dominant chimneys.

The main 2 storey section of the house is symmetrical with projecting central triple arched front porch and directly above is an enclosed balcony with gable roof. There is a side projecting service room wing which is set back at ground floor level on the western side and an attached aluminium double carport on the eastern side.

The exterior of the house is largely intact at the front but has been altered at the sides and rear.

The landscaped garden setting contributes to the house and the streetscape but has been compromised by later subdivision.



South Elevation



North Elevation

4.2 Interior

The interior does not demonstrate any unusual or rare features and is somewhat dated in that it includes fanlights over the internal doors which is normally associated with houses from an earlier period. The interior features original beamed ceilings to the principal ground floor rooms, and an original fireplace to the study, but the remainder of the interior has been altered, extended and refurbished. Much of the internal alterations and additions appear to date from 1965 when the site was subdivided.

The integrity of the house is high to the front, medium to the sides, and low to the rear and interior.



Stairwell c1965



Study c 1924



Main Bathroom c 1965



Living Room – fireplace altered



Master Bedroom – fireplace removed

4.3 Designer

It has been suggested by others that this house may have been designed by the prominent architectural firm of Budden and Greenwell. This suggestion is based on Tender Notices in the trade journal "NSW Contract Reporter" dating from around the time the house was constructed.

As part of this review, other houses reportedly designed by Budden and Greenwell around 1924³ in Killara were inspected. It was noted that all of these other houses had terra cotta shingle or slate roofs and each was an accomplished well designed and detailed building.



30 Springale Rd c1925



8 Nyora St c1921



21 Lorne Ave



5 Locksley Street

On a comparative basis, it seems highly unlikely the house at 16 Stanhope Rd was designed by Budden and Greenwell. It is clearly not of the same design quality as the above houses which were designed by the firm during the same period. It also does not have a shingle or slate roof common to all the other houses inspected.

³ Spreadsheet prepared by Kathie Reith

5.0 ASSESSMENT of SIGNIFICANCE

Criterion (a): an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house demonstrates the type of housing being developed for upper middle class families in the Killara area during the inter war period.

Criterion (b): an item has strong or special association with the life or works of a person, or group of person, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house does not meet this criteria.

Criterion (c): an item is important to demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area) :-

The house has some aesthetic significance as an example of an Inter War Georgian Revival style residence in a landscaped garden setting. It demonstrates some of the key aspects of that style and makes a positive contribution to the streetscape.

Criterion (d): an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons :-

The house is a representative example of an upper middle class residence constructed for a wealthy businessman in the inter war period. It does not appear to be associated with any particular community or cultural group.

Criterion (e) : an item has potential to yield information that will contribute to and understanding of NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house is unlikely to reveal any further information that will contribute to the cultural history of NSW.

Criterion (f): an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);

The house is not rare and does not satisfy this criterion.

Criterion (g): an item is important in demonstrating the principal characteristics of a class of NSW's: cultural or natural places; cultural or natural environments; (or a class of the local area's);cultural or natural places; cultural or natural environments) :-

The building demonstrates upper middle class housing on the upper north shore during the Inter War period.

6.0 STATEMENT OF SIGNIFICANCE

The house at 16 Stanhope Rd Killara is a representative example of upper middle class housing in Killara during the Inter War period. It dates from the key period of development for the Springdale Estate and makes a positive contribution to the streetscape and proposed Heritage Conservation Area. The house demonstrates some of the key aspects of the Inter War Georgian Revival style although there are better and more refined examples in the local area.

7.0 CONCLUSION AND RECOMMENDATIONS

Following my inspection of the house and reviewing the reports already prepared by others, in my opinion the house at 16 Stanhope Rd Killara has insufficient heritage significance to justify it being individually listed as a Heritage Item within the Ku-ring-gai Council Area.

The house is a representative example of an Inter War Georgian revival house in Killara. It does not appear to have been designed by a prominent architect and is not highly intact. Whilst the garden setting contributes to the house and the streetscape it has been compromised by subdivision.

I generally concur with the report by Godden Mackay Logan that the house is a contributory building within the proposed Killara Heritage Conservation Area.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	3 TO 7 LORNE AVENUE, KILLARA - DEMOLITION OF DWELLINGS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING (60 UNITS), CARPARK AND STRATA SUBDIVISION
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	DA1307/06
SUBJECT LAND:	3 to 7 Lorne Avenue, Killara
APPLICANT:	Frasers Killara Pty Ltd
OWNER:	Adarata Investments Pty Ltd, Sue-Ellen Hills, John G Alexander and D Gayle Meredith, Lisa Charlene Bowd, William Stanhope Wade and Wendel Christine Wade
DESIGNER:	Tonkin, Zulaikha, Green Architects
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 - Pacific Highway and Railway Corridor
COMPLIANCE WITH CODES/POLICIES:	Yes
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	28 November 2006
40 DAY PERIOD EXPIRED:	7 January 2007, amended plans 5 June 2007
PROPOSAL:	Demolition of dwellings and construction of a residential flat building (60 units), car park and strata subdivision
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	DA1307/06
PREMISES:	3 TO 7 LORNE AVENUE, KILLARA
PROPOSAL:	DEMOLITION OF DWELLINGS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING (60 UNITS), CARPARK AND STRATA SUBDIVISION
APPLICANT:	FRASERS KILLARA PTY LTD
OWNER:	ADARATA INVESTMENTS PTY LTD, SUE- ELLEN HILLS, JOHN G ALEXANDER AND D GAYLE MEREDITH, LISA CHARLENE BOWD, WILLIAM STANHOPE WADE AND WENDEL CHRISTINE WADE
DESIGNER	TONKIN, ZULAIKHA, GREEN ARCHITECTS

PURPOSE FOR REPORT

To determine development application No 0307/06, which seeks consent for demolition of dwellings and construction of a residential flat building (66 units), carpark and strata subdivision.

EXECUTIVE SUMMARY

Issues:

- Building width.
- Building height.
- Heritage.

Submissions:

A total of nine (9) submissions have been received over two notification periods.

Pre DA meeting:

A pre DA meeting was held on 28 September 2006. The following issues were raised:

- Compliance with height and Clause 25K.
- Setbacks.
- Building width.
- Provision of outdoor living spaces.
- Access.
- Isolation of No. 9 Lorne Avenue.

Land and Environment Court appeal:

No.

Recommendation:

Approval.

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The application involves the demolition of existing dwellings, site amalgamation and the construction of a residential flat development comprising 'Building A' and 'Building B' above a central basement car park and strata subdivision.

HISTORY

Site history:

The site is used for residential purposes and has been previously zoned for low density residential development.

On 28 May 2004, Local Environmental Plan 194 was gazetted rezoning the site for the purpose of medium density housing.

Development Application 997/05 was approved by Council on 28 February 2006 for the demolition of existing structures and the construction of three residential flat buildings (Buildings 'A', 'B' and 'C') on the site comprising 64 units.

Development Application 498/07 was approved for the demolition of existing structures on the site on 29 June 2007.

Development application history:

The current Development Application was lodged on 28 November 2006.

A letter was sent to the applicant on 13 March 2007 detailing issues relating to BASIX and landscape design/deep soil/tree retention.

On 15 March 2007 Council requested the applicant to address the length of proposed Building B which measured 71 metres relative to the Lorne Avenue frontage.

Following discussions with the applicant, amended plans and details were received on 1 June 2007. Building B was amended to provide a step in the front elevation of Building B to provide visual relief and additional articulation. This amendment was re-notified on 15 June for 14 days.

Further amendments to the landscape plan were required and this was requested of the applicant on 28 June 2007. This was received on 10 July 2007.

On 8 June 2007 the applicant lodged a separate Development Application (DA 498/07) for the demolition of existing structures on the site. This application was approved on 29 June 2007.

14 August 2007 the applicant was advised in writing that the height of Building B did not comply with Clause 25K as the additional height achieved comprised 39% of the building footprint of Building B (maximum of 25% allowed by Clause 25K).

5 September 2007, the applicant submitted a SEPP 1 objection relating to the non-compliance with Clause 25K of LEP 194 (storeys and perimeter ceiling height).

THE SITE AND SURROUNDING AREA

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The site:

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Lot & DP Number:	Lot B DP414382, Lots 1 and 2 DP 602960 and Lot 3 526399
Area:	6,219m ²
Side of Street:	Northern
Cross Fall:	10-15%
Stormwater Drainage:	Rear boundary
Heritage Affected:	Within proximity of items at 8, 10, 14 and 21 Lorne Avenue
Required Setback:	13-15 metres
Integrated Development:	«Yes/No»
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The trapezoidal shaped site is located on the northern side of Lorne Avenue. The site falls between 10-15% from the front boundary towards the rear with a steep fall below proposed Building B. The dwellings at No. 5-7 Lorne Avenue have been demolished and No. 3 Lorne Avenue is currently under demolition.

Surrounding area:

The area is in transition having been predominantly rezoned to Residential 2(d3) in 2004.

Sites surrounding the development to the north, east and west are zoned Residential 2(d3). The sites located opposite the development at 8-14 Lorne Avenue are zoned Residential 2(b). No. 21 Lorne Avenue, to the west of the site, is zoned residential 2(b) as it is classified as a heritage item. No. 6 Lorne Avenue, located opposite the site, is zoned Residential 2(c2).

The site is not located within an Urban Conservation Area, however, it is located within proximity of heritage items at 8, 10, 14 and 21 Lorne Avenue.

Existing housing in the area is one and two storey brick homes characteristic of the 1920-1945 period.

A five storey residential flat building is currently under construction at 25A-29 Lorne Avenue.

The following multi-unit housing residential developments have been approved within proximity of the site:

- DA997/05 – 3-7 Lorne Avenue, Killara (subject site)
- DA 425/05 – 25A-29 Lorne Avenue, Killara
- DA 939/05 – 17-19 Powell Street, Killara
- DA 1336/06 – 7a-11 Powell Street and 5 Wallaroo Close, Killara
- DA 109/06 – 42-48 Culworth Avenue, Killara.

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THE PROPOSAL

The proposal involves the amalgamation of existing properties and the construction of a residential flat development comprising two buildings, Building A and Building B, with three levels of basement car parking beneath. Proposed 'Building A' contains 27 units and proposed Building B contains 39 units. Vehicular access is proposed via the eastern corner of the site along Lorne Avenue.

The development includes 38 x 3 bedroom units, 23 x 2 bedroom units and 5 x 1 bedroom units. 129 resident car spaces are proposed, 17 visitor spaces and bicycle parking are proposed within the basement.

A 1 metre high masonry front wall is proposed along the Lorne Avenue frontage.

The proposed buildings are constructed of pre-cast concrete, with plywood composite panels, metal deck roofing, aluminium louvres/privacy screens and aluminium framed windows and balustrades. The building is proposed to be finished in grey, dark timber and green tones.

The replacement and relocation of an existing stormwater pipe to the rear of the site is proposed.

The proposal includes strata subdivision of the completed development.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, adjoining owners were given notice of the application on 15 December 2006. Four (4) submissions were received to the proposal and are detailed as follows:

The following comments have been received:

Gail and Russell Hooper- 21 Lorne Avenue, Killara
J Tyrer- 34 Culworth Avenue, Killara
Norman A Olbourne - 8 Lorne Avenue, Killara
Donald Martin and Kim Dinh - 25 Lorne Avenue, Killara

The following issues were raised in relation to the development:

Height of the proposed development is 6 storeys and does not comply with the storey or perimeter ceiling height specified by LEP 194

The plans have been examined and assessed against Clause 25I(8) and 25K of LEP 194.

A portion of the site below the northern elevation of Building B achieves a slope in excess of 15%. (Refer to Plan A300 building B Sections 1 and 2 and Plan A302 Building B Sections 5 and 6).

Where the site achieves the 15% slope, the northern elevation of Building B exceeds the 5 storey and 13.4 metres perimeter ceiling height by one storey and 1.6 metres.

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Clause 25K of the LEP allows Council to grant consent to a building on a site where the slope is greater than 15% that exceeds the number of storeys in Clause 25I(8) by one storey of up to 25% of the building footprint or to exceed the height controls in Clause 25I(8) by up to 3 metres and for up to 25% of the building footprint or to take advantage of both these concessions for 25% of the building footprint.

It is proposed to apply Clause 25K to the northern half/elevation of Building B, below which the site falls steeply due to previous landform modification. Above this point, the building achieves a height of 6 storeys and a perimeter ceiling height of 15.3m. A 6th storey component measuring 39% of the building footprint of Building B is proposed, exceeding the 25% maximum ratio (of the building footprint) specified by Clause 25K.

The applicant has submitted a SEPP 1 objection to address this non-compliance. The area of non-compliance, which constitutes floor space below the building, does not add to the bulk and scale of the building and does not result in any amenity impacts. Refer to detailed discussion under *Statutory provisions*.

The design is unsympathetic with the heritage character of the area

Refer to the comments of Council's *Heritage Advisor*. The building has been designed to reference the construction materials characteristic of the area. The setbacks comply with DCP 55 in terms of front and side setbacks and setbacks from heritage items. Acceptable planting is proposed within the front setback, consistent with the character of the area and visual corridors to heritage items are acceptably maintained.

Objection to medium density development

The site has been rezoned for medium density development and the proposed building has been designed to comply with the relevant development standards and controls.

Impact of the bulk and scale of the development on the opposite heritage item

Refer to Council's *Heritage Advisor's* assessment of the impact of the development on the heritage items located opposite the site at No.'s 8, 10 and 14 Lorne Avenue. Adequate physical separation is provided to mitigate visual impacts. The bulk of the development is concentrated to the centre of the site and the height/bulk of the building is acceptable as it addresses the street and adjoining sites. The proposal is consistent with the desired future character of the Residential 2(d3) zone.

Impact of the development on local roads, traffic volumes during and post construction

The proposed development provides sufficient car parking and more than complies with the car parking requirements contained in LEP 194 and DCP55. Therefore, minimal additional pressure will be placed on the local road network in terms of car parking.

The land has been rezoned for medium density development due to proximity to the North Shore Railway and public transport. This will assist in alleviating traffic pressure in the area.

Construction traffic will be managed under a Construction Traffic Management Plan which is required by **Conditions No. 20-21**.

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Re-notification

The amended plans submitted on 1 June were notified on 15 June 2007.

The following submissions were received:

Norman A Olbourne – 8 Lorne Avenue, Killara

Simon SK Chong – 36 Culworth Avenue, Killara

J Tyrer- 34 Culworth Avenue, Killara

*Barry O'Farrell MP on behalf of J Tyrer (34 Culworth Avenue, Killara)
Railcorp, Sydney*

Noise and vibration impacts from the railway

Railcorp raised concern that future occupants of the development may be affected by rail noise. Railcorp requested that a condition be imposed requiring the applicant to submit an acoustic assessment demonstrating how the development will comply with Railcorp's guidelines in relation to noise impacts. Refer to recommended **Conditions No. 93-94**.

Disruption of services caused by Frasers Greencliff Development currently under construction at 25a Lorne Avenue, Killara

This complaint relates to a compliance matter and relates to a separate Development Application.

Overdevelopment

As discussed, the proposal complies with most of the development standards and controls for the site and has been designed in accordance with the objectives of LEP 194 and DCP 55 relating to the desired future objectives and housing yields for the area. The proposal does not constitute overdevelopment.

Pollution

Some pollution may result during the construction phase of the development, however, this will be minimised by **Conditions No. 10, 12, 22, 23, 70, 71, 76 and 88**.

The proposed development has been designed to comply with SEPP 65, SEPP BASIX and DCP 55 in relation to energy efficiency, cross ventilation, unit orientation and low water use plant species. The site has been zoned for medium density development, due to proximity to public transport, reducing reliance on private transport and associated non-renewable energy consumption.

The units within Building A are oriented on a north-west/south-east axis and the units within Building B on a north-south axis. This orientation provides the internal and external living areas with good solar access and cross ventilation, reducing reliance on mechanical heating and cooling.

Given the medium density housing proposed, the development will not unduly increase pollution levels in the locality.

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Acoustic and visual privacy impacts to 34 and 36 Culworth Avenue

The eastern boundary of the site adjoins the rear boundaries of No.'s 32, 34, 36 and 38 Culworth Avenue, Killara.

Objection has been raised to the impact of the development on the privacy of the dwellings at 34 and 36 Culworth Avenue Killara.

The northern elevation of Building A is set back 12 metres from the corner of the dwelling at No. 38 Culworth Avenue, which is a two storey dwelling. The eastern elevation of Building A is set back 18 and 21 metres from 36 and 34 Culworth, respectively. The development complies with the required 6 metres setback control along this side and landscape screening is proposed within the side setback in accordance with DCP 55.

The following tall canopy trees are to be provided for screening along the northern boundary: 1 Banksia (4m mature height), 1 Smooth Barked Apple (8-20m mature height), 2 Grey Myrtles (8-20m mature height), Consultation within Council was not considered necessary.

6 Blueberry Ash trees (4-8m mature height). **Condition No. 28** requires the provision of an additional endemic canopy tree adjacent to Building B.

It is proposed to retain a Moreton Bay Chestnut (Tree No. 16), Flame Tree (Tree No. 17) and a Himalayan Cedar (Tree No. 15A). These existing large canopy trees will provide a degree of immediate privacy screening between the eastern elevation of Building B and the property at 34 Culworth Avenue.

Windows have been intentionally minimised along the eastern elevations of Buildings A and B.

Small dining room, bathroom and bedroom windows are provided along the eastern elevation of Building A. Balconies along Building A will not directly overlook the eastern adjoining properties.

Small kitchen and bedroom windows are provided along the eastern elevation of Building B. No living room windows are provided facing east. Balconies and living areas are oriented to the north of the site.

Subject to conditions, privacy impacts associated with the development are not considered unreasonable.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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

Principle 1: Context

SEPP 65: Good design responds and contributes to its contextresponding to context involves identifying the desirable elements of a location's current character, or, in the case

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of precincts undergoing a transition, the desired future character as stated in planning and design policies.

Comment:

The site has a frontage to Lorne Avenue.

The existing site context is comprised of elements of the built environment and the natural environment.

The existing built form context for this development is comprised of detached houses. Adjoining lots to the north, east and west are zoned 2(d3). There are no zoning transitions across side boundaries.

There are heritage items opposite the site at 8 and 10 Lorne Avenue. These buildings are set back a substantial distance from Lorne Avenue and the front yards contain some trees which partially screen the items. Due to the distance of separation and the partial screening, the proposed development does not visually impact on these items.

A heritage item is located to the west of the site, at 21 Lorne Avenue. The proposed development is separated from the heritage item by an existing 6m wide driveway and the proposed 6m setback from the side boundary, plus the 3m side setback of the item from its boundary. This creates a 15m distance between the existing and the proposed building, which complies with DCP 55 heritage item setbacks. The proposed front setback from Lorne Avenue is greater than the setback of the heritage item. The driveway, proposed 6m side setback and 14.5m front setback create sufficient separation from the heritage item and setback from the street for the siting of the proposed development to be acceptable.

The natural environment is an important characteristic of Lorne Avenue, which is lined by large trees, many of which are planted in private properties. One of the primary objectives of DCP 55 is for buildings to be viewed in their landscaped setting. This proposal achieves that objective with respect to the street frontage, by providing a 15m to 26m building setback from the street frontage, with substantial plantings of large-scale tree species in the setback.

The 6m setbacks from the eastern, northern, and western boundaries are acceptable, and contain sufficient landscaping to create a landscaped setting for the buildings.

Principle 2: Scale

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

Comment:

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The scale of the proposed building is acceptable, as it complies with the height controls in LEP 194, including Clause 25K.

Principle 3: Built form

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

Comment:

The building complies with the LEP 194 and DCP 55 setback controls to the lower levels and the top storey.

Two buildings are proposed, which are oriented and planned to maximise their environmental performance. This site layout, however, creates a 72m long building, which exceeds the recommended 36m building length in DCP 55.

The objectives of the 36m control are to create buildings in landscaped settings, and to reduce the perceived scale of any building. The proposed building is longer than the 36m control, however the built form has a reduced scale, compared to similar LEP 194 scale buildings, due to its setback from the street, the site characteristics and the articulation of the building.

The 15-26m front setbacks are greater than the 13-15m setbacks required in DCP 55, which reduces the perceived scale of the building from the street.

The site falls approximately 2.5m between the street alignment and the building. This fall reduces the perceived scale of the building when viewed from the street – the 5 storey height is reduced by almost 1 storey.

The site is on the inside of a bend in Lorne Avenue. This would also have the effect of reducing the perceived bulk of the building, as the motorists or pedestrians view would tend to be away from the building, in comparison with a straight street or one with a bend in the opposite direction.

The built form is strongly articulated by bedroom 'pods', which project 2.5m to 5.5m out from the main building façade. These have the effect of visually breaking down the perceived length of the building.

This approach to the built form is supported, particularly as it results in a good environmental design outcome.

Principle 4: Density

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

Comment:

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The density is acceptable, as the development has less than 35% site cover by building footprint.

Principle 5: resource, energy and water efficiency

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

Comment:

95% of apartments have natural cross ventilation, which is excellent in terms of the SEPP65 Residential Flat Design Code guidelines.

100% of living rooms/balconies gain 3 hours sunlight between 9am and 3pm in mid-winter, which is excellent.

The development is required to meet BASIX standards, however the apartments orientation and layout are fundamentally sound.

Principle 6: Landscape

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

Comment:

The landscape design provides a sufficiently well landscaped setting for the buildings in the setbacks from front, side and rear boundaries. There is adequate deep soil planting in the internal courtyard to provide an outlook onto landscape and assist with privacy across the courtyard.

Principle 7: Amenity

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

Comment:

The orientation of the buildings, apartment layouts and the generous provision of lifts ensures very good amenity in terms of solar access and natural ventilation. The amenity is acceptable in terms of privacy, storage, indoor and outdoor space, service areas, outlook and ease of access.

Principle 8: Safety and security

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

Comment:

Safety and security is not an issue in this development.

Principle 9: Social dimensions

SEPP 5: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing a transition, provide for the desired future community.

Comment:

The mix of apartments is acceptable.

Principle 10: Aesthetics

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

Comment:

The quality of the internal planning is excellent providing exceptional amenity to the inhabitants.

The internal planning has also helped to create a highly articulated external appearance, which reduces the perceived scale of the buildings.

The use of high quality composite timber panels creates a harmonious relationship with the landscape setting.

Conclusions and recommendations:

Based on this SEPP 65 assessment, it is recommended that this DA is approved.

The amended plans were re-referred to Russell Olsson on 5 June 2007. The following additional comment was provided:

I have looked at the amended drawings for 3-7 Lorne Avenue and I have no criticisms of them.

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The main difference between the first set of drawings and the amended set, is that the building on the street has been modified to respond better to the street alignment. This was something that I recommended in an earlier review, in which I recommended 'some additional façade testing is to be made in relation to the perception of the building from the street with the objective of further reducing its perceived scale'. The new design does that by bringing the building into closer alignment with the bend in the street, and making a more highly articulated building form. Therefore, I consider the new design to be an improvement on the first design, and that it should be approved.'

Heritage

Council's Heritage Advisor, Paul Dignam provided comments on the initial design as follows:

Site History

The site comprises 4 existing lots; Nos 3, 5, 5a & 7 Lorne Avenue, Killara. The land, known as the "Lorne Estate" was subdivided into residential lots in 1899 of about one acre in size promoted by the opening of Killara Railway Station, in 1899. Lorne Avenue was intended to be a prestigious area with covenants regulating size, cost and building materials being placed on the land to ensure the quality of buildings and to ensure that purchasers were 'gentlemen of means'. Nos 3, 5 & 5a Lorne Avenue was subdivided from a large lot and 7 Lorne Avenue was formerly part of the heritage item, 21 Lorne Avenue. No 5 and No 21 Lorne Avenue were built shortly after the initial subdivision.

Approval for a RFB was granted in 2006

Demolition of existing buildings

Approval for demolition of the existing houses was given in the consent to DA 997/05 and is still valid. In the previous application, I raised heritage issues with demolition of No 5 Lorne Avenue, which is a relatively large Federation period house. I recommend that a high level of archival recording which includes a history and description of the property be undertaken prior to demolition or removal of any building elements/fittings (condition attached). I also recommend that stonework from the demolished house should be reused on site in the landscaping works and interpretation of the house be provided in the foyer of the new building. Interpretative material should include photographs of the building and its relationship to the site.

Heritage status

National Trust UCA

The subject site is not included in a UCA but adjoins the National Trust Urban Conservation Area No 10 – Culworth Avenue, Killara.

Within the Vicinity of a Heritage Item

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There are a number of heritage items within the vicinity of the proposed development as follows.

No 8 Lorne Avenue

The subject site is directly opposite "Windermere", No 8 Lorne Avenue. It is a substantial house on a large lot with mature gardens, typical of the larger houses built in Killara in the Inter War period. The large setback and carefully developed garden enhance the item and provides an appropriate setting. Given the objectives and controls in DCP 55, the proposed development has acceptable impacts on the heritage significance of this item largely due to its physical separation.

No 10 Lorne Avenue

This item is a large Californian Bungalow and is opposite the proposed development. Similarly to No 8 it is set back a considerable distance from the street in a mature garden. Given the objectives and controls in DCP 55, the proposed development would have acceptable impacts on the heritage significance of this item largely due to its physical separation.

No 14 Lorne Avenue

This item is also a large example of an Inter War house set back from the street in a mature garden. It is nearby, but not directly opposite the subject site. Given the objectives and controls in DCP 55, the proposed development would have acceptable impacts on the heritage significance of this item largely due to its physical separation.

No 21 Lorne Avenue

This house was built prior to 1900 and pre-dates the majority of buildings in Lorne Avenue. The original property was subdivided into 3 lots many years ago. The houses on No 7 & No 9 Lorne Avenue were built on the subdivided lots. This item is separated from the subject site by the access handle to No 9 Lorne Avenue.

DCP 55 Issues – Chapter 3.5 - Development within the vicinity of a heritage item –

Design Controls.

C-1 Setbacks. DCP 55 requires the side setback to be a minimum of 10m for the first and second floors and 15m for the third and fourth floors. This application meets the side setback requirements in DCP 55.

DCP 55 also requires the new development to be set back from the front boundary so that it is not closer than the adjoining heritage item. The heritage item is set at an angle to the street with its setback varying between 13m and 21m. The greater setback - 21m is adjacent to the development site. The proposed development is set back about 18m next to the heritage item and it increases up to 25m in the middle of the site and results in a minor non-compliance. It would be unreasonable to require the new building to be set back 21m at the western end. In my opinion the proposed development is set back a reasonable distance

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from the front boundary and should not adversely impact on the heritage significance of the item.

C-2 Screen planting on the boundary with the heritage item should achieve a height of 4m and be relatively continuous. The proposed planting would not achieve a height of 4m. The species should be amended to achieve a height of 4m and provide continuous screening to the item.

C-3 The aesthetic character of this development is clearly contemporary and clearly is different from the character of the nearby heritage items, which are Federation and Inter War Georgian Californian Bungalows. The intent of the control is to allow new development that respects the aesthetic character of the heritage items and not to dominate it.

The architectural design statement states that the Lorne Avenue elevation has been designed to appear as if it is four buildings generated by four lightweight pavilion forms that project 5m proud of the recessed masonry portion of the building, ensuring the development fits in with the large bungalows to the south side of Lorne Avenue. The heritage impact statement submitted with the application is of the opinion that the new scheme will improve some aspects of the earlier approval and will have no further adverse impacts on the items in the vicinity.

In my opinion, this application does not provide an appropriate design response to respect the character of the nearby items. It results in a long building facing Lorne Avenue, whereas the approved application proposes 2 separate buildings, which related in scale and character to the adjoining items. It also presents a relatively flat side elevation to the adjoining heritage item. I am not convinced that the articulated form of the continuous facades is a better design response than the approved application. However, I acknowledge that the internal layout of this design would achieve a high quality amenity.

C-4 The application proposes a variety of colours, textures and building materials. The colours are generally mid to dark tones with some lighter contrasting colours and materials.

C-5 The application proposes hedges and stone walls along the front street boundary which is considered acceptable.

C-6 The application is accompanied by a heritage impact statement.

Comments

The new application results in two buildings on the site instead of three (as proposed in the approved scheme) and intensifies the Lorne Avenue frontage. It is also higher than the approved scheme presenting as a series of vertical projecting elements resulting in a continuous façade in excess of the recommended building length controls. The western elevation of Building B facing the heritage item is relatively flat without the articulation of the approved application. The proposed building has a greater setback from Lorne Avenue with less open space between Building A and Building B resulting in loss of a significant tree (Cedar).

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The objectives in DCP 55 relating to heritage are:

- *to respect the heritage significance of the nearby heritage items*
- *to not visually dominate the item*
- *to not reduce views to or from the item and*
- *to not impact on the garden setting of the item*

In my opinion, there would be a grater impact on the adjoining heritage item in comparison to the approved scheme and there is no heritage benefit resulting form this application.

Conclusions & Recommendations

Demolition of No 3, 5a & 7 Lorne Avenue is satisfactory provided archival recording of the properties is undertaken. Stone salvaged from the demolished building should be reused in the landscape design and interior fittings and or building elements recycled.

Although the front setback of the proposed development does not strictly comply with the front setback control in DCP 55, in my opinion the proposed development is setback a reasonable distance and it would not adversely impact on the heritage significance of the item and is acceptable.

It is considered that in comparison to the approved scheme on the site, there would be a higher level of heritage impact on the nearby heritage items and general streetscape character of Lorne Avenue, particularly impacts on the adjoining item at 21 Lorne Avenue. Tree screening between the site and the heritage item is inadequate. Removal of the significant cedar tree in the centre of the site is inappropriate. Given the objectives and controls in DCP 55, impacts on the adjacent UCA is considered unsatisfactory.

The application was amended in June to separate Building B into two distinct forms. The following subsequent comment has been provided by Council's Heritage Advisor:

Amended scheme

The architects design statement in part states:

The Lorne Avenue elevation has been arranged to appear as if it were four buildings generated by four lightweight pavilion forms that project 5m from two joined masonry buildings, ensuring the development fits in with the large bungalows to the south side of Lorne Avenue. The façade is further articulated through twisting the eastern half of the building to align with the site boundary to Lorne Avenue creating a significant step in the building facade. The junction between the two halves is recessed approximately 10m creating a visual separation in the elevation.

The amended scheme breaks the façade of Building B and provides significant articulation by orienting the apartments to address the side boundaries of the site visually resulting in the two ends reading as different elements with a visual break in the façade. Each end of Building B has a different relationship to the street and each other. However, it is still one long continuous façade addressing Lorne Avenue and there is no opportunity to achieve

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views through the development site from the heritage items located on the opposite side of the street (Nos 8, 10 & 14).

Comments

The heritage items in Lorne Avenue have a close relationship with each other, being clustered in a grouping with No 8, 10 & 14 adjoining each other to the south of the development site with No 21 directly opposite No 10. No 21 adjoins the site to the west. The items are large and substantial examples of Inter-War bungalows and Federation period houses and are amongst the best of their type in Ku-ring-gai. They can not be considered to be merely 'representative' examples.

The relationship of the amended scheme to the adjoining heritage item as 21 Lorne Avenue has not altered. It achieves minimum setbacks but does present a relatively flat facade to the eastern side of the heritage item. The key living areas within the item are contained on the eastern side and will have a direct view of the western facade. In my opinion, given the objectives and controls in DCP 55 I find it is acceptable but I wish to comment that the relatively flat facade western facade of the building presenting to the item could have been amended to provide more visual interest and less heritage impact.

The heritage item at No 8 Lorne is directly opposite the site and due to the change in levels has views to the north over it. The amended design results in the western end of the building and the eastern end of the building being orientated on a different axis. From Lorne Avenue it results in the visual perception of two buildings in the streetscape. Compared with the approved scheme with two separate buildings along Lorne Avenue there is some loss of views from the item. I acknowledge that the items are set back a considerable distance from Lorne Avenue and given the setbacks of the proposed building, there is some amelioration for the partial loss of views. The landscape design will achieve adequate planting to assist in presenting the building in the streetscape and reducing heritage impacts.

In my opinion the revised design is successful in visually breaking the Lorne Avenue facade and results in a highly articulated building. The articulated form of the proposed residential flat building reflects the scale of the highly distinctive items on the south and west side of the street with generous front and side setbacks. It would be possible to stand in front of the proposed development on the northern side of Lorne Avenue and view the heritage items without change and there would be views to the items from other points in the streetscape. Although highly articulated, the views from the heritage items to the north (particularly No 8) would be of a continuous building without opportunities to have views between it as proposed in the approved scheme and in this regard there is some impact to the items. However, on balance and given the design objectives and controls in DCP 55 the amended design is satisfactory.

Conclusions and recommendations

In summary, the revised scheme is successful in redesigning the facade to appear as two separate buildings and responds to the desired future character envisaged by Council in rezoning, existing lot patterns and width of buildings. It would also result in less impact on the streetscape and UCA. There would be some additional loss of views from the items,

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particularly No 8 Lorne Avenue, which is directly opposite the site. On balance given the design objectives and controls in DCP 55 the amended design is considered satisfactory.

The amended design is supported, subject to conditions.

Condition No. 3 of DA 498/07 (demolition of structures) required the photographic recording of each of 3, 5, 5a and 7 Lorne Avenue. The demolition has been undertaken and the photographic recording submitted.

Landscaping

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

TREE REMOVAL/IMPACTS/TREE REPLENISHMENT

A tree report prepared by Treescan, dated 30 November 2006, has been submitted. Tree numbers refer to this report.

Number of existing trees to be removed: 24 (including 5 trees that are exempt under Council's TPO)

Number of existing trees to be retained 8 (including 5 trees recommended for removal by arborist due to being in hazardous or poor condition). In conclusion, the proposal retains only three existing trees on site. This conflicts with the Landscape Design Statement which states that 'the existing vegetation on site provides a substantial existing mature structure to the garden and screening between properties' (Landscape Design Statement, Site Image, p1).

Trees to be retained

Castanospermum australe (Moreton Bay Chestnut) Tree 16, 500 DBH, fair condition, SULE 3B

The following trees are in poor condition and are to be removed

Trees 8, 11, 12, 17, 18 and 19.

Agonis flexuosa (Willow Peppermint) Tree 10, 300 DBH, poor condition, SULE 4B

Agonis flexuosa (Willow Peppermint) Tree 11, 300 DBH, poor condition, SULE 4B

Brachychiton acerifolius (Flame Tree) Tree 17, 500 DBH, poor condition, SULE 3D

Jacaranda mimosifolia (Jacaranda) Tree 18, 400 DBH, poor condition, SULE 4A

Ulmus sp. (Elm) Tree 19, 1000 DBH, poor condition, SULE 4B

Trees on adjoining properties

No significant impacts on trees on adjoining properties.

Comment on vegetation removal

Proposed removal of following existing trees located in the centre of the property.

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- *Cedrus deodara (Himalayan Cedar) Tree 26, 750 DBH, good condition – the tree is located at a lower level at the rear of one of the central properties that are to be amalgamated for this development. The proposed length of building and basement carpark layout prevent the retention of this tree. The Arborist report concludes that due to its setback the landscape value beyond the development would be little. The tree is considered significant to the amenity of the site and its removal will be subject to semi mature replacement planting of a similar exotic garden species.*
- *Liquidambar styraciflua (Liquidambar) Tree 8, 1000 DBH, poor condition, poor branch attachment SULE 4B. This tree's condition will not be improved by the construction impacts and is not considered worthy of retaining as a specimen.*
- *Camellia sasanqua (Chinese Camellia) Tree 27, 400 DBH, 7H, good condition*
- *Northern boundary – Fraxinus excelsior (Ash) Tree 13, 1200DBH,*
- *Street trees to be removed*
- *A Jacaranda mimosifolia (Jacaranda) Tree 50 is required to be removed for the driveway. The tree is considered to be of poor form with a weak junction. Removal is supported.*

Number of canopy trees to be planted: 43

LANDSCAPE DESIGN

Common open space

The proposed principle common open space is located between Building A and B. The proposed building footprint has a greater than required setback to Lorne Avenue, over 20 metres.

Screen planting

Building A

Northern boundary – Ceratopetalum gummiferum (NSW Christmas Bush) 3m, Banksia ericifolia 3m, Backhousia myrtifolia (Grey Myrtle) 4m

Western boundary – Ceratopetalum gummiferum (NSW Christmas Bush) 3m, Banksia ericifolia 3m, Backhousia myrtifolia (Grey Myrtle) 4m, Elaeocarpus reticulatus (Blueberry Ash) 8m

Eastern boundary – Ceratopetalum gummiferum (NSW Christmas Bush) 3m, Banksia ericifolia 3m, Backhousia myrtifolia (Grey Myrtle) 4m, Elaeocarpus reticulatus (Blueberry Ash) 8m

Building B

Northwestern boundary – Ceratopetalum gummiferum (NSW Christmas Bush) 3m, Banksia ericifolia 3m

Western boundary (to heritage property) – Ceratopetalum gummiferum (NSW Christmas Bush) 3m, Banksia ericifolia 3m,, 2no. Backhousia myrtifolia (Grey Myrtle) 4m

Eastern boundary – Ceratopetalum gummiferum (NSW Christmas Bush) 3m,

The proposal is supported, subject to **Conditions No.'s 2-14, 28-31, 58-62, 101-102.**

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Engineering

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

Amended plans and documentation have been received, as follows:

*Tonkin Zulaikha Greer architectural drawings Revision E;
Glendinning Minto & Associates additional information dated June 2007;
John Coady Consulting Assessment of Traffic and Parking Implications, dated 29 May 2007;
Ilias Design Group Stormwater Concept Drawing H-0001 Revision P3;
BASIX Certificate 139468M, dated 30 May 2007;
Coffey Geotechnics letter dated 30 May 2007.*

Water management

The site falls to the rear. The downstream property, 36 Culworth Avenue, is subject to a right to use and maintain a 600mm diameter pipe in favour of Council and for the purpose of "conveying and carrying off surface and storm waters from lands in the neighbourhood...". These terms are sufficiently broad to allow the development to drain its runoff onto the pipe, with Council's approval. It is recommended that such approval be given with this consent, in the form of a condition requiring the development to drain to this system

The pipe also extends within the subject properties, along the rear boundaries. Because of the 6 metres setback of the building, overland flow along this system should not affect the development. Ground floor levels are well above the levels along the easement.

A CCTV report has been carried out by the applicant and the pipe is dilapidated. The applicant proposes to replace the pipe, and to relocate it further within the property (to maximise the deep soil landscaping). This is supported. The easement will need to be widened or relocated, which will require Council's approval. Because the applicant is upgrading the pipe, approval is expected to be forthcoming, and may be obtained prior to occupation. The design for the new pipe will have to be approved by Operations before issue of the Construction Certificate. The recommended conditions include these items.

The BASIX commitments are for re-use of roofwater for toilet flushing, clothes washing, car washing and irrigation. Retention of 66 cubic metres and detention of 96 cubic metres are required, and the combined retention and detention storage tank is located on the architectural plans on basement level -1.

A water quality device is proposed upstream of the connection to the Council pipe. This is required by DCP 47 Chapter 8 and is acceptable.

Vehicular access and parking

The site is within 400 metres of Killara Station. Under LEP 194, 66 resident and 17 visitor spaces are required. The development includes 127 resident and 17 visitor spaces and therefore easily complies.

Dimensions and grades elsewhere comply with AS2890.1:2004.

Traffic generation

The traffic report has used a high density figure to estimate the traffic generation potential of the development. It is considered that medium density figures are more applicable to the subject development, however the difference is not significant, with the development expected to generate 19 to 27 vehicle trips per peak hour, that is, one movement every 2-3 minutes. The report concludes that the effect of the development will be acceptable because of the minor additional traffic generation and the fact that the majority of additional traffic would approach and depart the site via the Pacific Highway. This is accepted.

Waste collection

The traffic report contains turning paths for a small rigid vehicle which confirm that access will be available for the small waste collection vehicle. No door is shown which would obstruct entry.

The plans submitted show the entry drive at 25%, however advice has since been received from Frasers to the effect that "our design team have reviewed the driveway and we are confident that a complying driveway at a grade of 1 in 5 can be achieved." A condition of consent to that effect has been recommended.

Adequate headroom is available.

Construction management

On street parking is at a premium in this section of Lorne Avenue. The traffic report contains a discussion of construction traffic issues, including heavy vehicle access to the site (to and from Pacific Highway), the need for a temporary Works Zone (strongly recommended) and pedestrian management. Employee parking in the completed basement is anticipated and is included in the recommended conditions. Until that time the report states that on-site parking will be available. For employees' own vehicles, the western end of the Culworth Avenue carpark may offer a convenient alternative parking area.

A detailed Construction Traffic Management Plan will need to be submitted before commencement of works, when more specific details have been finalised.

Geotechnical investigation

Eight boreholes were drilled to depths of 4-12 metres. The site is underlain by topsoil or fill (inferred to be associated with construction of the residences, pools and tennis court) to 1 to 2 metres then residual clays and shale below about 2 to 4 metres depth, of variable strength but increasing with depth.

Excavation of about 5 to 10 metres will be required to achieve basement level. The report contains recommendations for dilapidation survey, vibration monitoring trials, excavation support, and construction inspections. Approval will be required from the neighbouring

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property owners, and possibly Council, if temporary rock anchors are to extend outside the site boundaries.

Strata subdivision

The application includes strata subdivision. Conditions are included accordingly.

Refer to **Conditions No. 18-21, 32-44, 77-88, 103-119** included in the recommendation.

STATUTORY PROVISIONS

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Subject to conditions relation to stormwater, the proposal is satisfactory when assessed against the Sydney Regional Environmental Plan.

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

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

The application includes an architect's statement prepared by Tim Greer, registered architect, in accordance with Part 2 of SEPP 65. The statement provides an acceptable assessment of the development against the SEPP 65 heads of consideration.

Principle 1: Context

The suburb of Killara is formed by a predominately grid subdivision pattern, with large landholdings. The existing housing stock is generally characteristic of the 1900-1920s period of architecture and there are numerous heritage items within proximity of the site. Dwellings are generally recessive behind mature trees and landscaping. The site is located within proximity of the Killara Railway Station and is located within proximity of a number of heritage items.

The area is in transition due to the Residential 2(d3) zoning. The development is consistent with the density and scale of housing envisaged for the area within LEP 194 and DCP 55 and is suitable within the context.

Principle 2: Scale

LEP 194 and DCP 55 allow for the construction of a 5 storey building on the site with a floor space ratio of 1.3:1, site coverage of 35% and a deep soil landscape zone of 50%. These controls provide guidelines as to appropriate scale.

As discussed, the topography of the site below proposed Building B qualifies for Clause 25K which allows a height concession for steeply sloping landforms. The building provides for an appropriate transition in scale given the change in topography which affects Building B. This issue is discussed in detail under '*Statutory provisions*'.

Principle 3: Built form

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Refer to comment above. The proposed siting and design of the building is acceptable and is consistent with SEPP 65. The building has been designed with reference to surrounding architecture and housing materials and the development relates appropriately to surrounding development.

Principle 4: Density

The development complies with Council's controls in relation to density.

Principle 5: Resource, energy and water efficiency

Refer to the comments of Council's Urban Design Consultant. The design of the building is acceptable when assessed against the requirements of SEPP 65, DCP 55 and SEPP BASIX.

Principle 6: Landscape

The proposed building is designed within a landscape setting which is consistent with Council's Landscape requirements. The species chosen are appropriate in terms of screening, low water use and sustainability.

Principle 7: Amenity

The proposed room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, unit layout and service areas, outlook and access for all age groups and degrees of mobility are acceptable when assessed against SEPP 65 and DCP 55.

Principle 8: Safety and security

The proposed development provides for adequate passive surveillance, safety and security.

Principle 9: Social dimensions

The proposed building provides a mixture of unit types and options and provides options for residents of different income levels.

Principle 10: Aesthetics

The building design elements, composition and materials of finish are consistent with the existing and desired future character of the area. The proposal meets the requirements of SEPP 65 in relation to aesthetics.

State Environmental Planning Policy No. 55 – Remediation of Land

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

The site has historically been used for residential purposes and a contamination assessment is not required.

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SEPPs Building Sustainability Index (BASIX)

A BASIX certificate has been submitted with the development application. The proposed development is deemed to comply with SEPP BASIX.

Residential Flat Design Code**Relating to the local context**

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

Building design

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

All other relevant matters relating to building design are addressed elsewhere in this report.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The construction of a residential flat development and strata subdivision are permissible under the KPSO within the residential 2(D3) zone.

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1200m ²	6219m ²	YES
Deep landscaping (min): 50%	50.1%	YES
Street frontage (min): 30m	88m	YES
Number of storeys (max): 5/6 (Clause 25K)	Building A 5 storeys Building B 5/6 storeys	NO* SEPP 1 objection lodged
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	Building A 59% Building B 55% (56.7% combined)	YES
Storeys and ceiling height (max): 5 storeys and 13.4m	6 & 15.3m (Building B)	NO* SEPP 1 objection lodged
Car parking spaces (min): • 17 (visitors) • 66 (residents) • 83 (total)	17 127 144	YES YES YES
Manegeable housing (min): 10%	10% (7 units)	YES
Lift access: required if greater than three storeys	Lift access provided	YES

Storeys and ceiling height (cl.25(8)):

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SEPP 1 objection regarding Clause 25I(8)

Clause 25I(8) permits a residential flat building located in the Residential 2(d3) zone to achieve a height of 4 storeys (excluding the top storey being 60% of the storey below). A maximum perimeter ceiling height of 13.4 metres is allowed for the 4th storey.

This Clause is subject to subclause (5) which stipulates a maximum height of 5 storeys for a development on a site of 2,400m² or more and Clause 25K which allows height concessions, where a site experiences a slope of 15% or more.

The portion of the site located below Building B experiences a slope ranging between 15 and 16.9%.

Clause 25K stipulates that '*consent may be granted for a building on site with a slope greater than 15% that would:*

- a) *exceed the number of storeys controls in Clause 25I(8) by only one storey for up to 25% of the building footprint, or*
- b) *exceed the height controls in Clause 25I(8), but only by up to 3 metres for up to 25% of the building footprint, or*
- c) *take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint.*

The applicant seeks to utilise the above concessions at Level 1 where the site dips steeply to the north of the basement. This sudden drop in the topography creates an above ground area to the north of the basement where it is proposed to provide habitable dwellings, facing the internal open space area to the centre of the site and Building A. The building rises to 6 storeys with a perimeter ceiling height of 15.3m above this point.

The applicant has calculated the 25% ratio over the building footprint of both Buildings A and B. However, LEP 194 defines 'building footprint' as '*the total maximum extent of the two dimensional area of the plan view of a building including all levels, but excluding any part of the building below ground and minor ancillary structures such as barbeques, letterboxes and pergolas.*' For the purposes of calculating the building footprint, Buildings A and B must be viewed separately, as the basement is not included as 'footprint'.

The Building Code of Australia would classify the development as one building due to the connecting basement car park. Calculating the excess area over both buildings, the proposal would comply with the 25%. However, when calculated in accordance with the definition of footprint under LEP 194, the area in breach of Clause 25K (height) represents 39% of the building footprint of Building B, an excess floor area of 14%.

Purpose of the development standard

The intention of this development standard is not specified in the clause, which allows height concessions, where a site experiences a slope of 15% or more and to allow an appropriate transition in height/basement level/floor space.

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The proposed non-compliance with the storey and perimeter ceiling height development standard for 14% of the footprint of Building B is consistent with the objectives of the standard, the objectives of SEPP 1 and the objectives of the Residential 2(d3) zone. The additional height along the northern side of Building B will not contribute to the bulk of the building as viewed from the street or adjoining properties. The additional height will be internal to the development and will not unduly impact upon the internal residential amenity of the site (refer to additional discussion in *DCP 55*).

The applicant has lodged a SEPP 1 objection with respect to the non-compliance with the 25% area ratio:

The justification is summarised as follows:

- The proposal complies with the underlying objective of Clause 25K which is to ensure an appropriate transition/ground floor interface for a building located on a steeply sloping site.
- To ensure that a building does not protrude out of the ground on a site having a slope greater than 15% to such an extent that the lowest 'ordinary' floor will be approximately 1 storey out of the ground.
- The additional floor space, being located adjacent to a basement level, will not add to the overshadowing, bulk, scale or privacy impacts associated with the building.
- Strict compliance would require the construction of an additional basement car parking level which would not be an environmentally sustainable outcome nor one which represents the 'orderly and economic use' of the land due to excavation/basement construction costs.

Whether compliance is unreasonable or unnecessary

It is agreed that the additional habitable floor area adjacent the basement level will not add to the overall bulk and scale of the building as viewed from the street, adjoining properties and the public domain. In fact, Building B presents as a part 4/5 storey building when viewed from Lorne Avenue, due to the topography and the fact the building is excavated into the ground towards the western side.

If the application was to be amended to comply, this would require converting part of Level 1 from habitable area/units into basement area which would bring the development into strict numeric compliance but not have any benefit in terms of the overall useability, height or envelope of the building.

Building B presents as a 5 storey building when viewed from the street and adjoining properties. In this regard, the following statements are taken from the applicants' SEPP 65 Design Verification relating to height and bulk:

- The Lorne Avenue elevation has been arranged to appear as if it is four buildings generated by four lightweight pavilion forms that project 5m from the recessed masonry portion of the building, creating an appropriate scale for the area.
- The bulk of the buildings are at their thinnest at the ends where they abut neighbouring properties.
- The upper level floors have been recessed.
- The building is set down below Lorne Avenue, nestling the building into the landscaping and reducing the streetscape height.

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- The windows to the recessed masonry plan are horizontal and the windows to the pavilions are vertical to further break down the scale of the building.

Consequently, the strict application of Clause 25K is considered to be unreasonable and unnecessary in this instance and it is recommended that the proposal be supported.

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

For the reasons stated above, the application is consistent with Clause 3 of SEPP 1.

Whether concurrence is required

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

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

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:		
• 10m setback (1 st & 2 nd storeys)	15m Levels 1 and above)	YES
• 15m setback (3 rd & 4 th storeys)	15m	YES
• No closer than heritage item from front boundary	Closer	NO
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 933m ²	3110m ²	YES
No. of tall trees required (min): 20 trees	51 trees	YES
Part 4.2 Density:		
Building footprint (max):		

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• 35% of total site area	35%	YES
Floor space ratio (max): <ul style="list-style-type: none">1.3:1	1.29:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none">13-15 metres (<40% of the zone occupied by building footprint)	13-15m (basement and above with the exception of a carpark exhaust duct which encroaches to 3m)	YES
Rear boundary setback (min): <ul style="list-style-type: none">6m	6m	YES
Side boundary setback (min): <ul style="list-style-type: none">6m	6m	YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none">8m/11m	None proposed	N/a
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none">15%	No front courtyards within front setback	N/a
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none">Wall plane depth >600mmWall plane area <81m²	>600mm <81m ²	YES YES
Built form: <ul style="list-style-type: none">Building width < 36mBalcony projection < 1.2m	Building B 62m (southern elevation, broken up into two distinct elements of approx. 29m and 31m each) <1.2m	NO YES YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none">>70% of units receive 3+ hours direct sunlight in winter solstice>50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice<15% of the total units are single aspect with a western orientation	100% 50% east facing morning to noon 3 single aspect units, all with northern orientation	YES YES YES
Visual privacy:		

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<p>Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:</p> <p>Storeys 1 to 4</p> <ul style="list-style-type: none"> • 12m b/w habitable rooms • 9m b/w habitable and non-habitable rooms • 6m b/w non-habitable rooms <p>5th Storey</p> <ul style="list-style-type: none"> • 18m b/w habitable rooms • 13m b/w habitable and non-habitable rooms • 9m b/w non-habitable rooms 	<p>15m between eastern end of Building B and eastern adjoining properties</p> <p>>20m</p> <p>>20m between Bldg A & B (all habitable to non-habitable rooms)</p>	<p>(L's 1-4) YES (L's 5-6) NO</p> <p>YES YES YES YES YES YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> • Habitable rooms have a minimum floor to ceiling height of 2.7m • Non-habitable rooms have a minimum floor to ceiling height of 2.4m • 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom • 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms • Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>>2.7m</p> <p>>2.4m</p> <p>>3m</p> <p>>3m</p> <p>3 units</p> <p>>1.5m</p> <p>>1.8m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES YES</p>
<p>Outdoor living:</p> <ul style="list-style-type: none"> • ground floor apartments have a terrace or private courtyard greater than 25m² in area • Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit <p>NB. At least one space >10m²</p> <ul style="list-style-type: none"> • primary outdoor space has a minimum dimension of 2.4m 	<p>Ranging between 19m² and 103m²</p> <p>Between 8.6-10m²</p> <p>Ranging between 10.3 and 36m²</p> <p>Ranging between 8.3 and 158m²</p> <p><2.4m</p>	<p>NO</p> <p>NO NO NO</p> <p>YES</p>
Part 4.7 Social dimensions:		

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Visitable units (min): • 70%	70%	YES
Housing mix: • Mix of sizes and types	Mix of 1, 2 & 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: • >65% of units are to have natural cross ventilation • single aspect units are to have a maximum depth of 10m • 25% of kitchens are to have an external wall for natural ventilation and light • >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating	>90% 3 units, ranging between 9m and 11.5m in depth 100% BASIX compliant	YES NO YES YES
Part 5 Parking and vehicular access:		
Car parking (min): • 66 resident spaces • 17 visitor spaces • 83 total spaces	127 spaces 17 spaces 144 spaces	YES YES YES

Part 3 Local context:

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

The proposed development complies with both the heritage setback controls contained within Clause 3.5 C-1 of DCP 55. Consequently, sufficient physical separation is provided between the subject development and the adjoining heritage item.

Part 3.5 Development within the vicinity of a heritage item:

As previously detailed, the site is located within proximity of a number of heritage items 8, 10, 14 and 21 Lorne Avenue. No's 8, 10 and 14 are located on the opposite side of Lorne Avenue, on the high side of the street. These properties are well set back from the street with spacious gardens. The separation of the proposed development from these dwellings is acceptable.

As detailed in the comments of Council's *Heritage Advisor*, the front setback of Building B ranges between 13m and 21m due to stepping in the front elevation of the building. The site is adjoined to the west by No. 21 Lorne Avenue which is a heritage item.

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DCP 55, Clause C-1(iii), requires that a medium density development to be set back from the front boundary so as not to be closer than an adjoining heritage item. The dwelling at No. 21 Lorne Avenue is set back approximately 26 metres from Lorne Avenue and sections of proposed Building B come forward of this building line.

The front setback distance of No. 21 Avenue is substantial at 25 metres. Given the zoning, anticipated dwelling yield for the subject site and applicable development standards and controls, the setbacks are reasonable. Building B complies generously with the required 13-15 metres setback at points and has been stepped and articulated so as to provide visual relief. The proposed architectural design of the building and adoption of materials unique to the Ku-ring-gai area, the development is acceptable in relation to heritage and streetscape impacts.

Furthermore, the dwelling located at No. 21 Lorne Avenue is visually separated from the adjoining site by a driveway and tall canopy trees which provide screening. It is proposed to retain/protect existing Evergreen Alders (Trees No.'s 35, 36, 37 located on No. 21 Lorne Avenue) along this boundary for screening. The landscape plans provide additional landscape screening along the western boundary of the development with 2 x Grey Myrtles (4m mature height), 3 x Blueberry Ash (2m-4m mature height), 23 x Christmas Bush (2m mature height), 2 x Gordonia (2m mature height), 1 x Pistachio (3-5m mature height) and a Sweet Viburnum (2m mature height).

Part 4.1 Landscape design:

As indicated in the *Compliance Tables*, the proposal complies with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping and tree replenishment.

Subject to conditions, Council's Landscape Development Officer considers the proposed landscaping concept plan to be acceptable (see **Condition No. 28**). The planting proposed integrates the development with the surrounding area and provides screening for adjoining properties.

Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development complies with the 1.3:1 floor space ratio control, 35% site coverage standard and 50% deep soil landscaping standard, achieving optimum capacity of the site within a landscaped context.

Part 4.3 Setbacks:

Buildings should not intrude upon the streetscape or unreasonably affect solar access and privacy available to adjoining dwellings. Buildings should be set within a landscaped curtilage.

DCP 55, Part 4.3, C-1 sets a general front setback control of 10-12 metres from the street boundary, with no more than 40% of this setback being occupied by building footprint.

C-2 requires that where a site measures more than 45 metres in depth and more than 35 metres in width, an increase setback zone of 13-15 metres is required unless this would result in the loss of significant vegetation or compromise other development standards within LEP 194 and DCP 55.

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The site has an average width of 56 metres and an average depth of 68 metres. Building B complies with the 13-15 metres at basement and ground levels with the exception of a minor car park exhaust structure which protrudes to 3 metres from the front boundary, underground. This protrusion equates to 3% of the frontage or 34m² total area. This non-compliance is minor and will not affect the ability to provide deep soil planting.

Less than 40% of the front setback zone is occupied by the building footprint.

Part 4.4 Built form and articulation:

The proposal complies with Clause 4.4 relating to built form with the exception of Clause 3 which restricts the width of a single building on any elevation facing the street to 36 metres.

Proposed Building B has been modified to present as two distinct building forms from the street by a step and change in angle of the building at a central point. This articulation has the effect of dividing Building B into two elements of 29 metres and 31 metres, viewed from Lorne Avenue. This articulation meets the objectives of the DCP in relation to built form and is considered acceptable by Council's Urban Design Consultant.

Part 4.5 Residential amenity:

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

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

A review of the development is provided in the *DCP 55 Compliance Table*. The proposal generally complies with Part 4.5 with the following exceptions:

Separation:

Level 5/6 of Building B is separated by 15 metres from the eastern adjoining properties where the DCP requires a separation of 18 metres between habitable areas. This is considered acceptable given that the habitable areas within upper floor units do not have east-facing windows. The balustrade along the eastern elevation of balcony of Unit 5.04 is solid rather than glazed, restricting view in this direction. A small balcony is located off a bedroom of Unit 6.04. As this is a bedroom area, the balcony will not generate undue privacy impacts to the east. The balcony located off the habitable area of this unit is off-set and visually separated by the end of Building B, restricting overlooking to the east.

Ground floor living areas:

Clause 4.5.5 C-1 requires the provision of a minimum area of 25m² for ground floor courtyards. The courtyard areas provided range from 19m² to 103m². The courtyard areas accessed from Units are less than 25m² in area. Ground floor unit 1.03 provides 20.4m² and ground floor unit 1.05 provides 19.6m². Most ground floor units provide in excess of 25m² in useable, north-facing courtyard areas which is acceptable. As Units 1.03 and 1.05 are both 1 bedroom units, the provision

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of less outdoor space is acceptable. Satisfactory amenity is provided within common open space areas on the site.

Balcony areas

Clause 4.5.5 C-2 provides minimum balcony sizes based on the number of bedrooms within a unit. As indicated in the *DCP 55 Compliance Table*, a number of balconies do not comply with the minimum area requirement. These are Units 2.03, 2.05, 2.06, 2.07, 3.01, 3.03, 3.05, 4.03, 4.05, 4.07, 4.08, 4.12, 4.14, 5.04, 5.09 and 5.11 (25% of total units). The balconies of most of these units fall short of the requirement by less than 2m². This is minimal and acceptable as the shortfall will not significantly reduce the amenity of future occupants.

Units 4.07, 4.14, 5.04 and 5.11 (6% of total units) are 3 bedroom units which have significantly less outdoor space than required. These units have 8.9m² where 15m² is required. The shapes of these balconies have been designed to comply with the DCP 55 side setback control. The non-compliance is minor and acceptable given that most 3 bedroom units within the development more than comply with the 15m². Furthermore, a suitable range of apartment types and layouts is provided consistent with DCP 55 and SEPP 65.

Part 4.8 Resource, energy and water efficiency:

As indicated in the *DCP 55 Compliance Table*, 3 single aspect units are proposed (4% of total units), and range in depth between 9-11.5 metres. DCP 55 stipulates a maximum depth of 10 metres for single aspect units. The single aspect units are north-facing meaning that adequate light and amenity is available to these units. The non-compliance with the maximum depth is therefore acceptable in this instance.

Part 6 Consideration of isolated sites

The battle axe property known as No. 9 Lorne Avenue adjoins the site to the west (driveway). This property is adjoined to the west by No. 21 Lorne Avenue which is zoned residential 2(b).

No. 9 Lorne Avenue could be amalgamated with the properties at 23 and 25 Lorne Avenue and potentially 7 and 8 Powell Street, located to the rear. This site would not be isolated by the proposed development.

Development Control Plan 31 – Access

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

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$1,315,165.40, calculated on the basis of 4 'small' dwellings, 24 'medium' dwellings, 30 'large' dwellings and 8 'very large' dwellings with a credit provided for the 3 'medium' dwellings and 1 'large' dwelling which existed on the site. This contribution is required to be paid by **Condition No. 57**.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report.

SUITABILITY OF THE SITE

The site is suitable for the development proposed.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

OTHER MATTERS FOR CONSIDERATIONS

There are no other matters.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards to Clause 25K of Local Environmental Plan 194* is well founded. The Council is also of the opinion that strict compliance with this development standard is unreasonable and unnecessary in the circumstances of this case.

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THAT the Council, as the consent authority, grant development consent to DA 1307/06 for the construction of a residential flat development, basement car parking and strata subdivision on land at 3-7 Lorne Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
A 100 Rev A	Tonkin Zulaikha Greer	September 2006
Drawings A-101 to 109 Rev A	Tonkin Zulaikha Greer	September 2006
Drawings A 400-404 Rev E	Tonkin Zulaikha Greer	September 2006
Drawings A 200-201 Rev E	Tonkin Zulaikha Greer	September 2006
A 202 Rev B	Tonkin Zulaikha Greer	July 2007
Drawings A 300-302	Tonkin Zulaikha Greer	September 2006
Landscape plan 101 H	Site Image	November 2006
Landscape plans 301-304 G	Site Image	November 2006
Landscape plans 401 to 404 G	Site Image	November 2006
Landscape plan 151 B	Site Image	January 2007
Landscape plan 601A	Site Image	November 2006
<i>Document(s)</i>		<i>Dated</i>
Strata plans 3-18 by Denny Linker and Co		7 June 2007
BASIX Certificate No. 106117M		24 November 2006

Reason: To ensure that the development is in accordance with the determination of Council.

GENERAL CONDITIONS

2. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. A tree report prepared by Stuart Pittendrigh, dated October 2006, has been submitted. Tree numbers refer to this report.

Schedule

Tree location

Corymbia citriodora (Lemon Scented Gum) Tree 1
Corymbia citriodora (Lemon Scented Gum) Tree 2
Corymbia citriodora (Lemon Scented Gum) Tree 3
Acacia binervia (Coast Myall) Tree 4

Approved tree works

Removal
 Removal
 Removal
 Removal

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<i>Acacia binervia</i> (Coast Myall)Tree 5	Removal
<i>Juniperus sp. (Juniper)</i> Tree 6	Removal
<i>Eucalyptus elata (River Peppermint)</i> Tree 7	Removal
<i>Liquidambar styraciflua (Liquidambar)</i> Tree 8	Removal
<i>Sapium sebiferum (Chinese Tallow Tree)</i> Tree 10	Removal
<i>Agonis flexuosa</i> (Willow Peppermint)Tree 11	Removal
<i>Agonis flexuosa</i> (Willow Peppermint)Tree 12	Removal
<i>Fraxinus sp (Ash)</i> Tree 13	Removal
<i>Cedrus atlantica (Atlantic Cedar)</i> Tree 21	Removal
<i>Magnolia x soulangiana (Magnolia)</i> Tree 22	Removal
<i>Magnolia x soulangiana (Magnolia)</i> Tree 23	Removal
<i>Metasequoia glyptostroboides</i> (Dawn Redwood)Tree 24	Removal
<i>Magnolia x soulangiana (Magnolia)</i> Tree 25	Removal
<i>Cedrus deodara (Himalayan Cedar)</i> Tree 26	Removal
<i>Camellia sasanqua (Chinese Camellia)</i> Tree 27	Removal
<i>Ulmus parvifolia (Chinese Elm)</i> Tree 31	Removal
<i>Syagrus romanzoffianum</i> (Cocos Palm)Tree 33	Removal
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 50	Removal

Removal or pruning of any other tree on the site is not approved.

3. Arborist's report

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

Schedule

Tree/location

Time of inspection

<i>Cedrus deodara (Himalayan Cedar)</i> Tree 15A	Commencement of excavation, stormwater lines within 6m of tree
<i>Castanospermum australe (Moreton Bay Chestnut)</i> Tree 16	Commencement of excavation, stormwater lines within 6m of tree
<i>Brachychiton acerifolius (Flame Tree)</i> Tree 17	Commencement of excavation, stormwater lines within 6m of tree
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 18	Commencement of excavation, stormwater lines within 6m of tree
<i>Ulmus glabra 'Lutescens' (Golden Wych Elm)</i> Tree 19	Commencement of excavation, stormwater lines within 6m of tree
<i>Cupressus macrocarpa (Monterey Cypress)</i> Tree 20	Commencement of excavation, stormwater lines within 6m of tree
<i>Alnus jorullensis</i> (Evergreen Alder)Tree 34	Commencement of excavation, stormwater lines within 6m of tree
<i>Alnus jorullensis</i> (Evergreen Alder)Tree 35	Commencement of excavation, stormwater lines within 6m of tree
<i>Alnus jorullensis</i> (Evergreen Alder)Tree 36	Commencement of excavation, stormwater lines within 6m of tree

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<i>Alnus jorullensis</i> (Evergreen Alder) Tree 37	Commencement of excavation, stormwater lines within 6m of tree
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 38	Commencement of excavation, stormwater lines within 6m of tree
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 40	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 42	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 44	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 45	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 46	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 47	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 48	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 49	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls
<i>Jacaranda mimosifolia</i> (<i>Jacaranda</i>) Tree 51	Commencement of excavation, stormwater lines within 6m of tree, during construction of front walls

Reason: To ensure protection of existing trees

4. Tree removal on nature strip

Following removal of the *Jacaranda mimosifolia* (*Jacaranda*) Tree 50 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

5. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

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Reason: To protect existing trees.

6. Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule

Tree/location	Radius from trunk
<i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Tree 15/row x 7 specimens	3m
<i>Cedrus deodara</i> (Himalayan Cedar) Tree 15A	6m
<i>Castanospermum australe</i> (Moreton Bay Chestnut) Tree 16	4m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 17	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 18	4m
<i>Ulmus glabra</i> 'Lutescens' (Golden Wych Elm) Tree 19	4m
<i>Cupressus macrocarpa</i> (Monterey Cypress) Tree 20	5m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 34	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 35	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 36	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 37	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 38	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 40	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 42	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 44	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 45	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 46	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 47	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 48	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 49	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 51	5m

Reason: To protect existing trees.

7. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

8. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Lorne Avenue. The tree(s) used shall be a minimum 25 litres container size specimen(s):

Schedule

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Tree/ species	Quantity	Location
<i>Jacaranda mimosifolia</i> (Jacaranda)	2	Lorne Avenue (between Trees 44 and 45 and between Trees 48 and 49

Reason: To provide appropriate landscaping within the streetscape.

9. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate.

Schedule

Species/from

Magnolia x soulangiana (Magnolia) Tree 25

To

Front setback of development

Reason: To protect the trees during transplanting.

10. Removal of refuse

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.

Reason: To protect the environment.

11. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

Reason: To maintain the treed character of the area.

12. Stockpiling of top soil

Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

13. Temporary groundcover

On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species.

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Reason: To protect the environment.

14. Vegetating steep slopes

Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

15. Notice to be given prior to demolition or excavation

Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

16. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

17. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

18. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Lorne Avenue over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

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The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

19. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Address

- 30 to 38 and 40a Culworth Avenue
- tennis court at 9 Lorne Avenue

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

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Reason: To record the structural condition of likely affected properties before works commence.

20. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

b) Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.

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The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

21. Work zone

If a works zone is proposed, the applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

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Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

22. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the Landcom manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

23. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

24. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

25. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

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The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

26. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the

construction process.

27. Support for Council roads, footpaths, drainage reserves

Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

28. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Title</i>	<i>Drawn by</i>	<i>Dated</i>
101/H	Masterplan	Site Image	9/07/07
301/G	Hardworks Plan Sheet 1	Site Image	9/07/07
302/G	Hardworks Plan Sheet2	Site Image	9/07/07
303/G	Hardworks Plan Sheet 3	Site Image	9/07/07
304/G	Hardworks Plan Sheet 4	Site Image	9/07/07
401/G	Softworks Plan Sheet 1	Site Image	9/07/07
402/G	Softworks Plan Sheet2	Site Image	9/07/07
403/G	Softworks Plan Sheet 3	Site Image	9/07/07
404/G	Softworks Plan Sheet 4	Site Image	9/07/07
601/A	Landscape Sections	Site Image	9/07/07
101/H	Masterplan	Site Image	9/07/07

The above landscape plan(s) shall be amended in the following ways:

- Proposed graded banks shown on Hardworks Plans sheets 1-4, to all landscape areas of development shall be maximum 1:3 gradient.
- Hardworks Plan sheet 1 and 3 to include site boundaries
- Hardworks Plan sheet 4 shall show outline of 1m wide path to front boundary.
- Existing sandstone paving within nature strip opposite entrance to no.5 Lorne Avenue to be retained and protected.
- Proposed planting of *Banksia ericifolia* and *Xanthorrhoea sp*, to be substituted with shrub/groundcover planting representative of Blue Gum High Forest community.

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- Proposed planting of *Ceratopetalum gummiiferum* (NSW Christmas Bush) as screen planting shall incorporate a minimum three additional shrub species representative of low water use/Blue Gum High Forest community such as *Grevillea 'Ivanhoe'*, *Clerodendron tomentosum* and *Pittosporum revolutum* or similar.
- Proposed indigenous screen planting to western site boundary of Building Bin vicinity to heritage property, to be substituted with *Viburnum tinus*, *Xylosma congestum*, *Elaeagnus pungens* or similar.
- To provide sufficient area for effective landscape to setbacks of development, all proposed access paths to be setback minimum 3 metres from the site boundary. Path to northern boundary of site shall be located over proposed relocated drainage easement. Screen planting to boundaries to be layered to include in addition to tall trees, medium trees, small trees and shrubs (Clause 4.1, C-8(ii), DCP55).
- Height of front walls to Lorne Avenue and to driveway entry to be maximum of 1.2m.
- Landscape Plan to indicate drainage pits, grates and tanks.
- The private courtyards are to be reduced in size as detailed by the following;
 - The courtyard for Unit 2.13, Building B, within the side setback are to not encroach closer than 4m to the northern site boundary.
- Two additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted north of Units 1.02 and 1.05, to Building A along northern site boundary.
- Proposed planting of *Elaeocarpus reticulatus* within northern, western and eastern setback of Building A and eastern and western setback of Building B, to be located between proposed access path and site boundary and minimum 4m from building footprint.
- Two additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted with a minimum spacing of 5m, to Building A along western site boundary.
- Two additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted with a minimum spacing of 5m, to Building A along eastern site boundary.
- Proposed planting of three super advanced trees to central communal area of development to be planted on level ground not on landscaped banks.
- Proposed planting of an *Acer saccharinum* south of Unit 1.02, Building A, to be substituted with a super advanced *Magnolia grandiflora* or *Cedrus deodar*. Planting of *Magnolia grandiflora* 'Exmouth' to not to be substituted for *Magnolia grandiflora*.
- Proposed planting of *Magnolia grandiflora* 'Exmouth' to north of Unit 1.08, Building B to be substituted with a super advanced *Acer saccharum* or similar.
- Proposed botanic name of *Acer saccharinum* (Sugar Maple) of to be replaced with *Acer saccharum* (Sugar Maple).
- One additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted with a minimum spacing of 5m, to Unit 2.13, Building B along northern site boundary.
- Two additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted with a minimum spacing of 5m, to Building B along western site boundary.
- Proposed planting of *Jacaranda mimosifolia* (Jacaranda) to front setback of development to be substituted with a large evergreen canopy tree species such as *Magnolia grandiflora* or *Cedrus deodar* or similar.

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- Proposed planting of *Eucalyptus paniculata* (Grey Ironbark) to front setback to south east of carpark exhaust to be substituted with *Eucalyptus saligna* (Sydney Blue Gum).

Reason: To ensure adequate landscaping of the site

29. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

30. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

31. Pier & beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that the footings of the proposed front fence will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

Schedule

Tree/location	Radius in metres
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 40	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 42	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 44	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 45	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 46	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 47	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 48	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 49	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 51	5m

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The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

32. Consolidation of lots

Prior to issue of any Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. Note that Kuring-gai Council does **not** necessarily need to approve or endorse lot *consolidation* plans.

Reason: To ensure continuous structures will not be placed across separate titles.

33. Design of infrastructure works

The Applicant must replace the dilapidated trunk drainage pipe within the property.

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 59a of the *Local Government Act 1993*** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued until Council has issued a formal written consent.

To obtain consent for the infrastructure works, 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 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, and erosion control requirements

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.

Reason: To ensure that the plans are suitable for construction purposes.

34. Gradient of entry drive

Prior to issue of the Construction certificate, the Principal Certifying Authority is to be satisfied that the gradient of the entry/ exit drive does not exceed 20%.

Reason: To allow access by Council's waste collection contractors.

35. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the concept plan by IDG submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

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Reason: To protect the environment.

36. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

- A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
- An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

37. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

38. Basement car parking details

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

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

Reason: To ensure that parking spaces are in accordance with the approved development.

39. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

40. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be

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submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

41. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

42. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work

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that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

43. Design of infrastructure works

The Applicant must replace the dilapidated trunk drainage pipe within the property.

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 59a of the *Local Government Act 1993*** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued until Council has issued a formal written consent.

To obtain consent for the infrastructure works, 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 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, and erosion control requirements

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.

Reason: To ensure that the plans are suitable for construction purposes.

44. Gradient of entry drive

Prior to issue of the Construction certificate, the Principal Certifying Authority is to be satisfied that the gradient of the entry/ exit drive does not exceed 20%.

Reason: To allow access by Council's waste collection contractors.

45. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

46. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

47. Air drying facilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Amenity & energy efficiency.

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48. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

49. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, [enter unit nos.], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

50. Garbage storage

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

51. Noise from road and rail (residential only)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS

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2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within Premises.

Note: Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

Reason: To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the development.

52. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

C1. Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

53. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

C1. Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

54. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to

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residential work valued at 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).

Reason: Statutory requirement.

55. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect the streetscape and the integrity of the approved development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST)

56. Public liability insurance – works on public land

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land

57. Section 94 contribution – residential development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A
community facilities

Column B
\$1117.76

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park acquisition and embellishment works	\$6384.75
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	100.04
Total contribution is:	\$1,315,165.40

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure 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 the development.

58. Tree protection fencing

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

Schedule

Tree/location	Radius from trunk
<i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Tree 15/row x 7 specimens	2m
<i>Cedrus deodara</i> (Himalayan Cedar) Tree 15A	6m
<i>Castanospermum australe</i> (Moreton Bay Chestnut) Tree 16	4m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 17	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 18	4m
<i>Ulmus glabra</i> 'Lutescens' (Golden Wych Elm) Tree 19	4m
<i>Cupressus macrocarpa</i> (Monterey Cypress) Tree 20	5m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 34	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 35	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 36	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 37	4m
<i>Alnus jorullensis</i> (Evergreen Alder) Tree 38	4m

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during the construction phase.

59. Tree protection fencing excluding structure

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

Schedule

Tree/location	Radius from trunk
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 40	6m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 42	5m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 44	6m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 45	6m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 46	4m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 47	6m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 48	4m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 49	5m
<i>Jacaranda mimosifolia (Jacaranda)</i> Tree 51	5m

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase

60. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

61. Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

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Reason: To protect existing trees during the construction phase.

62. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

63. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

CONDITIONS TO THE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

64. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination of Council.

65. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia,
- In the case of residential building work for which the Home Building Act 1989 requires

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there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

66. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

67. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

68. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

69. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof

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- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

70. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

71. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

Reason: To ensure safety and amenity of the area.

72. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

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73. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

74. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

Reason: To protect public places.

75. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

76. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

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77. Drainage to drainage easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the piped Council drainage system within the site. Drainage line connections to the system shall conform and comply with the relevant detail in Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") and in Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

78. Grated drain at garage

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

Reason: Stormwater control.

79. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" 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.

Reason: Statutory requirement.

80. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Coffey Geotechnics. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs

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Reason: To ensure the safety and protection of property.

81. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Coffey Geotechnics. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

82. Approval for rock anchors

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

Reason: To ensure the ongoing safety and protection of property.

83. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

84. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and

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

Reason: To ensure safe public footways and roadways during construction

85. Road repairs necessitated by excavation and construction works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

Reason: To protect public infrastructure.

86. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

87. Temporary rock anchors

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of

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all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

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

Reason: To ensure the ongoing safety and protection of property.

88. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

89. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. ## have been complied with.

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Reason: Statutory requirement.

90. Clotheslines and clothes dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

91. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

92. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

93. Rail noise

An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with Railcorp's Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.

94. Rail noise

The applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control that risk. The applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to Railcorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

95. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by

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Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

96. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

97. Noise control – plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

98. Car parking

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

99. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

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1. The installation and performance of the mechanical systems complies with:
 - the Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

100. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

101. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

102. Removal of noxious plants & weeds

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The following noxious and/or environmental weed species shall be removed from the property prior to completion of building works:

Schedule

Plant species

Hedera sp. (Ivy)
Senna pendula (Cassia)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Olea europaea subsp. africana (African Olive)
Cinnamomum camphora (Camphor laurel)
Tradescantia albiflora (Wandering Jew)

Reason: To protect the environment.

103. Infrastructure works

The relocation of the Council stormwater pipeline is to be completed in accordance with the approved plans and any conditions imposed by Council. Works-as-executed drawings are to be prepared by a registered surveyor and the designing engineer is to certify that the works have been carried out in accordance with the design. Council's approval of the works is to be obtained and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure that works are to the satisfaction of Council.

104. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

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

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

105. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans

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- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

106. WAE plans for stormwater management and disposal

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system

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- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

107. Basement pump-out maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

108. CCTV report of pipe after work

Prior to issue of the Occupation Certificate, a closed circuit television inspection and report on the Council drainage pipeline traversing the site is to be undertaken by appropriate contractors and provided to Council's Development Engineer. The report is to include a copy of the footage of the inside of the pipeline.

Reason: To protect the environment.

109. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: Statutory requirement.

110. Certification of as-constructed driveway/carpark – RFB

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

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- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – “Off-street car parking”,
 - 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

111. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

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

Reason: To protect the streetscape.

CONDITIONS TO BE COMPLIED WITH PRIOR TO SUBDIVISION CERTIFICATE

112. OSD positive covenant

The applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on site. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

Reason: To ensure maintenance of on site stormwater detention facilities.

113. Retention and re-use positive covenant

The applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

Reason: To ensure maintenance of site retention and re-use facilities.

114. Easement for waste collection

An easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

115. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus

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six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

116. Submission of plans of subdivision (strata)

For issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of subdivision and its copies, where Council is the consent authority:

- the endorsement fee current at the time of lodgement
- the 88B instrument plus 6 copies
- all surveyors and/or consulting engineers' certification(s) required under this subdivision consent.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the final plan and may require payment of re-checking fees.

Plans (and copies) of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.

Reason: Statutory requirement.

117. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

118. Evidence of easement registration

Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A

Item 4

Council resolution may be necessary for this easement to be registered. A registered surveyor is to certify that the pipe is wholly contained within the easement.

Reason: To protect public infrastructure.

119. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

Natalie Richter
Executive Assessment Officer

Mark Leotta
Team Leader
Development Assessment Services

Matthew Prendergast
Manager
Development Assessment Services

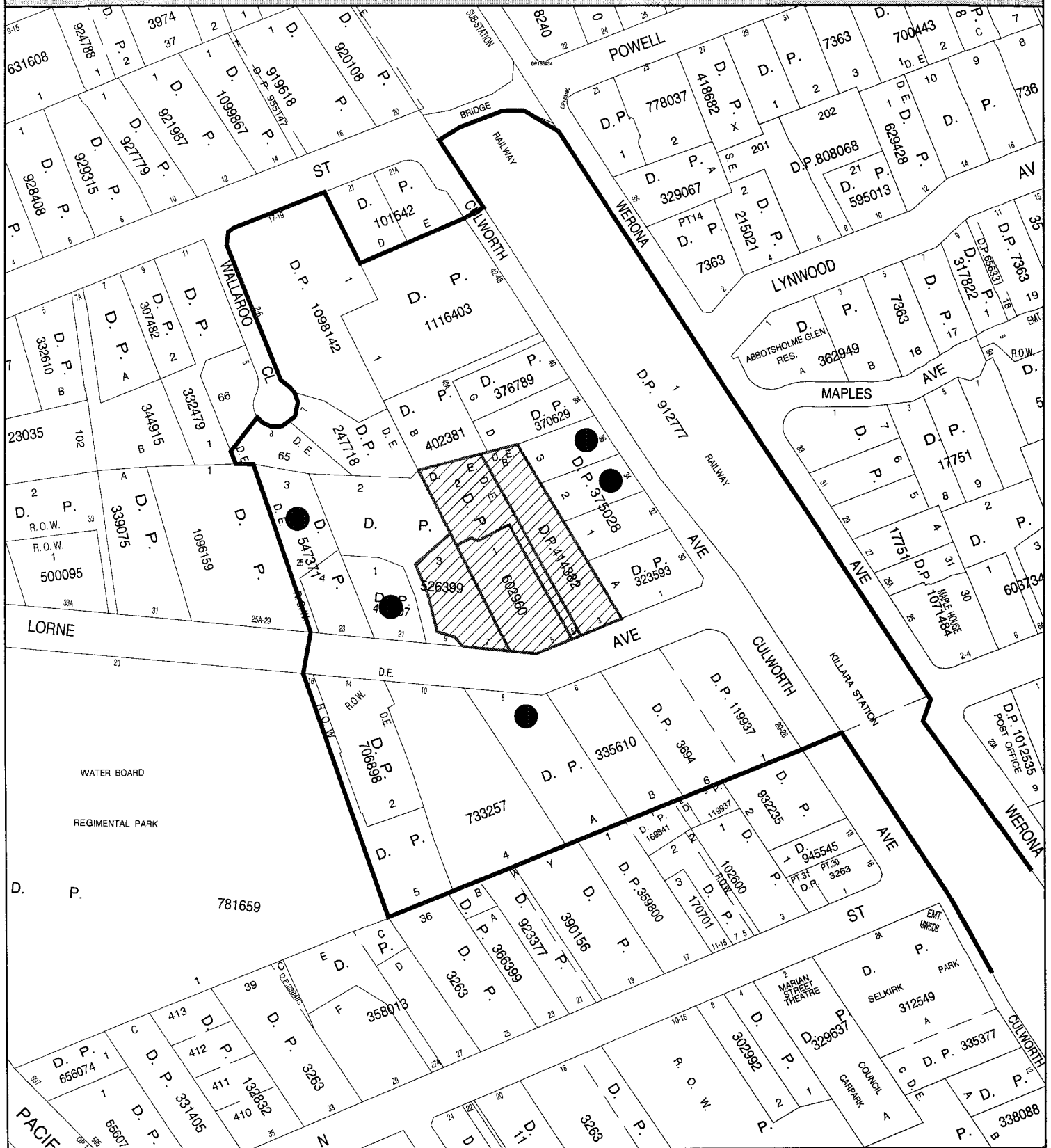
Michael Miocic
Director
Development and Regulation

Attachments:

- Location Sketch - 827723
- Zoning Extract - 827553
- Architectural Plans (Pages 1-7) - 827917
- Architectural Plans (Pages 8-15)– 827559
- Compliance Diagrams - 827560
- Landscape Plans (Pages 1-4) - 827561
- Landscape Plans (Pages 5-10)– 827563
- Survey Plan - 827565
- Shadow Diagrams - 827567

LOCATION SKETCH

DEVELOPMENT APPLICATION No DA1307106



Scale : 1:2500

17-09-2007



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION

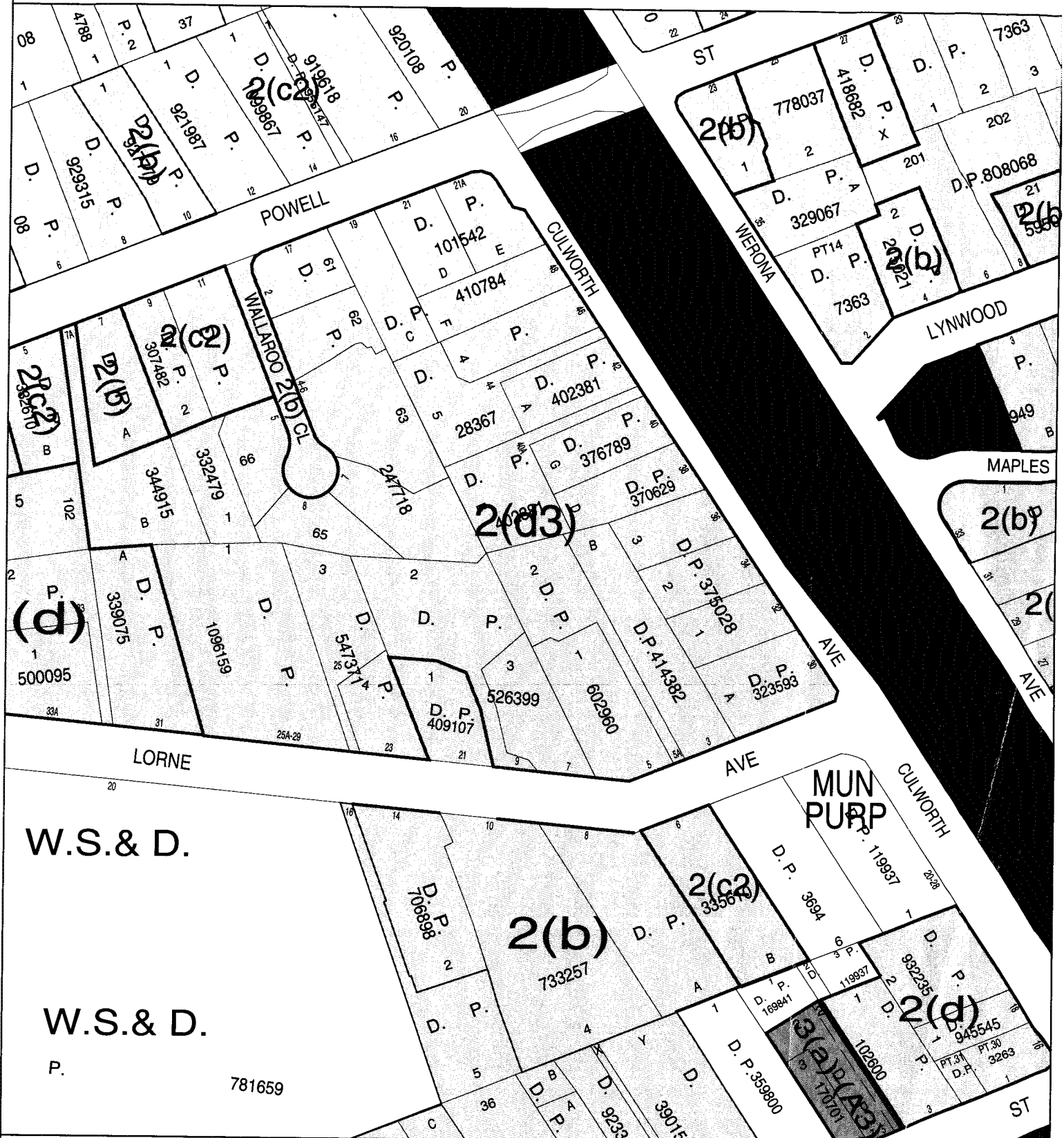


CIRCULATED AREA

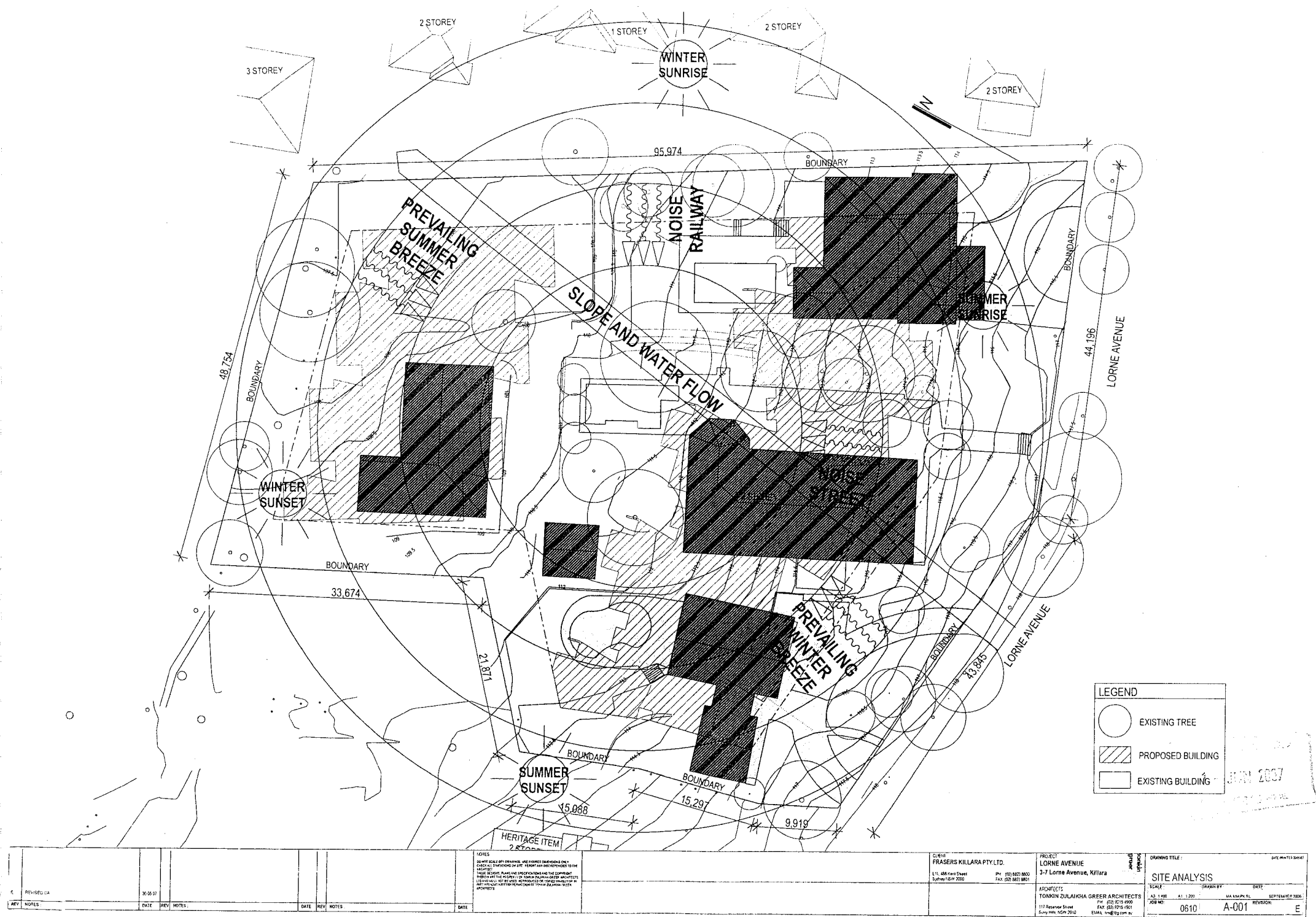


Zoning Extract

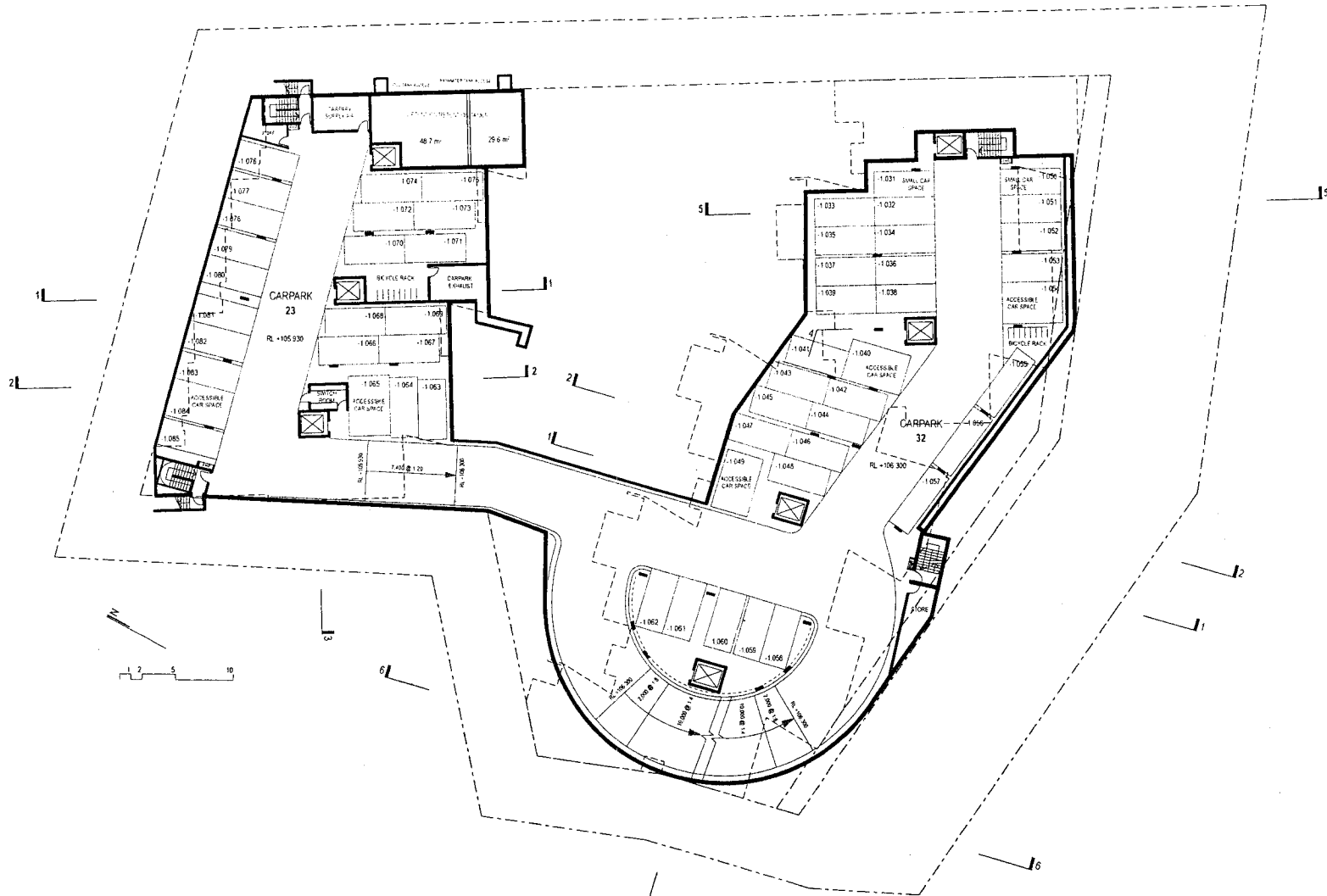
3-7 Lorne Ave Killara



ZONES			RESERVATIONS	GENERAL
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3. BUSINESS (a) RETAIL SERVICES FLOOR SPACE RATIOS A1 2.0:1 A2 1.0:1 A3 0.75:1 (b) COMMERCIAL SERVICES FLOOR SPACE RATIOS B1 1.0:1 B2 1.0:1			5. SPECIAL USES (a) SPECIAL USES A (Schools etc) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway) 6. OPEN SPACE (a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED	ROADS (a) COUNTY ROAD PROPOSED (b) COUNTY ROAD WIDENING (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING
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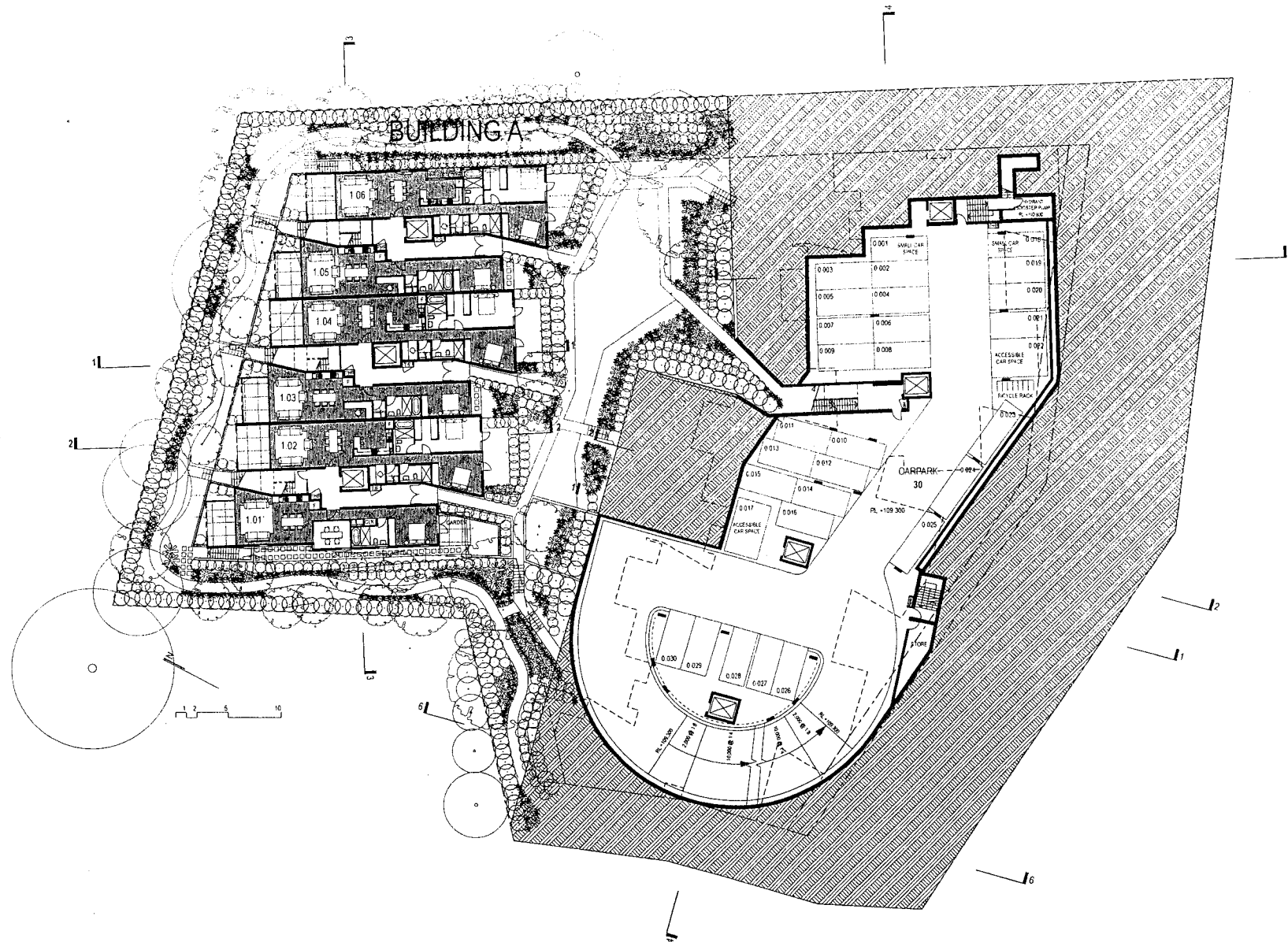


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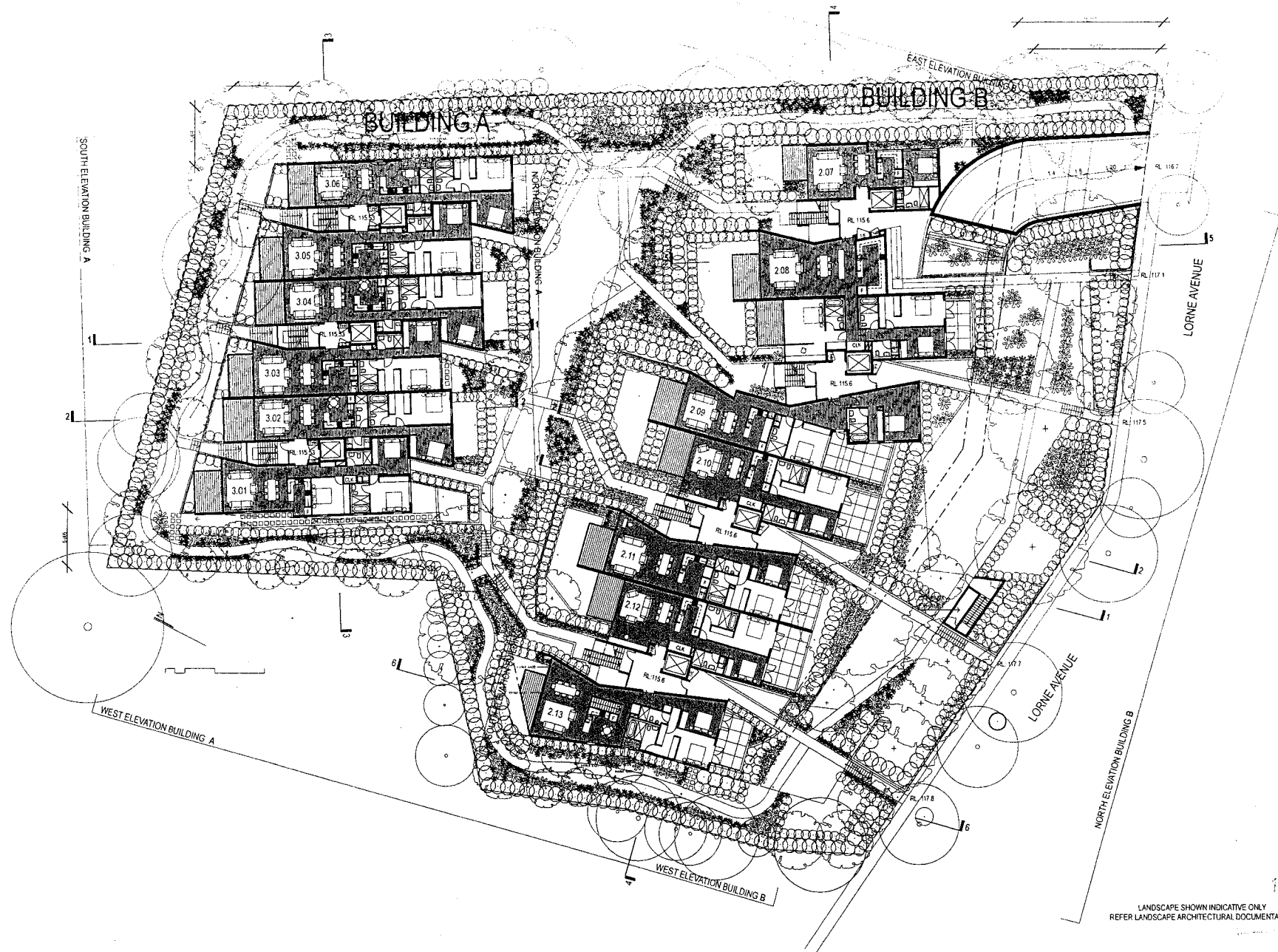
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LANDSCAPE SHOWN INDICATIVE ONLY
REFER LANDSCAPE ARCHITECTURAL DOCUMENTATION

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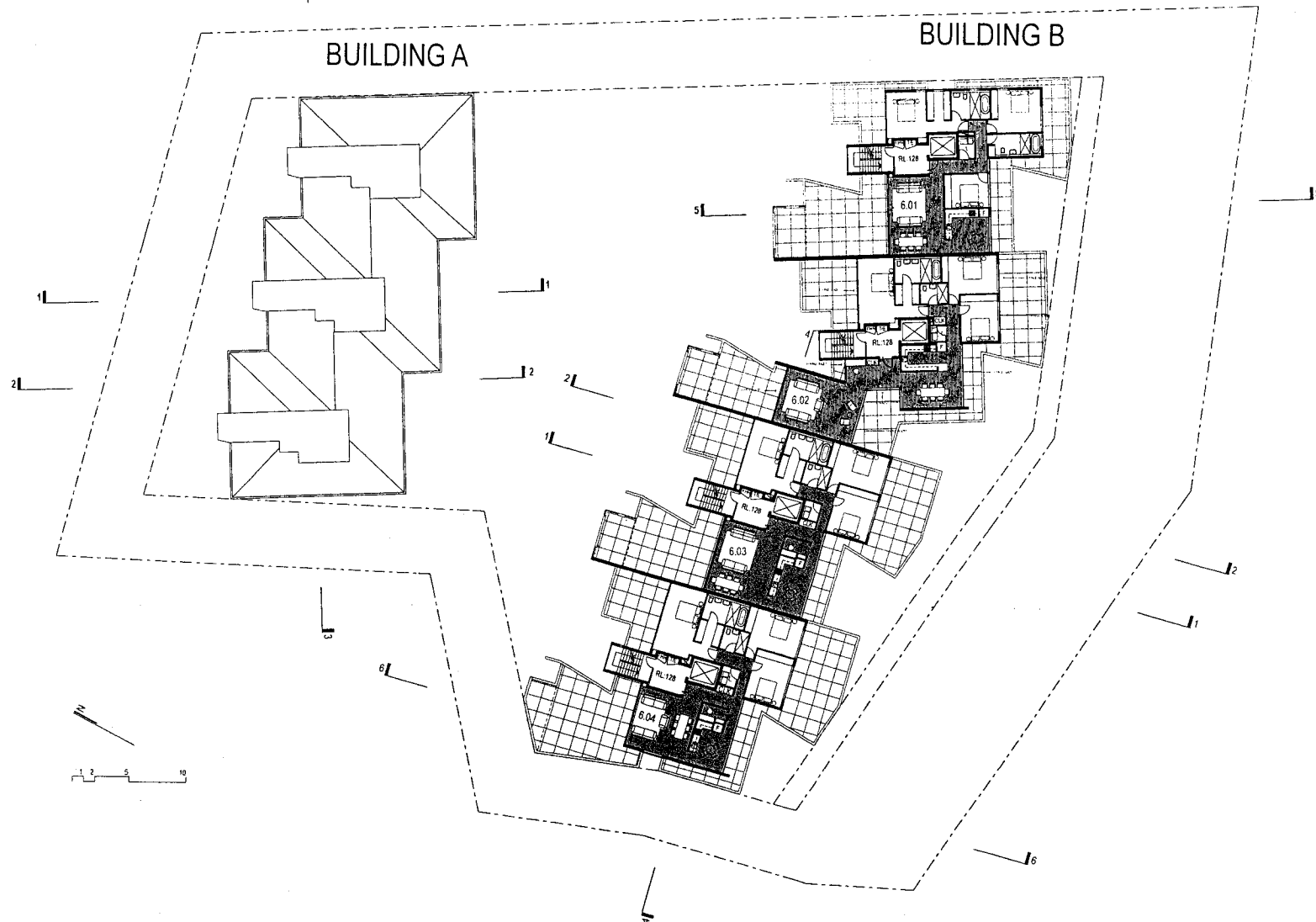
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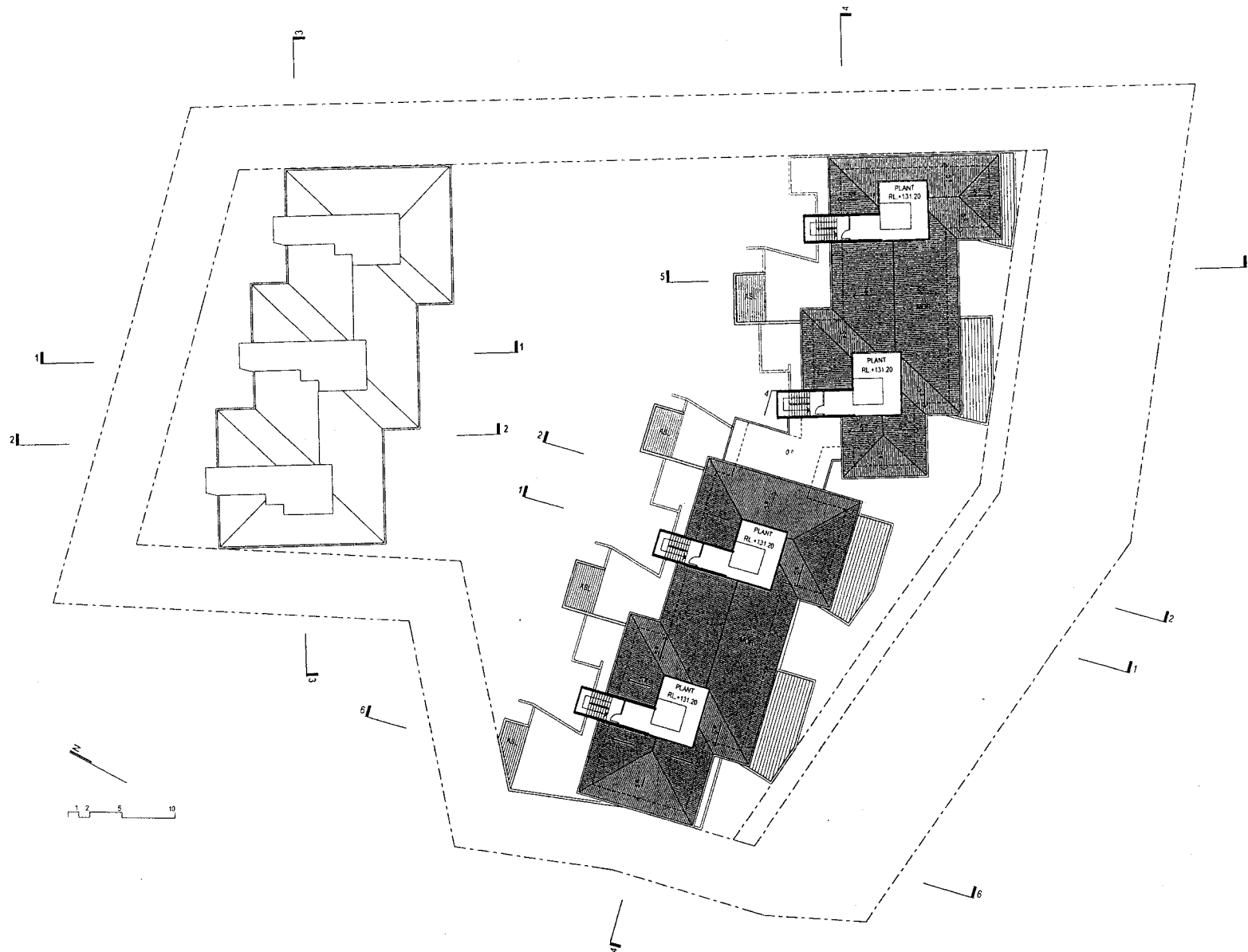
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P.O. BOX 1000			P.O. BOX 1000			P.O. BOX 1000			P.O. BOX 1000			P.O. BOX 1000		
FAX: 601 551 4001			FAX: 601 551 4001			FAX: 601 551 4001			FAX: 601 551 4001			FAX: 601 551 4001		
EMAIL: t.zulakha@greer.com.au			EMAIL: t.zulakha@greer.com.au			EMAIL: t.zulakha@greer.com.au			EMAIL: t.zulakha@greer.com.au			EMAIL: t.zulakha@greer.com.au		
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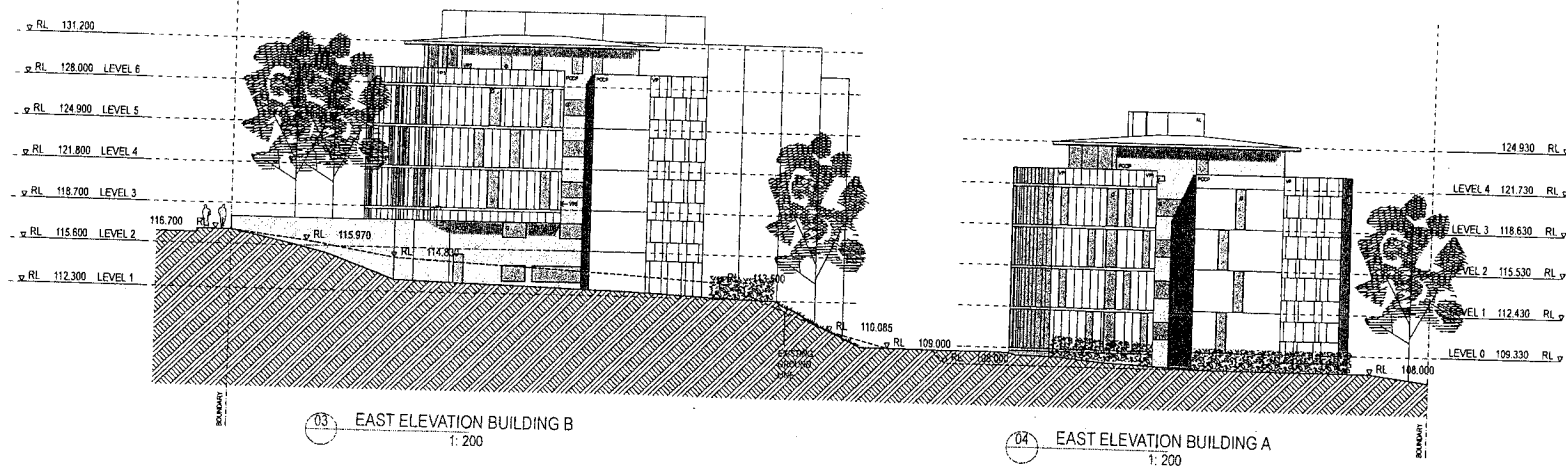
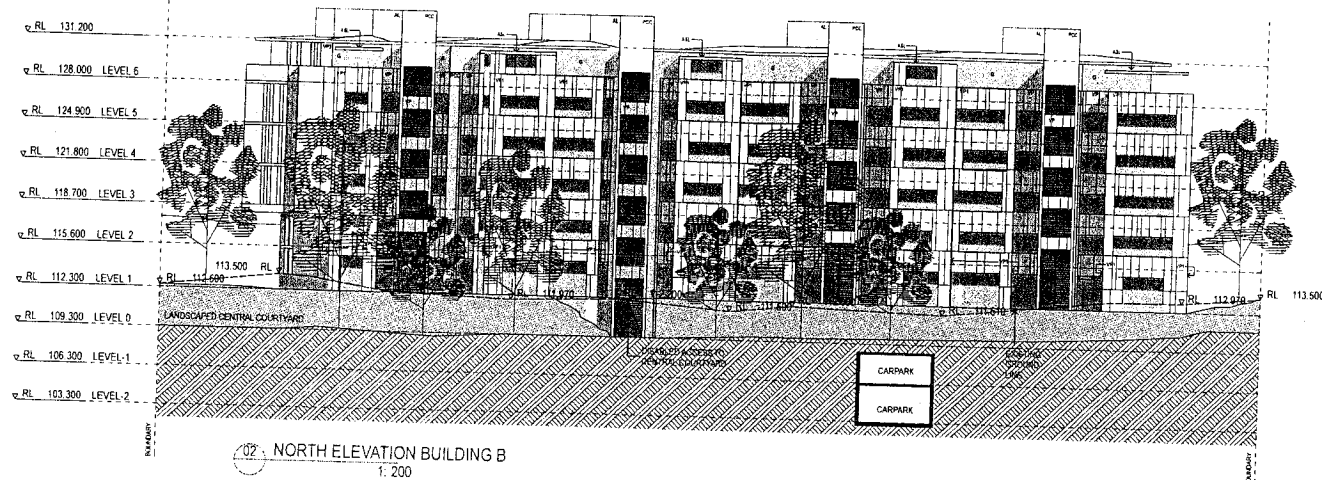
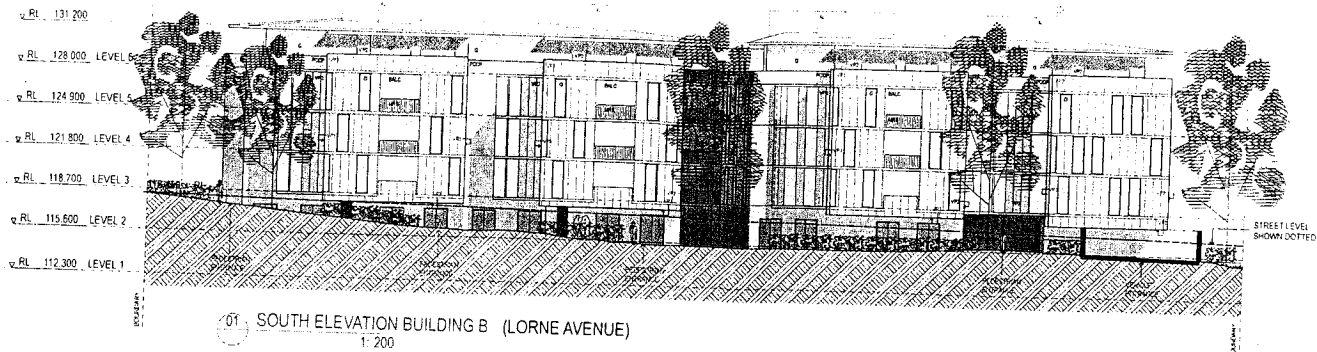


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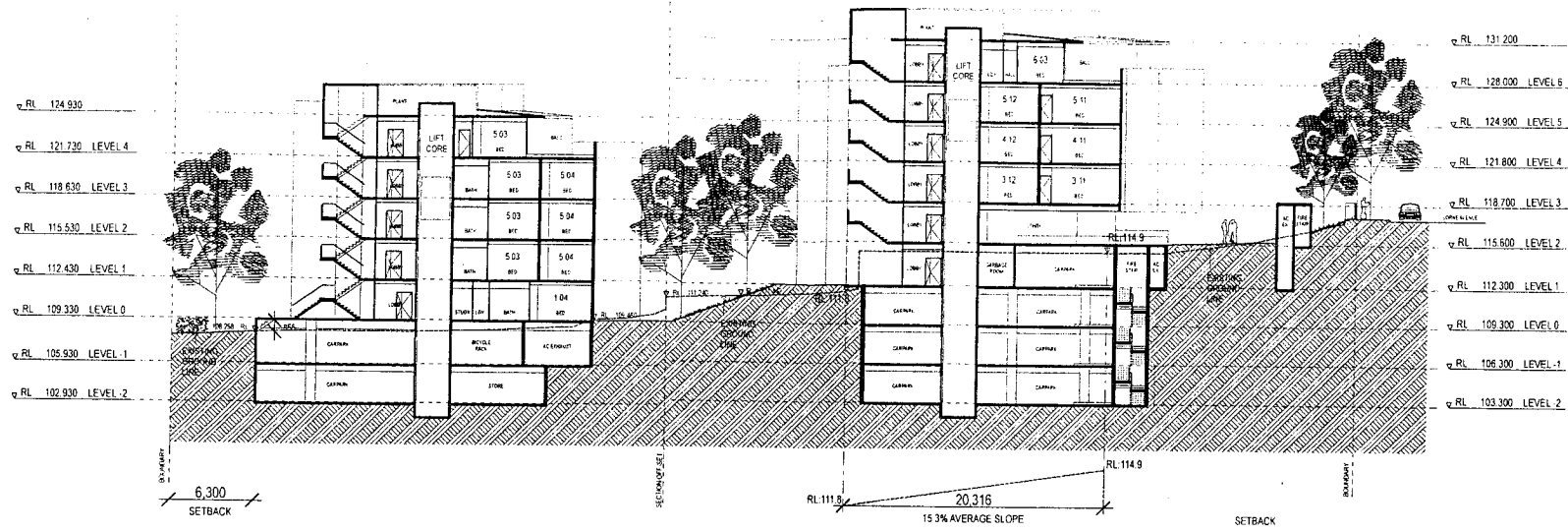
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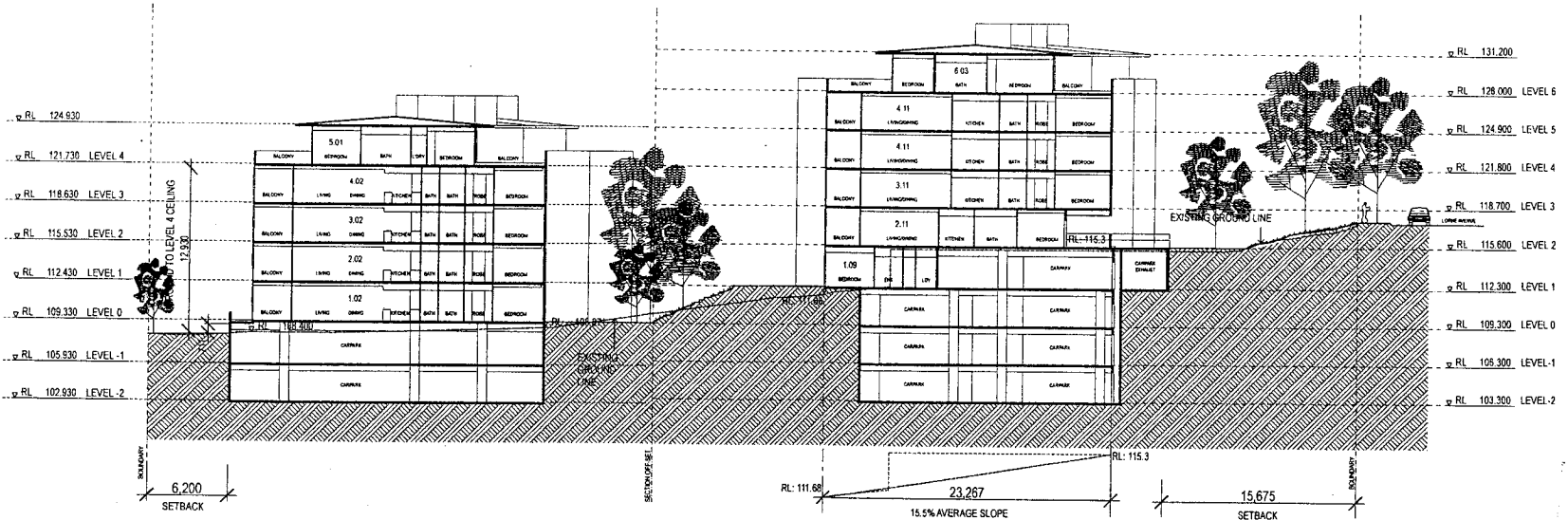
LANDSCAPE DETAIL SHOWN ON ELEVATIONS INDICATIVE ONLY
REFER LANDSCAPE ARCHITECTURAL DOCUMENTATION FOR FULL DETAIL

REVISED DA REV. NOTES	DATE 30.05.07	REV. NOTES	DATE 30.05.07	REV. NOTES	DATE 30.05.07	NOTES DO NOT SCALE DRAWINGS USE FIGURES INDICATED ONLY CHECK ALL DIMENSIONS ON SITE. VERIFY ALL DIMENSIONS TO THE THESE MEASUREMENTS, PLANS AND ELEVATIONS AND THE CONCEPT FOR THE PROJECT. THE ARCHITECTS SHALL BE RESPONSIBLE FOR ALL INFORMATION NOT BE USED. DIMENSIONS ON SITES SHOULD BE AND ANYTHING WHICH IS NOT INDICATED ON THESE PLANS OR ELEVATIONS.	CLIENT FRASERS KILLARA PTY LTD. 1/11, 88A Ford Street Sydney NSW 2000	PROJECT LORNE AVENUE 3-7 Lorne Avenue, Killara ARCHITECTS TONKIN ZULAKHA GREER ARCHITECTS Ph: (02) 9215 4000 Fax: (02) 9215 4001 Email: info@tongin.com.au	DRAWING TITLE ELEVATIONS BUILDING B SCALE A3 1:400 A1 1:200 DATE 30.05.07 REVISION 0610 A-201 E
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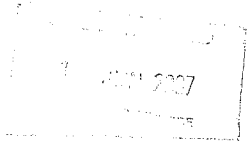
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02 BUILDING B: SECTION 1
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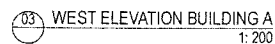
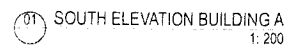


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1: 200

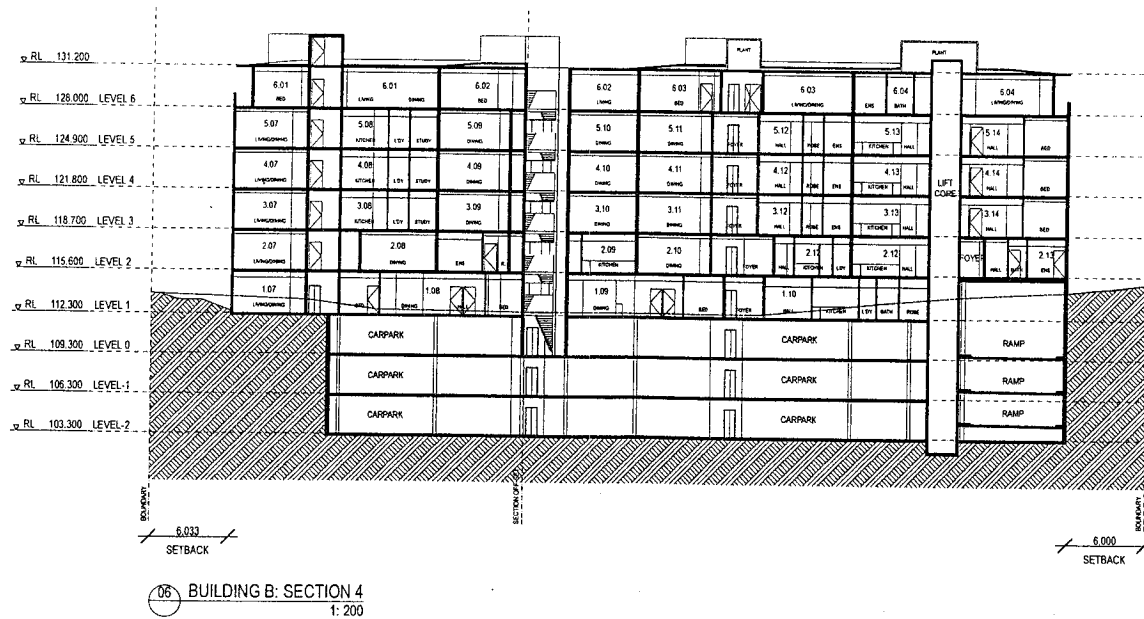
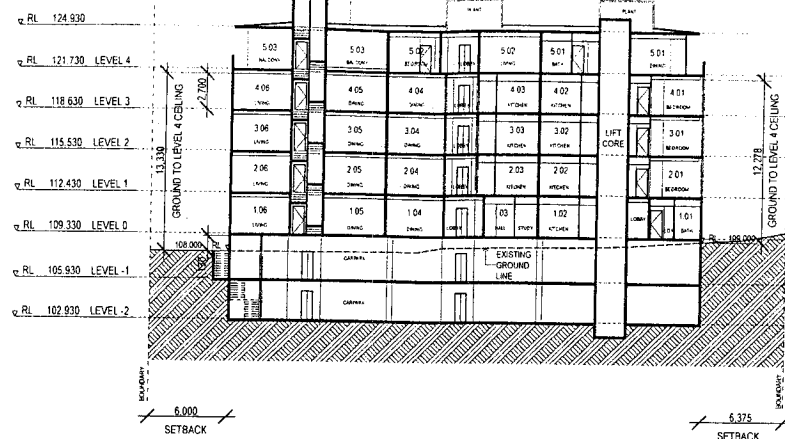


REVISED DA DATE REV NOTES	30.05.07 DATE REV NOTES	NOTES NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FRASERS KILLARA PTY LTD.	CLIENT FRASERS KILLARA PTY LTD. 1/11, 888 Kent Street Sydney NSW 2000 PH: (02) 8670 8000 FAX: (02) 8670 8001	PROJECT LORNE AVENUE 3-7 Lorne Avenue, Killara ARCHITECTS TOMKIN ZULAKHIA GREER ARCHITECTS PH: (02) 8215 4500 FAX: (02) 8215 4501 E-MAIL: info@tjga.com.au	DRAWING TITLE BUILDING A+B SECTION 1 + 2 SCALE A3 1:400 A1 1:200 A0 1:100 DATE 06.10 A-300 REVISION E
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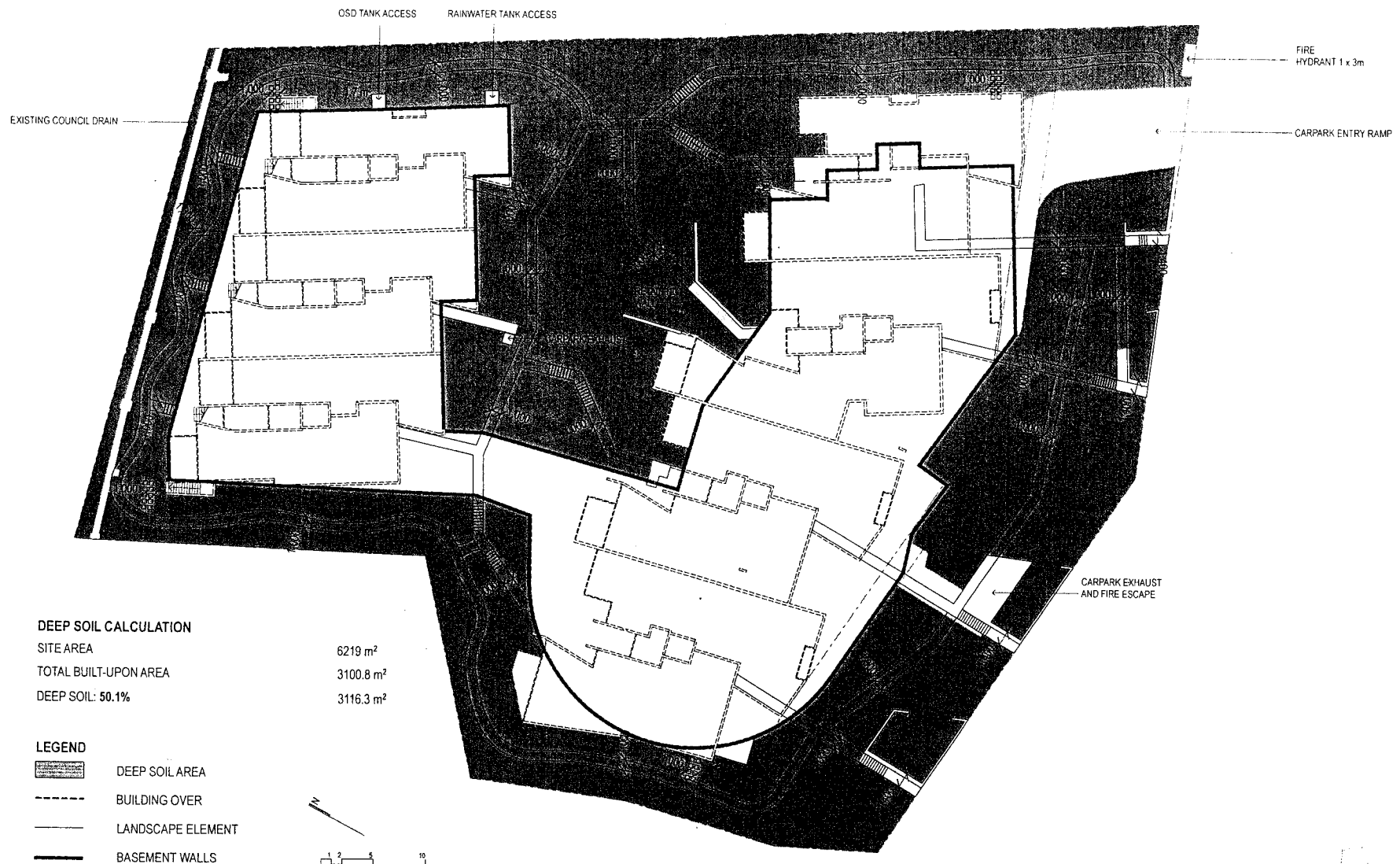


1 - JUN 200

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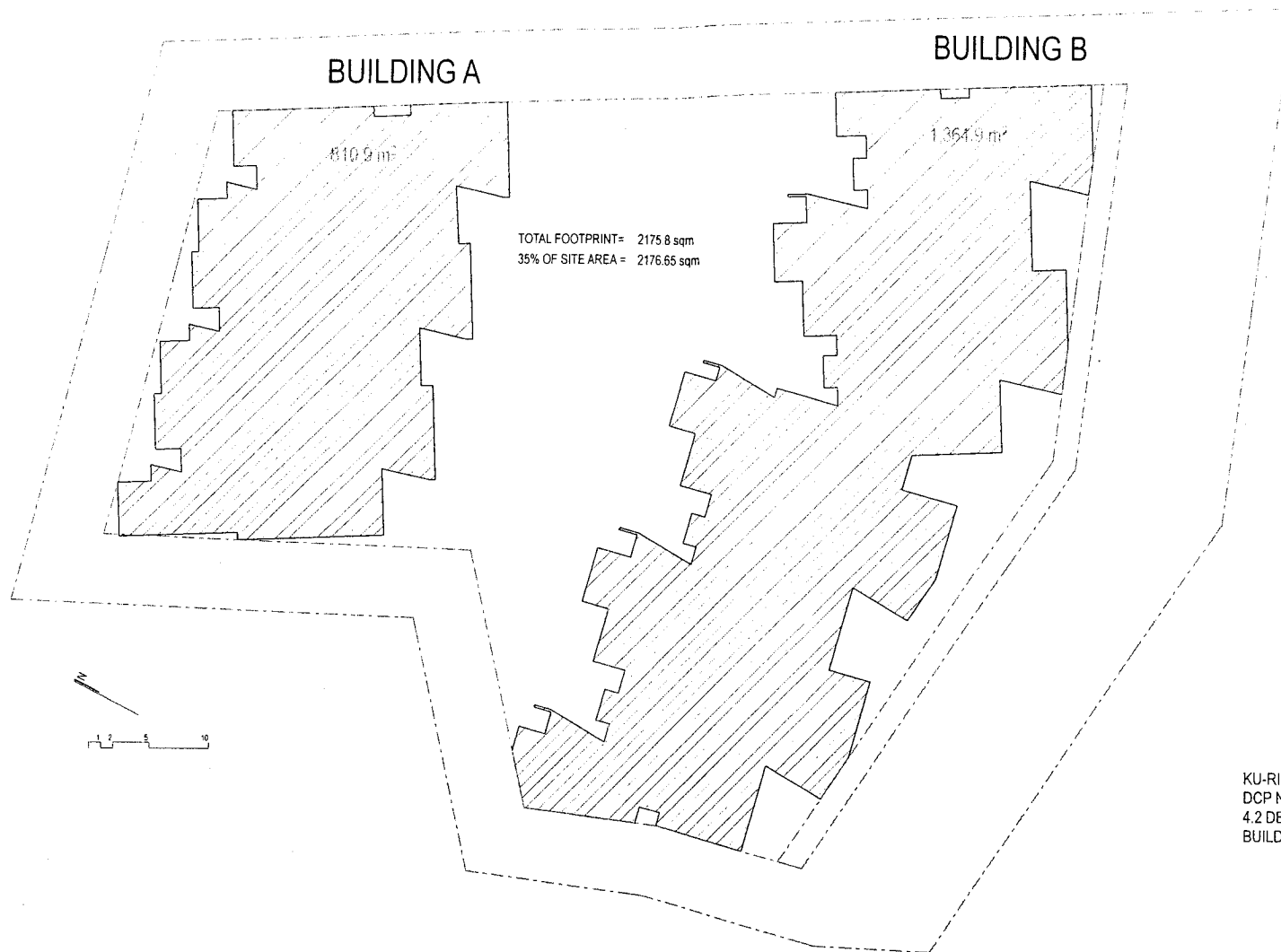
REVISED DA		30.08.07	REV. NOTES:		DATE	REV. NOTES:	DATE	REV. NOTES:	DATE	<p>NOTES</p> <p>DO NOT SCALE OFF DIMENSIONS. USE DIMENSIONS INDICATED ONLY.</p> <p>CHECK ALL DIMENSIONS ON THE DRAWING FOR DISCREPANCIES TO THE DIMENSIONS.</p> <p>THREE GENERAL PLANS AND ELEVATIONS AND THE CONCEPT ELEVATIONS ARE THE PROPERTY OF TONGKON ZULAIKHA GREER ARCHITECTS. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS WITHOUT THE PERMISSION OF TONGKON ZULAIKHA GREER ARCHITECTS.</p>	<p>CLIENT</p> <p>FRASERS KILLARA PTY.LTD.</p> <p>111, 488 East Street Sydney NSW 2000</p> <p>PH (02) 9622 8800 FAX (02) 9622 8801</p>	<p>PROJECT</p> <p>LORNE AVENUE</p> <p>3-7 Lorne Avenue, Killara</p>	<p>ARCHITECTS</p> <p>TONGKON ZULAIKHA GREER ARCHITECTS</p> <p>117 Macquarie Street Sydney NSW 2000</p> <p>PH (02) 9715 1800 FAX (02) 9715 4061 EMAIL: INFO@TZGA.COM.AU</p>	<p>DRAWING TITLE</p> <p>BUILDING A + B SECTION 3 + 4</p> <p>SCALE: A3 1:400 A1 1:200</p> <p>DRAWN BY: MAHATHYAN MATHAN</p> <p>DATE: SEPTEMBER 2006</p> <p>JOB NO: 0610</p> <p>A-301</p> <p>REVISIONS</p>
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3 - 1000 7000

REVISED ON		30 09 07	DATE		REV	NOTES	DATE		REV	NOTES	DATE	
REV		NOTES	DATE		REV	NOTES	DATE		REV	NOTES	DATE	

NOTES		CLIENT		PROJECT		DRAWING TITLE		DATE PRINTED	
DO NOT SCALE OFF DRAWINGS. ALL DIMENSIONS SHOWN MUST BE CHECKED ON SITE. REPORT ANY DISCREPANCIES TO THE ARCHITECT.		FRASERS KILLARA PTY LTD.		LORNE AVENUE		DEEP SOIL PLANTING		0610	
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		PH: (02) 8870 8800 FAX: (02) 8822 8821		TONKON ZULAKHA GREER ARCHITECTS		A3 1:400		DRAWN BY:	
		117 Riverside Street Sydney NSW 2010		PH: (02) 5715 4000 FAX: (02) 5715 4001 E: TGA@tga.com.au		A4 1:200		DATE:	
						JOB NO:		REVISION:	
						0610		A-400	
								E	





















KU-RING-GAI MULTI UNIT HOUSING
DCP NO. 55
4.2 DENSITY,
BUILDING FOOTPRINT

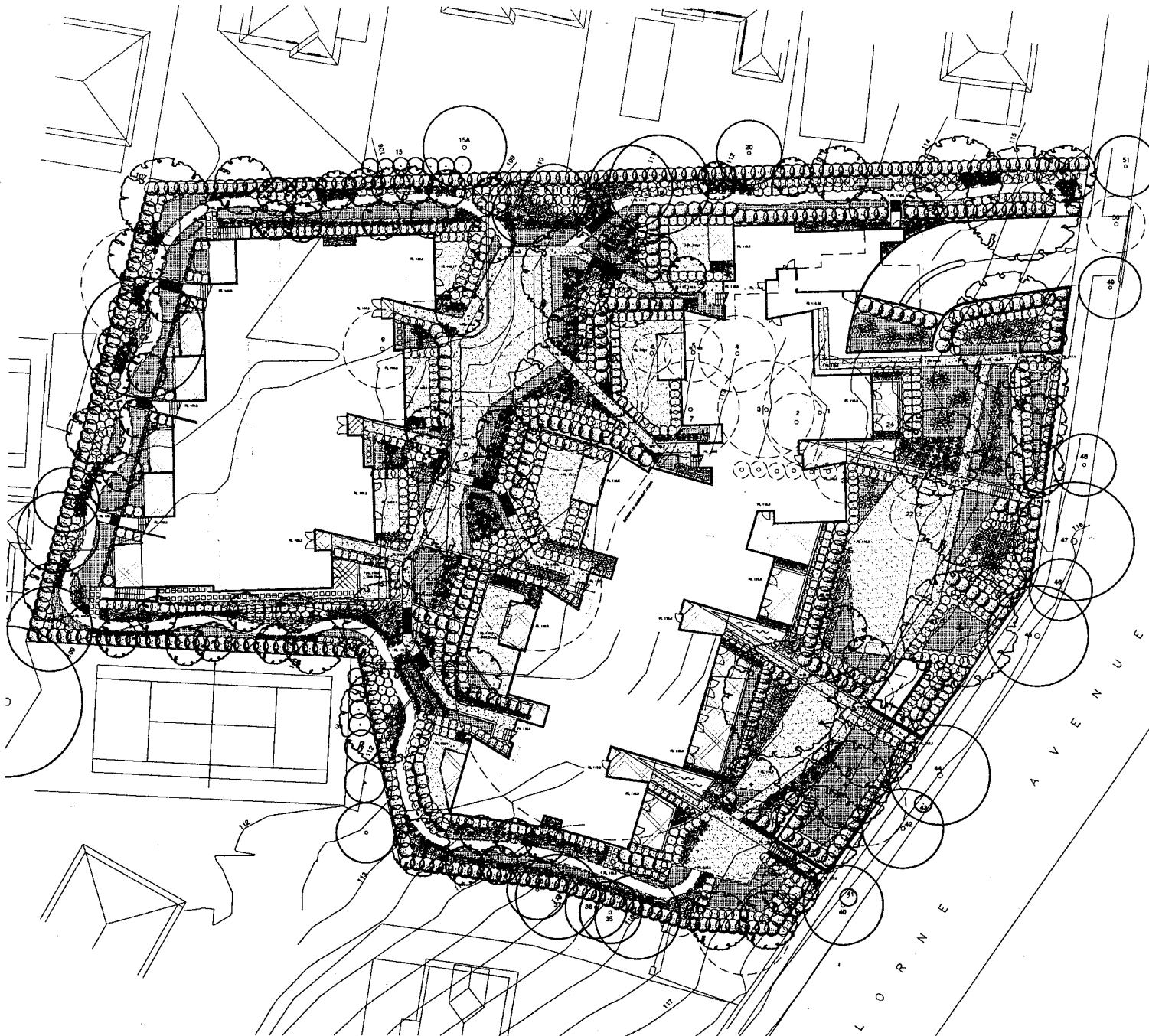
1 - JUN 2007

2 REVISED DA DATE: 30/05/07 REV: 1 NOTES:	30/05/07 REV: 1 NOTES:	30/05/07 REV: 1 NOTES:	30/05/07 REV: 1 NOTES:	NOTES: DO NOT SCALE OFF DRAWING. USE DIMENSIONS ONLY. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. THESE DIMENSIONS ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A GUARANTEE OF ACCURACY. THESE DIMENSIONS ARE THE PROPERTY OF TONKIN ZULAIHIA GREER ARCHITECTS. ALL DIMENSIONS MUST BE CHECKED ON SITE PRIOR TO CONSTRUCTION. NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF TONKIN ZULAIHIA GREER ARCHITECTS.	CLIENT: FRASERS KILLARA PTY LTD. 1/11, 400 Kent Street Sydney NSW 2000 PH: (02) 9551 8800 FAX: (02) 9551 8801	PROJECT: LORNE AVENUE 3-7 Lorne Avenue, Killara ARCHITECTS: TONKIN ZULAIHIA GREER ARCHITECTS PH: (02) 9215 4900 FAX: (02) 9215 4901 Sydney NSW 1510 EMAIL: info@tzg.com.au	DRAWING TITLE: 35% SITE COVERAGE SCALE: A3: 1:400 A1: 1:200 DRAWN BY: MAL/MLP/RL DATE: SEPTEMBER 2006 REV: 0610 A-401 REVISION: E
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LEGEND










-  Building Outline
- Refer Architectural Documentation
-  Existing Tree to be Retained
Numbers in accordance with arborists
-  Existing Tree to be Removed
-  Existing Contours
-  Proposed Spot Heights
-  Wall
- Refer Architectural Documentation
-  Fence
-  Water Features
-  Paved Paths and Steps
-  Timber Steps
-  Edging
-  Terrace Paving
- Refer Architectural Documentation
-  Mulched Path
-  Stepping Stones
-  Tree Planting
-  Shrubs and Hedges
-  Low Shrubs, Groundcovers and Accent Plants
-  Turf



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LEGEND

-  Building Outline
- Refer Architectural Documentation
-  Existing Tree to be Retained
Numbers in accordance with arborists report
-  Existing Tree to be Removed
-  Existing Contours
-  Wall
- Refer Architectural Documentation
-  Fence
-  Paths and Steps
-  Edging
-  Indigenous/Low Water Use Species
 - Common Areas 1546m²
 - Private Areas 105m²



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Revised	Revised D.A. Information	LB	AW	AE	Date
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3	Revised D.A. Information	LB	AW	AE	22.01.2007
4	Revised D.A. Information	LB	AW	AE	22.01.2007
5	Revised D.A. Information	LB	AW	AE	22.01.2007
6	Revised D.A. Information	LB	AW	AE	22.01.2007
7	Revised D.A. Information	LB	AW	AE	22.01.2007
8	Revised D.A. Information	LB	AW	AE	22.01.2007
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13	Revised D.A. Information	LB	AW	AE	22.01.2007
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17	Revised D.A. Information	LB	AW	AE	22.01.2007
18	Revised D.A. Information	LB	AW	AE	22.01.2007
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23	Revised D.A. Information	LB	AW	AE	22.01.2007
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51	Revised D.A. Information	LB	AW	AE	22.01.2007

Client:
FRASERS KILLARA PTY. LTD.

Project:
**3-7 LORNE AVENUE 2007
KILLARA**

24-28 Davidson Street
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Australia
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Fax: (01) 51 0000 2077
Web: www.siteimage.com.au
Site Image Pty Ltd
A.B.N. 19 078 561 087



DEVELOPMENT APPLICATION

Drawing Name:
LOW WATER USE SPECIES PLAN

Scale: 1:200 @ A1

Date: JANUARY 2007

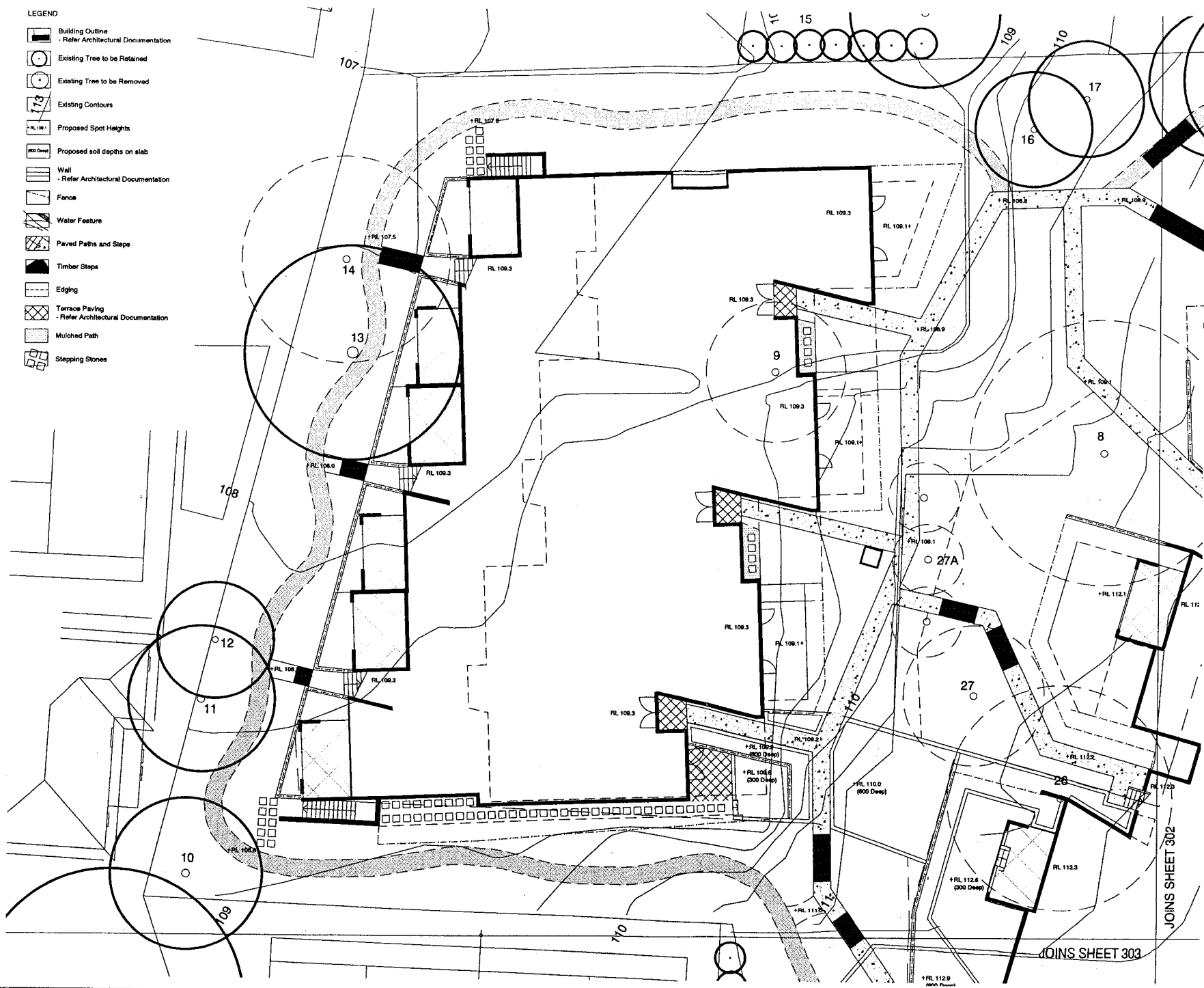
Drawn: AW Approved: AE

Job Number: Y1527 Drawing Number: 151

Sheet: 1 of 1

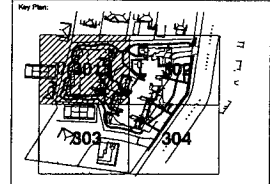
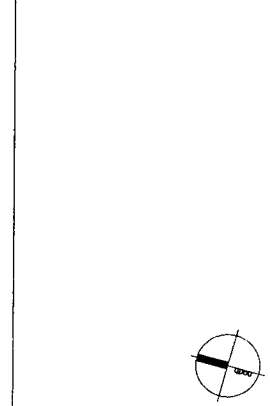
LEGEND

- Building Outline
- Refer Architectural Documentation
- Existing Tree to be Retained
- Existing Tree to be Removed
- Existing Contours
- Proposed Spot Heights
- Proposed soil depths on slab
- Wall
- Refer Architectural Documentation
- Fence
- Water Feature
- Paved Paths and Steps
- Timber Steps
- Edging
- Terrace Paving
- Refer Architectural Documentation
- Mulched Path
- Stepping Stones



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Project:
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Alexandria NSW 2015
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Fax: 81 25 0000 2877
Web: www.siteimage.com.au
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DEVELOPMENT APPLICATION

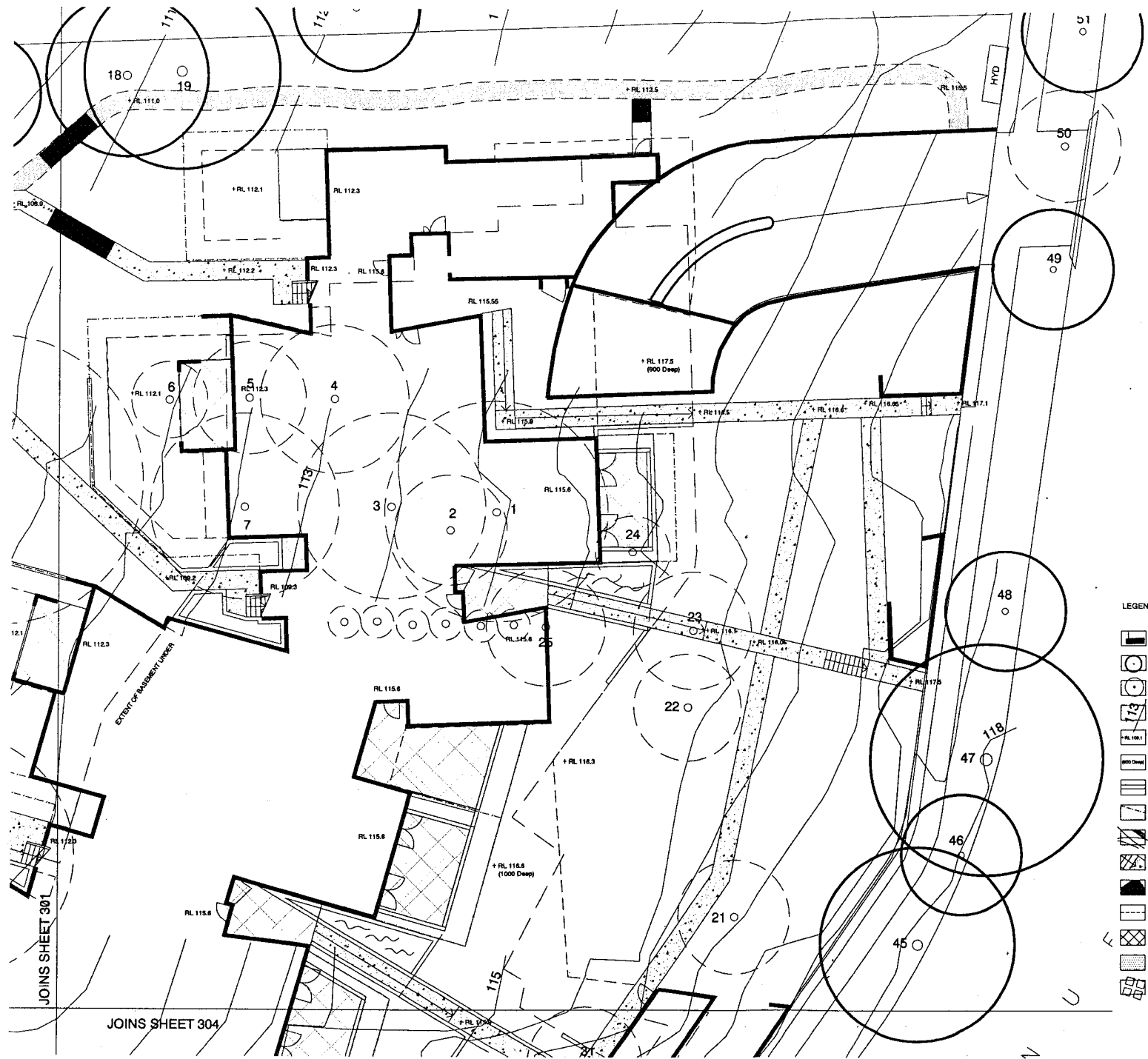
Drawing Name:
HARDWORKS PLAN

Scale: 1:100 @ A1

Date: **NOVEMBER 2006**

Drawn: **MC** Approved: **AE**

Job Number: **Y1527** Drawing Number: **301** Issue: **F**

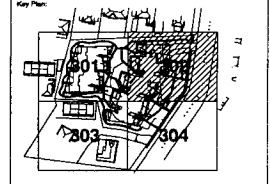
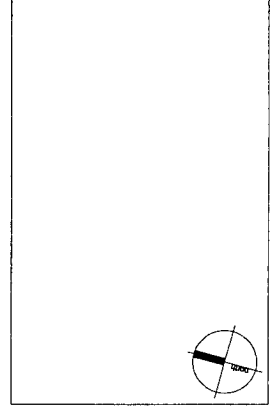


- LEGEND**
- Building Outline
- Refer Architectural Documentation
 - Existing Tree to be Retained
 - Existing Tree to be Removed
 - Existing Contours
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 - Edging
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- Refer Architectural Documentation
 - Mulched Path
 - Stepping Stones

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Issue	Revision Description	Drawn	Check	Date
1	LEGEND/NOTING COORDINATED	LB	AE	19.06.2007
2	REVISED D.A. SUBMISSION	LB	AE	25.06.2007
3	ADDITIONAL SPOT HEIGHTS WITH SOIL DEPTHS PROVIDED	MC	AE	22.01.2007
4	FINAL D.A. SUBMISSION	MC	AE	23.11.2006
5	D.A. SUBMISSION	MC	AE	17.11.2006
6	FOR CLIENT REVIEW	MC	AE	14.12.2006



Client:
FRASERS KILLARA PTY. LTD.

Project:
3-7 LOHNE AVENUE, KILLARA
JUN 2007

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Web: www.siteimage.com.au

Site Image Pty Ltd
A.B.N. 19 076 581 587
Landscape Architects

DEVELOPMENT APPLICATION

Drawing Name:
HARDWORKS PLAN

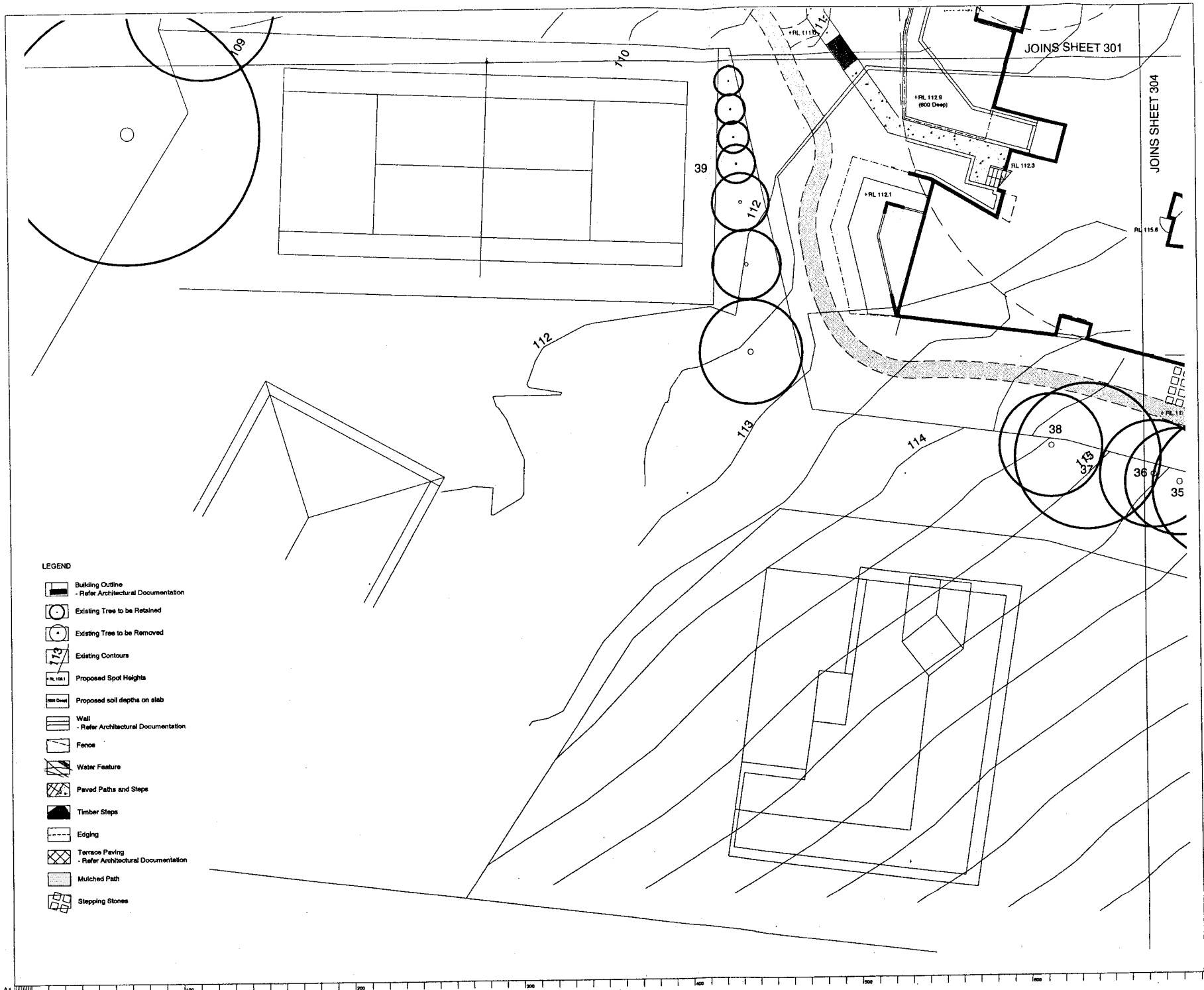
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Date: NOVEMBER 2006

Drawn: MC **Approved:** AE

Job Number: Y1527 **Drawing Number:** 302 F

Sheet 2 of 4



LEGEND

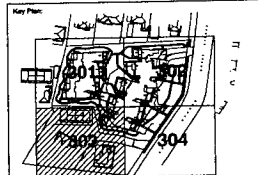
- Building Outline
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- Refer Architectural Documentation
- Mulched Path
- Stepping Stones

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F. LEGEND/HATCHING COORDINATED		LB	AE	26.05.2007
REVISED D.A. SUBMISSION		LB	AE	26.05.2007
ADDITIONAL SPOT HEIGHTS WITH SOIL DEPTHS PROVIDED		MC	AE	22.01.2007
D. FINAL D.A. SUBMISSION		MC	AE	22.11.2006
B. D.A. SUBMISSION		MC	AE	17.11.2006
A. FOR CLIENT REVIEW		MC	AE	14.11.2006
Issue	Revision Description	Drawn	Check	Date

Key Plan:



Client:

FRASERS KILLARA PTY. LTD.

Project:

3-7 LORNE AVENUE
KILLARA

24-26 Boulder Street
Abernethy NSW 2015
Australia
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Site Image Pty Ltd
ABN 18 078 581 187
Landscape Architects

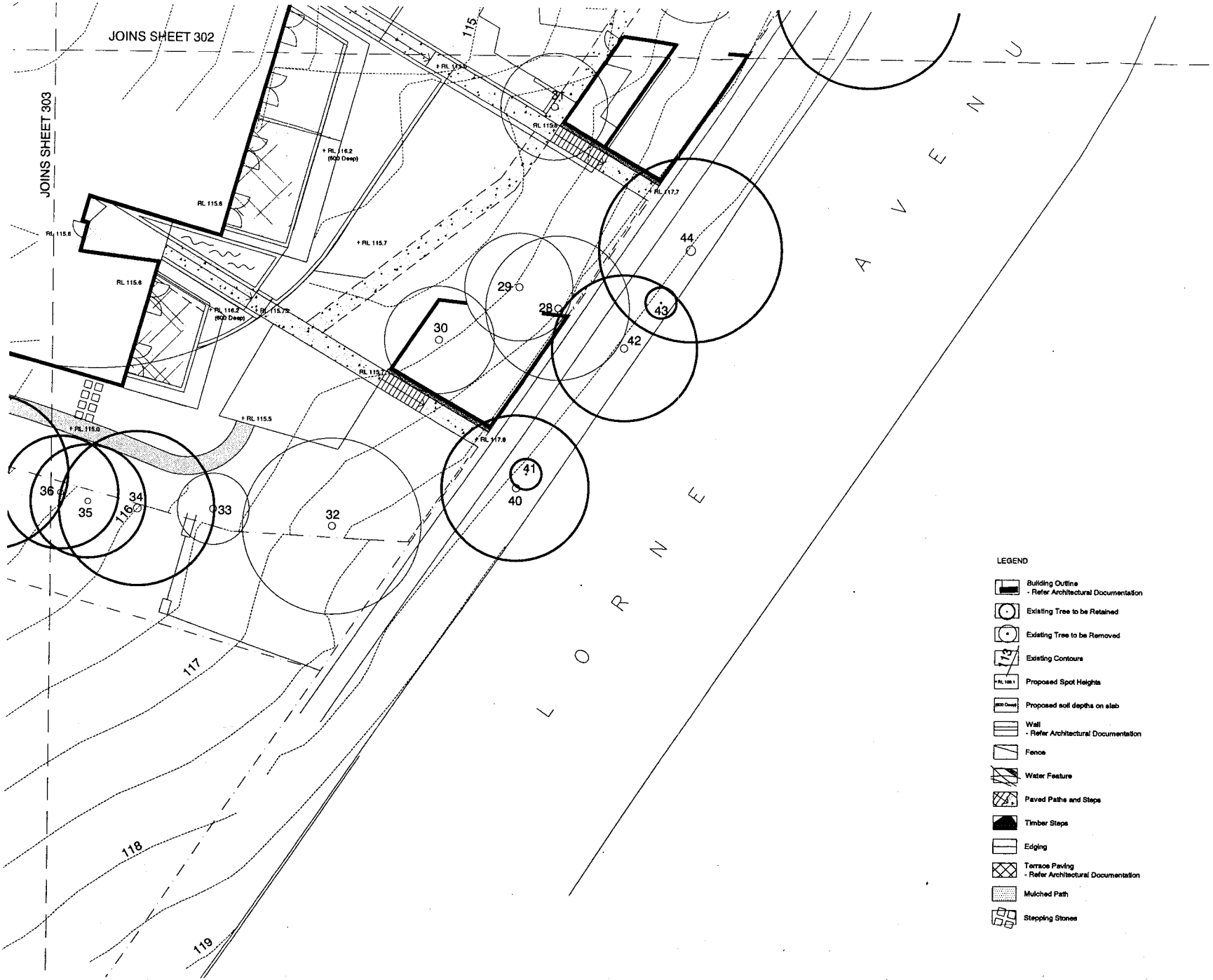
DEVELOPMENT APPLICATION

Drawing Name:
HARDWORKS PLAN

Scale: 1:100 @ A1

Date: NOVEMBER 2006

Drawn:	MC	Approved:	AE
Job Number:	Y1527	Drawing Number:	303 F

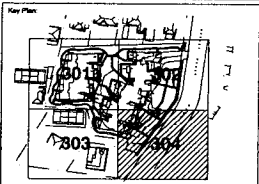


- LEGEND**
- Building Outline
- Refer Architectural Documentation
 - Existing Tree to be Retained
 - Existing Tree to be Removed
 - Existing Contours
 - Proposed Spot Heights
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Rev	Revision Description	Drawn	Check	Date
F	LEGEND MATCHING COORDINATED	LB	AE	29.05.2007
E	REVISED D.A. SUBMISSION	LB	AE	25.05.2007
D	ADDITIONAL SPOT HEIGHTS WITH SOIL DEPTHS PROVIDED	MC	AE	22.01.2007
C	FINAL D.A. SUBMISSION	MC	AE	23.11.2006
B	D.A. SUBMISSION	MC	AE	17.11.2006
A	FOR CLIENT REVIEW	MC	AE	14.11.2006



Client:
FRASERS KILLARA PTY. LTD.

Project:
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DEVELOPMENT APPLICATION

Drawing Name:
HARDWORKS PLAN

Scale: 1:100 @ A1

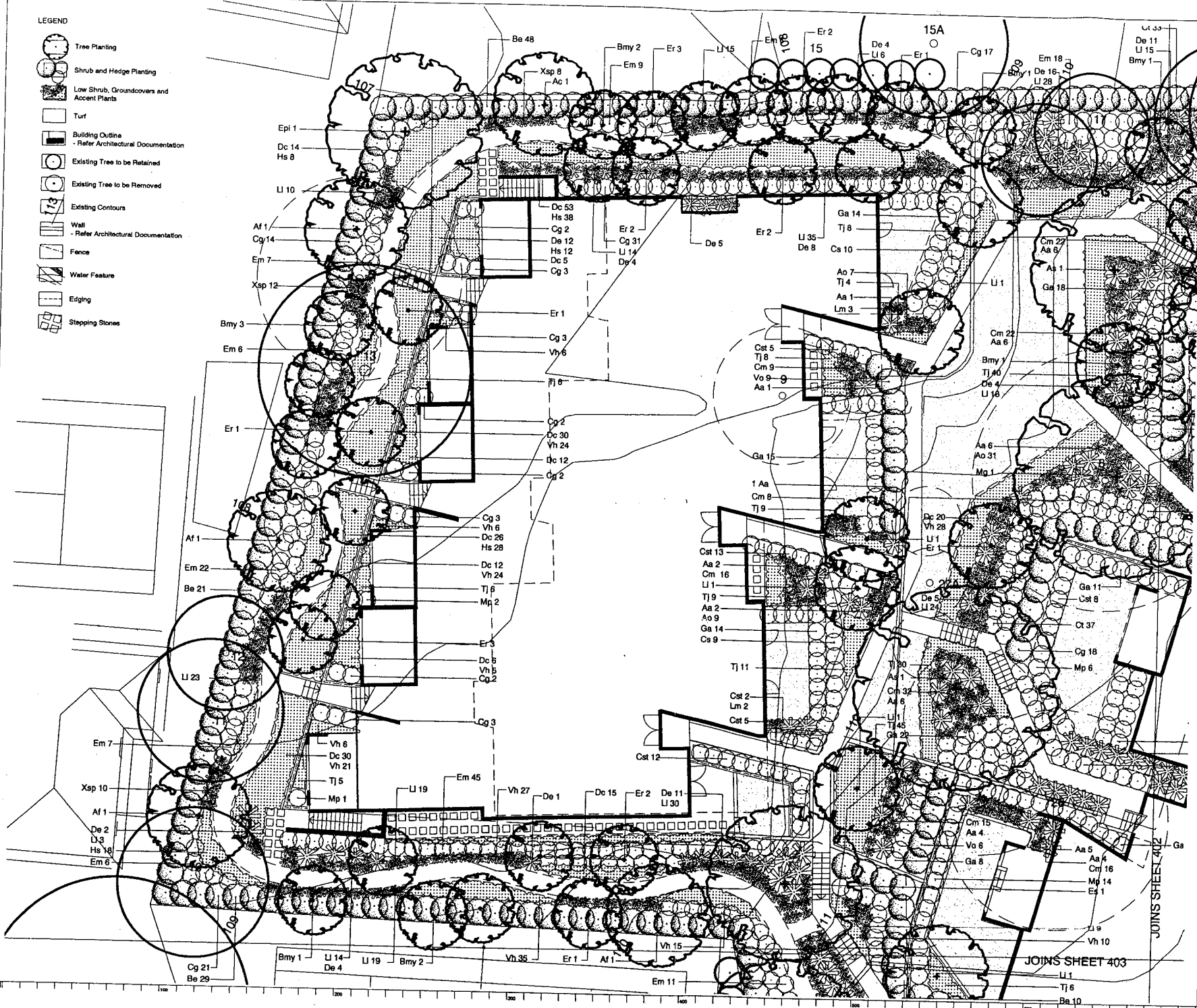
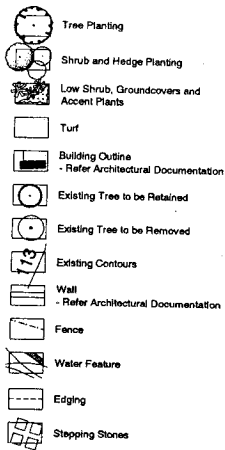
Date: NOVEMBER 2006

Drawn: MC Approved: AE

Job Number: Y1527 Drawing Number: 304

Issue: F

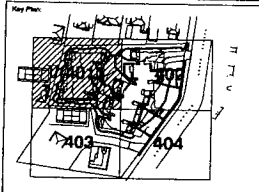
LEGEND



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Revision	Revision Description	Drawn	Check	Date
1	LEGEND/COLOUR COORDINATED	LB	AE	26.08.2007
2	REVISED D.A. SUBMISSION	LB	AE	29.08.2007
3	PLANT SPECIES COORDINATED	LB	AE	29.08.2007
4	FINAL D.A. SUBMISSION	LB	AE	29.11.2008
5	D.A. SUBMISSION FOR CLIENT REVIEW	LB	AE	17.11.2008
6	FOR CLIENT REVIEW	LB	AE	18.11.2008



Client:
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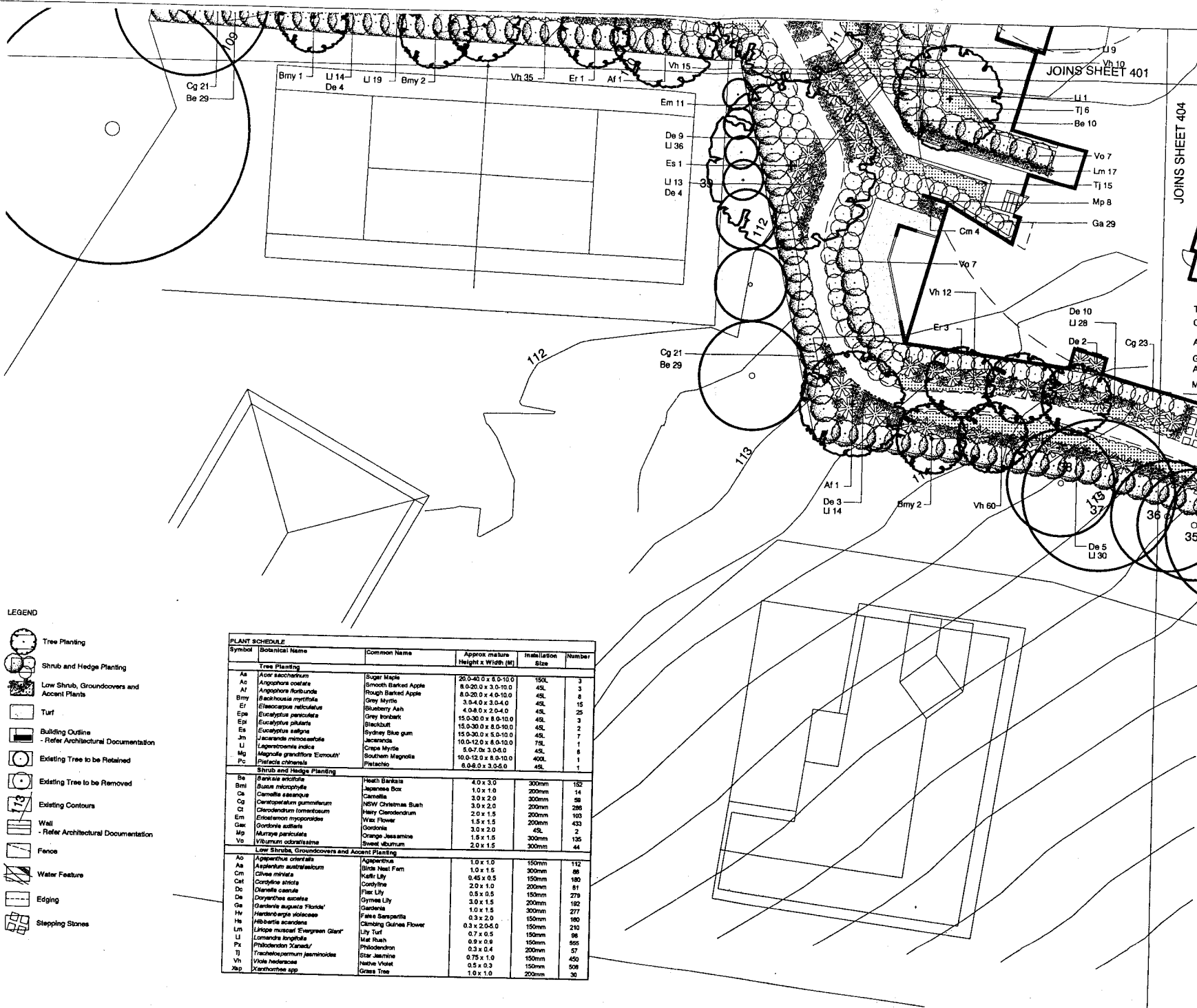
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DEVELOPMENT APPLICATION

SOFTWORKS PLAN

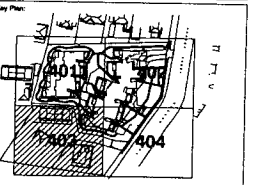
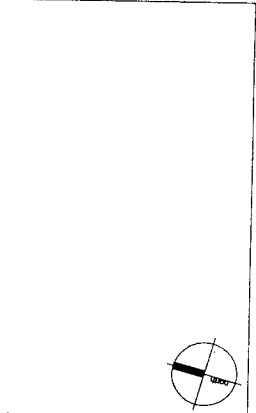
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Date: NOVEMBER 2008
Sheet 1 of 4
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Job Number: Y1527
Drawing Number: 401
Author: AW
Checker: AE
F



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Rev	Revision Description	Drawn	Check	Date
1	LEONARDI & SONS COORDINATED	LB	AE	28.08.2007
2	REVISED D.A. SUBMISSION	LB	AE	28.08.2007
3	PLANT SPECIES COORDINATED	AE	AE	28.08.2007
4	FINAL D.A. SUBMISSION	MC	AE	25.11.2008
5	D.A. SUBMISSION	MC	AE	17.11.2008
6	FOR CLIENT REVIEW	MC	AE	14.11.2008



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DEVELOPMENT APPLICATION

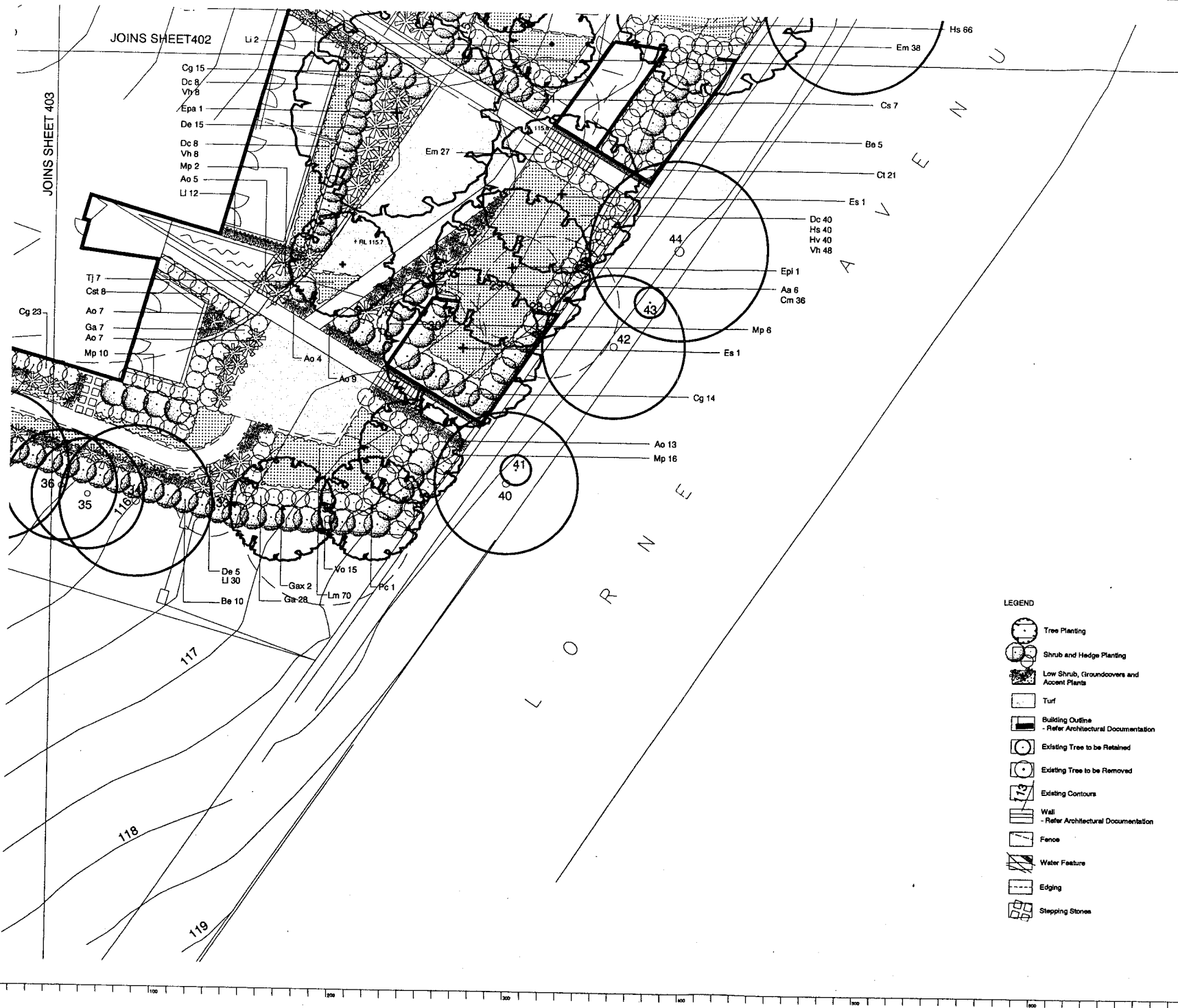
Drawing Name:
SOFTWARES PLAN

Scale: 1:100 @ A1
Date: NOVEMBER 2008
Drawn: AW Approved: AE
Job Number: Y1527 Drawing Number: 403 F

LEGEND

- Tree Planting
- Shrub and Hedge Planting
- Low Shrub, Groundcovers and Accent Plants
- Turf
- Building Outline - Refer Architectural Documentation
- Existing Tree to be Retained
- Existing Tree to be Removed
- Existing Contours
- Wall - Refer Architectural Documentation
- Fence
- Water Feature
- Edging
- Stepping Stones

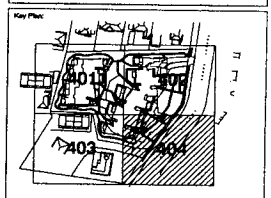
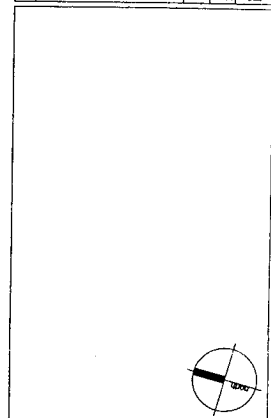
Symbol	Botanical Name	Common Name	Approx. mature Height x Width (M)	Installation Size	Number
Tree Planting					
Aa	Acacia salicifolia	Sugar Maple	20.0-40.0 x 3.0-10.0	150L	3
Ac	Angophora costata	Smooth Barked Apple	8.0-20.0 x 3.0-10.0	45L	3
Al	Angophora floribunda	Rough Barked Apple	8.0-20.0 x 4.0-10.0	45L	8
Bmy	Backhousia myrtifolia	Grey Myrtle	3.0-4.0 x 3.0-4.0	45L	15
Er	Eucalyptus reticulata	Blueberry Ash	4.0-6.0 x 2.0-4.0	45L	25
Epa	Eucalyptus paniculata	Grey Ironbark	15.0-20.0 x 8.0-10.0	45L	3
Es	Eucalyptus phillipii	Blackbutt	15.0-30.0 x 8.0-10.0	45L	2
Em	Eucalyptus saligna	Sydney Blue gum	15.0-30.0 x 5.0-10.0	45L	7
Jm	Jacaranda mimosaeifolia	Jacaranda	10.0-12.0 x 8.0-10.0	75L	1
Lj	Lagerstroemia indica	Crape Myrtle	5.0-7.0 x 3.0-4.0	45L	8
Mg	Magnolia grandiflora 'Emmott'	Southern Magnolia	10.0-12.0 x 8.0-10.0	400L	1
Pc	Platanus orientalis	Platanus	6.0-8.0 x 3.0-6.0	45L	1
Shrub and Hedge Planting					
Be	Banksia ericifolia	Heath Banksia	4.0 x 3.0	300mm	125
Bm	Banksia myrsinites	Japanese Box	1.0 x 1.0	200mm	14
Ca	Ceanothus laurifolius	Canella	3.0 x 2.0	300mm	58
Cg	Ceratopetalum gummiferum	NSW Christmas Bush	3.0 x 2.0	200mm	98
Ct	Chorizanthe tomentosa	Hairy Chorizanthe	2.0 x 1.5	200mm	103
Em	Eriodendron anfractuosum	Wax Flower	1.5 x 1.5	200mm	433
Ga	Gonolobus siliqua	Cordonia	3.0 x 2.0	45L	2
Mp	Murraya paniculata	Orange Jasmine	1.5 x 1.5	300mm	135
Vo	Viburnum odoratissimum	Sweet Viburnum	2.0 x 1.5	300mm	44
Low Shrub, Groundcovers and Accent Planting					
Ao	Asplenium orientale	Asplenium	1.0 x 1.0	150mm	112
Aa	Asplenium australasicum	Slender Asplenium	1.0 x 1.5	300mm	58
Cm	Cornifolia minima	Kelley Lily	0.45 x 0.5	150mm	180
Cat	Cornifolia stricta	Cornifolia	2.0 x 1.0	200mm	81
Do	Dianella caerulea	Flax Lily	0.5 x 0.5	150mm	122
De	Dryopteris sphegodes	Gymea Lily	3.0 x 1.5	200mm	277
Ga	Gastrophysa augusta 'Florida'	Gastrophysa	1.0 x 1.5	300mm	122
Hv	Hardy Geranium 'Hortensia'	Hardy Geranium	0.5 x 0.5	150mm	180
Hi	Hibiscus scandens	Climbing Hibiscus	0.5 x 0.5	150mm	210
Lm	Liriodendron 'Evergreen Glaze'	Lily Turf	0.7 x 0.5	150mm	56
Li	Lomandra longifolia	Mat Rush	0.9 x 0.9	150mm	565
Pj	Phlox subulata	Phlox	0.3 x 0.4	200mm	57
Tj	Trachelium perenne	Star Jasmine	0.75 x 1.0	150mm	450
Vh	Violet hederaea	Heavenly Violet	0.5 x 0.3	150mm	508
Zap	Zapuntia spp.	Crevice Tree	1.0 x 1.0	200mm	30



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Issue	Revision	Description	Drawn	Check	Date
F	1	LEGEND/REVISION COORDINATED	LS	AE	26.06.2007
E	1	REVISED D.A. SUBMISSION	LS	AE	25.08.2007
D	1	PLANT SPECIES COORDINATED	AW	AE	22.01.2007
C	1	FINAL D.A. SUBMISSION	MC	AE	23.11.2006
B	1	D.A. SUBMISSION	MC	AE	17.11.2006
A	1	FOR CLIENT REVIEW	MC	AE	16.11.2006



Client:
FRASERS KILLARA PTY. LTD.

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Landscape Architects

DEVELOPMENT APPLICATION

Drawing Name:
SOFTWARES PLAN

Scale: 1:100 @ A1
Date: NOVEMBER 2006

Drawn: MC Approved: AE
Job Number: Y1527 Drawing Number: 404 F



3-7 Lorne Ave
Project.

Figure 1.

Nov 06.

LEGEND

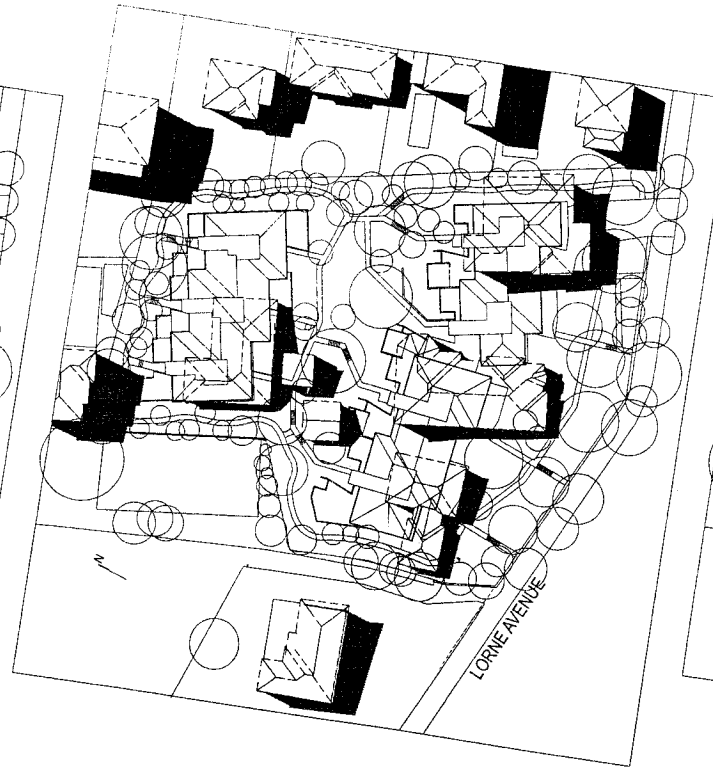
- EXISTING BUILDINGS ON SITE
- EXISTING SHADOWS ON SITE



21 JUNE WINTER SOLSTICE SHADOWS
TREE SHADOWS NOT TAKEN INTO CONSIDERATION

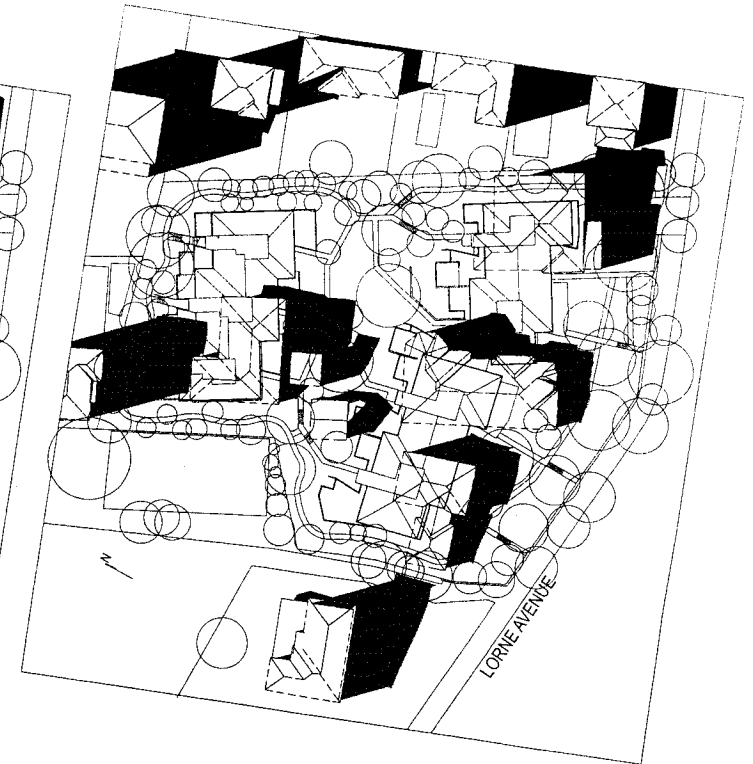
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9AM



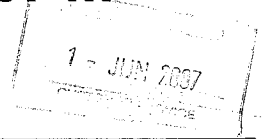
21 JUNE WINTER SOLSTICE SHADOWS
TREE SHADOWS NOT TAKEN INTO CONSIDERATION

12PM



21 JUNE WINTER SOLSTICE SHADOWS
TREE SHADOWS NOT TAKEN INTO CONSIDERATION

3PM



E REVISIONS DATE REV NOTES	30/05/07 DATE REV NOTES	DATE REV NOTES	DATE REV NOTES	NOTES DO NOT SCALE OFF DRAWINGS. USE DIMENSIONS INDICATED ON THE DRAWING. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. THESE DRAWINGS, PLANS AND SPECIFICATIONS ARE THE PROPERTY OF TONKIN ZULAIKHA GREER ARCHITECTS. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED, REPRODUCED OR CIRCULATED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF TONKIN ZULAIKHA GREER ARCHITECTS.	CLIENT FRASERS KILLARA PTY LTD. 1/11, 485 Kent Street Sydney NSW 2000	PROJECT LORNE AVENUE 3-7 Lorne Avenue, Killara	ARCHITECTS TONKIN ZULAIKHA GREER ARCHITECTS PH: (02) 9215 4800 FAX: (02) 9215 4801 117 Ross Street Surry Hills, NSW 2010	DRAWING TITLE EXISTING SHADOWS SCALE A3 1:1000 A1 1:500 DRAWN BY DATE 06/10 A-500 REVISION E
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LEGEND

- EXISTING SHADOWS ON SITE
- ADDITIONAL SHADOWS CAST BY PROPOSAL



21 JUNE WINTER SOLSTICE SHADOWS
TREE SHADOWS NOT TAKEN INTO CONSIDERATION

PROPOSED 9AM



21 JUNE WINTER SOLSTICE SHADOWS
TREE SHADOWS NOT TAKEN INTO CONSIDERATION

12PM



21 JUNE WINTER SOLSTICE SHADOWS
TREE SHADOWS NOT TAKEN INTO CONSIDERATION

3PM

1 - JUN 2007

E REVISED DA REV NOTES:	30.05.07 DATE REV NOTES:	DATE REV NOTES:	NOTES: DO NOT SCALE OFF DIMENSIONS. USE DIMENSIONS INDICATED ONLY. CHECK ALL DIMENSIONS ON SITE. REPORT ANY DISCREPANCIES TO THE ARCHITECT. CHECK ALL DIMENSIONS, PLANS AND SPECIFICATIONS AND THE COMPASSION. THESE DIMENSIONS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. DATE:	CLIENT: FRASERS KILLARA PTY LTD. 1/11, 18th Floor, Sydney NSW 2000 PH: (02) 8573 8800 FAX: (02) 8573 8801	PROJECT: LORNE AVENUE 3-7 Lorne Avenue, Killara ARCHITECTS: TOMKIN ZULAKHIA GREER ARCHITECTS 1/17, Anderson Street, Sydney NSW 1500 PH: (02) 9215 4000 FAX: (02) 9215 4001 EMAIL: info@tza.com.au	DRAWING TITLE: PROPOSAL SHADOWS SCALE: A3 1:1000 A1 1:500 DRAWN BY: M. MATHIAS DATE: SEPTEMBER 2006 JOB NO: 0610 A-501 REVISION: E
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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	12 WOONONA AVENUE, WAHROONGA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	DA0416/07
SUBJECT LAND:	12 Woonona Avenue, Wahroonga
APPLICANT:	Peter Sotiriou
OWNER:	Peter Sotiriou
DESIGNER:	Wolski Lycenko Brecknock Architects
PRESENT USE:	Single dwelling house
ZONING:	2(d3) Residential
HERITAGE:	Yes (adjoins heritage item)
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO – LEP 194, DCP 31, DCP 40, DCP 43, DCP 47, DCP 55, DCP 56
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP No.1, SEPP No.55, BSI – BASIX, REP No.20. DSEPP ADS 2004
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	18 May 2007
40 DAY PERIOD EXPIRED:	27 June 2007
PROPOSAL:	Demolition of existing structures and construction of a residential flat building
RECOMMENDATION:	Approval

Item 5

DEVELOPMENT APPLICATION N^o	DA0416/07
PREMISES:	12 WOONONA AVENUE, WAHROONGA
PROPOSAL:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING
APPLICANT:	PETER SOTIRIOU
OWNER:	PETER SOTIRIOU
DESIGNER	GERRIT KLOMP - WOLSKI LYCENKO BRECKNOCK ARCHITECTS

PURPOSE FOR REPORT

To determine Development Application 416/07 which seeks consent for the demolition of existing structures and construction of a residential flat building.

EXECUTIVE SUMMARY

Issues:	Heritage
Submissions:	8 submissions were received
Pre-DA	No- refer to history discussion below.
Land & Environment Court Appeal	No
Recommendation:	Approval

HISTORY

There were two previous applications lodged for the subject site. Development application 518/06 sought consent for demolition of the existing building and construction of a three storey residential flat building containing 5 apartments. The application was refused on 18 August 2006. A S.82A Review of Determination application was lodged against the refusal on 30 October 2006. That application was also refused on 22 March 2007.

The key differences between the current and previously refused applications are:

- Reduction of units from 4 to 3;
- The upper level is now wholly contained within the roof space, which has reduced the overall visual bulk of the building. The proposed building appears as two storey plus attic level differing from the clearly defined three storeys of the previous applications;
- Reduction of maximum ridge level height from RL211.57 to RL211.1; and
- The previous proposal failed to comply with the minimum deep soil landscape area requirement. The current proposal substantially exceeds the minimum requirement.

The current application was amended after lodgement to address the shortfall of on site parking. The changes included the relocation of the rainwater water retention/ detention tank and extension of the basement to create one additional vehicle space. The amendments were not required to be notified in accordance with Council's Notification Policy DCP 56.

Item 5

THE SITE

Zoning:	2(d3) Residential
Visual Character Study Category:	Pre 1920/1945
Lot Number:	2
DP Number:	529626
Area:	929.5m ²
Side of Street:	Western
Cross Fall:	Street front to rear.
Stormwater Drainage:	Yes to the street
Heritage Affected:	Yes- adjoining a heritage item.
Required Setback:	10-12metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The site is located on the western side of Woonona Avenue, between the Pacific Highway to the south and Everett Way to the north. The site is regular in shape with an area of 929.5m² and having dimensions of 32.615(w) metres x 28.5(l) metres. The site has a slight fall from its street frontage to the rear of approximately 1.28 metres or 4.5%.

The site contains a single storey dwelling house constructed circa 1960. The site is landscaped with a mixture of lawn, trees and shrubs, with one large Turpentine tree located within the front setback area.

Adjoining the site to the rear is a single storey dwelling and detached double carport. This site is known as 14 Woonona Avenue, Wahrenoona "The Briars" and is listed as a heritage item on the local and State Heritage Register. This site is a battle axe allotment and its 6 metres wide access handle adjoins the northern boundary of the subject site. Adjoining the subject site to the south is the access handle to the battle-axe allotment to 10 Woonona Avenue, Wahrenoona. At 8 Woonona Avenue, also to the south of the site is a component of Community Health NSW.

The surrounding area is a mixture of single dwelling houses, hospital (respite care), Seniors Living villas and a school. Approval has been granted for residential flat buildings at 3 - 13 and 2 - 6 Bundarra Avenue, which is the street, to the west, parallel to Woonona Avenue. Construction of these residential flat buildings has not begun.

THE PROPOSAL

The proposal is for the demolition of the existing dwelling and construction of a three storey residential flat building containing three units. The upper level of the building is located within the roof space/ attic, consequently the building appears as two storeys when viewed from the street. Car parking for 6 vehicles is proposed within the single basement level. The upper level apartment is single bedroom whilst the two remaining apartments contain 3 bedrooms.

Item 5

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of adjoining properties were given notice of the application. The amended plans were not required to be re-notified as per Council's notification DCP as the changes do not result in any greater impacts upon surrounding properties and will be an improved outcome to that originally proposed.

Submissions from the following were received:

- Mr John & Ms Debby Fuller: 14 Woonona Avenue, Wahroonga.
- Dr J & Mrs E Smart: 15 Bundarra Avenue, Wahroonga.
- Majorie & Ian Howden: 5/17A Woonona Avenue, Wahroonga.
- M B Arnett: 1/17a Woonona Avenue, Wahroonga.
- G B & A R McClelland: 4/16 Woonona Avenue, Wahroonga.
- Dr William & Ms Margaret Harvey: 10/15-17 Woonona Avenue, Wahroonga.
- William Caldwell: 18 Woonona Avenue, Wahroonga.
- Roberta Dobbs: 19/2 Woonona Avenue, Wahroonga

The submissions raised the following issues:

Impact on the turpentine tree and trees located within 'The Briars'

The proposed development has been designed to retain the existing Turpentine Tree and is set back a sufficient distance to avoid any adverse impacts on the trees located on adjoining properties. Council's Landscape Assessment Officer is satisfied that the Turpentine tree will not be adversely affected.

Bulk/scale/FSR

The proposed development is compliant with the provisions that determine bulk and scale including maximum site coverage, FSR, height and minimum setbacks. Therefore, the proposed bulk/ scale of the development is reasonable in this instance.

Detrimental impacts to the heritage of the 'Briars'

The proposed development will not have a significant impact to the adjoining heritage item, known as 'The Briars' for the reasons given by Council's Heritage Advisor below.

The application is deceptive in terms of number of storeys and veranda

The application and the information submitted to Council is sufficient and clear enough to allow a thorough assessment of the proposal in accordance with S79C of the Environmental Planning and Assessment Act, 1979.

Privacy impacts on 14 and 18 Woonona Avenue

The proposal will not result in a significant privacy impact given the development's compliant setbacks from the boundaries, the separation of the existing two driveways to the northern boundary and single driveway to the southern boundary. This is supported by the design, which has

Item 5

orientated the main living areas and openings away from the main living areas/ private open spaces of adjoining development. This is further reinforced by the suitable landscaping and screen planting.

Detrimental traffic impacts

Council's Development Engineer has not raised a significant issue in this regard. The proposal is for a small, three unit, residential flat building which will generate negligible levels of traffic.

The site area is deficient

This issue is addressed in detail below. The site area of the proposed development is under the minimum of 1200m² but development of smaller sites is permissible pursuant to clause 251(4) of LEP 194. The SEPP 1 objection provided by the applicant is considered reasonable in this instance.

Shortfall of on site parking

The proposal has been amended to comply with the minimum of 6 on site parking spaces required under Council's KPSO and DCP 43 Car Parking.

Overshadowing of 14 Woonona Avenue

The proposal is compliant with the 3 hours sunlight access to adjoining development, as prescribed under DCP 55.

Heritage Impact Statement is insufficient

Council's Heritage Advisor has not raised this as an issue. The Heritage Impact Statement (HIS) was sufficient to enable an assessment of the potential heritage impacts of the development. Refer to Council's Heritage Advisor's assessment for further details in relation to the impacts on heritage below.

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscape Assessment Officer, Robyn Askew, commented on the proposal as follows:

" DEEP SOIL LANDSCAPING

The relocation of the stormwater tank to within the front setback has decreased the Deep Soil Landscaping (DSL) from 54.5% or 507sqm to 50.8% or 473sqm of the site. The DSL still exceeds the minimum standard of 40% DSL required for a site under 1800sqm. The proposed DSL complies with LEP194 and DCP55.

IMPACT ON TREES

In response to my previous concerns regarding the impact of building works on Tree 7 - Syncarpia glomulifera (Turpentine), the subject proposal has been amended to minimise

Item 5

the impacts on the tree to an acceptable level subject to a minor change to the paved area on the eastern side of family room for Unit 1.

Conditions in relation to the construction of the basement will be imposed to prevent over excavation due to battering of the soil on the sides of the car park. An arborist will also be required to attend the site during the excavation and construction of the basement car park.

TREE REMOVAL

No objection is raised to the removal of the following trees for the proposed development.

Tree No. / Species / Height & Condition / Location

Tree 2 / Camellia japonica (Japanese Camellia) / 5 metres high in good condition / Northern (side) boundary

Tree 3 / Acer palmatum (Japanese Maple) / 3 metres high in good condition / Eastern (front) side of proposed dwelling

Tree 4 / Chamaecyparis sp. (Cypress) / 4 metres high in fair condition / Eastern (front) boundary

Tree 5 / Cotoneaster sp. (Cotoneaster) / Weed species / Southern eastern corner, near front boundary

Tree 6 / Acer negundo (Box Elder) / Weed species / South eastern corner, near front boundary

Tree 8 / Jacaranda mimosifolia (Jacaranda) / 15 metres high in good condition, suppressed canopy due to dominant canopy of Tree 7 / Southern (Side) boundary

Tree D (Refer to landscape plan) / Camellia japonica (Japanese Camellia) / 4 metres high in good condition / North eastern corner, near front boundary

To minimise the impact of the proposed development on the streetscape the following existing shrubs shall also be removed and replaced with more appropriate screening plants.

Tree No. / Species / Height & Condition

Tree 1 / Camellia sp. (Camellia) / 6 metres high in fair condition

Tree A (Refer to landscape plan) / Camellia sasanqua (Chinese Camellia) / 4 metres high in good condition.

Tree B (Refer to landscape plan) / Camellia sasanqua (Chinese Camellia) / 4 metres high in good condition.

IMPACT ON HERITAGE PROPERTY

The proposed works will not impact on Tree's 12 and 14 located within the adjoining heritage property to the west provided that the excavation and construction of the basement car park is constructed as per the conditions.

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The width of the garden bed along the entire length of the western rear boundary shall be widened to allow for layered screen planting.

The rear and side setbacks of 6 & 3 metres respectively for the proposed dwelling are considered sufficient space to screen and tree planting.

IMPACT ON STREETSCAPE

*To minimise impact on the streetscape Tree's 1, A & B shall be removed and replaced with 1 x *Tristanopsis laurina* (Water Gum) and 2 x *Elaeocarpus reticulatus* (Blueberry Ash).*

COMMON OPEN SPACE

The common open space complies with the design controls of DCP55 and the Better Design Practice of the Residential Flat Design Code.

LANDSCAPE PROPOSAL

The following comments are made in relation to the landscape plan.

Impact on streetscape

Amended plans have been submitted relocating the stormwater retention tank to the front boundary. The stormwater tank has been effectively incorporated into the landscape proposal and no visual impact on the streetscape is expected.

*The retention of the existing *Camellia's* Tree's 1, A & B located along the northern boundary will not effectively screen the proposal from the street and the adjoining properties to the north. These large shrubs are to be removed and replaced with a super advanced *Tristanopsis laurina* (Water Gum) and 2 x *Elaeocarpus reticulatus* (Blueberry Ash).*

Impact on heritage property

To provide for layered screen planting along the entire western rear boundary the garden bed adjacent to the lawn area shall be widened to 3 metres excluding the clothes drying area.

The inclusion of taller planting along the northern side of the building will reduce the visual impact on the driveway entrance to "The Briars".

Tree replenishment

*An existing mature *Turpentine* within the front setback will be retained. The landscape plan indicates the planting of 5 additional locally occurring trees including 2 x *Eucalyptus saligna* (Sydney Blue Gum) and 3 x *Syncarpia glomulifera* (Turpentine). The proposed tree planting complies with DCP55.*

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Amendments to Landscape Proposal

A condition will be imposed requiring the following amendments;

- i) To minimise impacts on Tree 7 the proposed steps adjacent to the eastern side of the family room of Unit 1 shall be deleted and replaced with a low retaining wall. The retaining wall shall be constructed as a dry stone wall or similar that doesn't require a footing.*
- ii) To minimise impact on the street scape Tree's 1, A & B shall be removed and replaced with 1 x *Tristanopsis laurina* (Water Gum) and 2 x *Elaeocarpus reticulatus* (Blueberry Ash). The plants are to be super advanced with a minimum pot size of 75 litres.*
- iii) To effectively screen the development from the adjoining heritage property to the west the garden bed adjacent to the lawn area along the western (rear) boundary shall be widened to 3 metres excluding the clothes drying area. The planting along the rear boundary shall include layered screen planting ranging in height from 6 to 4 metres.*

BASIX

The proposed planting of 336sqm of indigenous or low water use plants is well in excess of the 100sqm required by the Basix commitments.

STORMWATER

Council's development Assessment Engineer Kathy Hawken has requested an amended stormwater plan to be submitted.

To address landscape issues the stormwater plan shall also be amended as follows;

- The stormwater pipes connecting the downpipes along the southern and eastern sides of the building are to be placed within the basement to prevent additional excavation beneath the canopy of Tree 7 located in the front yard.*
- Tree 7 – *Syncarpia glomulifera* (Turpentine) shall be indicated on the plan.*

CONCLUSION

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

Engineering

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

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"The amended basement plans are satisfactory. Manoeuvring is tight but possible, as demonstrated by the turning path diagrams attached to the traffic report.

The stormwater management system proposed complies with DCP 47 and with the BASIX commitments.

The following documentation has been used for this final assessment:

- *Civil & Structural Engineering Design Services Drawing S-07-20183, dated 8/08/2007;*
- *Transport and Traffic Planning Associates Assessment of Traffic and Parking Implications, dated August 2007;*
- *Wolski Lycenko Brecknock Architects architectural drawings revision A, dated 08.08.07.*

The application is supported, subject to conditions.

Water management

The BASIX commitments are for 4500 litres of rainwater retention with re-use for toilet flushing, clothes washing and irrigation. On site detention of 13.3 cubic metres is also required. The storage is provided in a combined tank which has gravity fall to the street gutter. This system is satisfactory.

Traffic and parking

The site is further than 400 metres from Wahrenonga Station. Therefore five resident spaces and one visitor parking space are required. The basement contains these six spaces.

Manoeuvring is tight but possible as demonstrated by the turning path diagrams attached to the traffic report.

Driveway grades appear to comply with AS2890.1.

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

Geotechnical investigation

The maximum excavation to achieve basement level is about 3 metres at the southern end of the building. According to the site plan, the closest building is 28 metres away from the excavation, with the eastern and northern structures 16 and 18 metres away, respectively. There are not expected to be any adverse impacts on these structures as a result of demolition, excavation or construction within the subject property and dilapidation reporting of neighbouring structures is not considered necessary.

Heritage

Council's Heritage Advisor, Paul Dignam, commented on the proposal as follows:

"Heritage status

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The subject site is not heritage listed. The house at the rear of the site, No 14 is a heritage item, listed on the State Heritage Register and in Schedule 7 of the KPSO.

The house at No 8 Woonona Avenue is separated by 2 access handles and is a draft item in (Heritage Conservation) LEP No 19. Draft LEP 19 was finalised by Council and has been with the Department of Planning for about 5 years awaiting gazettal. The Department advised several months ago that they do not intend gazetting the draft plan but it should be reviewed as part of a comprehensive LEP review. Thus little status can be given to its draft heritage status.

The site is within the National Trust Urban Conservation Area No 26 – “Mahratta”.

Demolition of existing house

The existing house is a modest brick house built c1968 on land that was subdivided from the adjoining heritage item at No 14 Woonona Avenue. There is no heritage objection to its demolition provided photographic recording is undertaken prior to any works being undertaken and before the CC is issued.

Applicant's heritage report

The applicant's heritage report considers that the significance of the adjoining heritage item “The Briars” is largely due to its historical associations rather than its rare architectural style and argues that the place is not of State heritage significance and does not warrant its State Heritage Register listing but is of high local significance.

In coming to the above conclusion, the applicant's heritage report makes a key error. It claims the Heritage Council listing was applied on 2 April 1999 largely in response to a SEPP 5 application that was made to land neighbouring its north side. The State heritage significance of the place was recognised with gazettal of Permanent Conservation Order (PCO) No 274 in September 1983. The date in April 1999 relates to amendments made to the NSW Heritage Act when all former PCO items were transferred to the State Heritage Register (SHR). All former PCO items were transferred to the SHR when the amendments to the Heritage Act were gazetted in 1999.

The applicant's heritage report notes that the now reduced site of “The Briars” is enclosed with boundary walls, an offset driveway and dense plantings and is visually separated from the redevelopment site and claims that there is no significant impact on it. The applicant's report concludes that the application is a reasonable response to the LEP requirements and the Council's zoning of the area for increased urban density and it will have limited and acceptable impacts on the heritage items in the vicinity and their setting and in particular on “The Briars”.

Submission by the NSW Heritage Council

At a request from the NSW Heritage Council, the application was referred to them for comment. Their response dated 13/7/07 notes that the design of the proposed building is an improvement over earlier refused schemes but maintains that the impact is only marginally

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less than earlier refused application as the ridge height is similar. The letter also places emphasis on the screening of landscape directly in front of "The Briars" and that justification for the proposed height seems to rely upon indefinite presence of mature vegetation located within the boundary of the item. The NSW Heritage Office recommends that the height be reduced to adequately address and respond to Council's heritage objectives for new flat development in residential zones 9 Clause 25D of the KPSO.

Response to NSW Heritage Council's letter

The application is supported by a heritage impact statement. Council has prepared detailed guidelines in DCP 55 to assist assessment of an application within the vicinity of a heritage item and within a UCA and assessment is made in compliance with those considerations. A critical assessment of the application against Council's design objectives and design controls was undertaken in this report which considered the application.

DCP 55 Issues – Chapter 3.4 - Development within a UCA

UCA 26 – Mahratta- is a large UCA comprised of mainly residential houses, a school, flat buildings and a group of shops around the railway station. The site is in the northern part of the precinct and separated from it by the Pacific Highway and is close to the F3. This precinct is of a different character to the majority of the UCA. Large portions of this precinct have been rezoned for medium density flat development

UCA design controls

C – 1 Architectural character

The proposed building is a contemporary building but has a level of restraint and formality that sits well within the existing streetscape/UCA and is acceptable.

C – 2 Articulation of facades

The design of the proposed building is articulated and generally consistent with the intent of this control.

C – 3 Scale and massing

The subject development has an overall scale of 2 stories with an attic and its massing is satisfactory.

C – 4 Skyline should respect existing pattern

This building presents with a familiar and traditional skyline, similar to the predominate form of residential development in the UCA and is satisfactory.

C – 5 Siting in relation to existing setbacks

The setback is generally consistent with the requirements of DCP 55.

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C – 6 Architectural style

The development proposes replacing an existing single storey house with a larger building which has an overall character of a large 2 storey house with an attic. Its style is contemporary without mimicking earlier details or character and is satisfactory.

C – 7, C – 8 & C – 9 Building materials, colours and textures

The building uses a combination of modern and traditional building materials and is considered satisfactory.

C – 10, C – 11 & C – 12

Front fences

The proposed front fence is a masonry base with piers and timber infill stepped to respond to the slope on the site and considered acceptable.

DCP 55 Issues – Chapter 3.5 - Development within the vicinity of a heritage item –

Design Objectives

O-1 New development should respect adjoining or nearby items.

O-2 Should not visually dominate item.

O-3 Not reduce views to or from an item.

O-4 Should not impact on the garden setting, particularly overshadowing the garden or causing impacts on important trees.

Design controls.

C-1. Setbacks.

The proposed scheme complies with the minimum setbacks from the adjoining heritage item.

The DCP also requires a development to be no further forward than the heritage item. This objective can not be achieved for this site as the site is located in front of the item. The intent of the control was to retain views to the item from the public realm and from the item. In this case, there are very limited views of the item from the public realm with only the gateposts, the gravel drive and landscaping being visually obvious. The main views from the item are from the rear veranda, from within the house and garden to the west. Otherwise the item is largely isolated from the public and does not depend upon its openness to survive.

C-2 Tree screening.

Adequate screen planting between the proposed development and the heritage items is achieved. It is noted that there is substantial tree screening in front of the heritage item and along the access handle.

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C-3 Aesthetic character.

The aesthetic character of this development is contemporary but it is a restrained and generally a reasonable response to the context of the item without copying design elements or details.

C-4 Colours and materials.

The application proposes a variety of colours, textures and building materials. The colours are generally mid colours with darker face brickwork and limited stone cladding. The variety and colours are considered acceptable.

C-5 Fences.

The proposed fence is new and is a rendered masonry base, with piers and timber infill with plantings behind. The proposed fencing is considered to be acceptable.

C-6 Heritage statement.

The application is supported by a heritage impact statement.

Comments

The subject site was formerly the front garden to "the Briars" and contained a tennis court which was removed for construction of the existing house c 1968. It still retains a large Turpentine tree that was part of the garden of "The Briars". In an ideal situation and given the State level of heritage significance of "The Briars" it would be appropriate and desirable to remove the existing house, reconstruct the former front garden and re-establish a street connection with the item. In the past the NSW Heritage Office have funded purchase of land adjoining State heritage items to re-establish curtilages where subdivision and subsequent development had resulted in destroying setting and important visual and functional connections between an heritage building and other elements. However, in this case, no funding is forthcoming and the applications must be assessed in accordance with the allowable development potential of the site and the merits of the application.

It should also be noted that the NSW Heritage Council does not have control over adjoining or nearby sites. That is an issue for the local heritage management. The State listing was applied to the existing reduced site. While it would be desirable to reduce the height of the subject development to the height of the existing single storey house, it is not considered essential to do so to ensure survival and continual conservation of the item.

In my opinion, the proposed development is a reasonable response to the heritage limitations on the site. However, the balconies proposed on the northern side of the building are large and are not consistent with the image of a large house within a garden. I recommend that the length of the veranda be reduced to a maximum of 3000mm and that the columns on the first floor and the pergola on the top floor be changed to timber, rather than steel to provide a more domestic appearance to the building consistent with the UCA and nearby heritage items. In my opinion this development should not impact adversely on other nearby heritage items.

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Conclusions and recommendations

The application is supported provided the northern verandas are reduced in length to a maximum of 3000mm and the top floor pergola is timber, rather than steel (See Condition No 18).

CONSULTATION – OUTSIDE COUNCIL

The application was referred to the Heritage Office at the request of the adjoining property owner at 14 Woonona Avenue, Wahrenoonga. This property is listed on the State Heritage Register. The Heritage Office commented on the proposal, as follows:

"The Heritage Office has reviewed the new development proposal (DA0416/07) as referred and acknowledges the improved design resolution and treatment of the building. Notwithstanding, the above, the Heritage Office is concerned that the ridgeline height of the proposed building is only marginally less than that of the previously refused three storey apartment building (DA 518/06). As such the Heritage Office maintains that the height of the building is still likely to overwhelm the single storey 'The Briars'. Furthermore, the justification for the proposed height of this building still seems to rely on the indefinite presence of mature vegetation located within the boundary of 'The Briars' to screen and hence diminish the visual impact and dominance of the development. The Heritage Office is not aware of any guarantees that this mature screening vegetation will remain in place for the life of the proposed development.

In light of potential adverse impacts presented by the height of the proposed development on the heritage values of 'The Briars', the Heritage Office recommends that the overall height of the building should be reduced so as to adequately address and respond to the objectives of Clause 25D in the Ku ring gai Planning Scheme Ordinance."

This issue has been addressed by Council's Heritage Advisor.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 1 – Development Standards

The applicant has lodged a SEPP 1 Objection to the minimum 1200m² site area requirement prescribed under clause 25E of KPSO. Despite the minimum site area requirement, Clause 25I(4) allows a site area of less than 1200m² if the proposed development complies with all other requirements of the KPSO. However, it is not clear whether a non-compliance with an objective constitutes a part of 'all other requirements'. The proposal cannot comply with Clause 25D(2)(a) because there is a battle axe allotment to the rear of the site.:

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

It was considered prudent for the applicant to lodge a SEPP 1 Objection and draft State Environmental Planning Policy – Application of Development Standards 2004 (DSEPP ADS 2004)

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submission to the minimum site area requirement. The following is an extract from the Objection to the standard:

"Strict compliance with the 1200m² minimum lot size for multi-unit development is both unreasonable and unnecessary in the circumstances on the following grounds:

5.1 The proposed residential flat building development complies with all other development standards of LEP 194, as well as with development controls of Ku-ring-gai DCP 55 and may be approved at Council's discretion under clause 25(4) – Multi-unit housing on smaller sites of LEP 194.

5.2 The proposed development satisfies all of the Objectives of Clause 25H – Subdivision in the Residential zones as it:

- (1) Constitutes a development which provides generous setbacks and maintains the garden setting which incorporates existing mature trees and allows for planting of additional six tall trees (13m or more).*
- (2) Provides for 44% of the site as common area, which is significantly more than the 30% required for sites of 1200m².*

5.3 The development also meets the aims and objectives of Ku-ring-gai LEP 194 set out in Clause 25c as it:

- Is consistent with the desired future character of the 2(d3) zone and protects and enhances the environmental and heritage qualities of Wahrenoonga.*
- Contributes to orderly development of land and utilisation of resources of Ku-ring-gai.*
- Contributes to environmental, economic, social and physical well being of residents of Ku-ring-gai.*
- Increases housing choice.*
- Achieves high quality urban and architectural design.*
- Achieves high level of residential amenity for its occupants.*

5.4 Strict adherence to minimum site area would unreasonably affect the development potential of the site without any commensurate urban design contextual or amenity benefits. It would be contrary to the underlying purpose for preparation of Ku-ring-gai LEP 194, which was specifically introduced to realise the development potential of areas of high accessibility and thus contribute to urban consolidation in accordance with State Environmental Planning Policy No.53 – Metropolitan Residential Development."

"Draft SEPP 2004 – Development Standards

6.3 Satisfaction of the requirements of the Draft SEPP

6.3.1 Better environmental planning outcome

The form, scale and bulk of the development are consistent with the desired future character of Wahrenoonga.

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The proposed development fully complies with the non discretionary development standards of Ku-ring-gai Planning Scheme Ordinance for sites of 1200m² concerning site coverage, car parking and adaptable housing. It exceeds the minimum development standards concerning deep soil landscaping, street frontage and perimeter ceiling height.

The proposal also fully complies with the objectives and design control of DCP No.55 concerning landscape design, density, setbacks, built form, residential amenity, safety and security and environmental sustainability. It will have acceptable impact on the amenity of the surrounding residences in terms of visual privacy, solar access and traffic generation.

6.3.2 The public interest

The site has been zoned Residential 2(d3) to allow for multi unit development. The proposed development is consistent with the aims and objectives of LEP 194 set out in Part 3A, as well as with the objectives for the Residential 2(d3) zone as it constitutes all orderly development of land and utilisation of resources of Ku-ring-gai, provides housing choice, achieves high quality urban and architectural design and high level of residential amenity for multi unit development.

While the site is below the minimum standard, it can accommodate a three unit development which will provide economic and social benefits to the community, as well as financial benefits to the developer. It would increase housing choice, reduce construction cost and unit price, and contribute to more efficient utilisation of the existing physical and social infrastructure of Ku-ring-gai."

The following is an assessment of the adequacy of the SEPP 1 and DSEPP ADS 2004 using criteria established in this instrument and by the Land and Environment Court.

1. Whether the planning control in question is a development standard.

Clause 25E is a development standard.

2. The underlying objective or purpose behind the standard

The objective of this clause are set out under Clause 25H(1), they are:

- (a) to set minimum lot areas that reflect previous minimum lot sizes;
- (b) to set minimum lot areas and minimum street frontage lot widths that provide for development to occur in a garden setting by substantial setbacks to enable long term sustainability of trees;
- (c) to permit the subdivision of multi unit housing;
- (d) to provide for substantial common landscaped area to encourage good streetscape quality and areas for trees for each development.

3. Whether compliance with the development standard is consistent with the aims of the Policy and does compliance tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP & A Act 1979.

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The proposed development complies with the relevant provisions that determine the acceptable bulk, scale and minimum soft landscaped area, which in turn will provide for the development within a landscape setting. The proposal is also generally compliant with the relevant considerations as prescribed under DCP 55. The minor variations to the front setback of the courtyard and balcony projection will not result in the development being contrary to the objectives of the minimum lot area requirement.

The inconsistency with Objective 25D(2)(a) is an anomaly between sites having direct street frontage and the battle axe allotments. To insist on compliance would unnecessarily restrict the future development of the subject site contrary to the site's zoning. In addition, the proposal does not seek to alter the existing and compatible subdivision pattern. The development will maintain this continuity and the general compliance with the controls in conjunction with sympathetic design and materials ensures the development reflects the expectations of the site's zoning.

Given the general compliance with Council's policy, the zoning of the site, which permits residential flat buildings, and minimal impacts to the adjoining properties, if the Objection was not supported, compliance with the requirement would hinder the orderly and economic development of the site contrary to the objects in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

4. Whether compliance with the development standard is unreasonable or unnecessary in the circumstance.

Compliance is unreasonable and unnecessary in the circumstance for the reasons given by the applicant and the above assessment.

5. Whether the objection is well founded

The objection is well founded and is supported for the reasons given in the above review of the SEPP 1 Objection.

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

SEPP No.65 applies to residential flat buildings with three or more storeys and four or more units. As the proposed development contains three units, SEPP 65 does not apply to the subject application.

Draft State Environmental Planning Policy – Application of Development Standards 2004

The proposal has been assessed against the considerations as outlined within the Draft SEPP ADS 2004. The applicant has demonstrated that the proposal is consistent with this policy and the requested variation to the requirement is supported for the reasons given above and those contained within the applicant's Draft SEPP ADS 2004 submission.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether the land is contaminated and if so it is satisfied that it is suitable in its contaminated state or will be suitable after remediation for the

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development. The site has historically been used for residential purposes therefore it is unlikely to be contaminated. No further investigation is necessary in this instance.

State Environmental Planning Policy – Building sustainability Index (BASIX)

A BASIX certificate (146816M) has been submitted with the development application.

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

The aim of this Plan is to protect and provide total catchment management for the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. Subject to conditions relating to construction management the development will not result in a detrimental impact contrary to the provisions of the SREP.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1200m ² (however can be reduced subject to clause 25I(4))	929.5m ²	YES – (SEPP 1)
Deep landscaping (min): 40%	50.3%	YES
Street frontage (min): 23m	32.62m	YES
Number of storeys (max): 3	3	YES
Site coverage (max): 35%	33%	YES
Top floor area (max): 60% of level below	<60%	YES
Storeys and ceiling height (max): 3 and 7.2m	3 & <7.2m	YES
Car parking spaces (min): • 1 (visitors) • 5 (residents) • 6 (total)	1 5 6	YES YES YES
Zone interface setback (min): 9m	9m	YES
Manageable housing (min): 10% or 1	1 or 33%	YES
Lift access: required if greater than three storeys	Lift provided	YES

Residential zone objectives and impact on heritage (cl25D(1)(2)):

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

Site area (cl.25E):

The Objection to the minimum site area requirement is well founded and supported for the reasons given earlier within the SEPP No.1 and DSEPP ADS 2004 assessment.

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

Adjoining the subject site to the rear on a battle axe allotment is 'The Briars' at 14 Woonona Avenue, which is listed on the State Heritage Register. In accordance with Clause 61E of KPSO Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

The proposed development will not result in a significant detrimental impact in relation to the 'The Briars' for the reasons given by Council's Heritage Advisor. This is subject to the conditions to reduce the width of the northern balconies to a maximum of 3 metres and replacement of the steel frame of the pergola to timber (**See Condition No 18**). The proposal also seeks to retain the Turpentine tree located within the front yard which has a historical connection with the earlier subdivision pattern that relates to the greater land holding of 'The Briars'.

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:		
• 10m setback (1 st & 2 nd storeys)	16.2m	YES
• 15m setback (3 rd & 4 th storeys)	16.2m	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 150m ²	467.5m ²	YES
No. of tall trees required (min): 3 trees	3 trees	YES
Part 4.2 Density:		
Building footprint (max):		
• 35% of total site area	33%	YES
Floor space ratio (max):		
• 0.7:1	0.6:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
• 10-12 metres (<40% of the zone occupied by building footprint)	10-12m <40% occupied by building footprint	YES YES
Rear boundary setback (min):		
• 6m	6m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Side boundary setback (min): <ul style="list-style-type: none"> 3m(<3 storeys on site less than 1200m²) 	3m	YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m 	5.4m to 8m (northern courtyard) >8m (southern courtyard)	NO YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	>600mm	YES
<ul style="list-style-type: none"> Wall plane area <81m² 	<81m ²	YES
Built form: <ul style="list-style-type: none"> Building width = or < 36m 	36m	YES
<ul style="list-style-type: none"> Balcony projection < 1.2m 	>1.2m	NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	100%	YES
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	>50%	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4		
<ul style="list-style-type: none"> 12m b/w habitable rooms 	>12m	YES
<ul style="list-style-type: none"> 9m b/w habitable and non-habitable rooms 	>9m	YES
<ul style="list-style-type: none"> 6m b/w non-habitable rooms 	>6m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Internal amenity:		
• Habitable rooms have a minimum floor to ceiling height of 2.7m	2.7m – 3m	YES
• 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom	>3m	YES
• 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms	>3m	YES
• Single corridors:		
- serve a maximum of 8 units	1 unit	YES
- >1.5m wide	>1.5m	YES
- >1.8m wide at lift lobbies	1.8m	YES
Outdoor living:		
• ground floor apartments have a terrace or private courtyard greater than 25m ² in area	>25m ²	YES
• Balcony sizes:		
- 10m ² – 1 bedroom unit	>10m ²	YES
- 15m ² – 3 bedroom unit	>15m ²	YES
NB. At least one space >10m ²		
• primary outdoor space has a minimum dimension of 2.4m	>2.4m	YES
Part 4.7 Social dimensions:		
Visitable units (min):		
• 70%	100%	YES
Housing mix:		
• Mix of sizes and types	Mix of 1 and 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
• >65% of units are to have natural cross ventilation	66%	YES
• 25% of kitchens are to have an external wall for natural ventilation and light	66%	YES
• >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating	Complies with BASIX	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 5 Parking and vehicular access:		
Car parking (min):		
• 5 resident spaces	5 spaces	YES
• 1 visitor spaces	1 spaces	YES
• 6 total spaces	6 spaces	YES

Part 2 Elements of good design

The objectives to Section 2 seek to provide good design. Consideration must be given to the site's context, building street alignment, building entry, articulation and construction materials.

The proposed development is consistent with the provisions of Part 2. The built form will add positively to the character of the street supported by a good selection of materials including dark face brick, sandstone and dark coloured roof tiles.

The development reflects the future context of the area particularly in relation to the surrounding sites that are zoned 2(d3), which permits higher density development in the form of residential flat buildings. The built form of two storeys plus attic level provides a good transition between the higher density development permissible to the south of the site along Bundarra Avenue (south) and east along Woonona Avenue and the lower density development along Woonona Avenue to the north.

This is supported by the retention of the existing Turpentine Tree, good deep soil landscape area, which is 10.8% or 100.39m² in excess of the minimum requirement.

The development maintains the front boundary setback of the adjoining of the two storey SEPP Seniors Living development to the north at 18 Woonona Avenue. In addition, the design has incorporated a clearly defined building entry with a good connection to the street.

The above demonstrates the proposal is consistent with the provisions of Part 2 of the DCP consequently the proposal is supported in this regard.

Part 3 Local context:

Part 3 provides considerations in relation to the landscape and visual character of the area and development within the vicinity of a heritage item. In addition, consideration is to be given to the local context in relation to the existing and desired future character.

The proposed development is consistent with the provisions of Part 3. The development substantially exceeds the minimum deep soil landscaped area requirement, maintains established vegetation, in particular the Turpentine tree, which has a historical relationship with the adjoining heritage item. The choice of planting for the landscaping of the site is supported by Council's Landscape Assessment Officer. The development provides good private and open space areas that reflect the local character.

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The 'soft' element of the proposal is supported by the reasonable design of the built form that sits well within its context, as discussed above under the Part 2 assessment. The development will not have a significant impact on the adjoining heritage item for the reasons discussed in this report.

The above demonstrates that the proposal is consistent with the provisions of Part 3 of DCP 55.

Part 4.1 Landscape design:

Development should reinforce the landscaped and treed character of the area. Deep soil planting is to be established surrounding the built form to increase visual amenity, screening and to maintain consistency with the surrounding garden and leafy landscape. This includes the provision of appropriate fencing to define the boundaries and respond to the character of the streetscape.

As noted within the Compliance Table, the proposal complies with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping and tree replenishment. Subject to standard conditions, Council's Landscape Development Officer considers the proposed landscaping concept plan to be acceptable. The planting proposed integrates the development with the surrounding area and provides reasonable screening for adjoining properties.

However, there is a concern regarding the front fence which has a maximum height of 2 metres for its piers. The proposed front fence is to be constructed as a metal palisade fence with pier and dwarf walls. The height of the piers is up to 2 metres. There is one example of a similar style fence, which has a similar height. It adjoins the subject site to the south at 8 Woonona Avenue. This fence reflects the larger size of this lot. The remaining street has a mixture of no fences, small dwarf wall fences measuring less than 400 millimetres and open palisade fencing measuring approximately 1.2 metres in height.

The height of the front fence is unacceptable as will result in a detrimental visual impact and is contrary to the design concept of a lower single dwelling house scale present in the subject proposal. It is recommended that the height of the front fence is reduced to a maximum 1.6 metres for the piers and 1.2 metres for the palisade infill. The reduced height will reflect the design concept of a lower density, single dwelling house scale reflected within the general streetscape. A condition to this effect (**Condition No.18**) is recommended.

Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development is below the maximum 35% site coverage and exceeds the minimum 40% deep soil landscape area requirements. The proposal is under the maximum FSR of 0.7:1 and meets the maximum height controls. Given the compliance with these controls the proposed density is acceptable.

Part 4.3 Setbacks:

The relevant objectives of Part 4.3 seek to provide buildings behind gardens dominated by canopy trees, which screen buildings and to provide a consistent urban form providing definition of the street edge.

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There is a minor non-compliance with the minimum 8 metres front setback for private courtyards, as noted in the compliance table. The variation is part of the northern private Courtyard. A second courtyard, located towards the southern end of the building is compliant with the control. The variation is reasonable in this instance as the proposal will meet the underlying objectives of the control.

The site will contain in excess of the minimum landscaped area, there is adequate space to provide effective landscaping and tree planting to the street frontage. The courtyard will be landscaped and will positively contribute to the landscaping setting of the building. This is supported by the proposal's compliance with the maximum 15% of total front setback occupation by private courtyards provision. There will not be a significant privacy or overshadowing impact to the adjoining properties and the development provides for a good urban edge given the compliance with the building setback controls. Therefore, the variation to the courtyard setback control is supported in this instance.

Part 4.4 Built form and articulation:

The objectives of Part 4.4 seek to provide high architectural quality, predominance of soft landscape features, a mitigated change in scale between new development and existing lower density housing, varying articulation in buildings, elements of the building to integrate into the overall building form and visual connection between dwellings and the public domain.

The ground and first floor balconies exceed the maximum 1.2 metres projection from the outer most part of the building control by 2.5 metres, equating to a width of 3.7 metres. The upper level balcony projects 500mm in excess of the requirement. Council's Heritage Advisor has recommended a reduction of the ground and first floor balcony projections down to 3.0 metres to provide more of a lower density housing scale to the development. A condition to this effect is recommendation (**Condition No. 18**). As a consequence there would be a reduced non-compliance of 1.8 metres to the ground and lower floor balconies. Whilst, the upper floor balcony would comply with the control.

Subject to the reduction of the balcony widths, the variation to the requirement is reasonable in this instance. The balconies, as conditioned to be amended will integrate with the overall scale of the building. They will visually form an ancillary element of the building and support the positive design within the site's context. The balconies reflect the lower density scale of the development and will architecturally balance the building form. The balconies will provide good amenity to its occupants and will not result in a significant amenity impact to the adjoining development.

Part 4.5 Residential amenity:

The aims and objectives of Part 4.5 seek to provide good solar, visual and acoustic and outdoor living amenity within the subject site and to the neighbouring properties.

The proposed development meets these objectives, which is demonstrated by the numerical compliance with the provisions contained within Part 4.5 of the DCP. The proposed development is supported in this regard.

Part 4.6 Safety and security:

The objective of Part 4.6 seeks to provide a safe and secure housing for residents and visitors.

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The proposed development meets these objectives in that common open spaces and the public street can be viewed from window openings and balconies, which provides good passive surveillance. The open space areas have been designed to minimise concealment/ entrapment spaces, the access points will be lit and the entry to the site is clearly visible from the street.

Part 4.7 Social dimensions:

As indicated in the DCP 55 Compliance Table, the proposal provides 10% manageable housing and over 70% 'visitable' units, internal paths of travel and visitor and resident parking spaces in accordance with DCP 55 clause 4.7 C-3. The development provides a reasonable mix of housing types and size to meet market demand for a range of medium density accommodation needs.

Part 4.8 Resource, energy and water efficiency:

The proposal meets the BASIX requirements, which address the resource, energy and water efficiency provisions contained within Part 4.8 of the DCP.

Part 5 Parking and vehicular access:

Car parking is provided in accordance with the numerical requirements of DCP 55 and DCP 43 – Car Parking for residents, visitor, accessible parking spaces and minimum bicycle spaces. Clearly defined, separate pedestrian access routes are provided through the development reducing any pedestrian or vehicular conflicts.

Development Control Plan 31 – Access

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

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$44,120.00, which is required to be paid by **Condition No.38**.

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LIKELY IMPACTS

The proposal will not have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants. The site is not within a wilderness area nor an area of critical habit. The site can be adequately landscaped and conditions relating to soil erosion are recommended. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

SUITABILITY OF THE SITE

The site is suitable for the proposed development for the reasons given in the above assessment.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

1. APPROVAL – SEPP 1 REQUIRED

THAT Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to minimum site area requirement under CL25E of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the underlying objectives of the control and strict compliance with the development standard would tend to hinder the achievement of the Objects of Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

AND

THAT Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 416/07 is consistent with the aims of the Policy, grant development consent for a residential flat building on land at 12

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Woonona Avenue, Wahrenonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA01a, DA02a, DA03, DA04a, DA05a, DA06a	Wolski Lycenko Brecknock Architects	May 2007
Survey Plan 060106CP Sheet 1 of 2 & 2 of 2	V W Cochrane & Associates Pty Ltd	17 - 01 - 06
Hydraulic Details S-07-20094	Civil & Structural Engineering Design Services Pty Ltd	08/08/2007
EF01 External Finishes	Wolski Lycenko Brecknock Architects	May 2007

<i>Document(s)</i>	<i>Dated</i>
Statement of Environmental Effects by Metroplan	May 2007
SEPP 1 Objection by Metroplan	August 2007
Assessment of Traffic and Parking Implications by Transport and Traffic Planning Associates	August 2007
Preliminary Geotechnical Report by Jack Hodgson Consultants	18 April 2006
Tree Management Report by Naturally Trees Arboricultural Consulting	11 May 2007
Landscape specification by iScape Landscape Architecture	May 2007
BASIX Certificate 146816M	4 July 2007

Reason: To ensure that the development is in accordance with the determination of Council.

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

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Reason: To ensure that the development is in accordance with the determination of Council.

3. **Approved landscape plans**

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
30.07/050, Rev A & 30.07/051	iScape	May 2007

Reason: To ensure that the development is in accordance with the determination of Council.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

3. **Notice of commencement**

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

4. **Notification of builder's details**

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

5. **Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Woonona Avenue over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing

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damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

6. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

B. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior

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to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

7. Work zone

If a works zone is proposed, the applicant must make a written application to the Kuring-gai Local Traffic Committee to install the work zone. Work zones are provided

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specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

8. **Erosion and drainage management**

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

9. **Tree protection fencing**

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

Schedule

Tree/location	Radius in metres
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine)	5 metres
Tree 12 <i>Cupressus macrocarpa</i> (Monterey Cypress)	5 metres
Tree 14 <i>Jacaranda mimosifolia</i> (Jacaranda)	5 metres

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Reason: To protect existing trees during the construction phase.

10. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

11. Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

12. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

13. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has

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been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

14. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies, one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

Note: A written acknowledgement from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

15. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved architectural plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
Da02	Wolski Lycenko Brecknock Architects	May 2007

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The above architectural plan(s) shall be amended in the following ways:

- i) To minimise impacts on Tree 7 *Syncarpia glomulifera* (Turpentine) the proposed steps adjacent to the eastern side of the family room of unit 1 shall be deleted and replaced with a low retaining wall. The retaining wall shall be constructed as a dry stone wall or similar that doesn't require a footing.
- ii) All existing trees shall be numbered to correspond with the approved landscape plan.

Reason: To protect existing trees.

16. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

17. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

18. Design changes

The following design changes shall be implemented:

- a) The verandas on the northern elevation at the ground and first floor levels shall be reduced in width from 3.7 metres to a maximum 3.0 metres. The second floor veranda shall also be proportionally reduced in width. The hipped roof form is to be

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- retained;
- b) The pergola on the second floor is to be constructed of timber instead of steel;
- c) A continuous length planter box is to be constructed above the top of the slab at the ground floor level over the driveway/ entry ramp to account for the shortfall of veranda width;
- d) All existing trees shall be numbered on the architectural plans to correspond with the approved landscape plan; and
- e) The piers of the front fence are to be reduced in height to a maximum 1.6 metres and the metal palisade in fill is to be reduced to have a maximum height of 1.2 metres. The dwarf wall to the front fence is to be reduced in height relative to the reduction of the piers and metal in-fill palisade. The heights are to be measured from the finished footpath level.

Details of the above are to be provided prior to the issue of the Construction Certificate.

Reason: To ensure minimal impacts to the adjoining heritage item and existing trees located on and adjoining the subject site

19. Engineering construction details

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering construction details for the basement car park, complies with the following requirements:

The engineering construction plans shall note the following details:

- i) To preserve the following trees the basement car park shall be excavated with near vertical angles. The side surfaces of the excavated basement shall be covered with water proof covers whenever work is not being carried out. All up slope run-off shall be diverted away from the cut surfaces.
- ii) The construction details shall indicate the following trees on the plans.
- iii) the construction details shall indicate that the following trees are to be protected with no over excavation of the basement to take place.

Schedule

Tree/location

- Tree 7 *Syncarpia glomulifera* (Turpentine)
- Tree 12 *Cupressus macrocarpa* (Monterey cypress)
- Tree 13 *Liquidambar styraciflua* (Liquidambar)
- Tree 14 *Jacaranda mimosifolia* (Jacaranda)

Tree works

- Front yard on site
- Adjoining property to rear.
- Adjoining property to rear.
- Adjoining property to rear.

Reason: To protect existing trees.

20. Air drying facilities

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Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Amenity & energy efficiency.

21. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

22. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all the nominated adaptable units within the development application [Units 1, 2, 3], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

23. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

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- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the hydraulic details submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

24. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and

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2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

25. **Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

26. **Landscape plan**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

27. **Noise from plant in residential zone**

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm -6.00 am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with

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other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

28. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

29. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

30. Driveway grades – basement car-parks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be

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prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

31. Basement car parking details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions (delete clause if not seniors living)
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

Reason: To ensure that parking spaces are in accordance with the approved development.

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32. Car parking allocation

Car parking within the development shall be allocated in the following way:

Resident car spaces	5
Visitor spaces	1
Total spaces	6

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

33. Number of bicycle spaces

The basement car park shall be adapted to provide 2 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide alternative modes of transport to and from the site.

34. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

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35. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

36. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

37. Public liability insurance – works on public land

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land

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38. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

39. Section 94 contribution – residential development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services

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detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
community facilities	\$9,199.16
park acquisition and embellishment works	\$54,104.38
sportsgrounds works	\$10,849.77
aquatic / leisure centres	\$228.95
traffic and transport	\$1,236.80
section 94 Plan administration	\$823.33
Sub Total:	<u>\$76442.39</u>
Credit for existing very large dwelling	\$32,324.00
Total contribution is:	\$44,120.00

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure 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 the development.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

40. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination of Council.

41. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for

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development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

42. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

43. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

44. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

45. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

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The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

46. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

47. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal

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Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

48. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

Reason: To ensure safety and amenity of the area.

49. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

50. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

51. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

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52. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

53. Road reserve safety

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

Reason: To ensure safe public footways and roadways during construction

54. Road repairs necessitated by excavation and construction works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner

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and relevant contractor for the balance.

Reason: To protect public infrastructure.

55. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

56. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

57. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

58. Grated drain at garage

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

Reason: Stormwater control.

59. Sydney Water Section 73 Compliance Certificate

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

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CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" 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.

Reason: Statutory requirement.

60. Arborist's report

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

Schedule

Tree/location

Time of inspection

Tree7 *Syncarpia glomulifera* (Turpentine)

During excavation and construction of the basement car park.

Tree 12 *Cupressus macrocarpa* (Monterey cypress)

During excavation and construction of the basement car park.

Tree 13 *Liquidambar styraciflua* (Liquidambar)

During excavation and construction of the basement car park.

Reason: To ensure protection of existing trees.

61. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

62. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate

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the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule

Tree/location

Tree works

Tree 7 <i>Syncarpia glomulifera</i> (Turpentine)	Canopy and root pruning.
Tree 12 <i>Cupressus macrocarpa</i> (Monterey cypress)	Root pruning.
Tree 13 <i>Liquidambar styraciflua</i> (Liquidambar)	Root pruning.
Tree 14 <i>Jacaranda mimosifolia</i> (Jacaranda)	Root pruning.

Reason: To protect the environment.

63. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule

Tree location

Approved tree works

Tree1 <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
Tree2 <i>Camellia japonica</i> (Japanese Camellia)	Removal
Tree 3 <i>Acer palmatum</i> (Japanese Maple)	Removal
Tree 4 <i>Chamaecyparis sp.</i> (Cypress)	Removal
Tree 5 <i>Cotoneaster sp.</i> (Cotoneaster)	Removal
Tree 6 <i>Acer negundo</i> (Box Elder)	Removal
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine)	Minor pruning of branches on outside edge of canopy to clear the approved building.
Tree 8 <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
Tree A <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
Tree B <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
Tree D <i>Camellia sasanqua</i> (Chinese Camellia)	Removal

Removal or pruning of any other tree on the site is not approved.

Reason: To ensure that the development is in accordance with the determination of Council.

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64. Excavation near trees

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

Schedule Tree/location	Radius from trunk
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine)	8 metres

Reason: To protect existing trees.

65. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

66. Removal of refuse

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.

Reason: To protect the environment.

67. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

Reason: To maintain the treed character of the area.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

68. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 146816M have been complied with.

Reason: Statutory requirement.

69. Clotheslines and clothes dryers

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Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

70. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

71. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

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Reason: Disabled access & services.

72. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

73. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

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

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

74. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans

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- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

75. WAE plans for stormwater management and disposal (dual occupancy and above)

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site

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- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

76. Basement pump-out maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

77. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted

Item 5

and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

78. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: Statutory requirement.

79. Certification of as-constructed driveway/car park – RFB

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- the vehicular headroom requirements of Australian Standard 2890.1 – “Off-street car parking”,

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

80. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections

Item 5

thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)

- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

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

Reason: To protect the streetscape.

81. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

82. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

83. Car parking

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not

Item 5

enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

Shaun Garland
Executive Assessment Officer

Selwyn Segall
**Team Leader
Development Assessment**

Matthew Prendergast
**Manager
Development Assessment Services**

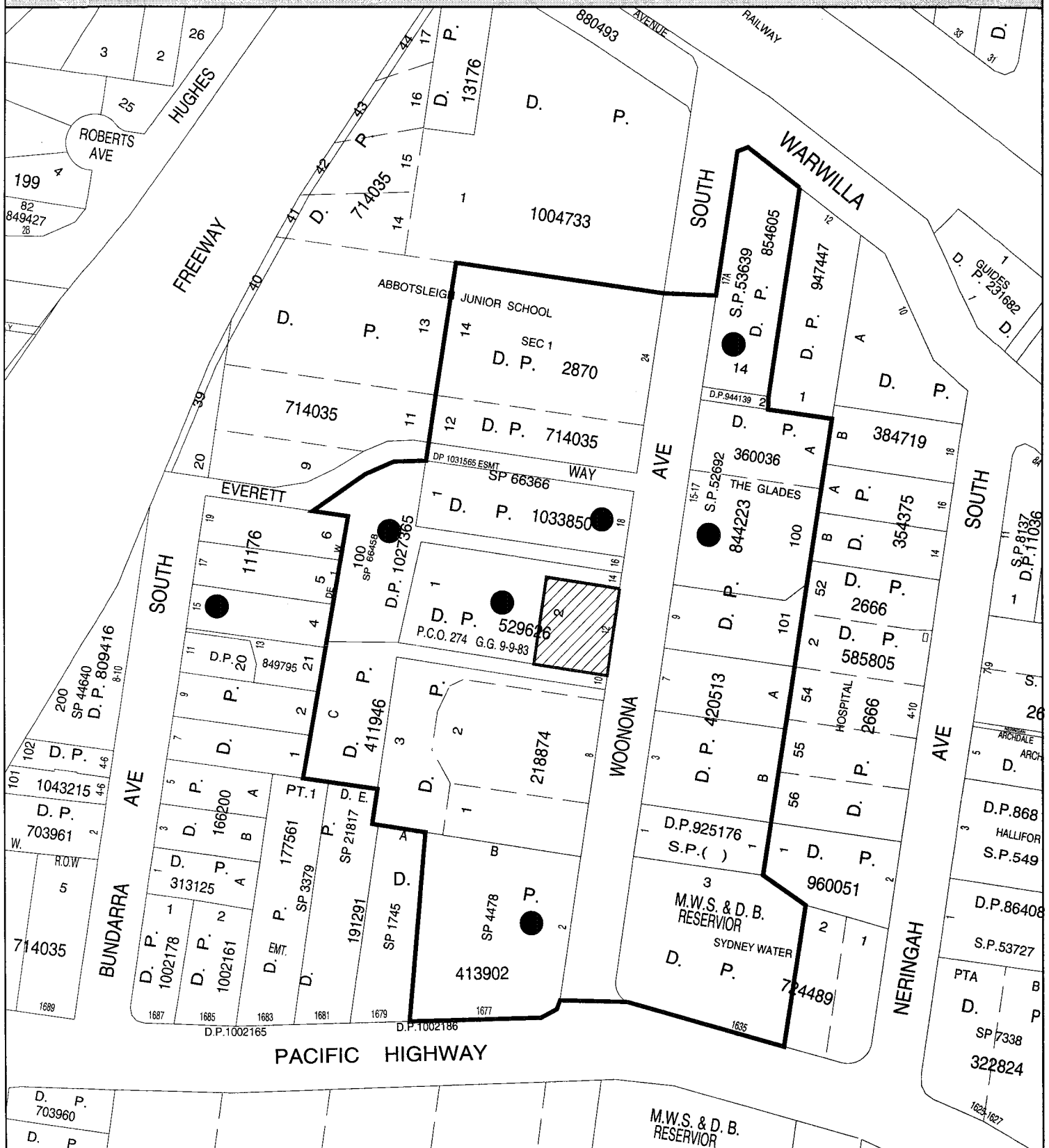
Michael Miocic
**Director
Development and Regulation**

Attachments: Location plan - 827790
Zoning plan - 827790
Shadow diagrams - 827800
Survey plan - 827806
Architectural plans – 827795, 827796
Landscape plans - 827806
Hydraulic concept plans - 827806

LOCATION SKETCH

12 Woonona Avenue, WAHROONGA

DEVELOPMENT APPLICATION No 416/07



Scale : 1:2000

14-09-2007



OBJECTION



SUBJECT LAND



CIRCULATED AREA



12 WOONONA AVE WAHROONGA DA 416/07



GENERAL

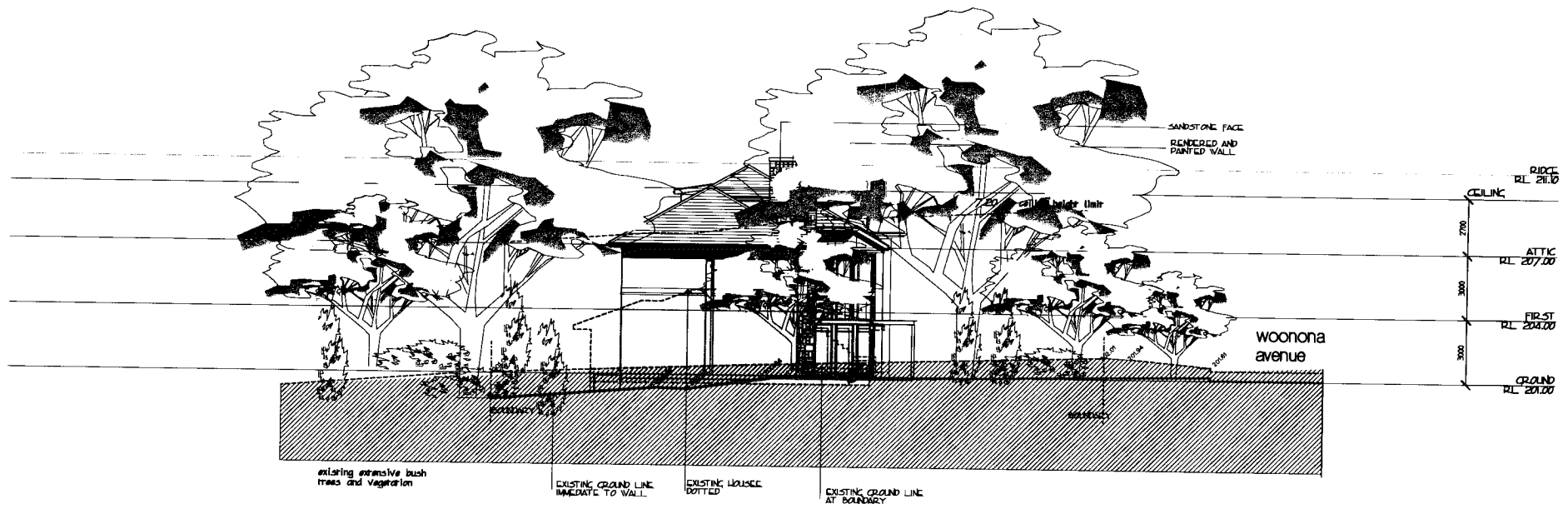
EXISTING COUNTY ROAD

- (c) LOCAL ROAD PROPOSED
- - -

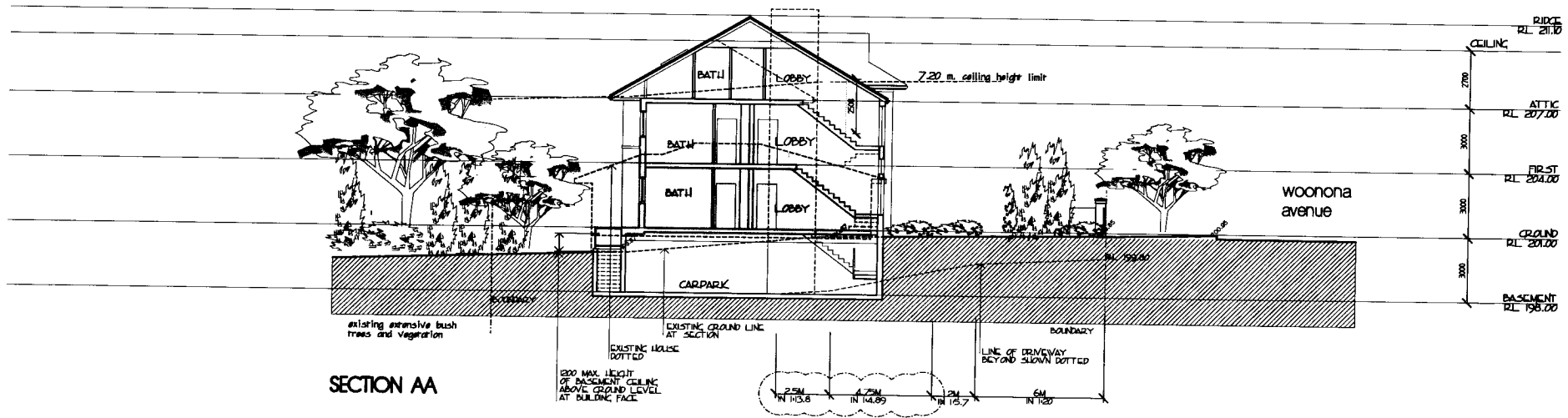
- STUDENT EXAMINING INSTRUCTIONS



Date:14-09-2007



SOUTH ELEVATION



SECTION AA

PLOT DATE 30AUG07

NO	AMENDMENT	DATE
A	ADJUST DRIVEWAY GRADIES	08.08.07

RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

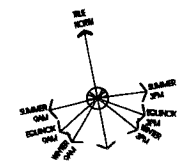
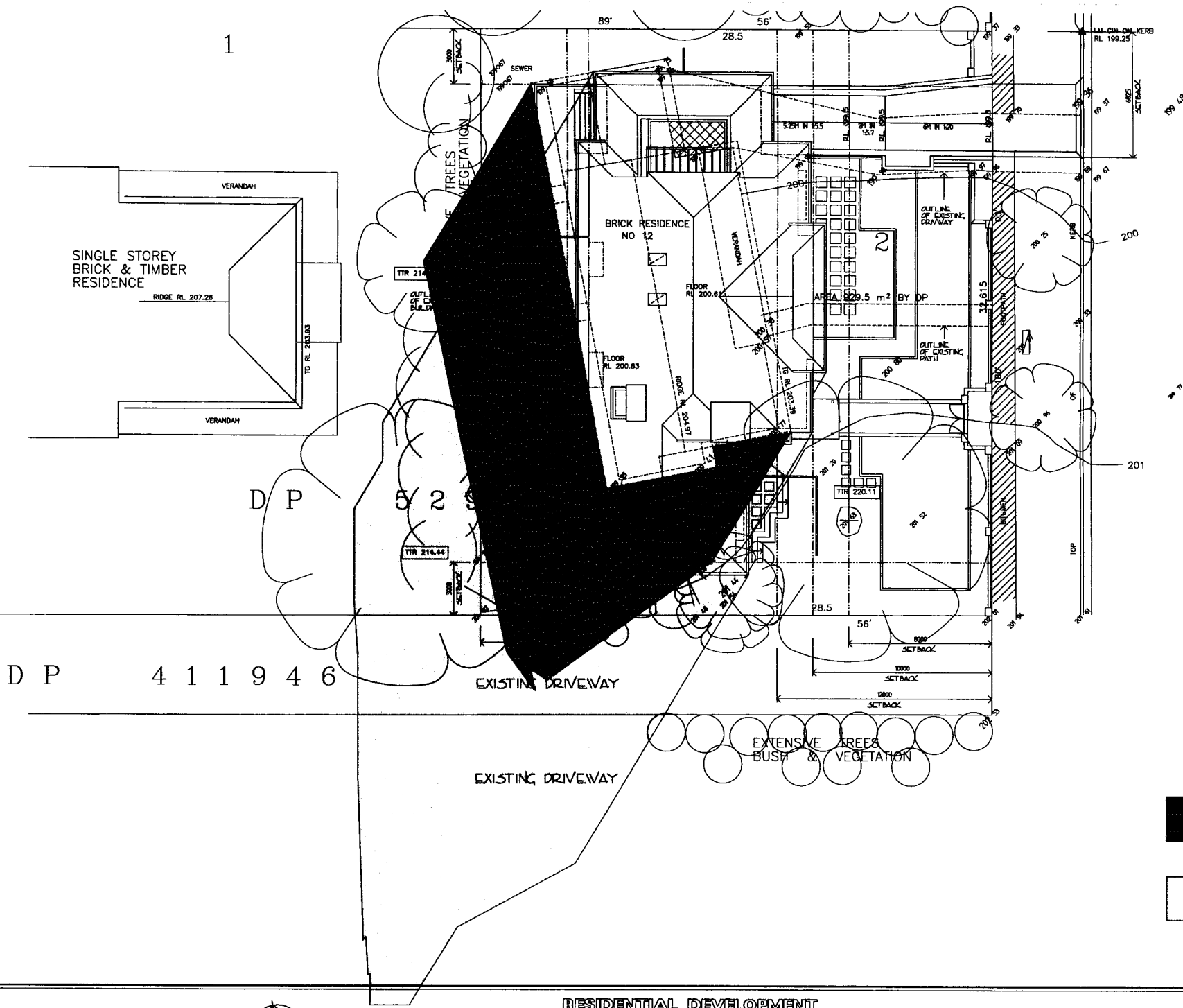
WOODWARD CLYDE ARCHITECTS AND ASSOCIATES
 100 DUNDAS STREET WEST, SUITE 200
 MELBOURNE VIC 3001

SOUTH ELEVATION &
SECTION AA

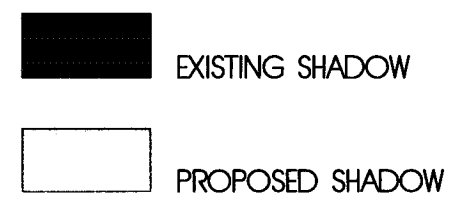
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 DATE MAY 2007
 SCALE 1:500

1



WOONONA AVENUE



RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

9 am JUNE 21, SHADOW

sh01
Dwg. No. 01
Scale 1:100

S P 6 6 4 5 8

EXISTING DRIVEWAY

EXTENSIVE TREES BUSH & VEGETATION

EXISTING DRIVEWAY

EXTENSIVE TREES BUSH & VEGETATION

W O O N O N A

A V E N U E

EXISTING SHADOW

PROPOSED SHADOW

1

SINGLE STOREY
BRICK & TIMBER
RESIDENCE

VERANDAH

VERANDAH

D P

5 2 9

TTR 214.44

D P

4 1 1 9 4 6

EXISTING DRIVEWAY

EXISTING DRIVEWAY

BRICK RESIDENCE
NO 12

FLOOR
RL 200.61

FLOOR
RL 200.83

AREA 329.5 m² BY DP

OUTLINE
OF EXISTING
DRIVEWAY

OUTLINE
OF EXISTING
DRIVEWAY



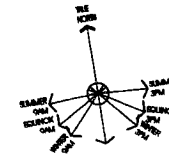
RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

12 noon JUNE 21, SHADOW

sh02
DIB MAY, 07
SCALE 1:100

ONE MAY. 17 29
BONE ME

EXISTING DRIVEWAY

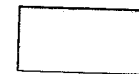


A V E N U E

W O N O N A

EXISTING SHADOW

PROPOSED SHADOW



1

SINGLE STOREY
BRICK & TIMBER
RESIDENCE

VERANDAH

VERANDA

D/ P

52

TTR 214.44

EXISTING DRIVEWAY

EXISTING DRIVEWAY

ES BUSH & VEGETATION

EXISTING DRIVEWAY

BRICK RESIDENCE
NO. 12

FLOOR

FLOOR

AREA 829.5 m² BY

OUTLINE
OF EXISTING

↑
OUTLINE

4

(

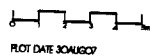
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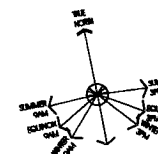


RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

EQUINOXE
9 am SEP/MAR 21, SHADOW

sh 04

EXISTING DRIVEWAY



W O O N O N A
A V E N U E
E

EXISTING SHADOW

PROPOSED SHADOW

D P 4 1 1 9 4 6

EXISTING DRIVEWAY

EXISTING DRIVEWAY

EXTENSIVE TREES
BUSH & VEGETATION

RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

EQUINOXE
12 noon SEP/MAR 21, SHADOW

sh 05
DUE MAY, 07
2
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S P 6 6 4 5 8

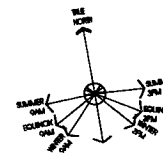
EXISTING DRIVEWAY

EXTENSIVE TREES BUSH & VEGETATION

EXISTING DRIVEWAY

EXTENSIVE TREES BUSH & VEGETATION

1

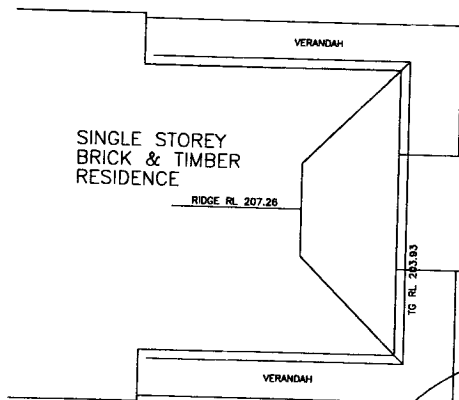


A V E N U E

W O O N O N A

EXISTING SHADOW

PROPOSED SHADOW



D P

5 2 9

EXISTING DRIVEWAY

EXISTING DRIVEWAY

BRICK RESIDENCE NO 12

FLOOR RL 200.83

FLOOR RL 200.83

2

1829.5 m² BY DP

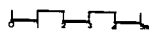
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RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

EQUINOX
3 pm SEP/MAR 21, SHADOW

sh06

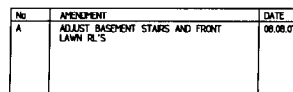
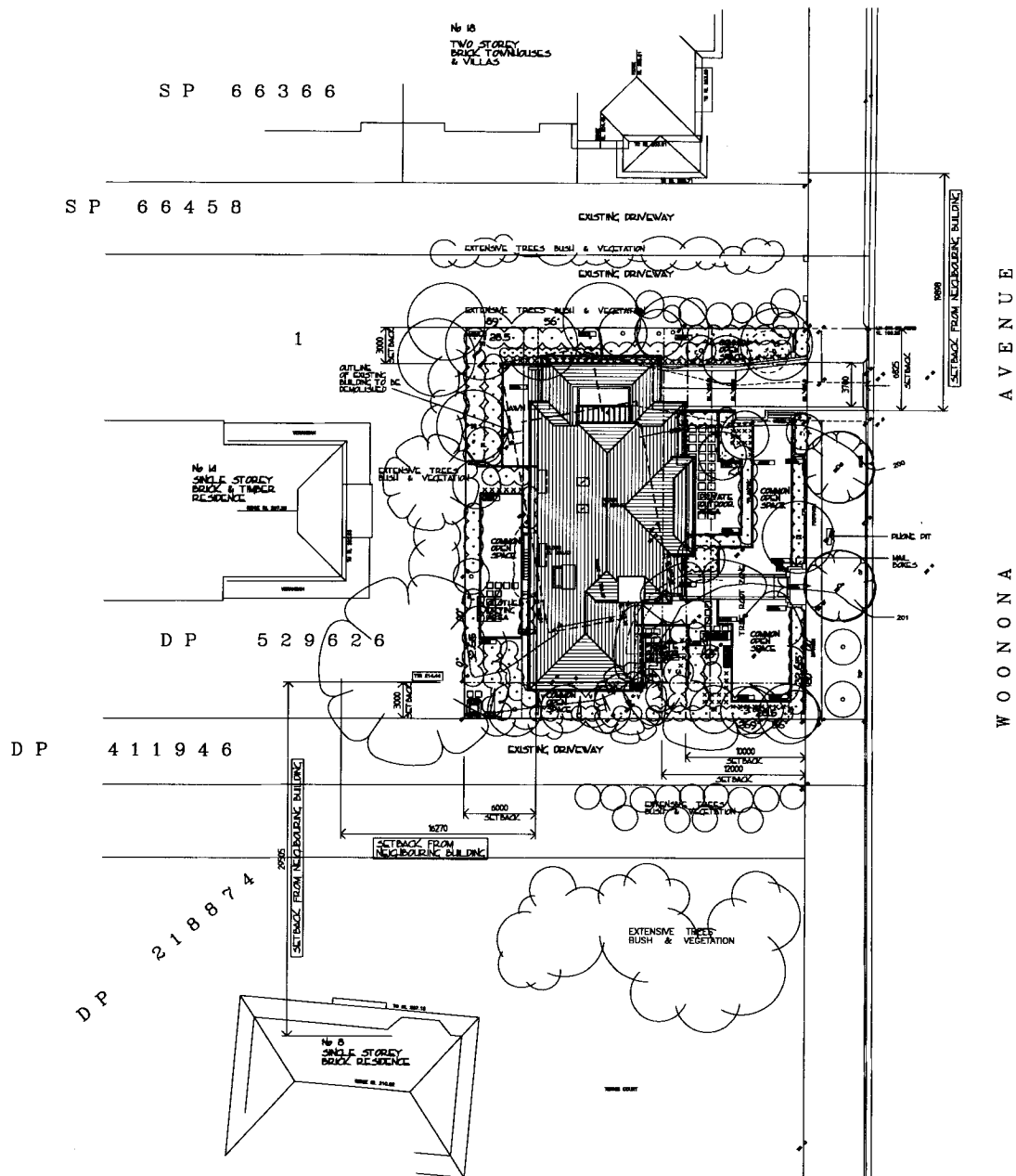
DWG. NO. OF 370
DATE NOV 2006



PLOT DATE 30/04/07



WOLF POLYMER AND PAPER INDUSTRIES AND OTHERS
P.O. BOX 12375, MELBOURNE, VIC 3001

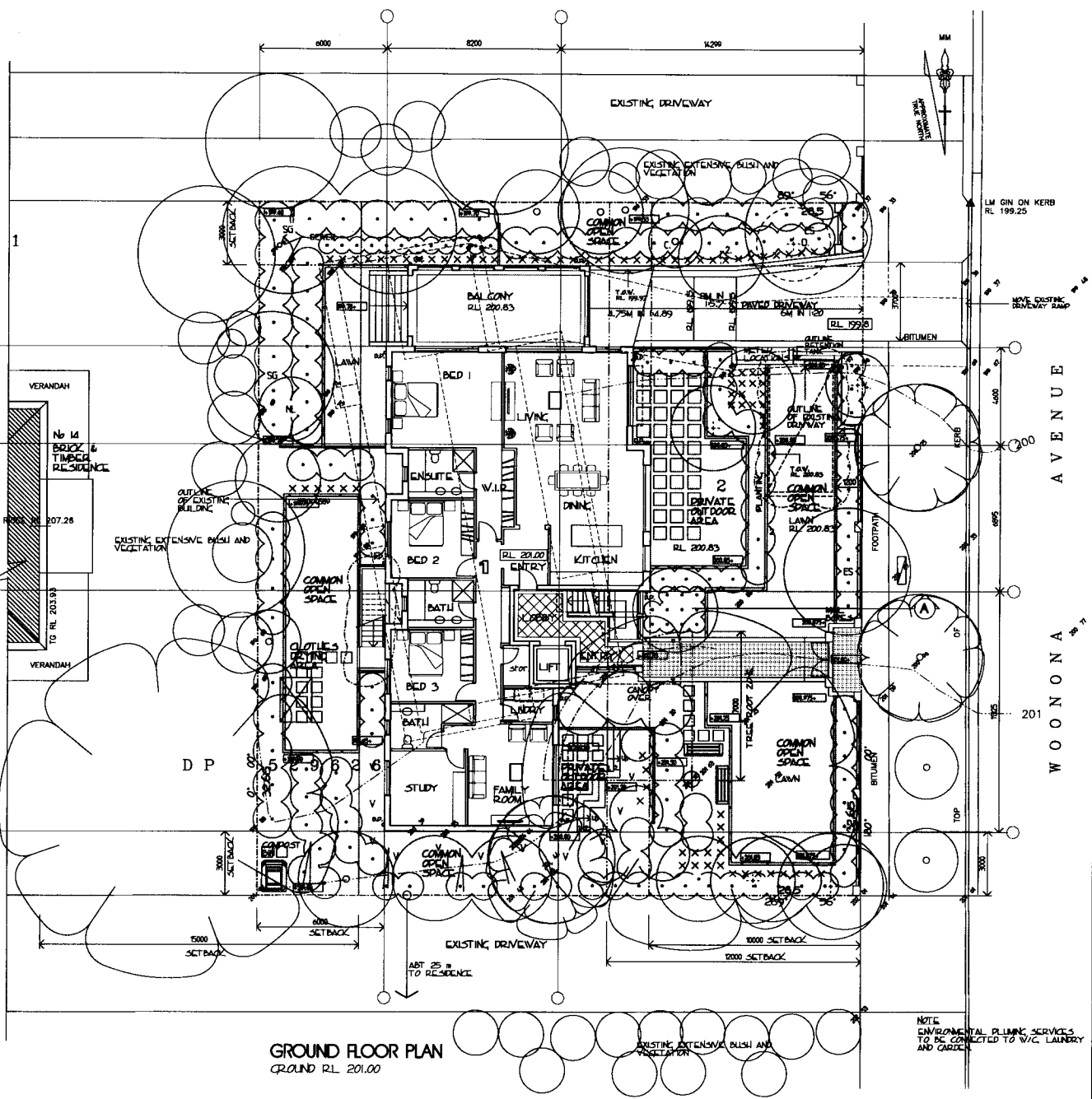
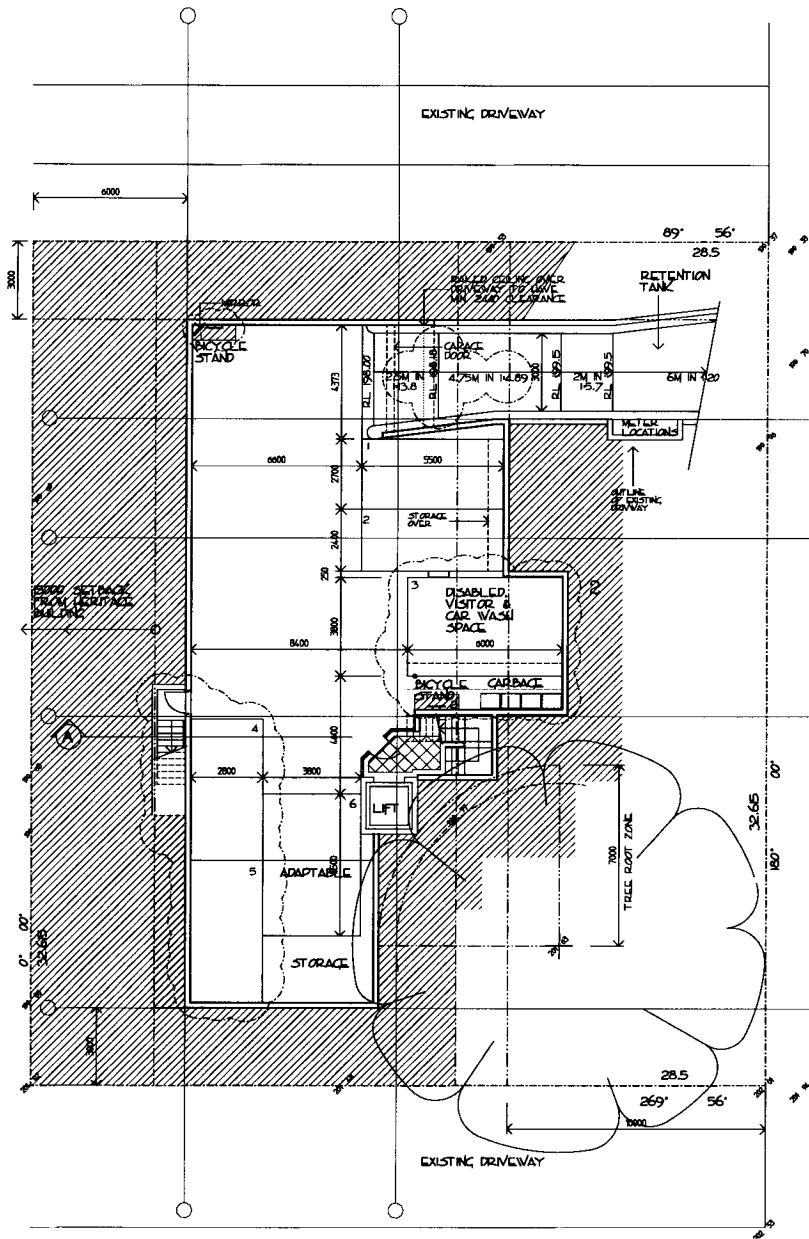


RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

WOLSKI LYCENKO BRECKNOCK ARCHITECTS
118 MILITARY ROAD NEUTRAL BAY 2089
Tel 8003 8477 Fax 80038557

SITE PLAN & ROOF PLAN

da01a
DATE: MAY 2007 2710
SCALE 1200



PLOT DATE 30/04/2007



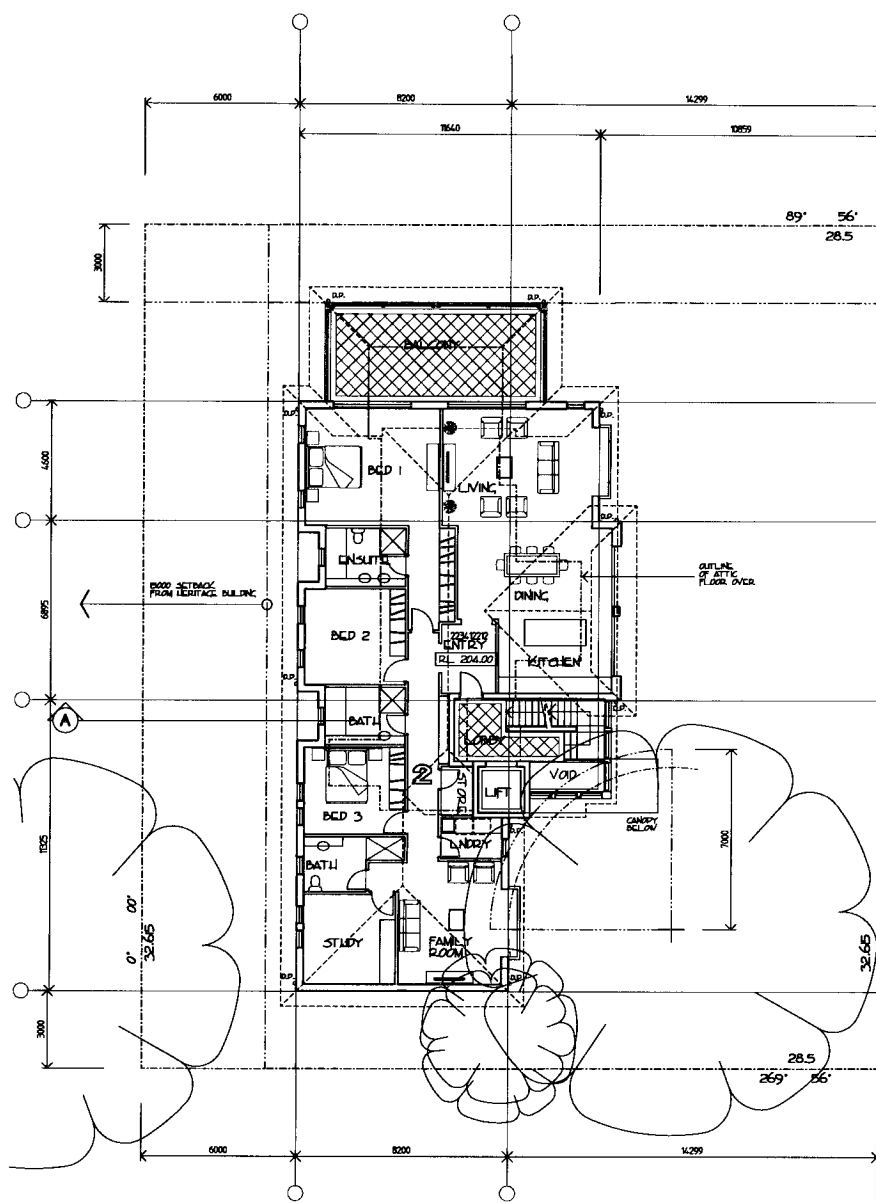
NO	AMENDMENT	DATE
A	RELOCATE RETENTION TANK TO COMMON OPEN SPACE AND EXTEND VISITOR PARKING BAY TOWARDS STREET BOUNDARY. ADD ADDITIONAL CARSPACE AND ADJUST STAIR.	08.08.07

RESIDENTIAL DEVELOPMENT 12 WOONONA AVENUE, WAHROONGA FOR MR PETER SOTIRIOU

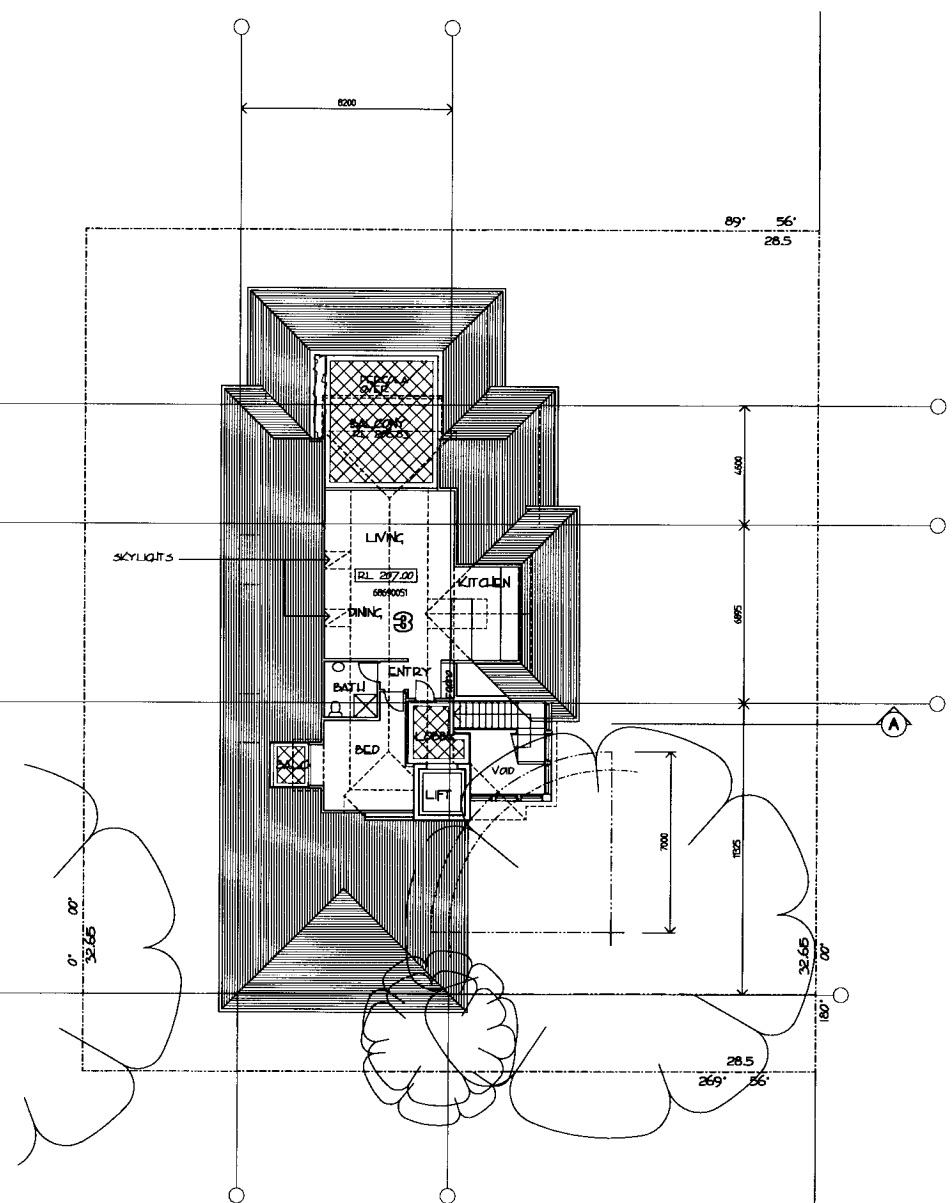
WOLKILL LICENSED ARCHITECTS
101 GERRARD STREET NORTH, MELBOURNE VIC 3048
TEL: 03 9347 8477 FAX: 03 9347 8478

BASEMENT FLOOR PLAN & GROUND FLOOR PLAN

da02a
DATE MAY 2007
SCALE 1:100



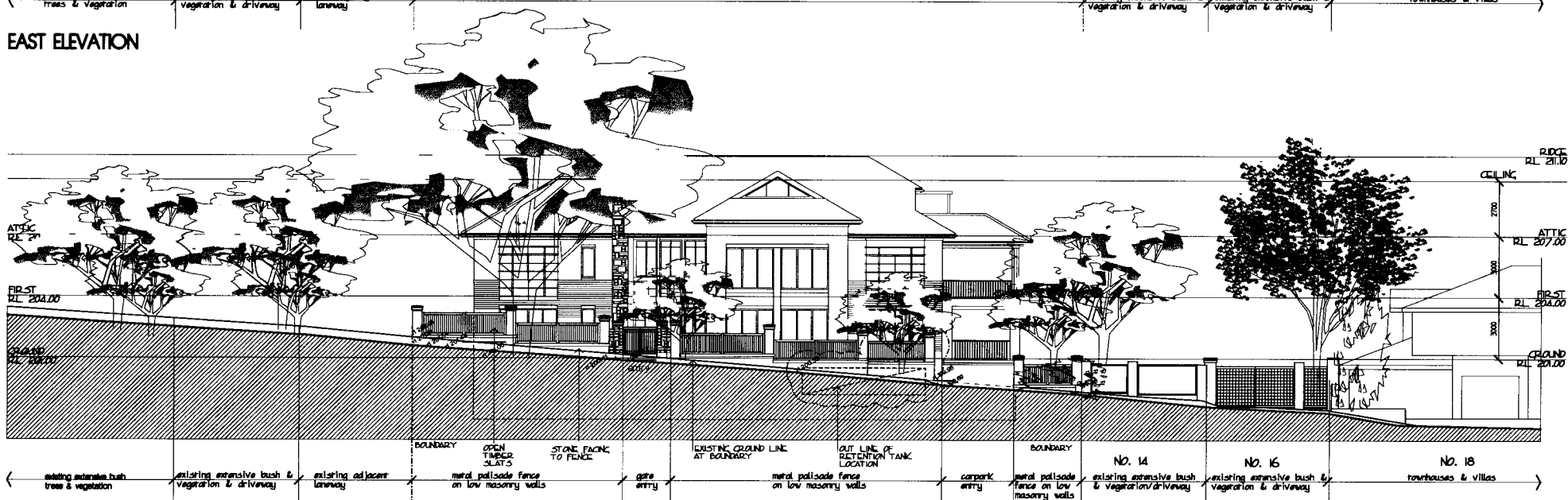
FIRST FLOOR PLAN
FIRST FLOOR RL 204.00



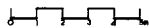
ATTIC FLOOR PLAN
ATTIC RL 207.00



EAST ELEVATION



WOONONA AVENUE ELEVATION



PLOT DATE 30/04/07

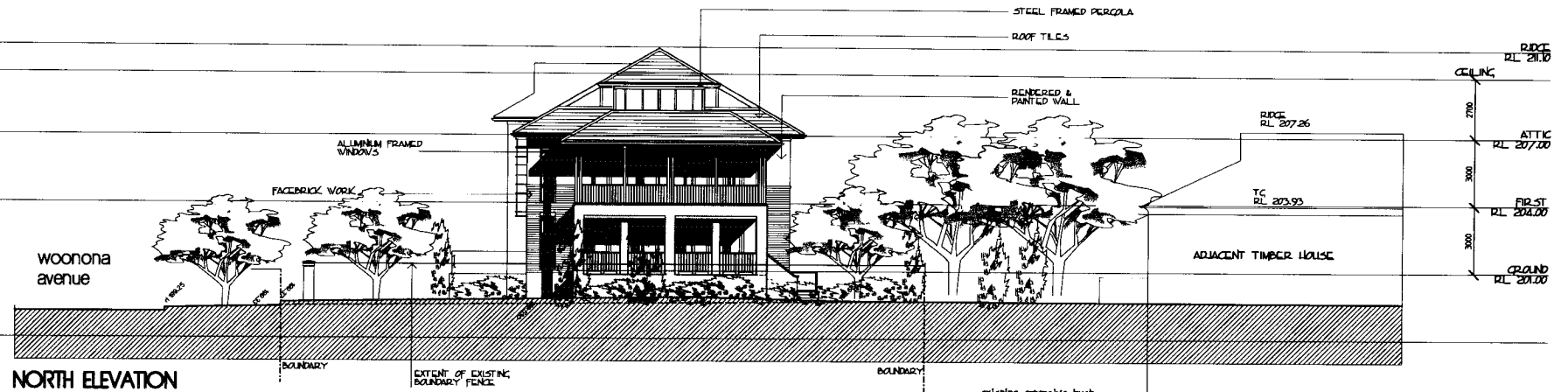
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RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

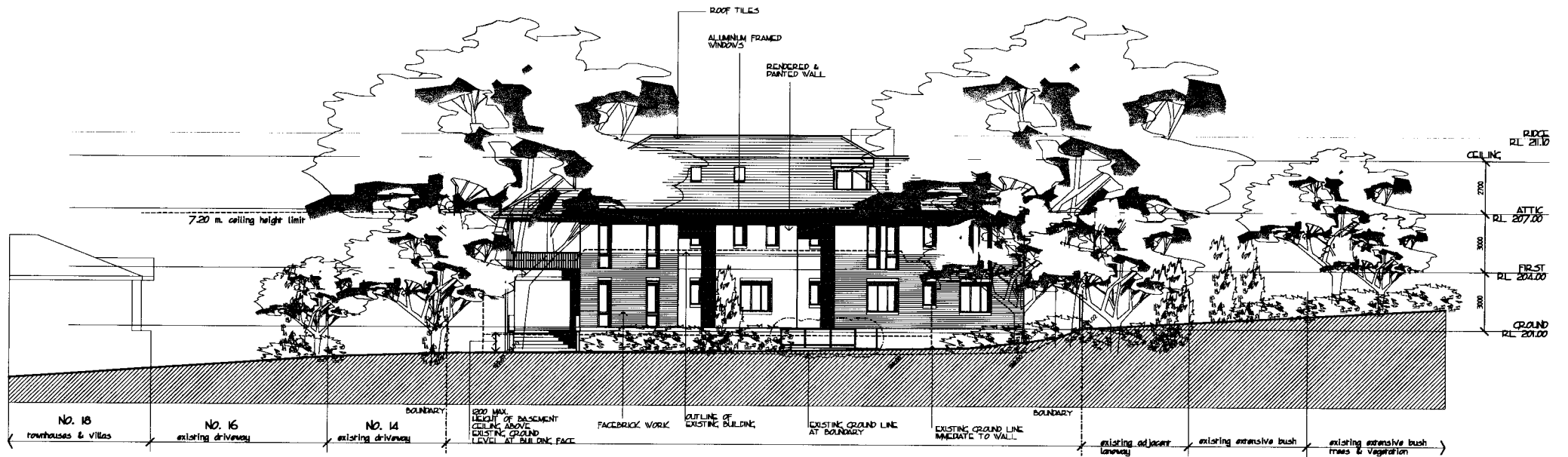
WOOLFE CONSULTING ENGINEERS AND ARCHITECTS
110/112 GERRARD STREET
PO BOX 82775 MELB VIC 3001

EAST ELEVATION &
STREET ELEVATION

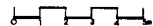
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DATE MAY 2007
SCALE M60



NORTH ELEVATION



WEST ELEVATION



PLOT DATE 30AUG07

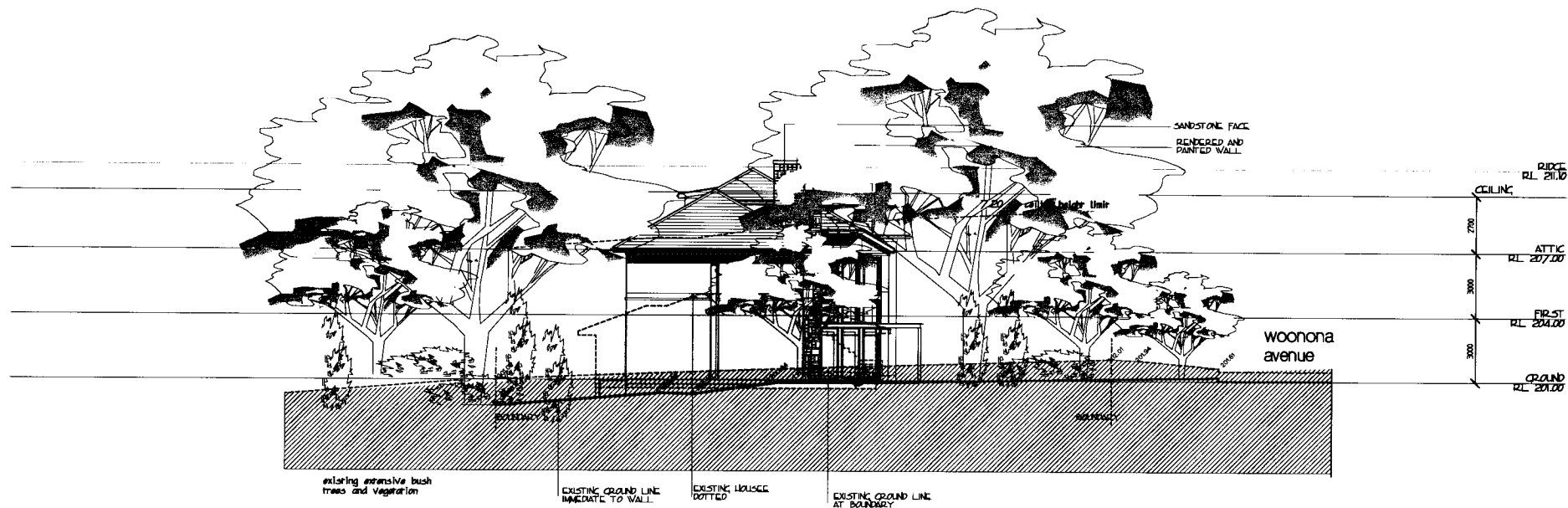
NO	REVISION	DATE
A	ADJUST EXTERNAL STAIR FROM BASEMENT	08.08.07

RESIDENTIAL DEVELOPMENT
12 WOONONA AVENUE, WAHROONGA
FOR MR PETER SOTIRIOU

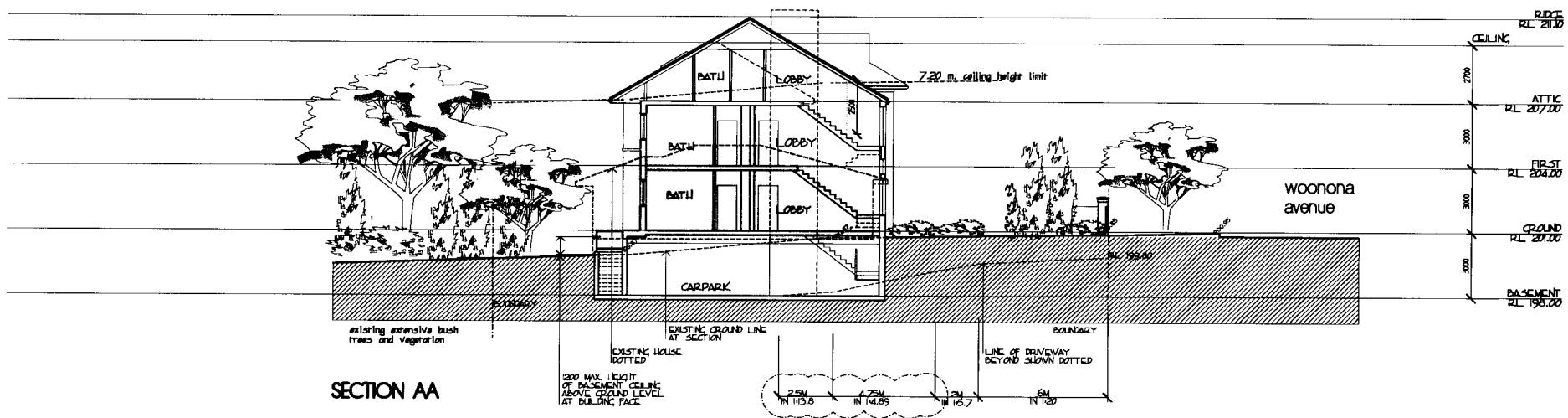
WOLFE LLOYD ARCHITECTS
115-117 GERRARD STREET EAST, MELBOURNE VIC 3000

NORTH ELEVATION &
WEST ELEVATION

da05a
DATE MAY 2007
SCALE 1:50



SOUTH ELEVATION



SECTION AA

No	REVISION	DATE
1	ADJUST DRIVEWAY GRADES	08.08.07

SCHEDULE OF PLANT MATERIAL

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT	POT SIZE	STAKES
AN	Asplenium nidus	Birds Nest Fern	5	1.5m	5 litre	-
BE	Barleria ericifolia	Heath Barleria	6	2m	5 litre	-
BSp	Barleria apiculata	Hairy Heath Barleria	17	0.8m	5 litre	-
BC	Blechnum carlivagnum	Gristle Fern	15	0.4m	140mm pot	-
CC	Callistemon citrinus	Crimson Bottlebrush	16	2.5m	5 litre	-
CT	Clerodendrum tomentosum	Hairy Clerodendrum	5	2m	5 litre	-
CR	Cornus alba	White Cornus	7	1.5	5 litre	-
CR	Cornus reflexa	Native Fuchsia	3	1.5	5 litre	-
CA	Cyrtanthus australis	Tree-Fern	6	2.5m	25 litre	-
DC	Dianella caerulea	Paroo Lily	48	0.4m	140mm pot	-
DR	Dianella revoluta	Black Anther Lily	12	0.5m	140mm pot	-
ER	Elaeocarpus reticulatus	Blueberry Ash	6	5m	100 litre	2
EB	Eucalyptus saligna #	Sydney Blue Gum	2	25m	25 litre	2
KA	Kunzea ambigua	Tick Bush	10	1.5m	5 litre	-
LL	Lomandra longifolia	Spiry Headed Mat Rush	23	0.4m	140mm pot	-
LL	Lomandra longifolia 'Tanika'	Lomandra Tanika	17	0.4m	140mm pot	-
NL	Notelasma longifolia	Mock Olive	1	4m	5 litre	-
PR	Pittosporum revolutum	Yellow Pittosporum	21	1.5m	5 litre	-
SAC	Syzygium 'Aussie Compact'	Bush Cherry	21	1.3m	25 litre	-
SPD	Syzygium paniculatum Dwarf	Dwarf Bush Cherry	19	3m	25 litre	-
SG	Syzygium glomeratum #	Turpentine	3	25m	100 litre	2
TL	Tristania laurina	Water Gum	2	6m	100 litre	2
V	Viola hederacea	Native Violet	17	prostrate	140mm pot	-

5 x Species that have or will attain a height of 13m in accordance with Council requirements.

Plant species in this schedule have been selected from Ku-ring Gai Council's list of Indigenous plants within the BASIX Specification, Ku-ring Gai Council's list of Sydney Blue Gum High Forest Species and Sydney Water's One Water Drop Low Water Use Plant Species.

ADJACENT RESIDENCE

SCHEDULE OF EXISTING PLANTS

KEY	BOTANICAL NAME	COMMON NAME	HEIGHT X SPREAD
1.	Camellia sp.	Camellia	4 x 5m
2.	Camellia sp.	Camellia	4 x 4m
3.	Acer palmatum	Japanese Maple	4 x 4m
4.	Chamaecyparis sp.	Cypress	4 x 3m
5.	Colonnaster sp.	Colonnaster	5 x 5m
6.	Acer negundo	Box Elder	5 x 4m
7.	Syzygium glomeratum	Turpentine	10 x 18m
8.	Jacaranda	Jacaranda	10 x 7m
9.	Callistemon sp.	Bottlebrush	4 x 3m
10.	Callistemon sp.	Bottlebrush	4 x 3m
11.	Sapitum sebiferum	Tallowwood	4 x 4m
12.	Cupressus sempervirens	Italian Cypress	14 x 10m
13.	Liquidambar styraciflua	Liquidambar	14 x 10m
14.	Jacaranda mimosaefolia	Jacaranda	9 x 5m
15.	Fraxinus raywood	Ash Clarat	4 x 5m
16.	Fraxinus raywood	Ash Clarat	4 x 5m
17.	Jacaranda mimosaefolia	Jacaranda	3 x 3m
18.	Jacaranda mimosaefolia	Jacaranda	4 x 3m
19.	Pittosporum undulatum	Sweet Pittosporum	5 x 3m
20.	Cinnamomum camphora	Camphor Laurel	10 x 5m
21.	Cinnamomum camphora	Camphor Laurel	9 x 5m
22.	Pittosporum undulatum	Sweet Pittosporum	6 x 4m
23.	Pittosporum undulatum	Sweet Pittosporum	7 x 4m
24.	Pittosporum undulatum	Sweet Pittosporum	7 x 4m
25.	Pittosporum undulatum	Sweet Pittosporum	7 x 4m
26.	Erythrina crista galli	Coral Tree	9 x 9m
A.	Camellia sp.	Camellia	3 x 3m
B.	Camellia sp.	Camellia	3 x 3m
C.	Camellia sp.	Camellia	3 x 3m
D.	Camellia sp.	Camellia	3 x 3m

This Schedule should be read in conjunction with the Arborist Report prepared by Naturally Trees.

1 x existing tree that has attained a height of 13m in accordance with Council requirements.

LEGEND

- 188.95 EXISTING LEVELS
- + 189.50 PROPOSED LANDSCAPE LEVELS
- EXISTING TREE TO BE REMOVED
- EXISTING TREES TO BE RETAINED
- BOUNDARY
- STEPPING STONES
- NEW TURF AREAS: 'SOFT LEAF BUFFALO'
- UNIT PAVING (REFER TO ARCHITECTS DETAILS)
- BRICK GARDEN EDGING
- CLOTHESLINE
- STRUCTURES TO BE REMOVED
- MASONRY WALL
- 1.2M HIGH TIMBER SCREEN TO ARCHITECTS DETAILS

NOTES

This plan is to be read in conjunction with all documentation prepared by Woleid Lyons & Brecknock Architects.

Also refer to the Landscape Specification.

iSpace
LANDSCAPE ARCHITECTURE

25 bent street
indfield nsw 2070
ph 9416 4290 fax 9416 4735
A.C.N 097 328 580
email ija@netspace.net.au

project
Residential Units
12 Woonona Avenue, Wahnroona

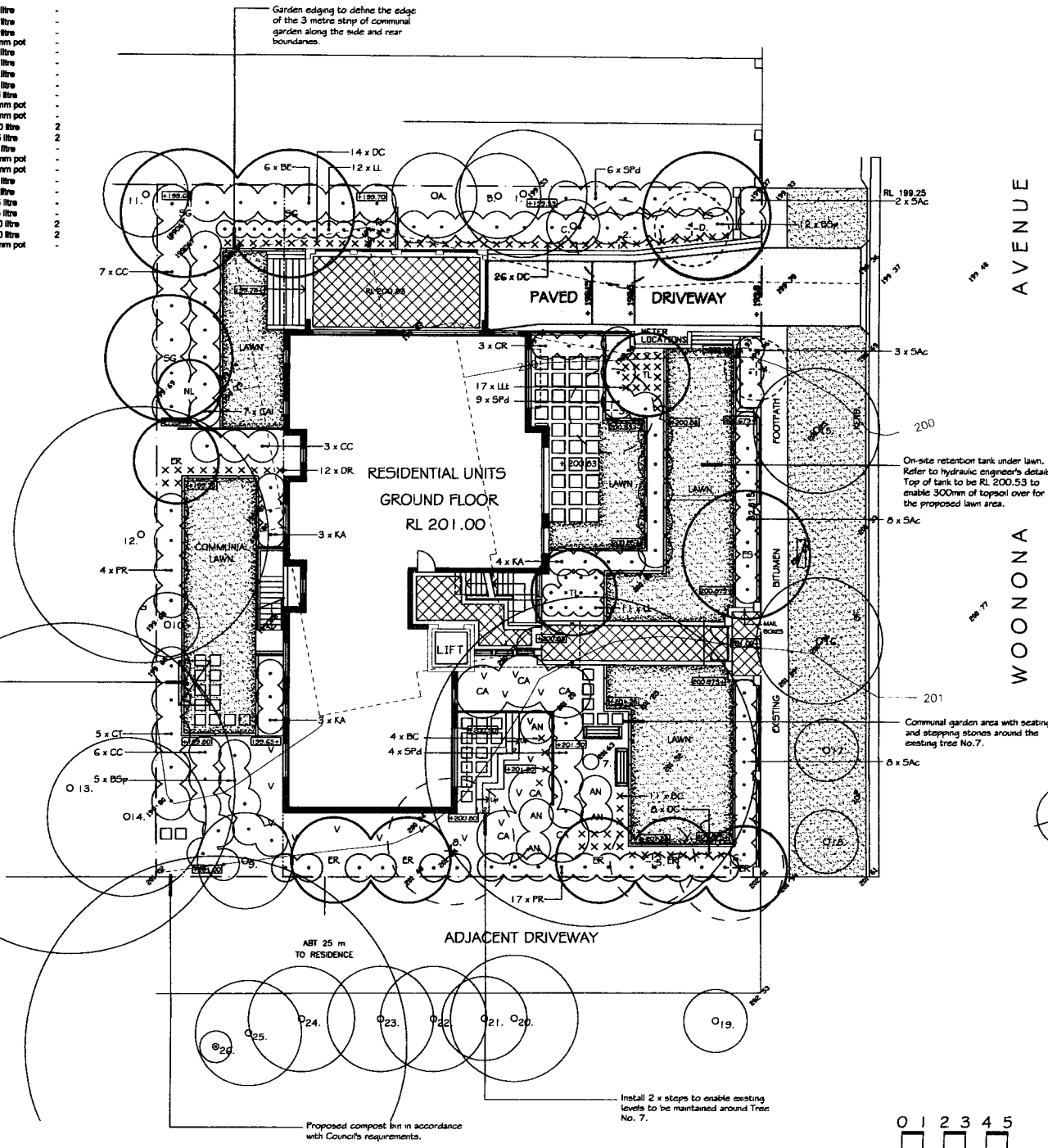
drawing
Landscape Plan

client
Mr P. Sotiriou

date
May 2007
scale
1:100 @ A1
1:200 @ A3

job.dwg no.
30.07/050
no. in set
ONE/ONE

designed by
IJ
drawn by
CSJM



REPRESENTATION ON COMMUNITY COMMITTEES/ORGANISATIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to make appointments to community committees/organisations for 2007/2008.

BACKGROUND:

Not applicable.

COMMENTS:

Council is represented on a number of community bodies, which include community organisations of which Council is a stakeholder and Advisory Committees for various government departments.

RECOMMENDATION:

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

Item 6

S02355
23 August 2007**PURPOSE OF REPORT**

For Council to make appointments to community committees/organisations for 2007/2008.

BACKGROUND

Not applicable.

COMMENTS

Council is represented on the following community bodies and committees. Council is required to nominate representatives for each of these bodies.

Committee/Organisation	Number to be appointed	Current Delegate/s
The Ku-ring-gai Police and Community Safety Committee	1	Councillor Lane
Ku-ring-gai Meals on Wheels Inc	1 Plus 1 Alternate	Councillor Shelley No appointment made
Eryldene Trust	2	Councillor Anderson
RTA-Sydney Region Combined Consultative Forum	1	Councillor Lane
Hornsby/Ku-ring-gai Bushfire Management Committee	1 Plus 1 Alternate	Councillor Andrew Councillor Malicki
Metropolitan Public Libraries Association	1	Councillor Anderson
Rural Fire Service District Liaison Committee	1	Councillor Andrew
Hawkesbury/Nepean Local Government Advisory Group	1 plus 1 Alternate	No Appointments made
Northern Sydney Regional Organisation of Councils (NSROC)	Mayor plus 1 plus 1 Alternate	Councillor Ebbeck Councillor Malicki Councillor Ryan
Ku-ring-gai Youth Development Service Inc Management Committee	1	Councillor Shelley

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have reviewed the list of committees and bodies currently requiring representation.

SUMMARY

Councillor representation on the external committees identified in this report is an important component of representing Council and the community's views on a range of matters relevant to Ku-ring-gai.

RECOMMENDATION

- A. That Council make appointments to community committees/organisations as listed in the report.
- B. That the community committees/organisations be informed of Council's representatives.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Item 7

S02080, S02110, S02355,
S03447, S03448, S03449,
S03816, S05043
27 August 2007

ELECTION OF CHAIRPERSONS/DEPUTY CHAIRPERSONS - 2006 TO 2007 COMMITTEES & ADVISORY COMMITTEES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to give consideration to the election of the Chairpersons/Deputy Chairpersons for Council's Informal Committees & Advisory Committees.

BACKGROUND:

Council has a number of Informal Committees & Advisory Committees.

COMMENTS:

Council elects Councillors as Chairpersons/Deputy Chairpersons of the Committees & the Advisory Committees, as required.

RECOMMENDATION:

That Council elect the Chairpersons/Deputy Chairpersons for the Committees & the Advisory Committees.

Item 7

S02080, S02110, S02355,
S03447, S03448, S03449,
S03816, S05043
27 August 2007

PURPOSE OF REPORT

For Council to give consideration to the election of the Chairpersons/Deputy Chairpersons for Council's Informal Committees & Advisory Committees.

BACKGROUND

Council has established the following Informal Committees:

- Policy Review Committee
- Planning Committee
- Finance Committee
- Community Development Committee
- Council Facilities Committee

The Advisory Committees are as follows:

- Bushland, Catchments & Natural Areas Reference Group.
- Parks, Sport & Recreation Reference Group
- Companion Animals Advisory Committee
- Heritage Advisory Committee
- Access Committee
- Traffic Committee

COMMENTS

Last year, Council elected the following Councillors as Chairperson/Deputy Chairperson of the Committees.

Committees

Policy Review

Chairperson:	Councillor Ryan
Deputy Chairperson:	Councillor Andrew

Planning

Chairperson:	The Mayor
Deputy Chairperson:	Councillor Malicki

(Note: The Mayor is the Chairperson - see Minute No 419 of 2005)

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Finance

Chairperson: Councillor Ryan
Deputy Chairperson: Councillor Shelley

Community Development

Chairperson: Councillor Hall
Deputy Chairperson: Councillor Anderson

The Councillors on the following Advisory Committees either retained their position for a second year or were elected to the position last year.

Advisory Committees

Bushland, Catchments and Natural Areas Reference Group

The Charter states that "Appointments to the Reference Group will remain current for **two years** from the date of appointment".

Chairperson: Councillor Andrew (2 years served)
Deputy Chairperson: Councillor Shelley (2 years served)

Parks, Sport and Recreation Reference Group

The Charter states that "Appointments to the Reference Group will remain current for **two years** from the date of appointments".

Chairperson: Councillor Ebbeck (1 year served)
Deputy Chairperson: Councillor Malicki (1 year served)

Companion Animals Advisory Committee

The Charter states that "Appointments to the Committee will remain current for **two years** from the date of the appointments".

Chairperson: Councillor Shelley (2 years served)
Deputy Chairperson: Councillor Ryan (1 year served)

Heritage Advisory Committee

The Charter states that "Appointment of Councillors and Community Representatives to the Committee is for a maximum of 2 years with nominations for community members to be called for every 2 years and for Councillors to be nominated **after a 2 year term** coinciding with the appointment of Councillors to committees following the election of the Mayor and Deputy Mayor or following the general elections - whichever occurs first".

Chairperson: Councillor Anderson (1 year served)
Deputy Chairperson: Councillor Shelley (1 year served)

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27 August 2007

Ku-ring-gai Access Consultative Committee

The Charter states that "Nominations for Committee Membership will be called for by Council in February of each year."

Chairperson: Councillor Lane
Deputy Chairperson: Councillor Anderson

Ku-ring-gai Traffic Committee

There was no term of appointment for Chairpersons/Deputy Chairpersons specified in the resolution or the Terms of Reference for the Committee.

Chairperson: Councillor Lane
Deputy Chairperson: Councillor Ebbeck

Should Councillors wish to step down from their roles on the various Advisory Committees, Council will need to elect replacements.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That Council elect the Chairperson/Deputy Chairperson for the following Committees:
- Policy Review Committee
 - Finance Committee
 - Community Development Committee
 - Council Facilities Committee

Item 7

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S03447, S03448, S03449,
S03816, S05043
27 August 2007**

- B. That Council elect the Deputy Chairperson for the Planning Committee.
- C. That Council elect the Chairperson/Deputy Chairperson for the following Committees, where necessary:
- Bushland, Catchments & Natural Areas Reference Group
 - Parks, Sport & Recreation Reference Group
 - Companion Animals Advisory Committee
 - Heritage Advisory Committee
 - Ku-ring-gai Access Consultative Committee
 - Ku-ring-gai Traffic Committee

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

DELEGATION OF AUTHORITY - MAYOR & DEPUTY MAYOR, 2007/2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to give consideration to granting Delegations of Authority to Mayor and Deputy Mayor.

BACKGROUND:

It has been Council's practice to delegate some additional functions to the Mayor and Deputy Mayor.

COMMENTS:

These functions are practical delegations which assist the smooth functioning of the Mayoral office.

RECOMMENDATION:

That the Delegations of Authority as set out in Attachment A be granted to the Mayor, Councillor N Ebbeck and to the Deputy Mayor, Councillor A Andrew as set out in Attachment B.

PURPOSE OF REPORT

For Council to give consideration to granting Delegations of Authority to Mayor and Deputy Mayor.

BACKGROUND

The Mayor's role is set out in Section 226 of the Act, which states:

To exercise, in case of necessity, the policy-making functions of the governing body of the Council between meetings of the Council;

To exercise such other functions of the Council as the Council determines;

To preside at meetings of the Council;

To carry out the civic and ceremonial functions of the Mayoral office.

It has been Council's practice to delegate some additional functions to the Mayor and Deputy Mayor.

COMMENTS

These functions are practical delegations which assist the smooth functioning of the Mayoral office.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the Delegations of Authority as set out in Attachment A be granted to the Mayor, Councillor N Ebbeck and to the Deputy Mayor, Councillor A Andrew as set out in Attachment B.

John McKee
General Manager

Attachments: **Attachment A: Delegation of Authority - Mayor - 671328**
 Attachment B: Delegation of Authority - Deputy Mayor - 671329

DELEGATION OF AUTHORITY – MAYOR

That, in addition of the role referred to in Section 226 of the Local Government Act 1993 and by authority of Section 377 of the Local Government Act 1993 and subject to compliance with any other requirements of the Local Government Act or Regulations and expressed Policy of the Council or regulations of any public authority concerned other than the Council, the Mayor, Councillor Nick Ebbeck be and is hereby authorised to exercise or perform on behalf of the Council, the following powers, authorities, duties and functions, and that such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Management Plan.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Management Plan.

3. Temporary General Manager during General Manager's Leave

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint, after consultation with the General Manager, a temporary General Manager, during the absence of the General Manager on leave.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

DELEGATION OF AUTHORITY – DEPUTY MAYOR

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to determine its elected delegates to the 2007 National General Assembly of Local Government.
BACKGROUND:	The General Assembly will be held from 27 to 29 November 2007 in Darwin, Northern Territory.
COMMENTS:	A provisional Program for the Assembly is attached . Council must determine their voting delegates for the debating sessions.
RECOMMENDATION:	That Council determine if it wishes to send delegates to the 2007 National General Assembly of Local Government.

PURPOSE OF REPORT

For Council to determine its elected delegates to the 2007 National General Assembly of Local Government.

BACKGROUND

The annual General Assembly, including the Regional Co-operation and Development Forum, will be held in Darwin, Northern Territory from 26 to 29 November 2007.

COMMENTS

The General Assembly will address a range of important and topical issues facing local government.

Under the theme 'A Climate for Change', the Assembly will build on the ALGA's 3F campaign - Fair Federal Funding, Fair Treatment and Formal Recognition.

Council is entitled to one voting delegate in the main debating sessions and two voting delegates for the concurrent debating sessions (Voting Procedures **attached**).

A Provisional Program is also **attached**.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The costs are as follows:

Registration:	\$770.00 (Earlybird payment received by 5 October 2007)
	\$880.00 (Standard payment received by 9 November 2007)

Accommodation and travel expenses are additional.

Registration for the Forum is an additional \$150.00.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That Council determine if it wishes to send delegates to the 2007 National General Assembly of Local Government.
- B. That Council determine one voting delegate should Council send delegates to the Assembly.
- C. That Council determine a second voting delegate for the concurrent debating sessions should Council send delegates to the Assembly.
- D. That the General Manager or his delegate be permitted to attend the General Assembly.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Attachments:

- 1. National Assembly 2007 Provisional Program - 819677**
- 2. National Assembly Voting Procedures - 819678**

Event 2007

Provisional Program

Monday 26 November 2007: Regional Co-operation and Development Forum

Time	Presentation
9:00 am	Registration
9:30 am - 4:30 pm	Regional Co-operation and Development Forum This year's <i>State of the Regions</i> Report will focus on <i>Climate Change</i> its implications and impact on regional Australia. Whilst climate change is a global issue, its impacts and effects on communities and environments will be subject to varying sub-regional differences. The Report will also include an analysis of local government risk in relation to climate change and case studies that look at what local government can do at the local level to help reduce climate change impacts.
5:30 - 7:30 pm	Welcoming Reception and Local Government Expo Opening Exhibition Hall

Day 1 - General Assembly: Tuesday 27 November 2007

Time	Presentation
7:15 - 8:30 am	ICLEI Breakfast (by pre-arrangement only)
8:00 am	Registration & Expo Open
9:00 am	Opening Session
9:45 am	Keynote Address: Futurist Richard Neville
10:30 am	Morning tea
11:00 am	Plenary Address: Political climate – Constitutional recognition of local government
12:00 noon	Lunch
1:00 pm	Debate on motions
2:00 pm	Ministerial Address
2:30 pm	Afternoon tea
3:00 pm	Concurrent Sessions Option 1: National Awards for Local Government. Option 2: Constitutional Recognition Option 3: Media/Communications
4:30 pm	Close
7:00 pm	Dinner and dance: Foskey Pavilion <i>Proudly sponsored by POSTbillpay</i>

National General Assembly of Local Government

Day 2 - General Assembly: Wednesday 28 November

Time	Presentation
7:15 - 8:30 am	ALGWA breakfast (<i>by pre-arrangement only</i>)
8:00 am	Registration and Expo Open
9:30 am	Plenary Address: Financial climate – infrastructure affordability and financial sustainability for local government
10:30 am	Morning tea
11:00 am	Debate on Motions
12:00 noon	Lunch
1:00 pm	Plenary Address: Issue 3: Natural climate – climate change and its implications for local government
2:00 pm	Debate on Motions
3:00 pm	Afternoon tea
3:30 pm	Concurrent Sessions Option 4: Ageing Australia Option 5: Local Government Finances Option 6: Natural Climate
5:00 pm	Close
7:00 pm	General Assembly Dinner, Skycity

Day 3 - General Assembly: Thursday 29 November 2007

Time	Presentation
8:30 am	Registration and Expo Open
9:00 am	Ministerial Address
9:30 am	Keynote Address – Professor Tim Flannery
10:30 am	Morning tea
11:00 am	Panel Session: Natural climate
12:00 noon	Closing Ceremony
12:30 pm	Lunch
1:30 pm	Annual General Meeting
2:30 pm	Close

Open House – 27-29 November 2007

Tuesday	10:30am – 4:30pm
Wednesday	9:30am – 4:30pm
Thursday	9:30am – 12:00 noon

*As in 2006, Councils on Show! will be allocated a time during the debate sessions.

Business papers

Voting procedures

General

Voting cards will be issued from a separate Voting Card desk at the National General Assembly on Monday between 9:00am and 5:30pm, and on Tuesday from 8:00am and 9:00am, as well as during morning tea, lunch and afternoon tea.

To facilitate issuing of voting cards, councils should decide in advance which concurrent debating sessions they wish to attend and appoint a representative to collect the voting cards on behalf of the council.

You do not need to advise ALGA of your voting delegate(s).

Please note that only councils which are financial members of and recognised by their state/territory association are entitled to voting delegates.

Concurrent debate on motions

Each eligible council is entitled to one voting delegate per concurrent debating session. Councils with fewer than two delegates will need to select at which concurrent debating session they wish to vote. Councils with more than two delegates will need to decide which delegates are to be issued with the voting cards.

Each concurrent debating session will have its own coloured voting card and these will be:

Concurrent debating sessions	Colour of card
11:00 am	
A. Population and ageing	Purple
B. Financing local government	Blue
1:30 pm	
A. Environment	Green
B. Infrastructure	Red

Plenary debate on motions

For plenary sessions each council must select one voting delegate, as only one voting card will be issued per council.

Plenary voting cards will be orange.

INVESTMENT REPORT AS AT 31 AUGUST 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council investment allocations and returns on investments for August 2007.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007 (Minute No.319)

COMMENTS:

The Reserve Bank of Australia (RBA) increased the official cash rate by 0.25% to 6.50% in August.

RECOMMENDATION:

That the summary of investments and performance for August 2007 be received and noted. That the certificate of the Responsible Accounting Officer be noted and the report adopted.

PURPOSE OF REPORT

To present to Council investment allocations and returns on investments for August 2007.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007 (Minute No. 319).

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

COMMENTS

During the month of August, Council had a net cash inflow of \$8,214,000 and gross investment returns of \$240,000.

Council's total investment portfolio at the end of August 2007 is \$69,775,000. This compares to an opening balance of \$55,659,000 as at 1 July 2007.

Council's returns on investments for August is \$240,000. This is less than the year to date budget of \$642,200. The below budget result is due to lower than anticipated returns on investments and the fact that funds from the sale of Council's depot have not been realised as budgeted.

PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- * **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- * **Performance against the UBS Bank Bill Index**

This measures the 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 UBS Bank Bill Index.

- * **Allocation of Surplus Funds**

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

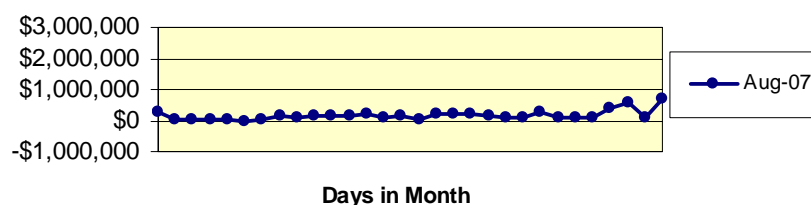
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Management of General Fund Bank Balance

During August, Council had a net inflow of funds of \$8,214,000. This was partly due to the issue of the rates notice which fell due at the end of August and section 94 contributions.

Management of General Fund Bank Balance



Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested at 31-Aug-07 \$000's	Period Return (%)	Annualised YTD Return (%)	Performance since inception (%)	% of Total Invested
Select Access Investments	Titanium AAA	AAA	2,000	7.48	7.48	7.23	2.87
Aberdeen Asset Management	Aberdeen Income Fund	A	11,899	3.31	3.19	6.46	17.05
Perpetual	Perpetual Credit Income	A	2,611	-8.23	-10.48	5.18	3.74
Bendigo Bank	Turrumurra Community Bank	BBB	559	6.52	6.52	6.52	0.80
Adelaide Bank	AAA SAVER	AAA	21,550	6.91	6.75	6.58	30.89
CBA/Helix Capital Jersey	Oasis Portfolio Note	AAA	2,000	7.35	7.35	7.34	2.87
Longreach/Rabobank	Longreach CPWF	AAA	3,224	35.02	-6.17	7.48	4.62
ABN AMRO/Rembrandt Australia	SURF CPDO	AAA	2,015	8.41	8.41	8.39	2.89
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	2,120	42.16	12.25	6.93	3.04
UBS AG London	LongreachSTIRM	AA+	1,000	2.54	2.54	3.54	1.43
Athena Finance (Westpac)	Camelot	AA	1,033	14.03	13.95	6.54	1.48
Deutsche Bank	Longreach s26 Prop	AA+	1,000	0.00	0.00	0.00	1.43
BlackRock Investment	BlackRock Diversified Credit	A	9,805	-9.36	-4.27	6.39	14.05
Westpac Bank	Westpac Bank Deposit	AA	3,959	6.38	6.41	6.41	5.67
ABN AMRO/Nomura	Pheonix Notes	AA+	2,000	9.78	9.78	9.78	2.87
HSBC Bank	Maple Hill 11	AA	3,000	9.45	9.45	9.45	4.30
TOTALS/WEIGHTED AVERAGES			69,775	5.25	2.58		100

Weighted Average Overall Return Year To Date (%)

2.58

Benchmark Return: UBSWA Bank Bill Index(%)

6.40

Variance From Benchmark (%)

-3.83

The weighted average return for the total portfolio year to date was 2.58% compared to the benchmark of the UBS Bank Bill Index of 6.40%.

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Economic Commentary

- Financial markets remained highly volatile during the month on concerns over contagion of losses on structured product across world markets, with a second-round selloff triggered by the discovery of billions of sub-prime losses in Germany's IKB Deutsche Industriebank, WestLB and also in some hedge funds run by BNP Paribas.
- Credit spreads (in particular financials) increased on fears that banks would face growing losses on these sort of investments linked to US mortgages, and lending to hedge funds.
- At the same time, yields on government bonds were driven down on flight-to-quality buying and expectations of large interest rate cuts.
- The uncertainty impacted on equity markets with the ASX200 recording its largest daily fall in 7 years. At intraday lows, the index was 15% off its highs. However, much of this had been recovered by the end of the month and trends have continued to improve in September.
- Acknowledging deteriorating financial market conditions, the US Federal Reserve reduced the discount rate to banks by 50bp to 5.75%.
- Whilst recent volatility has adversely impacted on credit and income fund performance market fundamentals remain positive. By the end of the month enhanced cash funds and other structured credit products were trading well above their inter month lows.

Market Events Specific to Council's Portfolio

- The RBA increased the cash rate by 0.25% to 6.5% during August which will have a positive impact on Council's credit investments. Whilst domestic economic data moderated over the month, with employment, retail sales and building approvals all coming in below expectation, the RBA is retaining a bias for further interest rate increases.
- Credit markets have remained highly volatile in August – this time, the focus switching from sub-prime losses specifically, to the prospect of a possible credit crunch caused by failures of financial institutions.

Income Investments and Growth Investments

Since Council's investment policy was changed in July 2006, a wider range of investments have been made involving diversification of the portfolio into different investment types, longer maturities and different markets. Council's investments now include several growth investments, where returns are principally derived from growth in the value of capital invested, rather than income payments. These investments can be expected to show higher volatility in price movement on a month to month basis. Council has only purchased growth investments which have a capital protection provided by a bank of at least AA. As these investments are long term and not intended to be traded monthly, volatility is of less concern.

Comments on Individual Investment Performance

Rabobank/CPWF 1-2006: This investment is in property, infrastructure and utilities and was made on 29 September 2006. From inception to the end of August 2007, the investment has returned 7.48% with a strong turnaround of +35% annualised in August. The fund managers expect that volatility in the credit markets will continue for the foreseeable future as the full effects of the U.S. sub prime crisis are felt. Whilst this will cause short term volatility in the fund's performance, it has good fundamentals and medium term price growth is expected in all of its underlying asset classes.

NSW Treasury Corporation: The investment was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. Despite the global market volatility, returns this month have been strong with annualised returns of 12.25% and a positive return of 6.93% since purchase.

Athena Finance (Westpac)/Camelot: This investment was made at the end of February 2007 in a fund which invests in foreign exchange rate movements with low correlation to other products and asset classes. It is in times like these, with a disruption in a certain asset class that the benefits of diversification of Council's portfolio become more apparent. The fund had a positive return for the month of August of 14.03% with annualized returns of 13.95%.

Deutsche Bank/Series 26: This new investment was made in June 2007 in a basket of property spread globally across seven geographical areas. The chosen securities provide potential for regular income along with potential capital growth. Returns are based on a contingent semi annual coupon of 7.0% pa and additional return on maturity as capital gain. Whilst the current unit price is 91.22 (from an issue value of 97, after upfront fees), this includes provision for the first coupon payment in December 2007. The investment had a volatile but ultimately positive month recovering ground lost during July, with 5 of its investments increasing and two falling during August. The strongest performers were Stockland (up 11.13%) and Simon Property Group (up 9.70%). The Italian stock Bene Stabili recovered from much lower levels but still remains the worst performer overall in the basket, both last month and since inception.

Maple Hill II: This new investment was made in August 2007 and is managed by Babson Capital linked to the investment in 136 North American and European companies. Quarterly coupons are payable at the rate of 90 Day BBSW+ 225. In addition to coupon income, at maturity investors receive 80% of trading surpluses generated by Babson Capital.

Blackrock Diversified Credit Fund: This investment had a poor result for August, returning -0.81% for the month. This follows the credible 0.26 % return in July, given the correction in credit markets. Council's adviser, Grove Research & Advisory, has advised that the fund's return is a reflection of its substantial allocations to financial institutions, particularly large European banks such as Deutsche Bank and Barclays. These banks are the European equivalents to Australians large trading banks such as ANZ or Westpac. Blackrock's view is that market valuations on these securities have overshoot off the back of concerns regarding some second tier European banks. Grove has confirmed that the Blackrock fund has no exposure to US sub prime assets and that in its view the Blackrock fund is well run. Blackrock is one of the worlds largest investors in fixed interest and credit securities with investment professionals located in all major world markets. The Blackrock fund's income yield is currently 0.84 % p.a., which bodes well for future returns.

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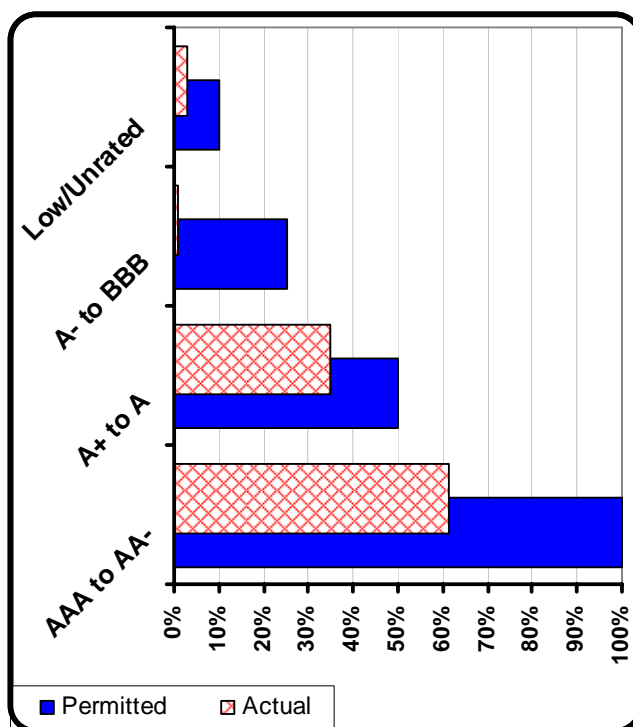
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Whilst offering short term liquidity, the role of the Blackrock fund in the portfolio is to provide additional portfolio returns over 2 to 3 year periods. Grove's view is that the Blackrock fund is still expected to achieve its objectives over its investment horizon.

Allocation of funds

The following charts show the allocations of Councils investment funds by the categories shown:

- 1) **Credit Rating:-** Actual level of investment compared to proportion permitted by policy.

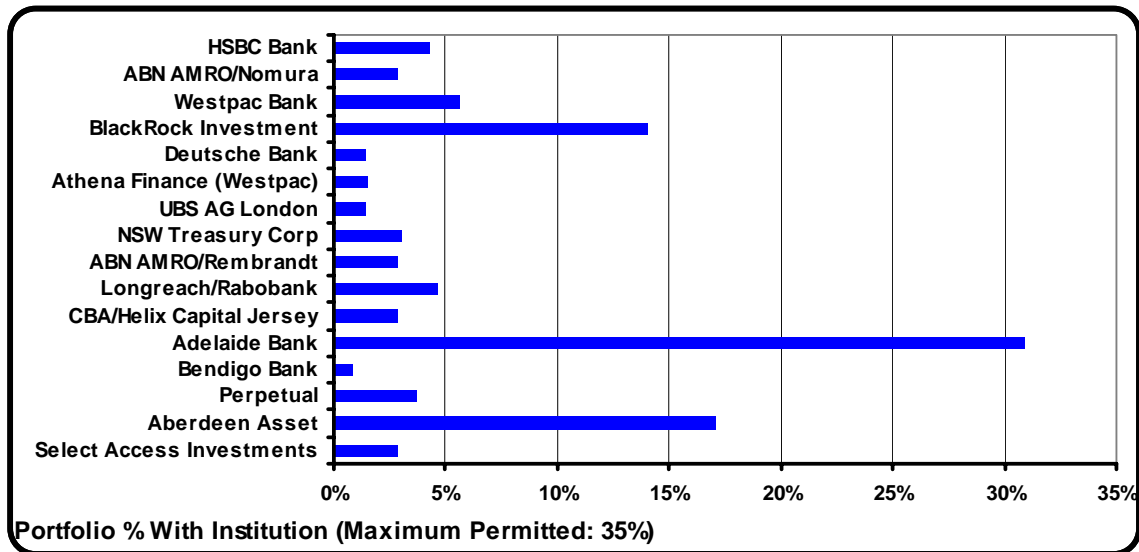


Investment Rating	Proportion
AAA to AA-	60%
A+ to A	35%
A- to BBB	1%
Less than BBB	4%

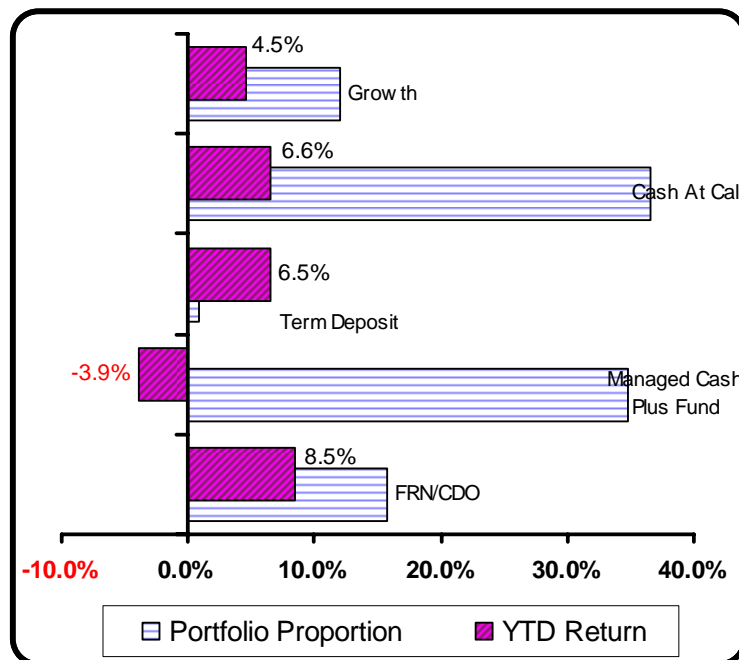
- 2) **Proportional Split of Investments by Investment Institution:** Actual portion of investments by investment institutions. Council's Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.

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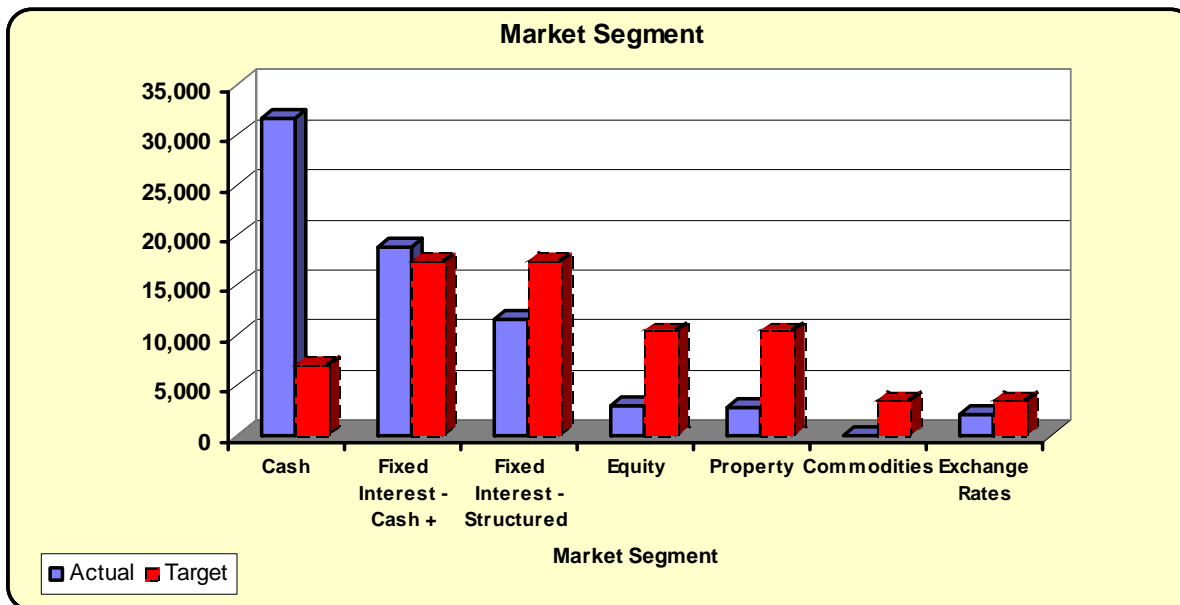
- 3) Investment type and YTD return: Actual proportion of investments by type and year to date return.



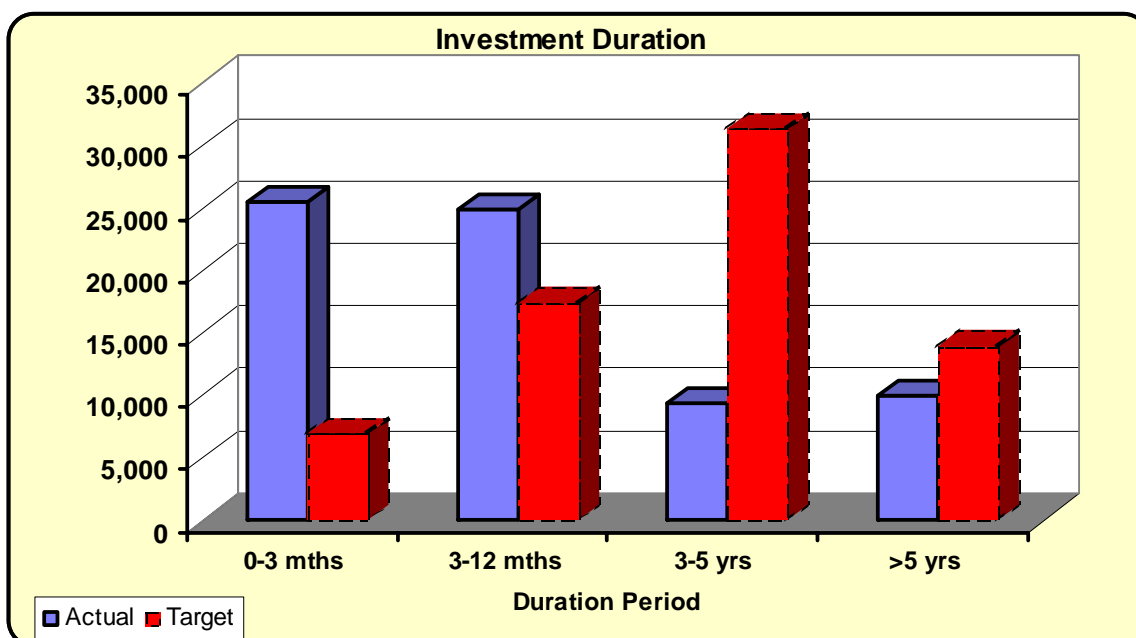
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- 4) **Market Segment:** Strategic allocation of investments by market segment compared to current level.



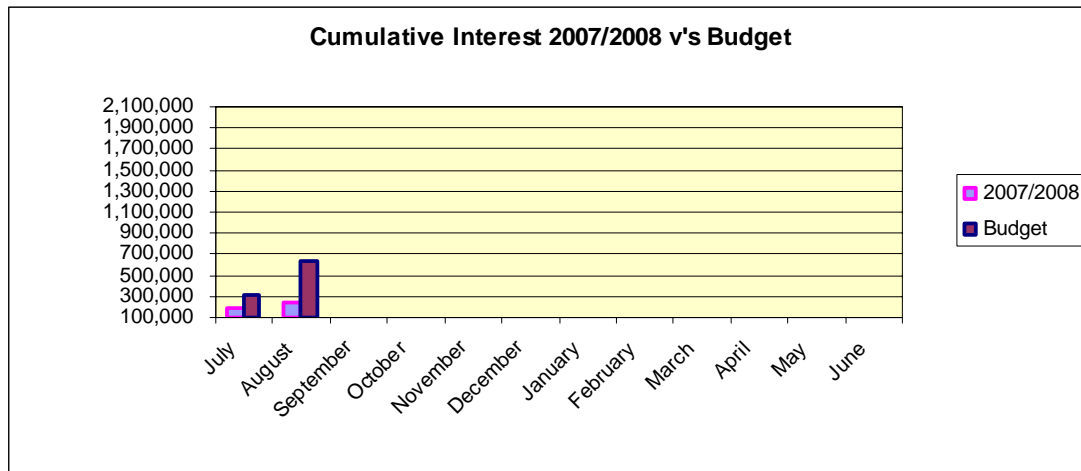
- 5) **Duration:** Strategic allocation of investments by duration compared to current level.



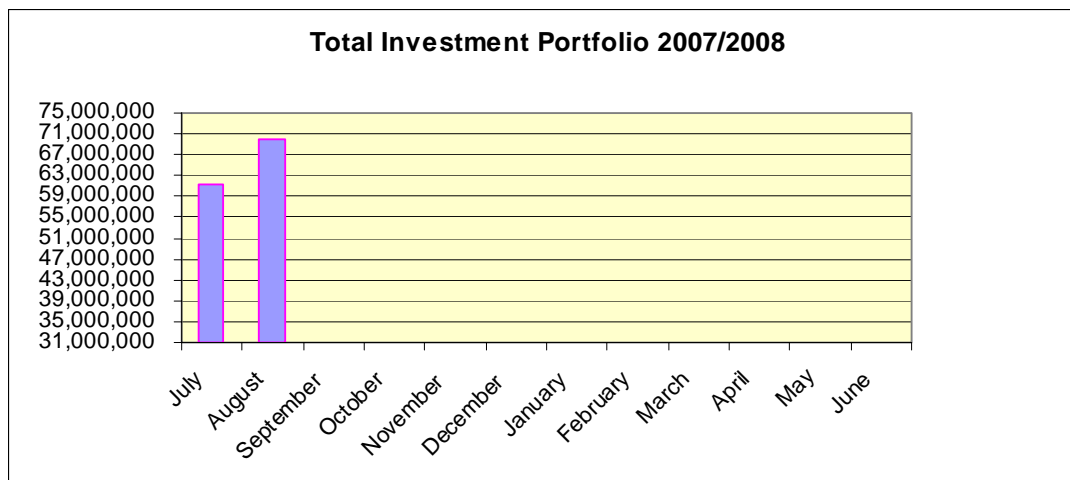
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S05273
13 September 2007**Cumulative Interest**

The following chart compares the interest earned on a cumulative monthly basis against the budgeted year to date forecast. At the end of August year to date interest earnings totalled \$431,750 against a budget of \$642,200, representing a negative variance of \$210,450. The variation is due to our budget factoring in the sale of the Depot and lower than anticipated returns on investments.

**Total Investment Portfolio**

The following chart tracks the year to date investment portfolio balances for 2007/2008.



During August 2007 Council's investment portfolio increased by \$8,214,000.

Council's closing investment portfolio after interest and fees of \$69,775,000 in August 2007 is \$14,116,000 higher than the July 2007 opening balance of \$55,659,000.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) increased the official cash rate to 6.50% in August.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 August 2007:

- Council's total investment portfolio is \$69,775,000. This compares to an opening balance of \$55,659,000 as at 1 August 2007, an increase of \$14,116,000.
- Council's return on investments totals \$431,750. This compares to the year to date budget of \$642,200.

RECOMMENDATION

- A. That the summary of investments and performance for August 2007 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act, 1993, Clause 212 of the Local Government Regulation 2005 and Council's Investment Policy minute number 319.

Edwin Athaide
Accounting Officer

Tino Caltabiano
Manager Finance
Responsible Accounting Officer

2007 FINANCIAL ASSISTANCE GRANTS TO COMMUNITY GROUPS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of applications received from community groups for financial assistance in 2007, and to recommend to Council subsequent funding allocations.

BACKGROUND:

Each year, Council calls for applications for financial assistance from both community and cultural groups that are either based in Ku-ring-gai, or associated with people in the Ku-ring-gai area. Applications totalling \$188,228 have been received from 72 community and cultural groups.

COMMENTS:

Council has allocated \$111,300 for the Financial Assistance Grants Program to Community Cultural Groups in the 2007/08 budget.

RECOMMENDATION:

That Council approve the recommendations in this report for funding community and cultural groups through the Financial Assistance Program.

PURPOSE OF REPORT

To advise Council of applications received from community groups for financial assistance in 2007, and to recommend to Council subsequent funding allocations.

BACKGROUND

Each year, Council calls for applications for financial assistance from both community and cultural groups either based in Ku-ring-gai, or whose work benefits the identified needs of people within the Ku-ring-gai area. Applications totalling \$188,228 have been received from 72 community and cultural groups.

Council has allocated \$111,300 in its 2006/07 budget for the Financial Assistance Grants Program. This amount consists of \$105,218 for community groups, \$3,315 for the rates and garbage rebate for the Eryldene property and \$2,707 as a contribution to the printing costs for the journal of the Ku-ring-gai Historical Society (OMC 19 February 2003).

COMMENTS

Relevant Community Services staff have evaluated all applications (Attachment 2) for financial assistance according to the criteria outlined in the Financial Assistance to Community Groups Policy (Attachment 3). An overview of each application received has also been prepared to assist in the assessment process (Attachment 1). After careful consideration by relevant Council officers, a total of \$105,218 is recommended to be allocated to community and cultural groups.

All groups receiving funding this year are required to provide Council with details on grant expenditure by May of the current financial year. In addition to this requirement, some organisations have had specific conditions placed on the recommendation of a grant.

It is regretted that not all the organisations that have applied will be recommended for financial assistance, and in some cases the full amount requested cannot be granted.

To ensure that Council funds a range of groups and services, all applications were categorised in six (6) areas. These areas are:

1. Aged Services
2. Arts/Cultural
3. Children's Services
4. Disability Services
5. Support Services
6. Youth & Leisure Services

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The amount of \$111,300 was allocated in the 2006/2007 budget. This amount includes \$3,315 for Eryldene and \$2,707 for the printing costs for the journal of the Ku-ring-gai Historical Society.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Where appropriate, advice was sought from relevant Council departments and those comments have been referred to in the individual assessments.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That the community and cultural groups as listed receive financial assistance from Council in 2007.

Community and Cultural Groups	Amount Recommended
	\$
18th Australian Infantry Battalion (Ku-ring-gai Regiment)	\$400.00
1st Lindfield Scout Group	\$980.00
1st Middle Harbour Sea Scout Group	\$1,121.00
1st North Turrumurra Scout Group	\$1,197.00
Albert Drive Community Fire Unit	\$359.00
Australian Breastfeeding Association (ABA) – Turrumurra Group	\$1,000.00
Babybumps Support Group (previously POSIE)	\$1,500.00
Boonah Creative Arts Centre, Centacare	1,870.00
Carols in the Park - Ku-ring-gai	\$9,000.00
Constant Companion Service	1,635.00
Cromehurst Special School P & C Vacation Activity Centre	3,000.00
Dial-A-Mum Inc	\$500.00
Disabled Alternative Road Travel Service - DARTS	1,000.00
East Lindfield Community Pre-school	\$1,683.00
Easy Care Gardening Inc	1,000.00
English at Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	\$1,079.00
Friends of the Richard Geeves Centre	2,000.00
Holy Family Youth Group	\$1,000.00
Hornsby District TPI Social & Welfare Club	400.00
Hornsby Ku-ring-gai & Hills Multiple Births Association (HK & HMBA)	\$1,260.00
Hornsby Ku-ring-gai Association, Action for Mental Health Inc	1,500.00
Hornsby Ku-ring-gai Domestic Violence Network	\$3,000.00
Hornsby/Ku-ring-gai Police & Community Youth Club	\$1,150.00
Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)	\$2,000
Killara High School (Duke of Edinburgh Award Scheme)	\$1,018.00
Killara Scout Group (Koola Ave, Killara)	\$1,100.00
KU Killara Park Pre-School	\$1,000.00
KU Saddington St Pre School	\$1,400.00
KU South Turrumurra Pre School	\$710.00
KU Wahroonga Pre-School	\$1,300.00
Ku-ring-gai Art Society	\$2,000
Ku-ring-gai Community Workshop "The Shed" Inc.	3,000.00
Ku-ring-gai Family Support Program	\$1,075.00
Ku-ring-gai Historical Society Inc	\$2,315.00
Ku-ring-gai Male Choir Inc	\$375

Item 11

S06068
13 September 2007

Ku-ring-gai Meals on Wheels (KMOW)	1,595.00
Ku-ring-gai Philharmonic Orchestra	\$8,500
Lady Game Community Kindergarten	\$1,065.00
Lifestart - Hornsby Early Childhood Intervention Program	\$1,900.00
Lindfield Montessori Preschool	\$840.00
Mirrabooka Singers	\$1,605
Montessori Excelsior School	\$935.00
MS Society - Ku-ring-gai Branch	1,000.00
Noah's Ark Toy Library (NATL) for Children with Special Needs Inc	\$2,000.00
Northside Creative Photography (NCP) Inc	\$1,508.00
NSW Early Childhood Environmental Education Network (NSWECEEN) Incorporated	\$4,000.00
Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group	1,500.00
Pymble Turramurra Kindergarten	\$4,000.00
Roseville P & C Kids Care Association	\$2,500.00
Ryde Argyle Performing Arts Inc. (RAPA)	\$2,000
SHHH Australia Inc (Self Help for Hard of Hearing People)	1,000.00
South Turramurra Community Fire Unit MHP-39	\$988.00
Special Olympics Upper North Shore Sydney Region	1,000.00
St Ives Pre-school Kindergarten	\$2,388.00
St Ives Toastmasters Club	\$600.00
Studio Artes Northside Inc.	\$1,137.00
Technical Aid to the Disabled (TAD) NSW	1,060.00
The Cavalcade of History and Fashion Inc	\$1,000.00
The Community Friendship Group "Cooinda"	1,000.00
The Gordon Handcraft Association	\$950.00
The Green Tent	\$220.00
Visually Impaired Support Group - Lindfield	600.00
Wahroonga Public School Music Committee	\$1,500.00
Warrawee Probus Club Inc	400.00
Wires - Wildlife Information & Rescue Service (North Shore Branch)	\$1,500.00
	\$105,218.00

- B. That all groups receiving a grant, advise Council by 31 May 2007 how the grant was spent.
- C. That those groups recommended for financial assistance from Council receive the cheques personally from the Mayor at a future Council meeting.

Danny Houseas
Manager Community Development

Janice Bevan
Director Community

Attachments: **Summary of Funding Applications & Recommendations & Application Assessments:**
Aged Services - 827584, 827581, 827583
Arts & Cultural Services - 827587, 827585, 827586
Childrens' Services - 827590, 827588, 827589
Disability Services - 827593, 827591, 827593
Support Services - 827597, 827594, 827596
Youth Services - 827600, 827599, 827598

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

AGED SERVICES	Amount Requested \$	Amount Recommended \$	Purpose
Constant Companion Service	1,635	1,635	Contribution towards the cost of providing the monitoring service to 3 Ku-ring-gai residents who are financially disadvantaged.
Easy Care Gardening Inc	1,975	1,000	Contribution towards volunteer recruitment, volunteer expenses and weed mulch.
Friends of the Richard Geeves Centre	7,700	2,000	Contribution towards an A frame trailer to be used for the Centres activities
Ku-ring-gai Community Workshop "The Shed" Inc.	3,000	3,000	Contribution towards table saw and dust collection unit. (Conditional on a suitable premises and commencement of operations being confirmed).
Ku-ring-gai Meals on Wheels (KMOW)	1,595	1,595	To purchase a thermal printer
The Community Friendship Group "Cooinda"	1,000	1,000	Contribution towards cost of monthly activities
Warrawee Probus Club Inc	400	400	To fund hire of a stall at the Wahroonga Village Fair.
	\$17,305	\$10,630	

Aged Services

ORGANISATION NAME: Constant Companion Service

ORGANISATION BACKGROUND: Constant Companion is a unique HACC funded service, which provides a subsidised personal alarm system to enable aged or disabled people living at home to call for assistance 24 hours a day giving them security and independence.

AMOUNT REQUESTED: \$1,635

PROJECT DESCRIPTION: To provide a home emergency monitoring service to 3 financially disadvantaged residents of Ku-ring-gai.

PREVIOUS GRANTS:

- 1999 - \$1,190
- 2002 - \$1,585
- 2003 - \$1,727
- 2004 - \$1,524
- 2005 - \$1,689
- 2006 - \$1,635

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: As a Home and Community Care (HACC) funded service Constant Companion aims to provide services to frail elderly, people with a disability and their carers to enable people to remain in their own home. The emergency home monitoring systems will provide the security of knowing that help is available at a press of a button if people fall over or become ill. This subsidy will pay the up-front cost of \$545 to supply and install emergency monitoring equipment in the homes of three residents of Ku-ring-gai who have been assessed as being financially disadvantaged. The client's contribution will be \$200 per year for the ongoing monitoring fee. This project meets a identified need of providing safety and security for people to remain in their own home. The emergency monitoring system is particularly beneficial for people who live alone and the potentially socially isolated as they will be able to call for help if there is an emergency.

AMOUNT RECOMMENDED: \$1,635

SPECIFIC PURPOSE: Contribution towards the cost of providing the monitoring service to 3 Ku-ring-gai residents who are financially disadvantaged.

Aged Services

ORGANISATION NAME: Easy Care Gardening Inc

ORGANISATION BACKGROUND: Easy Care Gardening is a gardening service for the frail aged and people with a disability on a pension. Volunteer gardeners weed, prune, mulch and make gardens safe and tidy for these sometimes vulnerable people so they might remain in their own homes.

AMOUNT REQUESTED: \$1,975

PROJECT DESCRIPTION: To train, recruit and manage volunteers and purchase weed mats.

PREVIOUS GRANTS: 2002 - \$2,505
2003 - \$1,830
2004 - \$973
2005 - \$1,100
2006 - \$1,830

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Easy Care Gardening Service utilises volunteers to “make over” gardens of frail elderly residents and design them so they are easy to look after. The organisation also provides a lawn mowing service. The service is supported by 276 volunteers who provide over 15,300 hours annually. Services are primarily provided to residents who receive a Centrelink payment and are financially disadvantaged. Easy Care need to recruit and train additional volunteers to meet the current demand for the service in Ku-ring-gai. The funds will be used to recruit and train additional volunteers and to cover the cost of their reimbursement. Weed mats will be used in clients gardens to control weeds without using dangerous chemicals.

AMOUNT RECOMMENDED: \$1,000

SPECIFIC PURPOSE: Contribution towards volunteer recruitment, volunteer expenses and weed mulch.

Aged Services

ORGANISATION NAME:	Friends of the Richard Geeves Centre
ORGANISATION BACKGROUND:	Dementia specific centre providing day care for sufferers in the Hornsby/Ku-ring-gai area.
AMOUNT REQUESTED:	\$7,700
PROJECT DESCRIPTION:	<p>Purchase of galvanised A frame trailer for Centre's bus.</p> <p>Development of a periodic lunching out programme. The Association has also requested funds to develop a new program which involves working with residents.</p>
PREVIOUS GRANTS:	2004 - \$2,200
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	<p>The Richard Geeves Centre provides a day Centre for about 60 clients with Alzheimer's Disease and other forms of dementia still living at home and being cared for by family or friend. The provision of respite, particularly during the day, and support of carers has been identified in the Community Plan. The Friends of Richard Geeves is an association made up of the carers of the attendees who work towards obtaining extra benefits for the Centre. The Association have requested a trailer for the centre's bus to be used for transporting equipment for outings. The trailer will assist staff and carers by enabling them to safely load and unload picnic equipment, reducing their risk of injury and providing more time to care for the clients on activities. The application indicates that the purchase of a trailer is a high priority.</p>
AMOUNT RECOMMENDED:	\$2,000
SPECIFIC PURPOSE:	Contribution towards an A frame trailer to be used for the Centres activities

Aged Services

ORGANISATION NAME:	Ku-ring-gai Community Workshop "The Shed" Inc.
ORGANISATION BACKGROUND:	Aim is to establish a multi-disciplined "trades" and craft workshop that will be the focus for interested persons to gather and undertake practical things for the benefit of themselves, charitable organisations and community groups. It will be a place to reduce isolation, provide opportunities to network and disseminate information on health issues for men in particular.
AMOUNT REQUESTED:	\$3,000
PROJECT DESCRIPTION:	Establishment of a basic woodworking capability as an initial step in setting up a multi-disciplined "trades" and craft community workshop. This includes purchase of a table saw and dust collection unit.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Community Workshops have been established around Australia to provide activities for older men and an opportunity for health promotion. Plans are underway to establish a workshop in Ku-ring-gai which will provide recreation and education opportunities for the whole community, in particular for older men. The older people's needs paper in the Community Plan has identified older men who live alone as being at risk of being socially isolated which may lead to mental illness including depression. The Shed will provide an opportunity for people to participate in an activity which may be of interest to them and to use their skills for the benefit of the wider community including mentoring young people and making toys for children in hospital. In order for the Shed to be operational, woodwork equipment will need to be purchased. The Shed Inc are currently in the process of locating suitable premises from where to commence operations. It is recommended that any funding be made available after a suitable premises has been found and the commencement of operations confirmed.
AMOUNT RECOMMENDED:	\$3,000

SPECIFIC PURPOSE:

Contribution towards table saw and dust collection unit. (Conditional on a suitable premises and commencement of operations being confirmed).

Aged Services

ORGANISATION NAME:	Ku-ring-gai Meals on Wheels (KMOW)
ORGANISATION BACKGROUND:	Food Service providing delivered meals to frail-aged people with disabilities and carers. Also dining room meals and meal companion program.
AMOUNT REQUESTED:	\$1,595
PROJECT DESCRIPTION:	To purchase a thermal printer to improve the meal labelling system for clients who are frail-aged people with disabilities and carers.
PREVIOUS GRANTS:	2005 - \$500
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	Ku-ring-gai Meals on Wheels is an independent company jointly managed by KOPWA and Ku-ring-gai Council to provide high quality food service to residents who are fail aged and/or have disabilities. KMOW is currently in the process of introducing a new packaging system which will improve the presentation and better meet the food safety standards. The new printer will produce labels which will be easier for volunteers and clients to read. The project meets identified community needs by Council supporting Home And Community Support Services to enable residents to remain in their own home.
AMOUNT RECOMMENDED:	\$1,595
SPECIFIC PURPOSE:	To purchase a thermal printer

Aged Services

ORGANISATION NAME: The Community Friendship Group "Cooinda"

ORGANISATION BACKGROUND: The Friendship Group is a ministry of Turramurra Church of Christ. The group provides opportunities for frail aged and people with a disability to meet, socially and share their experiences

AMOUNT REQUESTED: \$1,000

PROJECT DESCRIPTION: Ongoing monthly luncheon and program for seniors relevant to their needs and annual Seniors Church Service.

PREVIOUS GRANTS: 2005 - \$1,000
2006 - \$1,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Community Friendship Group meets monthly for a program of activities which includes morning tea followed by varied recreational, educational, social activities and lunch. The Group is open to everyone whether in care or still living in their own home. The Group is meeting identified community needs by providing social activity to older people who have the potential of being isolated in their homes. "Cooinda" utilises the services of Hornsby/Ku-ring-gai Community Transport to pick up people from their homes. Apart from funds provided by Council the group is reliant on donations and practical assistance from volunteers and contributions by participants. The leaders of the Group are very supportive of Council's Seniors Week activities and actively participate on the organising committee.

AMOUNT RECOMMENDED: \$1,000

SPECIFIC PURPOSE: Contribution towards cost of monthly activities

Aged Services

ORGANISATION NAME:	Warrawee Probus Club Inc
ORGANISATION BACKGROUND:	Probus aims to provide fellowship, education and social activities for older people.
AMOUNT REQUESTED:	\$400
PROJECT DESCRIPTION:	Hire of display stall at the Wahroonga Village Fair 2007 to be held at Wahroonga Shopping Village.
PREVIOUS GRANTS:	2006 - \$350
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	Probus is an association that expands the interests and enjoyment and fellowship of new friends. The Warrawee Clubs is embarking on a recruitment campaign aimed at increasing their membership to 100 people. They are targeting people in the 60 to 75 age group. A stall at the Wahroonga Village Fair is a way of promoting their activities to new members. Probus is meeting an identified community need by providing social and recreational activities to older people including monthly guest speakers and information on support services.
AMOUNT RECOMMENDED:	\$400
SPECIFIC PURPOSE:	To fund hire of a stall at the Wahroonga Village Fair.

**COMMUNITY
FINANCIAL ASSISTANCE PROGRAM
APPLICATION ASSESSMENTS 2007**

Attachment 3

CATEGORY: AGED SERVICES

Name of Organisation	Amount Sought \$	Amount Recommended \$
Constant Companion Service	1,635	1,635
Easy Care Gardening Inc	1,975	1,000
Friends of the Richard Geeves Centre	7,700	2,000
Ku-ring-gai Community Workshop "The Shed" Inc.	3,000	3,000
Ku-ring-gai Meals on Wheels (KMOW)	1,595	1,595
The Community Friendship Group "Cooinda"	1,000	1,000
Warrawee Probus Club Inc	400	400
	\$17,305	\$10,630

ARTS & CULTURAL SERVICES	Amount Requested \$	Amount Recommended \$	Purpose
Ku-ring-gai Art Society	4,000	2,000	A contribution towards the Silver Jubilee Trophy & Awards Exhibition prizes
Ku-ring-gai Historical Society Inc	2,714	2,315	Hardware and software for disaster recovery plan and membership to Ancestry.com
Ku-ring-gai Male Choir Inc	750	375	To purchase 25 replacement ties for choir members.
Ku-ring-gai Philharmonic Orchestra	12,000	8,500	A contribution towards the NSW Secondary Schools Concerto Competition, the Education and Professional Development Program & Young Friends' Program.
Mirrabooka Singers	1,925	1,605	A contribution towards purchase of sheet music and printing expenses, annual piano tuning and a contribution towards 3 honorariums to professional volunteers.
Northern Sydney Youth Orchestra	1,500	0	N/A
Northside Creative Photography (NCP) Inc	1,508	1,508	To purchase projector screen, projector stand, audio equipment and cordless radio microphone.
Ryde Argyle Performing Arts Inc. (RAPA)	13,999	2,000	A contribution towards developing the Ku-ring-gai Stories Phase 2 theatre work.
Studio Artes Northside Inc.	1,137	1,137	Purchase and installation of the hanging system, 6 plinths for the display of pottery, artworks etc. and display cabinets for hand made jewellery
The Cavalcade of History and Fashion Inc	5,135	1,000	Update computer in order to digitize paper records
The Gordon Handcraft Association	950	950	A contribution toward the production of leaflets and advertising in the Ku-ring-gai Philharmonic Orchestra Program and the cost of a banner.
Wahroonga District Music Club	537	0	N/A
Wahroonga Public School Music Committee	1,975	1,500	Purchase of 25 chairs for music rehearsals and performances.
Resident (Heather Chambers)	2,000	0	N/A
Carols in the Park - Ku-ring-gai	11,700	9,000	Contribution towards PA system, stage, lighting, garbage, portaloos, park hire fee and DA
Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)	2,200	2,000	Hire of stage and sound system
	\$64,030	\$33,890	

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

Arts & Cultural

ORGANISATION NAME: Ku-ring-gai Art Society

ORGANISATION BACKGROUND: An association of artists and art lovers, fostering artistic pursuits in Ku-ring-gai.

AMOUNT REQUESTED: \$4,000

PROJECT DESCRIPTION: Mounting the Annual Awards Exhibition - including cash prize awarded with Silver Jubilee Trophy sponsored annually by the Council.

PREVIOUS GRANTS: 2006 - \$1,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Ku-ring-gai Art Society is the only Art Society in Ku-ring-gai, and has been providing an arts related network service for the past 42 years. It organises 3 public art exhibitions per year for its 300 members, the majority of whom reside in Ku-ring-gai. The Annual Awards Exhibition is the largest of its kind in the LGA attracting media and resident attention, and is held over 6 days in June at the St Ives Shopping Village. It gives its members the opportunity to exhibit and receive acknowledgement for their work by the general community as well as be judged by well known Sydney artists.

AMOUNT RECOMMENDED: \$2,000

SPECIFIC PURPOSE: A contribution towards the Silver Jubilee Trophy & Awards Exhibition prizes

Arts & Cultural

ORGANISATION NAME: Ku-ring-gai Historical Society Inc

ORGANISATION BACKGROUND: Promotion of local and family history of Ku-ring-gai and its residents. Collection of relevant historical material and the development of reference sources to aid the above.

AMOUNT REQUESTED: \$2,714

PROJECT DESCRIPTION: Implement a disaster recovery plan for the Society's computer network on 9 computers.
Install Ancestry.com on a Society computer.
Purchase of a vacuum cleaner.

PREVIOUS GRANTS:

2004 - \$1,965
2005 - \$1,159
2006 - \$1,250 (Ku-ring-gai Centenary Grant)
2006 - \$1,098

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Ku-ring-gai Historical Society aims to research and record the local history of Ku-ring-gai. It provides valuable promotion of local and family history of Ku-ring-gai and its residents. The Society collects relevant historical material and develops reference sources to aid the above, which are all kept on their computer network. Additional funding is sought for the purpose of enabling the Society to maintain and protect this vital source of information through the new software and hardware requested. As well as to enable access to a wider range of genealogical resources through membership to Ancestry.com.

AMOUNT RECOMMENDED: \$2,315

SPECIFIC PURPOSE: Hardware and software for disaster recovery plan and membership to Ancestry.com

Arts & Cultural

ORGANISATION NAME: Ku-ring-gai Male Choir Inc

ORGANISATION BACKGROUND: A community-based male choir, established in 1946 - most members over 55 years. It aims to establish and maintain a community of men with a love of singing, provide entertainment for older members of the community and raise funds for charities.

AMOUNT REQUESTED: \$750

PROJECT DESCRIPTION: To purchase 25 ties for members which are part of the Choir's uniform. While the jackets are lasting well, many of the ties have become stained and discoloured.

PREVIOUS GRANTS: 2002 - \$450
2003 - \$350
2004 - \$300
2005 - \$1,000
2006 - \$1,300

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Choir aims to provide entertainment for older members of the community and to raise funds for certain charities. In 1998 the Council approved a grant of \$2,800 to assist the choir to obtain 35 uniforms (blue jacket and yellow tie). Since that time, as the choir increased in size, further grants were made for additional jackets. Funds are sought to purchase replacement ties for the 50 odd members in keeping with their uniform and to maintain a smart and professional appearance when performing their 16 annual concerts. The choir provides opportunities for men to perform to an audience such as hospitals and retirement villages for the elderly people in our community. Partial funding for the purchase of ties to replace ones that are irreparably damaged is recommended.

AMOUNT RECOMMENDED: \$375

SPECIFIC PURPOSE: To purchase 25 replacement ties for choir members.

Arts & Cultural

ORGANISATION NAME:	Ku-ring-gai Philharmonic Orchestra
ORGANISATION BACKGROUND:	KPO is one of the best community orchestras in Australia and is based in Ku-ring-gai. It aims to provide live orchestral music for all sections of the community, opportunities for young artists and composers, cultural enrichment and music appreciation.
AMOUNT REQUESTED:	\$12,000
PROJECT DESCRIPTION:	<p>NSW Secondary Schools Concert competition - to support organisation, adjudication, prizes and special enhanced promotions for 25th anniversary - \$5,500</p> <p>Assistance to expand bus transport scheme to concerts for Ku-ring-gai seniors - \$4,000.</p> <p>Education and professional development in Latin American percussion workshops for orchestra of young, local players - \$1,500.</p> <p>Young friends programme launch - scheme to attract young support and participation via local schools - \$1,000.</p>
PREVIOUS GRANTS:	<p>2001 - \$7,500</p> <p>2002 - \$7,000</p> <p>2003 - \$5,000</p> <p>2004 - 4,000</p> <p>2005 - \$5,300</p> <p>2006 - \$7,500</p>
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	<p>KPO is a key local, cultural provider and as such has an important role in enabling Council to develop, realize and deliver Ku-ring-gai's Cultural Plan. It is also the only community orchestra in the area, providing opportunities for young and old. The KPO has been in existence for 34 years and aims to provide training opportunities for young artists, composers, and live performances. The 140 odd members and players of the Orchestra are volunteers. The Secondary Schools Concerto competition, is a prestigious annual event, recognised nationally as a key stepping stone for young musicians aspiring to become international soloists. This year also marks the 25th anniversary of this event and so additional funding for special</p>

plans to mark this milestone which are in place, is required. Funding is also sought for the proposed Young Friends' Program in conjunction with the Education and Professional Development Program which supports the artistic development of members. The KPO along with local secondary school percussionists/drummers conduct workshops on Latin American drumming / percussion styles and techniques run by highly acclaimed Australian composer Daniel Rojas. It is anticipated that this will lead to a performance at a Council or KPO event. The cultural service that the KPO has been providing in the LGA has been constant and promotes Ku-ring-gai as a creative centre for the performing arts.

AMOUNT RECOMMENDED:

\$8,500

SPECIFIC PURPOSE:

A contribution towards the NSW Secondary Schools Concerto Competition, the Education and Professional Development Program & Young Friends' Program.

Arts & Cultural

ORGANISATION NAME: Mirrabooka Singers

ORGANISATION BACKGROUND: The Mirrabooka Singers are a totally voluntary group of female singers, established in Pymble 38 years ago to provide entertainment principally (but not solely) for the aged and disabled.

AMOUNT REQUESTED: \$1,925

PROJECT DESCRIPTION: Purchase of sheet music, printing, piano tuning, provision of petrol allowance for volunteer drivers.

PREVIOUS GRANTS: 2004 - \$300
2005 - \$500
2006 - \$500 (Centenary Grant 2006)

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: A female choir which has been in existence for 38 years. The Choir provides cultural services for the community through providing music for the aged and disabled as a valuable diversional therapy. The Mirrabooka Singers provide approximately 40 concerts annually, with the group's membership open to females who have the ability to sing, and is made up of volunteers. The purchase of sheet music and printing for group members is required to update the current music available to them throughout their 40 concerts per year. Funding for 3 honorariums to the professionally trained musicians who voluntarily devote hours of rehearsal and performance time to the Choir. The annual piano tuning request is also recommended, as this all leads to enhanced performances, which leads to greater audience enjoyment.

AMOUNT RECOMMENDED: \$1,605

SPECIFIC PURPOSE: A contribution towards purchase of sheet music and printing expenses, annual piano tuning and a contribution towards 3 honorariums to professional volunteers.

Arts & Cultural

ORGANISATION NAME:	Northern Sydney Youth Orchestra
ORGANISATION BACKGROUND:	The Northern Sydney Youth Orchestra aims to promote opportunities for young musicians to develop excellence in all aspects of instrumental performance including personal development. To promote appreciation of music in the community by charitable and public performances.
AMOUNT REQUESTED:	\$1,500
PROJECT DESCRIPTION:	To purchase equipment - bongo set up and drum kit cases to participate in the Vienna Youth Music Festival.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	The Orchestra will be travelling to Vienna, Austria to participate in the Vienna Youth Music Festival from 3/7/07 - to 14/7/07. The Orchestra has to acquire additional equipment/accessories for this trip (Bongo set-up and drum kit cases) estimated to cost \$1,500 for which funds are now requested. Due to the fact the equipment/accessories requested is for the Northern Sydney Youth Orchestra's trip to Vienna (which has already taken place), it is recommended that no funding be granted, as this will not have any impact on their performance.
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	N/A

Arts & Cultural

ORGANISATION NAME:	Northside Creative Photography (NCP) Inc
ORGANISATION BACKGROUND:	Northside Creative Photography is a camera club for enthusiasts. They have members ranging from beginners to very experienced semi professional photographers.
AMOUNT REQUESTED:	\$1,508
PROJECT DESCRIPTION:	To purchase a projector screen, projector stand and audio equipment including a cordless microphone.
PREVIOUS GRANTS:	2005 - \$1,000
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	The organisation was founded in 1952 as the Northern Suburbs Camera Club, with the majority of its 100 members residing in Ku-ring-gai. The majority of members are 55+, however the Club is beginning to attract younger members with digital photography. It is composed of an equal number of men and women and includes a growing group of people of Chinese background. Northside Creative Photography is a volunteer group and is seeking funding to replace damaged and update expensive photographic projection equipment. Their current equipment is either inoperable or considered an OH&S hazard. It is recommended funding for the purchase of the requested projector screen, stand and audio equipment with microphone be granted in order to assist the Club and its members in showcasing their work. The portable equipment also means it can be used for any external showcases that occur.
AMOUNT RECOMMENDED:	\$1,508
SPECIFIC PURPOSE:	To purchase projector screen, projector stand, audio equipment and cordless radio microphone.

Arts & Cultural

ORGANISATION NAME: Ryde Argyle Performing Arts Inc. (RAPA)

ORGANISATION BACKGROUND: Community, not-for-profit theatre group, aims are to develop, train and promote emerging local talent in all areas of theatre and to provide a quality theatre experience for local people in the Ku-ring-gai area.

AMOUNT REQUESTED: \$13,999

PROJECT DESCRIPTION: To develop a theatre work "Ku-ring-gai Stories" Phase 2: based on stories gleaned from people from various cultural and linguistic backgrounds in Ku-ring-gai.

PREVIOUS GRANTS: 2004 - \$2,870
2006 - \$2,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: RAPA is a non-profit community theatre company established in 2002. It aims to develop young people in the performing arts and supporting the creative talents in areas of writing, performance, drama and dance. The activities of RAPA are supported by up to 250 volunteers, of which 50% reside in Ku-ring-gai. Funding is being sought for the "Ku-ring-gai Stories Phase 2" project. Council partially funded Phase 1 of the project last year. This initiative is a play to be based on stories gleaned from people from various cultural and linguistic backgrounds in Ku-ring-gai and has the potential to involve a broad spectrum of the community. It is anticipated the project will be completed, filmed and presented in 2008. Partial funding is recommended to develop the work and directly involve the Ku-ring-gai community. However, due to limited funding it is recommended that RAPA does not receive a donation for the purchase of a digital cam-corder, or the requested rental amount for venue hire outside of Ku-ring-gai. Alternate venues are available in the Ku-ring-gai LGA, which need to be fully explored as options by RAPA.

AMOUNT RECOMMENDED: \$2,000

SPECIFIC PURPOSE:

A contribution towards developing the Ku-ring-gai
Stories Phase 2 theatre work.

Arts & Cultural

ORGANISATION NAME: Studio Artes Northside Inc.

ORGANISATION BACKGROUND: Studio Artes is a not-for-profit organisation which provides programs for adults with a disability, in the arts, recreation, pre-vocational and whole of life skills.

AMOUNT REQUESTED: \$1,137

PROJECT DESCRIPTION: To purchase a hanging system, plinths for display of pottery/artworks and display cabinets for hand made jewellery.

PREVIOUS GRANTS:
 2001 - \$1,500
 2002 - \$1,000
 2003 - \$1,000
 2004 - \$1,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The 108 members of Studio Artes Northside are adults with a disability – physical, emotional, sensory, intellectual ranging from mild to severe. This service aims to provide programs for them in the arts, recreation, pre-vocational and whole of life skills. It is based in Hornsby, however 20% of participants reside in Ku-ring-gai. Studio Artes want to establish a small shopfront gallery where members can sell their artworks. Members will also receive valuable training in running a gallery - retail training, customer service, handling money, hanging and displaying, advertising, promoting, etc. with a view to employment using such skills. This will provide a small income stream, teach skills to people with a disability, create community awareness of the abilities of people with a disability in the community. This project will develop among members a sense of ownership and provide valuable employment skills.

AMOUNT RECOMMENDED: \$1,137

SPECIFIC PURPOSE: Purchase and installation of the hanging system, 6 plinths for the display of pottery, artworks etc. and display cabinets for hand made jewellery

Arts & Cultural

ORGANISATION NAME:	The Cavalcade of History and Fashion Inc
ORGANISATION BACKGROUND:	Preservation of historical items of fashion for educational purposes and enjoyment of general public.
AMOUNT REQUESTED:	\$5,135
PROJECT DESCRIPTION:	Purchase of Security screen doors - safer for volunteers Air conditioning - more amenable for volunteers Back to base fire alarm - help protect collection Upgrade computer - digitise paper records Hall hire - continuation of cataloguing
PREVIOUS GRANTS:	2005 - \$1,980
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	The Cavalcade has been in operation for 45 years and has provided years of recorded history through the preservation of its historical items of fashion. The group consist of more than 60 volunteers who have contributed their time to building up a local collection of garments for future generations to enjoy. The organisation is seeking funding to upgrade their computer to enable them to digitize all paper records, making cataloguing (a necessity) and other administrative tasks easier and more efficient. However, funding sought for the installation of security screen doors, air conditioning, a fire alarm and hall hire costs cannot be recommended under section L of the Guidelines (requests for capital assistance or maintenance of buildings will not be considered). This includes items considered to be permanently affixed to the building structure or grounds.
AMOUNT RECOMMENDED:	\$1,000
SPECIFIC PURPOSE:	Update computer in order to digitize paper records

Arts & Cultural

ORGANISATION NAME: The Gordon Handcraft Association

ORGANISATION BACKGROUND: A non-profit organisation - with approximately 55 members from across the Northern Sydney area . Work is handcrafted and keeps many of the traditional crafts alive.

AMOUNT REQUESTED: \$950

PROJECT DESCRIPTION: Leaflets, advertising in Ku-ring-gai Philharmonic Orchestra Program and Banner.

PREVIOUS GRANTS: 2005 - \$810
2006 - \$720

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Gordon Handcraft Association is a not-for profit co-operative of some 50 local craftspeople. It provides a focal point for local crafts workers and has been in operation in Ku-ring-gai for almost 35 years. The Association's retail outlet is located in Gordon and is staffed by members on a voluntary roster basis. In addition to providing a retail/economic opportunity for local crafts workers, the 'shop' visits retirement villages on a regular basis to provide a shopping opportunity for those with limited mobility and to carry out demonstrations. It is important for this group to increase it's profile in the community as craft of this nature represents different skill sets that are quickly diminishing in our community. The funds sought will assist with advertising and promotion of the handcraft co-op and their activities.

AMOUNT RECOMMENDED: \$950

SPECIFIC PURPOSE: A contribution toward the production of leaflets and advertising in the Ku-ring-gai Philharmonic Orchestra Program and the cost of a banner.

Arts & Cultural

ORGANISATION NAME:	Wahroonga District Music Club
ORGANISATION BACKGROUND:	The Wahroonga District Music Club is a volunteer-based organisation which conducts classical and jazz music concerts, using professional musicians.
AMOUNT REQUESTED:	\$537
PROJECT DESCRIPTION:	Re-upholster and re-polish a concert piano stool, which has been in continuous use for 30 years.
PREVIOUS GRANTS:	2002 - \$1,430
DATE 2006 ACQUIT TAL FORM RECVD?	N/A
COMMENTS:	Funds are sought to re-spray and re-cover a piano stool. This item is not considered critical to the success of the group or of great benefit to their audience.
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	N/A

Arts & Cultural

ORGANISATION NAME:	Wahroonga Public School Music Committee
ORGANISATION BACKGROUND:	WPS Music Committee is a sub-committee of the Wahroonga Public School P&C Association.
AMOUNT REQUESTED:	\$1,975
PROJECT DESCRIPTION:	To purchase chairs for band rehearsals and performances in and outside the school.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	<p>The Wahroonga Public School Music Committee has been in operation in Ku-ring-gai for over 16 years. It is a sub-committee of the Wahroonga Public School P&C Association and are completely self funded, with no assistance from the school itself. It aims to promote music to the wider community by providing children aged 6 - 20 years of age, opportunities to learn to play a musical instrument (including those with disabilities). This is achieved through intensive practice, regular tuition and performing to appreciative audiences in both informal and formal settings. Band camps and tours are also arranged in order for the children to expand their knowledge of music and skills. Funding for 25 replacement chairs is being sought. The current chairs are in poor condition and need replacing. The music program has significantly grown, and with over 260 children using the school's chairs each week, for various purposes including representative performances outside of school, it is recommended that a donation for the full amount be granted.</p>
AMOUNT RECOMMENDED:	\$1,500
SPECIFIC PURPOSE:	Purchase of 25 chairs for music rehearsals and performances.

Arts & Cultural

ORGANISATION NAME:	Resident (Heather Chambers)
ORGANISATION BACKGROUND:	N/A
AMOUNT REQUESTED:	\$2,000
PROJECT DESCRIPTION:	Publishing of a book on Roseville architect James Chambers, which is a collation of his work from 1910.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Heather Chambers is a resident undertaking the recording of the buildings designed by James Chambers. James Chambers work was mainly in the Ku-ring-gai Council area and includes houses within the Ku-ring-gai Urban Conservation areas - Precincts 2, 3 and 4'. It also includes the building of St. Davids Presbyterian Church in Lindfield. This independent project cannot be funded under section B of the financial assistance program guidelines, as it is an individual applying that is not registered with the Department of Fair Trading or properly constituted. Any funds generated from the selling of this publication will not be able to be tracked. The books the individual is seeking funds for have already been printed.
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	N/A

Arts & Cultural

ORGANISATION NAME: Carols in the Park - Ku-ring-gai

ORGANISATION BACKGROUND: Coordinated by 12 Church representatives who come together on a voluntary basis to organise Carols in the Park which takes the form of Christmas Carols and stories to all who attend this popular pageant at Christmas time.

AMOUNT REQUESTED: \$11,700

PROJECT DESCRIPTION: Funds are sought to organise and stage Carols in the Park.

PREVIOUS GRANTS: 2003 - \$10,000
2004 - \$10,000
2005 - \$9,500
2006 - \$9,500

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: Carols in the Park meets a number of objectives in the Ku-ring-gai Community Plan 2005-2009 including local community participation and engagement. It is a large cultural event, and encourages the participation of a wide cross section of the community, targeting all ages, gender and cultural groups. It attracts a significant amount of the community with approximately 2,000 people (mainly families with children) attending last year. It also provides a minimal cost night out for families. It is held annually at Bicentennial Park and provides for an evening of community singing, live music and theatrical performances. It is a collaborative event involving local combined churches, community and commercial organisations and local schools. Last year's event raised over \$2,200 to support the activities of Lifeline. The event is coordinated by 12 church representative volunteers, whom take on various roles to make it happen. Assistance with funding is recommended to contribute to the large costs necessary with staging such an event. The park hire fee will also once again be discounted by 50%. Carols is an institution in Ku-ring-gai and helps add to the traditional character of the LGA. It has been in existence at Bicentennial Park for 19 years, and prior to that for 30 years at Robert Pymble Park.

AMOUNT RECOMMENDED:

\$9,000

SPECIFIC PURPOSE:

Contribution towards PA system, stage, lighting, garbage, portaloos, park hire fee and DA

Arts & Cultural

ORGANISATION NAME: Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)

ORGANISATION BACKGROUND: Fusion Australia is a National Youth and Community organisation which emerged as a creative response to socially at risk young people in the Hornsby region of Sydney in 1960.

AMOUNT REQUESTED: \$2,200

PROJECT DESCRIPTION: To stage a community festival at St Ives Village Green on Anzac Day and provide a range of activities and entertainment for all the family.

PREVIOUS GRANTS: 2004 - \$1,100
2005 - \$1,200
2006 - \$2,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: Ignite the Flame is a community event organised by the Ku-ring-gai Combined Churches. This event is held annually at St Ives Village Green on Anzac Day and aims to bring together the local community through celebration. It adds to the traditional character of Ku-ring-gai and provides a number of free activities and entertainment for families. A small organising committee made up of representatives from churches in Ku-ring-gai coordinate the festival with the assistance of 200 volunteers. The main source of income for this event is derived from church donations and food stall sales. In previous years this event has been attended by approximately 3,000 people. Staging and sound are a costly yet vital component for any entertainment program particularly at a festival of this size. The event helps to bring community groups together and is the only significant and free event held on Anzac day in the area. It encourages local community celebration targeting all age, gender and cultural groups.

AMOUNT RECOMMENDED: \$2,000

SPECIFIC PURPOSE: Hire of stage and sound system

**COMMUNITY
FINANCIAL ASSISTANCE PROGRAM
APPLICATION ASSESSMENTS 2007**

Attachment 3

CATEGORY: ARTS & CULTURAL

Name of Organisation	Amount Sought \$	Amount Recommended \$
Ku-ring-gai Art Society	4000	2000
Ku-ring-gai Historical Society Inc	2714	2315
Ku-ring-gai Male Choir Inc	750	375
Ku-ring-gai Philharmonic Orchestra	12000	8500
Mirrabooka Singers	1925	1605
Northern Sydney Youth Orchestra	1500	0
Northside Creative Photography (NCP) Inc	1508	1508
Ryde Argyle Performing Arts Inc. (RAPA)	13999	2000
Studio Artes Northside Inc.	1137	1137
The Cavalcade of History and Fashion Inc	5135	1000
The Gordon Handcraft Association	950	950
Wahroonga District Music Club	537	0
Wahroonga Public School Music Committee	1975	1500
Resident (Heather Chambers)	2000	0
Carols in the Park - Ku-ring-gai	11700	9000
Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)	2200	2000
	\$64030	\$33890

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

CHILDRENS SERVICES	Amount Requested \$	Amount Recommended \$	Purpose
East Lindfield Community Pre-school	1,683	1,683	To purchase outdoor play equipment including a monkey climb, big dipper, tunnel bridge and cover and 2 junior trestles.
KU Killara Park Pre-School	1,000	1,000	To purchase and install a sandpit cover.
KU Saddington St Pre School	1,400	1,400	To purchase a laptop computer, special needs resources for children and notice board.
KU South Turramurra Pre School	710	710	To purchase the services of an Aboriginal education guest performer and indigenous books, puzzles and flags.
KU Wahroonga Pre-School	1,300	1,300	To purchase puzzles, books, posters and music.
Lady Game Community Kindergarten	1,065	1,065	To purchase children's resources including percussion drums, construction toys, animal and people figurines.
Lifestart - Hornsby Early Childhood Intervention Program	1,900	1,900	To purchase 18 training chairs and 2 desk chairs.
Lindfield Montessori Preschool	840	840	To purchase various culturally diverse dress up resources and dress up trolley.
Montessori Excelsior School	935	935	To purchase educational resources (called Insets for Design) and markers.
Noah's Ark Toy Library (NATL) for Children with Special Needs Inc	2,891	2,000	A contribution towards the purchase of education toys and resources.
Pymble Turramurra Kindergarten	5,000	4,000	For the initial print run of the history of the Pymble Turramurra Kindergarten.
Roseville P & C Kids Care Association	3,750	2,500	To purchase 3 computers known as "Desktop Packages".
St Ives Pre-school Kindergarten	2,388	2,388	To purchase a Spectronics Boardmaker (special needs computer program) and colour laser printer.
Wahroonga After School Care Inc	2,510	0	Ineligible for funding under Guideline (I).
NSW Early Childhood Environmental Education Network (NSWECEEN) Incorporated	8,050	4,000	A contribution towards the provision of 5 environmental education workshops to local children's services staff.
	\$35,422	\$25,721	

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

CHILDRENS SERVICES

ORGANISATION NAME:	East Lindfield Community Pre-school
ORGANISATION BACKGROUND:	<p>To provide education of a high quality to children 3-5 years.</p> <p>To allow for equity of access regardless of cultural background or socioeconomic background.</p> <p>To provide an environment to allow children to grow physically.</p>
AMOUNT REQUESTED:	\$1,683
PROJECT DESCRIPTION:	Purchase of outdoor gross motor equipment: tunnel bridge, cover for bridge, big dipper, monkey climb, junior trestles.
PREVIOUS GRANTS:	<p>2005 - \$1,000</p> <p>2006 - \$956</p>
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	<p>The 43 place pre-school was established 55 years ago and provides a service for 86 children and their families. The majority of the families are from East Lindfield, Lindfield, Roseville, Killara and East Killara. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The equipment requested will be used to develop the gross motor skills of children during outdoor play activities and also shared with the Anglican Sunday School students. The equipment is considered beneficial to the enhance outdoor play of children by providing opportunities for the growth of children's physical gross motor skills, co-ordination a physical development.</p>
AMOUNT RECOMMENDED:	\$1,683
SPECIFIC PURPOSE:	To purchase outdoor play equipment including a monkey climb, big dipper, tunnel bridge and cover and 2 junior trestles.

CHILDRENS SERVICES

ORGANISATION NAME:	KU Killara Park Pre-School
ORGANISATION BACKGROUND:	KU children's Services is a not-for-profit organisation whose primary aim is to provide a range of high quality education programs.
AMOUNT REQUESTED:	\$1,000
PROJECT DESCRIPTION:	Purchase of a sandpit cover.
PREVIOUS GRANTS:	2001 - \$500 2002 - \$500 2003 - \$500 2004 - \$500 2005 - \$1,000 2006 - \$600
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	<p>The 40 place pre-school was established 63 years ago and provides a service for 80 children and their families. The majority of the families are from Killara, Gordon, Roseville, Lindfield and Pymble. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The new sandpit cover requested will replace an old damage cover. The use of the sandpit cover is to maintain a clean and hygienic sand play area for the children. Since the sandpit is a highly utilised play environment for children, the new cover is seen to be beneficial to maintain a safe, hygienic and high quality outdoor play area for children.</p>
AMOUNT RECOMMENDED:	\$1,000
SPECIFIC PURPOSE:	To purchase and install a sandpit cover.

CHILDRENS SERVICES

ORGANISATION NAME:	KU Saddington St Pre School
ORGANISATION BACKGROUND:	Community-based not-for-profit pre-school providing quality pre-school education for 3-5 year olds.
AMOUNT REQUESTED:	\$1,400
PROJECT DESCRIPTION:	Purchase of computer and special needs resources to enable the pre-school to extend and improve the program to all children including children with disabilities enrolled. A new notice board is also requested to disseminate community information to parents and other users of the facility (including playgroup).
PREVIOUS GRANTS:	2002 - \$1,155 2003 - \$1,100 2004 - \$715 2005 - \$564 2006 - \$1,460
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 40 place pre-school was established 14 years ago and provides a service for 40 children and their families. The majority of the families are from South Turramurra, Wahroonga, Warrawee and West Pymble. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The requested equipment aims to improve the educational programs provided to the children. The proposed computer will be used for child based software programs and the special needs resources utilised to extend the language development of all children especially children with additional needs. The purchase of language based special needs resources are viewed as teaching aids aimed at improving and promoting children's cognitive development and information dissemination can be aided by a notice board.
AMOUNT RECOMMENDED:	\$1,400
SPECIFIC PURPOSE:	To purchase a laptop computer, special needs resources for children and notice board.

CHILDRENS SERVICES

ORGANISATION NAME:	KU South Turramurra Pre School
ORGANISATION BACKGROUND:	We aim to provide a service where children can develop to their fullest potential in all areas in an environment that is happy, welcoming and full of love and warmth, extended to the whole family.
AMOUNT REQUESTED:	\$710
PROJECT DESCRIPTION:	To increase the children's awareness of Australia's indigenous culture through purchase of resources eg flag, puzzles, books - also to invite guest performers eg through young Australia workshop to broaden or introduce knowledge to the Centre.
PREVIOUS GRANTS:	2002 - \$500
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 25 place pre-school was established 46 years ago and provides a service for 50 children and their families. The majority of the families are from South Turramurra and the surrounding suburbs. Pre-schools are a heavily utilised children's service in the Ku-ring-gai LGA. The Aboriginal guest performance and the children's books, puzzles and flags requested by the pre-school are viewed as useful resources to increase children's knowledge of indigenous culture. The resources requested will be used by the pre-school to increase and broaden children's awareness of Aboriginal and Torres Strait Islander people and this is beneficial to promote an anti-bias educational program for children.
AMOUNT RECOMMENDED:	\$710
SPECIFIC PURPOSE:	To purchase the services of an Aboriginal education guest performer and indigenous books, puzzles and flags.

CHILDRENS SERVICES

ORGANISATION NAME:	KU Wahroonga Pre-School
ORGANISATION BACKGROUND:	KU Wahroonga provides a preschool service which demonstrate standards to excellence in the education and care of young children, in a manner responsive to changing individual, family and community needs.
AMOUNT REQUESTED:	\$1,300
PROJECT DESCRIPTION:	To build resources in the preschool to further develop relationships with culturally and linguistically diverse families and children that utilise the service i.e., books, posters, puzzles, music.
PREVIOUS GRANTS:	2004 - \$650 2005 - \$1,000 2006 - \$1,250
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 40 place pre-school was established 51 years ago and provides a service for 80 children and their families. The majority of the families are from Wahroonga, Turramurra and St Ives. Pre-schools are a heavily utilised children's services in the Kuring-gai LGA. The requested purchase of culturally and linguistically diverse (CALD) children's resources, including books, puzzles and music will be beneficial to promote the pre-school's anti-bias program and build positive relationships with the CALD families currently using the pre-school.
AMOUNT RECOMMENDED:	\$1,300
SPECIFIC PURPOSE:	To purchase puzzles, books, posters and music.

CHILDRENS SERVICES

ORGANISATION NAME: Lady Game Community Kindergarten

ORGANISATION BACKGROUND: Lady Game Kindergarten's aim is to provide a safe and nurturing environment for children from all cultures and ethnic backgrounds and to honour and respect diversity. The education experience needs to be fun and growth enhancing.

AMOUNT REQUESTED: \$1,065

PROJECT DESCRIPTION: To purchase Indonesian percussion instruments to reflect the diversity of the Australian community. Musical and wooden figures will encourage dramatic play especially in boys.

PREVIOUS GRANTS:
 2000 - \$1,300
 2001 - \$710
 2002 - \$800
 2003 - \$1,100
 2006 - \$550 Cent
 2006 - \$820

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The 40 place Pre-school was established 40 years ago and provides a service for 80 children and their families. The majority of the families are from West Lindfield and surrounding suburbs. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The requested resources will be useful and beneficial to encourage learning about diversity of Australian society and to promote positive communication and social skills during play for all children. The toys requested including Lego, blocks and wooden people figurines are resources that are usually shared by more than one child and aim to enhance the dramatic play of boys especially at the pre-school.

AMOUNT RECOMMENDED: \$1,065

SPECIFIC PURPOSE: To purchase children's resources including percussion drums, construction toys, animal and people figurines.

CHILDRENS SERVICES

ORGANISATION NAME:	Lifestart - Hornsby Early Childhood Intervention Program
ORGANISATION BACKGROUND:	Lifestart aims to provide a quality of life for children with disabilities and their families. Excellence in early intervention is promoted by empowering families to support their children's needs and developments.
AMOUNT REQUESTED:	\$1,900
PROJECT DESCRIPTION:	Need to replace furniture and equipment at the centre to run intervention groups and training sessions for parents of children with disabilities.
PREVIOUS GRANTS:	2005 - \$1,000 2006 - \$1,000
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	Lifestart supports children (0-6 years) with intellectual disabilities and developmental delays and their families and was established in the Ku-ring-gai LGA 11 years ago. It provides services to 30 children and their families per year and approximately 40 pre-school staff also benefit from its workshop courses. The organisation covers the Ku-ring-gai and Hornsby LGAs and is situated in Turramurra. Lifestart programs include individual or group sessions, playgroups and education workshops offered by range of multidisciplinary staff including speech pathologist, teachers, occupational therapists, social worker and volunteers. The requested 18 training chairs are viewed as important resources to run Lifestart's many intervention groups and training sessions for children and their family members. The requested desk chairs are vital administration furniture.
AMOUNT RECOMMENDED:	\$1,900
SPECIFIC PURPOSE:	To purchase 18 training chairs and 2 desk chairs.

CHILDRENS SERVICES

ORGANISATION NAME:	Lindfield Montessori Preschool
ORGANISATION BACKGROUND:	Lindfield Montessori Society is a non-profit association operating a community based preschool trading as Lindfield Montessori Preschool.
AMOUNT REQUESTED:	\$840
PROJECT DESCRIPTION:	Enhance outdoor program with equipment that will encourage inclusion of all children, cultural understanding and health and exercise.
PREVIOUS GRANTS:	2001 - \$500 2002 - \$700 2003 - \$500 2004 - \$650 2006 - \$1,691.22
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 30 place pre-school was established over 30 years ago and provides a service for 30 children and their families. The majority of the families are from Killara, Lindfield, Roseville, Pymble, Chatswood and Hornsby. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The pre-school receives limited funding from DoCS and is reliant on parent fees for its operation. The requested multicultural dress-up clothing and dress-up trolley aims to enhance the inclusion of all children and develop cultural understanding by using cultural garments to explore diversity. The requested resources are considered beneficial for children's cultural and social development in a play environment.
AMOUNT RECOMMENDED:	\$840
SPECIFIC PURPOSE:	To purchase various culturally diverse dress up resources and dress up trolley.

CHILDRENS SERVICES

ORGANISATION NAME:	Montessori Excelsior School
ORGANISATION BACKGROUND:	Single-class Montessori pre-school for 20 children aged 3-6. A non-profit company which employs a directress (teacher) and assistant and is totally parent run.
AMOUNT REQUESTED:	\$935
PROJECT DESCRIPTION:	To purchase language materials in the classroom to provide the children with an alternate language based activity that also provides indirect preparation for art development of pattern and use of colour.
PREVIOUS GRANTS:	2006 - \$945
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 20 place Pre-school was established 19 years ago and is used by 18 families this year. The pre-school provides a service to families throughout the Ku-ring-gai area. Pre-school services are a heavily utilised children's services in the Ku-ring-gai LGA. The educational resources will be beneficial for children to develop fine motor skills and develop children's art development for pattern and colour use. The resources are specially designed Montessori resources and can be shared by the whole class simultaneously to enhance their artistic skills.
AMOUNT RECOMMENDED:	\$935
SPECIFIC PURPOSE:	To purchase educational resources (called Insets for Design) and markers.

CHILDRENS SERVICES

ORGANISATION NAME:	Noah's Ark Toy Library (NATL) for Children with Special Needs Inc
ORGANISATION BACKGROUND:	Noah's Ark Toy Library is a mobile toy library based in Artarmon. The aim of NATL is to lend quality toys and play equipment to families and groups who care for children with special needs.
AMOUNT REQUESTED:	\$2,891
PROJECT DESCRIPTION:	Purchase of toys and assistance with van maintenance
PREVIOUS GRANTS:	2001 - \$1,350 2003 - \$331 2005 - \$1,000
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	The mobile toy library based in Artarmon was established 31 years ago and lends quality toys and play equipment to families or groups who care for children with special needs. The toy library has a five borrowing stops, one which is located in Kuring-gai LGA in Wahroonga which operates every fortnight during school terms. Over 100 families caring for children with special needs use the service and borrowers from the Wahroonga borrowing site have been prioritised this year by the Service. The request for van maintenance and running costs is not recommended as it is viewed as ongoing expenses and not eligible for funding under the Guideline (g). The request for assistance for additional toy purchases is viewed as an enhancement to the service's library and will increase the range of resources available to families.
AMOUNT RECOMMENDED:	\$2,000
SPECIFIC PURPOSE:	A contribution towards the purchase of education toys and resources.

CHILDRENS SERVICES

ORGANISATION NAME:	Pymble Turramurra Kindergarten
ORGANISATION BACKGROUND:	Community based preschool providing a developmentally appropriate education in a safe, caring, social and stimulating environment.
AMOUNT REQUESTED:	\$5,000
PROJECT DESCRIPTION:	Associated costs with producing a book on the history of Pymble Turramurra Kindergarten.
PREVIOUS GRANTS:	2001 - \$1,000 2002 - \$550 2003 - \$800 2004 - \$650 2005 - \$1,600 2006 - \$431
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	<p>The 44 place pre-school was established 45 years ago and provides a service for 88 children and their families. The majority of the families are from Turramurra, Pymble, Wahroonga and St Ives. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The request for \$5000 assistance to produce a book on the history of the pre-school for its 50th anniversary is perceived as a beneficial written documentation for past and present families associated with the pre-school. The book will be a unique children's services document to the local area and 150 families have already expressed interest to purchase the book. This project has been initiated by community assistance from parents who have volunteered their time to research and write the history, and provide graphic design support and a draft is expected to be complete by December 2007. The requested funds are aimed for the initial print run of the book and the Pre-school is expected to print more books when they raise funds in 2008 and beyond. The project needs to finalise the initial print run this year whilst the parents volunteering their time are still part of the pre-school community, otherwise valuable skills involved with this project will be lost.</p>
AMOUNT RECOMMENDED:	\$4,000

SPECIFIC PURPOSE:

For the initial print run of the history of the Pymble
Turramurra Kindergarten.

CHILDRENS SERVICES

ORGANISATION NAME:	Roseville P & C Kids Care Association
ORGANISATION BACKGROUND:	Aim to provide a quality Before & After School Care and Vacation Care Service which reflects and meets the needs of the local community.
AMOUNT REQUESTED:	\$3,750
PROJECT DESCRIPTION:	Children's Educational Computers Upgrade - aim to provide a program which is balanced and offers a range of developmentally appropriate activities.
PREVIOUS GRANTS:	2002 - \$1,500 2006 - \$2,000
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The Before, After and Vacation Care Centre was established 18 years ago and currently provides a service to approximately 120 families. The Centre services children from the Ku-ring-gai LGA and has 60 children using after school care. The Centre predominantly caters to the students attending Roseville Public School and have experienced a recent growth in demand in its Out of School Hours (OOSH) places. The use of computers in an OOSH service will be beneficial to children's literacy, cognitive and creative development and assist in homework activities. The purchase of the 3 computers (desktop packages) for children's usage will enhance the activities offered and replace current computers that are old and often don't work.
AMOUNT RECOMMENDED:	\$2,500
SPECIFIC PURPOSE:	To purchase 3 computers known as "Desktop Packages".

CHILDRENS SERVICES

ORGANISATION NAME:	St Ives Pre-school Kindergarten
ORGANISATION BACKGROUND:	St Ives Preschool is a non-profit, community based preschool offering a comprehensive, developmentally appropriate and inclusive program, open to all members of the community, which prepares children for school.
AMOUNT REQUESTED:	\$2,388
PROJECT DESCRIPTION:	Purchase of a Spectronics Boardmaker in conjunction with a dedicated computer and printer to enable the production of communicating and learning tools for children with special needs (particularly Autism) as well as children who are still developing social and communication skills.
PREVIOUS GRANTS:	
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 40 place pre-school was established 47 years ago and provides a service for 80 children and their families. The majority of the families are from St Ives, Pymble, Turramurra, Wahroonga, Gordon and West Pymble. Pre-schools are a heavily utilised children's services in the Ku-ring-gai LGA. The communications and learning tool computer program (called the Spectronics Boardmaker) and colour laser printer equipment requested is beneficial to develop communication resources for children with special needs and children who are still developing their social and communication tools. Previously the Pre-school had to rely on outside community based organisations to provide these for them and these are usually generic and not catering to a specific child. It would allow them to be self sufficient in this area thus taking pressure off another community based organisation.
AMOUNT RECOMMENDED:	\$2,388
SPECIFIC PURPOSE:	To purchase a Spectronics Boardmaker (special needs computer program) and colour laser printer.

CHILDRENS SERVICES

ORGANISATION NAME:	Wahroonga After School Care Inc
ORGANISATION BACKGROUND:	Aim to provide high quality out of school care to all children.
AMOUNT REQUESTED:	\$2,510
PROJECT DESCRIPTION:	The project will provide all users with an outdoor area that will offer some relief and protection from the sun, particularly during summer. A shade canopy will enhance outdoor play and recreation as well as generate awareness of sun safety.
PREVIOUS GRANTS:	2002 - \$800
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	The out of school hours care services has 120 families using its services and provides before and after school care and vacation care services. The service has been established for 20 years and the families attending the service are from surrounding suburbs from Berowra to Turramurra and across to Normanhurst. The shade canopy requested is not recommended as it is considered an item "to be permanently affixed to the building structure or grounds", therefore is excluded from funding under Guideline (1).
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	Ineligible for funding under Guideline (1).

CHILDRENS SERVICES

ORGANISATION NAME:	NSW Early Childhood Environmental Education Network (NSWECEEN) Incorporated
ORGANISATION BACKGROUND:	ECEEN (NSW Early Childhood Environmental Education Network) is a network that aims to bring together interested people and organisations in order to promote the importance of integrating environmental education into all facets of young children's lives in
AMOUNT REQUESTED:	\$8,050
PROJECT DESCRIPTION:	Running of training and information sessions for early childhood services to develop the knowledge base and skills of early childhood professionals for environmentally sustainable development within this sector.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	ECEEN is a network that commenced in NSW in 2003 to target early childhood educators, environmental educators and families members to promote and integrate environmental education into the lives of children in NSW. It currently receives no government funding and is run by volunteers to provide phone and email support to children's services across the state. The proposed project aims to provide 5 training workshops to the early childhood centres staff on environmentally sustainable development, individual consultations to services, produce resources and other follow-up activities to the Ku-ring-gai LGA. About 500-1000 people are expected to benefit including children at centres, families and staff at centres of the 5 workshops and consultations. ECEEN has stated a smaller number of workshops could be run if less than the requested funding was received. The 5 in-service workshops to staff of early childhood children's services is seen as an efficient process to raise awareness of environmental education issues to local services. Up to 25 children's services can benefit from the proposed workshops and contact with ECEEN.
AMOUNT RECOMMENDED:	\$4,000

SPECIFIC PURPOSE:

A contribution towards the provision of 5 environmental education workshops to local children's services staff.

**COMMUNITY
FINANCIAL ASSISTANCE PROGRAM
APPLICATION ASSESSMENTS 2007**

Attachment 3

CATEGORY: CHILDRENS SERVICES

Name of Organisation	Amount Sought \$	Amount Recommended \$
East Lindfield Community Pre-school	1,683	1,683
KU Killara Park Pre-School	1,000	1,000
KU Saddington St Pre School	1,400	1,400
KU South Turramurra Pre School	710	710
KU Wahroonga Pre-School	1,300	1,300
Lady Game Community Kindergarten	1,065	1,065
Lifestart - Hornsby Early Childhood Intervention Program	1,900	1,900
Lindfield Montessori Preschool	840	840
Montessori Excelsior School	935	935
Noah's Ark Toy Library (NATL) for Children with Special Needs Inc	2,891	2,000
Pymble Turramurra Kindergarten	5,000	4,000
Roseville P & C Kids Care Association	3,750	2,500
St Ives Pre-school Kindergarten	2,388	2,388
Wahroonga After School Care Inc	2,510	0
NSW Early Childhood Environmental Education Network (NSWECEEN) Incorporated	8,050	4,000
	\$35,422	\$25,721

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

DISABILITY SERVICES	Amount Requested \$	Amount Recommended \$	Purpose
Boonah Creative Arts Centre, Centacare	1,870	1,870	Contribution towards framing students art works.
Cromehurst Special School P & C Vacation Activity Centre	3,000	3,000	Contribution towards running a Vacation Activity Program for people with mild and severe intellectual disabilities
Disabled Alternative Road Travel Service - DARTS	2,000	1,000	Contribution towards an accessible transport service for people with physical disabilities.
Hornsby District TPI Social & Welfare Club	400	400	A contribution towards Christmas function for members of the TPI Social and Welfare Club.
Hornsby Ku-ring-gai Association, Action for Mental Health Inc	1,500	1,500	Contribution towards materials for mosaic project.
MS Society - Ku-ring-gai Branch	1,000	1,000	Contribution towards cost of individual transport for participants with a disability living in the Ku-ring-gai area.
Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group	1,500	1,500	Contribution towards production and distribution of monthly newsletter, information/education sessions and purchase of resources.
SHHH Australia Inc (Self Help for Hard of Hearing People)	1,000	1,000	Contribution towards the marketing and distribution of a new training package
Special Olympics Upper North Shore Sydney Region	6,226	1,000	A contribution towards the purchase of mirrors for the dance studio in Turramurra United Church.
Technical Aid to the Disabled (TAD) NSW	1,400	1,060	A contribution towards modifying posh chairs, purchase of a lifter to assist a person to bed and a leaning frame.
Visually Impaired Support Group - Lindfield	600	600	Contribution towards the cost of providing transport to recreational, social and support services.
Total	\$20,496	\$13,930	

Disability Services

ORGANISATION NAME: Boonah Creative Arts Centre, Centacare

ORGANISATION BACKGROUND: Boonah Creative Arts Centre provides art tuition to people with a disability. Art classes are run by qualified staff in the arts/disability sector and provides a means of self-expression and leisure for people with a disability.

AMOUNT REQUESTED: \$1,870

PROJECT DESCRIPTION: Funds are required for framing art work for Boonah's annual art exhibition.

PREVIOUS GRANTS:
 2002 - \$900
 2003 - \$990
 2005 - \$1,100
 2006 - \$2,057

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: Boonah Creative Arts Centre is located in the Ku-ring-gai LGA and provides leisure activities including art tuition to local residents with disabilities. Most of the students live locally but people also come for around Sydney to participate in the art tuition. The project is meeting identified community needs by providing leisure/recreational opportunities and support services for people with disabilities. The donation will go towards the framing of the students' art work for an art exhibition to be held at the end of the year. Art works displayed in the exhibition are by Boonah students and celebrate the Ku-ring-gai community in which they have created their art works. The frames will add value to the works which will be sold and the proceeds will go back into the program to cover tuition fees.

AMOUNT RECOMMENDED: \$1,870

SPECIFIC PURPOSE: Contribution towards framing students art works.

Disability Services

ORGANISATION NAME: Cromehurst Special School P & C Vacation Activity Centre

ORGANISATION BACKGROUND: Cromehurst aim to bring the local community, students, families and staff together to promote the interests of the school (children). Families have extra need for respite during the long summer holidays.

AMOUNT REQUESTED: \$3,000

PROJECT DESCRIPTION: To provide a 2 week holiday activity program during January 2008 school holidays for children with mild to moderately severe intellectual disabilities and siblings including transport.

PREVIOUS GRANTS:

- 2001 - \$1,500
- 2002 - \$1,500
- 2003 - \$3,000
- 2004 - \$1,000
- 2005 - \$2,300
- 2006 - \$2,500

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: Cromehurst P&C Association provides a valuable holiday activity program for up to 25 children with intellectual disabilities and their siblings. The program is also respite for families. Door to door transportation is part of the program. Children who participate in this program have high support needs and are not able to participate fully in a mainstream school holiday centres. The program meets an identified need by providing support services for residents who have a family member with an intellectual disability. The Centre operates on a break even budget funded by fees paid by parents and donations. The program is unique as it offers integrated care for children with disabilities and their siblings.

AMOUNT RECOMMENDED: \$3,000

SPECIFIC PURPOSE: Contribution towards running a Vacation Activity Program for people with mild and severe intellectual disabilities

Disability Services

ORGANISATION NAME: Disabled Alternative Road Travel Service - DARTS

ORGANISATION BACKGROUND: DARTS aims to provide accessible transport to people with physical disabilities who use wheelchairs so that helped by volunteers, they are able to be included in the community and in social activities

AMOUNT REQUESTED: \$2,000

PROJECT DESCRIPTION: To provide accessible transport to recreational activities and social activities for people with physical disabilities who use wheelchairs.

PREVIOUS GRANTS: 2001 - \$1,000
2002 - \$2,000
2003 - \$1,250
2004 - \$1,500
2005 - \$1,000
2006 - \$Nil

DATE 2006 ACQUITTAL FORM RECVD? N/A

COMMENTS: Darts is a Home and Community Care funded service providing an accessible transport services to adults with physical disability who uses wheelchairs. DARTS is meeting identified need in the Community Plan by providing social/recreation activities for people with a disability and providing accessible transport services. The organisation currently have 80 members including 9 from the Ku-ring-gai LGA. Darts provide a range of activities including shopping and social trips like BBQ's, lunch at a club, movies and visits to art galleries.

AMOUNT RECOMMENDED: \$1,000

SPECIFIC PURPOSE: Contribution towards an accessible transport service for people with physical disabilities.

Disability Services

ORGANISATION NAME:	Hornsby District TPI Social & Welfare Club
ORGANISATION BACKGROUND:	Support of the welfare and social needs of totally & permanently incapacitated veterans, their partners/carers and war widows.
AMOUNT REQUESTED:	\$400
PROJECT DESCRIPTION:	To provide a Christmas picnic luncheon for totally & permanently incapacitated veterans, their partners/carers and war widows at Bobbin Head in November.
PREVIOUS GRANTS:	2006 - \$300
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The Social Welfare Club provide a service to Kuring-gai and Hornsby residents who are ex-service personnel that are totally and permanently incapacitated (TPI), their wives and/or war widows. There is no paid staff in this organisation and their work is supported by volunteers. Financially the organisation has reserves and operates on a small budget. The major sources of revenue for the Club are proceeds from functions and donations. The organisation is in a position to be able to obtain some financial support through RSL clubs, Community Development Services Expenditure and CDSE grant program. The funds are sought to assist with the costs of organising the Club's annual Christmas function.
AMOUNT RECOMMENDED:	\$400
SPECIFIC PURPOSE:	A contribution towards Christmas function for members of the TPI Social and Welfare Club.

Disability Services

ORGANISATION NAME: Hornsby Ku-ring-gai Association, Action for Mental Health Inc

ORGANISATION BACKGROUND: Voluntary organisation working to help people with mental illness and their families in "the Hornsby and Ku-ring-gai areas".

AMOUNT REQUESTED: \$1,500

PROJECT DESCRIPTION: HKA require materials for a mosaic workshop. The workshop will be attended by people recovering from a mental illness.

PREVIOUS GRANTS: 2001 - \$1,000
2002 - \$1,200
2003 - \$1,200
2004 - \$1,200
2005 - \$1,000
2006 - \$1,100

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: Hornsby Ku-ring-gai Association (HKA) is a volunteer based organisation that was formed to assist individuals with a psychiatric disability to realise their life goals. The client education program is an important part of the recovery process. HKA currently assist 300 people who are recovering from major mental illness and their carers. The funds will be used to meet identified community need by providing support service and recreation and leisure opportunities for people with a mental illness through displaying their art work in public places. It is anticipated that the completed works will be displayed in the local area. HKA is the only community group providing direct support for people with a mental illness in the Ku-ring gai area.

AMOUNT RECOMMENDED: \$1,500

SPECIFIC PURPOSE: Contribution towards materials for mosaic project.

Disability Services

ORGANISATION NAME:	MS Society - Ku-ring-gai Branch
ORGANISATION BACKGROUND:	The Ku-ring-gai Branch of the MS Society has existed for 25 years to provide support to people with Multiple Sclerosis. The group is supported by the MS Society of NSW.
AMOUNT REQUESTED:	\$1,000
PROJECT DESCRIPTION:	To provide recreation and support activities for MS sufferers living within this area.
PREVIOUS GRANTS:	2005 - \$1,000
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The Ku-ring-gai Branch of the MS Society provides social support for suffers of multiple sclerosis by organising a monthly gathering at the Wildflower Gardens. The group is requesting funds to subsidise individual transport for participants to activities and to cover some of the catering costs. Because of the nature of their disability they are unable to use a bus due to the length of time it would take to pick up the participants. The project is meeting an identified need in the Community Plan by providing transport to social activities to reduce isolation for people with a disability.
AMOUNT RECOMMENDED:	\$1,000
SPECIFIC PURPOSE:	Contribution towards cost of individual transport for participants with a disability living in the Ku-ring-gai area.

Disability Services

ORGANISATION NAME: Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group

ORGANISATION BACKGROUND: To provide practical support to people suffering from Parkinson's Disease and their carers.

AMOUNT REQUESTED: \$1,500

PROJECT DESCRIPTION: To assist with production and posting a monthly newsletter and to purchase information books/videos/DVD's for on-lending to members.

PREVIOUS GRANTS:
 2001 - \$700
 2002 - \$1,470
 2003 - \$1,370
 2004 - \$1,507
 2005 - \$1,320
 2006 - \$1,500

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Parkinson's Association Hornsby/Ku-ring-gai Support Group is addressing an identified community need by providing leisure, recreation and social opportunities for people with disabilities and older people. They also organise guest speakers, distribute information and provide support to families, partners and carers through their monthly meetings held at Turramurra. The newsletters provide information to members on a range of matters including activities, events, support programs, new research treatments etc. The newsletter is particularly important to people who are unable to attend the monthly meeting due to a deterioration of their health condition. Current membership is approximately 220. This group is totally reliant on volunteers, families, and the support of the community to gain financial assistance.

AMOUNT RECOMMENDED: \$1,500

SPECIFIC PURPOSE: Contribution towards production and distribution of monthly newsletter, information/education sessions and purchase of resources.

Disability Services

ORGANISATION NAME:	SHHH Australia Inc (Self Help for Hard of Hearing People)
ORGANISATION BACKGROUND:	SHHH is a voluntary, non-profit educational organisation dedicated to helping people with hearing loss.
AMOUNT REQUESTED:	\$1,000
PROJECT DESCRIPTION:	To assist in the promotion and distribution of a training package "The Invisible Handicap" aimed at aged care facilities and the general community.
PREVIOUS GRANTS:	2002 - \$500 2003 - \$500 2004 - \$500 2006 - \$900
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	SHHH office is located at Hillview in Turramurra and provides services to local residents as well as people further a field. The training package will be used to train staff of aged care facilities, dealing with people with hearing loss. The training package covers topics to assist administration of aged care facilities to comply with Australian Government Aged Care Standards issues including how to identify and manage a person who has a sensory loss, communication skills and information on hearing loss. It has the potential of impacting on hundreds of people. This project meets the objectives of the Community Plan and Disability Discrimination Action Plan by raising awareness of disability issues and including people into main stream activities
AMOUNT RECOMMENDED:	\$1,000
SPECIFIC PURPOSE:	Contribution towards the marketing and distribution of a new training package

Disability Services

ORGANISATION NAME:	Special Olympics Upper North Shore Sydney Region
ORGANISATION BACKGROUND:	Special Olympics is an international organisation providing sports competition to people with an intellectual disability. Athletes have the opportunity to compete on the local, regional, national and international circuit.
AMOUNT REQUESTED:	\$6,226
PROJECT DESCRIPTION:	To provide a dance group with mirrors and protective shutters at its lesson venue.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	The Upper North Shore Region of Special Olympics of NSW aims to provide sporting opportunities to people with an intellectual disability regardless of age or ability. The organisation established a dance group in 2006 which meets at Turramurra Uniting Church. The dance group currently has about 30 members. The organisation is meeting identified community need by providing social activities for people with a disability which will enhance the quality of life. Special Olympics have requests funds to fit mirrors to the dance studio.
AMOUNT RECOMMENDED:	\$1,000
SPECIFIC PURPOSE:	A contribution towards the purchase of mirrors for the dance studio in Turramurra United Church.

Disability Services

ORGANISATION NAME:	Technical Aid to the Disabled (TAD) NSW
ORGANISATION BACKGROUND:	Servicing clients of all ages that have disabilities with technical innovative aids.
AMOUNT REQUESTED:	\$1,400
PROJECT DESCRIPTION:	To provide clients that have disabilities with non-commercial custom designed aids, ensuring they experience an improved quality of life.
PREVIOUS GRANTS:	2006 - \$1,200 2005 - \$1,000 2004 - \$1,000 2003 - \$1,100
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	TAD is seeking funds to be able to provide Ku-ring-gai residents with a disability with non-commercial aids that assist them to maintain a quality of life and live independently in their own home. This project meets an identified need in the Ku-ring-gai Community Plan 2005-2009 by assisting disadvantaged people accessing equipment in alternate formats and providing access to the internet. TAD assisted 9 Ku-ring-gai residents last year with modified equipment including ramps and chairs.
AMOUNT RECOMMENDED:	\$1,060
SPECIFIC PURPOSE:	A contribution towards modifying posh chairs, purchase of a lifter to assist a person to bed and a leaning frame.

Disability Services

ORGANISATION NAME: Visually Impaired Support Group - Lindfield

ORGANISATION BACKGROUND: The Visually Impaired Support Group provides a safe meeting place where members can come together to share experiences and encourage and support each other.

AMOUNT REQUESTED: \$600

PROJECT DESCRIPTION: Funding is requested to assist with transporting members to various activities and excursions.

PREVIOUS GRANTS: 2006 - \$600

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Lindfield Visual Impairment Group has been meeting once a month since 2002 at the Lindfield Senior Centre. As the members have visual impairments or are blind, they are reliant on volunteers to undertake tasks such as transport, minute taking, reading and making morning tea. The program for the monthly meeting includes a guest speaker and morning tea. VIP has about 15 members. The group also organises bus trips to take members to interesting places as many of them are no longer able to travel independently. Requested funds will be used to address identified community needs by enabling the group to provide transport to access leisure/recreation, social activities and support services.

AMOUNT RECOMMENDED: \$600

SPECIFIC PURPOSE: Contribution towards the cost of providing transport to recreational, social and support services.

**COMMUNITY
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Attachment 3

CATEGORY: DISABILITY SERVICES

Name of Organisation	Amount Sought \$	Amount Recommended \$
Boonah Creative Arts Centre, Centacare	1,870	1,870
Cromehurst Special School P & C Vacation Activity Centre	3,000	3,000
Disabled Alternative Road Travel Service - DARTS	2,000	1,000
Hornsby District TPI Social & Welfare Club	400	400
Hornsby Ku-ring-gai Association, Action for Mental Health Inc	1,500	1,500
MS Society - Ku-ring-gai Branch	1,000	1,000
Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group	1,500	1,500
SHHH Australia Inc (Self Help for Hard of Hearing People)	1,000	1,000
Special Olympics Upper North Shore Sydney Region	6,226	1,000
Technical Aid to the Disabled (TAD) NSW	1,400	1,060
Visually Impaired Support Group - Lindfield	600	600
Total	\$20,496	\$13,930

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

SUPPORT SERVICES	Amount Requested \$	Amount Recommended \$	Purpose
18th Australian Infantry Battalion (Ku-ring-gai Regiment)	400	400	Visitation, church commemoration and reunion program.
Albert Drive Community Fire Unit	359	359	To purchase Akron folding spanners.
Australian Breastfeeding Association (ABA) – Turramurra Group	1,400	1,000	Provide training to volunteer counsellors and printing of information bulletin.
Australian Volunteer Coast Guard Association Ku-ring-gai Flotilla	2,340	0	N/A
Babybumps Support Group (previously POSIE)	4,000	1,500	A contribution towards supported playgroups, support groups and wellbeing workshops.
Dial-A-Mum Inc	2,500	500	To assist volunteers in the operation of a telephone support and referral service through assistance with communication costs.
English At Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	1,079	1,079	To purchase educational resources, equipment and teaching material.
Hornsby Ku-ring-gai & Hills Multiple Births Association (HK & HMBA)	1,260	1,260	Newsletter publication and purchase of baby safety car capsule.
Hornsby Ku-ring-gai Domestic Violence Network	3,000	3,000	A contribution towards an educational evening to reduce violence against women.
Lifeline Harbour to Hawkesbury Inc	3,183	0	N/A
Ku-ring-gai Family Support Program	2,150	1,075	To conduct an eight week "Positive Parenting Program" for people in Ku-ring-gai.
South Turramurra Community Fire Unit MHP-39	988	988	To purchase a safety communication transceiver kit.
St Ives Toastmasters Club	600	600	A contribution to purchase a data projector and video camera.
Sydney Adventist Hospital - Jacaranda Lodge Cancer Support Centre	10,000	0	N/A
Wires - Wildlife Information & Rescue Service (North Shore Branch)	2,500	1,500	To assist with rehabilitation, housing and food costs for the Grey Headed Flying Fox.
	35,759	13,261	

Support Services

ORGANISATION NAME:	18th Australian Infantry Battalion (Ku-ring-gai Regiment)
ORGANISATION BACKGROUND:	Formed before WW1 and provides a service to ex members of Battalion (60 members), approximately 30 of whom are infirm, residing in nursing homes/home care.
AMOUNT REQUESTED:	\$400
PROJECT DESCRIPTION:	Assistance is sought to visit sick members, production of newsletter, church commemoration service and visiting members in hospital and nursing homes.
PREVIOUS GRANTS:	2006 - \$250
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The 18th Australian Infantry Battalion Association (Ku-ring-gai Regiment) have been previously supported through donations from the Mayor of Ku-ring-gai budget allocation. In 2006 and subsequent years they were advised to apply through Council's Financial Assistance Program to Community Groups with a view to equitable resourcing of all community organisations seeking financial assistance. This group is a totally voluntary organisation seeking to assist members of the Australian Infantry Battalion (Ku-ring-gai Regiment). The funds are sought to assist with visiting members in hospital or at home, production of a newsletter, church commemoration service and sending cards of encouragement. Members of the Regiment are all elderly and in many cases infirm or in hospital. This is an important function that provides social support and contact for elderly war veterans.
AMOUNT RECOMMENDED:	\$400
SPECIFIC PURPOSE:	Visitation, church commemoration and reunion program.

Support Services

ORGANISATION NAME:	Albert Drive Community Fire Unit
ORGANISATION BACKGROUND:	The Community Fire Unit is a community based volunteer organisation under the auspices of the NSW Fire Brigade. The range of services provided by the Unit include fire fighting, education on bushfire prevention, training and community awareness programs. Community Fire Unit is a volunteer team of local residents trained to safeguard their homes during bushfire until fire brigades can arrive.
AMOUNT REQUESTED:	\$359
PROJECT DESCRIPTION:	Purchase Akron folding spanners to facilitate rapid connection and disconnection of fire hoses by team leaders
PREVIOUS GRANTS:	2006 - \$306
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The Unit is comprised of local residents whose aim is to protect life and property from effects of bushfire in Albert Drive Killara designated fire prone area. Each fire unit is designated to respond to bushfire emergencies in specific locations. The volunteers participate in training with Fire Brigades each month and individual training sessions throughout the year. The unit proposes the purchase of folding spanners to facilitate rapid connection and disconnection of fire hoses in the event of emergencies. Approximately 65 local residents provide assistance to the Fire Unit and participate in fire education and prevention activities.
AMOUNT RECOMMENDED:	\$359
SPECIFIC PURPOSE:	To purchase Akron folding spanners.

Support Services

ORGANISATION NAME: Australian Breastfeeding Association (ABA) – Turramurra Group

ORGANISATION BACKGROUND: The Australian Breastfeeding Association (ABA) is a voluntary organisation established in 1964 to encourage and support mothers who wish to breastfeed their babies and to promote skilled and loving mothering while creating in the community an awareness of the importance of human milk.

AMOUNT REQUESTED: \$1,400

PROJECT DESCRIPTION: To send volunteer breastfeeding counsellors and trainees on a training conference in counselling skills and the latest breastfeeding research. Assistance in printing and posting meeting bulletins to local mothers.

PREVIOUS GRANTS: 2003 - \$465
2005 - \$1,200
2006 - \$1,914

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Turramurra Group provides services to families residing in Gordon, Pymble, Turramurra, Warrawee, St Ives and Wahroonga. Trained volunteer counsellors are available locally 7 days per week and also operate a 24 hour breastfeeding helpline. Other services include information on breastfeeding and parenting, loaning of equipment and resources, support and networking opportunities for local families. Funding is sought to provide training to volunteer counsellors and trainees. The training is required to provide volunteer breastfeeding counsellors and trainees with skills to support mothers and babies in the local area. The Turramurra Group also produce and distribute an information bulletin to families through the local early childhood children's and maternity hospitals. The project also addresses issues of social isolation and provides social opportunities where parents meet and support each other.

AMOUNT RECOMMENDED: \$1,000

SPECIFIC PURPOSE: Provide training to volunteer counsellors and printing of information bulletin.

Support Services

ORGANISATION NAME:	Australian Volunteer Coast Guard Association Ku-ring-gai Flotilla
ORGANISATION BACKGROUND:	The Australian Volunteer Coast Guard aims to promote safe boating through education, example and examination and as a last resort through Search & Rescue.
AMOUNT REQUESTED:	\$2,340
PROJECT DESCRIPTION:	To purchase floor coverings, blinds and air conditioner for new operating base.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	<p>The Australian Volunteer Coast Guard (Ku-ring-gai Flotilla) provides rescue assistance to the boating community from Bobbin Head to 15 nautical miles to sea, North Terrigal and South to Long Reef. Assistance is available to anyone on weekends and public holidays. There are no paid staff employed by the Ku-ring-gai Flotilla and their activities are supported by 48 volunteers. Funds are sought to purchase items such as floor covering, blinds and air conditioners for their new operating base. However, the direct relevance and benefit to the Ku-ring-gai area and residents is unclear as they service a broad geographical area. Information has not been provided regarding the number of volunteers who are local residents or beneficiaries of the services provided. Not identified as a priority area in Council's Community Plan 2005-2009.</p>
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	N/A

Support Services

ORGANISATION NAME:	Babybumps Support Group (previously POSIE)
ORGANISATION BACKGROUND:	Community based non-profit support group auspiced by the Schizophrenia Fellowship of NSW Inc, it offers support, outreach, information and education to families experiencing mental illness in the form of a perinatal mood disorder. Assistance and support is also provided to individuals who feel they need extra support and assistance to meet the physical, emotional and social demands associated with pregnancy, parenting babies and small children.
AMOUNT REQUESTED:	\$4,000
PROJECT DESCRIPTION:	To assist with operating volunteer supported playgroups, support groups, advocacy, information and wellbeing workshops.
PREVIOUS GRANTS:	2005 - \$1,200 2006 - \$2,000
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	The Baby Bumps Support Group has been established in the past 2 years and is supported by approximately 20 volunteers. The volunteers are women who have experienced antenatal and postnatal depression or anxiety themselves or through a family member. Baby Bumps target women and families residing in the Hornsby and Ku-ring-gai Council areas. Approximately 30% of people who access the services live in Ku-ring-gai. The range of services provided include support groups, workshops, playgroups, training, social work outreach, information and resources library. The Group does not employ any staff and operates on a tight financial budget. Funds are sought to operate support groups and playgroups aimed at improving mental health and wellbeing of families through a range of recreational, social and educational activities. Workshops are also being planned in the following areas: creative writing, self expression and healing, assertive communication and relationship building. The Baby Bumps Support Group addresses a number of specific community needs identified in Council's Community Plan 2005-2009 target groups including

children and families, people with disabilities and women.

AMOUNT RECOMMENDED:

\$1,500

SPECIFIC PURPOSE:

A contribution towards supported playgroups, support groups and wellbeing workshops.

Support Services

ORGANISATION NAME:	Dial-A-Mum Inc
ORGANISATION BACKGROUND:	Dial-a-Mum is a community support phone line providing support and information which will direct people to the most appropriate community resource.
AMOUNT REQUESTED:	\$2,500
PROJECT DESCRIPTION:	To assist in the operation of a telephone support service through assistance with communication costs.
PREVIOUS GRANTS:	2001 - \$1,925 2002 - \$1,650 2003 - \$1,375 2004 - \$1,100 2005 - \$1,200 2006 - \$550
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	Dial-a-Mum provides trained maternal support to callers requiring anonymous personal guidance in times of crisis or distress. Approximately 5,000 calls are received annually covering issues related to spouse/partner conflict, isolation and personal health. There are no paid staff and all calls are answered by 70 volunteers. There are currently 16 active Dial-a-Mum volunteers who live in the Ku-ring-gai area. There are no statistics available regarding the number of Ku-ring-gai residents who utilise the service. Dial-a-Mum operate a tight financial budget with a heavy reliance on donations and support volunteers.
AMOUNT RECOMMENDED:	\$500
SPECIFIC PURPOSE:	To assist volunteers in the operation of a telephone support and referral service through assistance with communication costs.

Support Services

ORGANISATION NAME: English At Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)

ORGANISATION BACKGROUND: English at Gordon is a cross cultural friendship centre operating under the auspices of Gordon Baptist Church. It provides practical friendship and assistance with English language, cultural and living skills.

AMOUNT REQUESTED: \$1,079

PROJECT DESCRIPTION: To purchase a range of educational resources, equipment and teaching material.

PREVIOUS GRANTS:
 2001 - \$750
 2002 - \$880
 2003 - \$990
 2004 - \$870
 2005 - 1,200
 2006 - \$2,090

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: There are approximately 70 students utilising English language conversation, cultural and living skill classes. Demand for such classes has continued and also assist new residents to become familiar with the roles and responsibilities and services provided by Council in this area. Visits are organised and relevant information is disseminated to students regarding the significant characteristics of Ku-ring-gai and features of the area highly valued by residents. There are approximately 10 small classes operating each Monday with the support of 20 dedicated volunteers, teachers and helpers. The volunteers assist with language tutoring, cultural queries, completion of forms, JP services, school and medical appointments.

AMOUNT RECOMMENDED: \$1,079

SPECIFIC PURPOSE: To purchase educational resources, equipment and teaching material.

Support Services

ORGANISATION NAME: Hornsby Ku-ring-gai & Hills Multiple Births Association (HK & HMBA)

ORGANISATION BACKGROUND: Established in 1980, the Association supports families of multiple births in Ku-ring-gai and other areas. Members of this organisation include parents and guardians of multiple birth children and expectant parents of multiple birth children.

AMOUNT REQUESTED: \$1,260

PROJECT DESCRIPTION: Assistance with the production of a monthly newsletter and purchase of 1 x baby safety care capsule for use by new parents of multiples.

PREVIOUS GRANTS: 2001 - \$1,200
2002 - \$1,100
2003 - \$1,375
2004 - \$1,175
2005 - \$1,000
2006 - \$1,140

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: This service is unique as there are no other local services providing support to multiple birth families. The range of services provided include information evenings, telephone support, hospital visits, playgroups, newsletter and distribution of emergency meals. Approximately 50% of their members reside in the Ku-ring-gai area. The newsletter provision is a valuable communication tool for their 150 members and especially those unable to attend meetings or events. The newsletters enhance awareness of parenting issues and ease parent isolation. It is also distributed through healthcare centres and hospitals. The baby capsule will be available on loan to Association members and increase access to much needed equipment. The HK & HMBA has also purchased additional capsules using member funds.

AMOUNT RECOMMENDED: \$1,260

SPECIFIC PURPOSE: Newsletter publication and purchase of baby safety car capsule.

Support Services

ORGANISATION NAME:	Hornsby Ku-ring-gai Domestic Violence Network
ORGANISATION BACKGROUND:	An interagency of government and non-government services working together to reduce violence against women as well as providing greater education to our community.
AMOUNT REQUESTED:	\$3,000
PROJECT DESCRIPTION:	To assist with a community education evening to eliminate violence against women.
PREVIOUS GRANTS:	2004 - \$1,110 2006 - \$3,000
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	Increasingly, women who are affected by domestic violence tend to suffer from adverse health effects such as stress, anxiety, depression, phobias and other medical symptoms. Domestic violence is a common problem for women and their families and this project aims to raise community awareness and highlight what services are available to women and their families. The evening will contain empowerment messages while providing an educational environment that encourages broad community participation in the campaign to stop violence against women. This event will be held at the Roseville Cinema and will involve the screening of a movie consistent with the domestic violence theme and dissemination of information and educational material. The funds sought will be used for venue hire, films, publicity, promotional material and catering.
AMOUNT RECOMMENDED:	\$3,000
SPECIFIC PURPOSE:	A contribution towards an educational evening to reduce violence against women.

Support Services

ORGANISATION NAME:	Lifeline Harbour to Hawkesbury Inc
ORGANISATION BACKGROUND:	Lifeline provides a 24 hour telephone counselling service on 13 11 14. The Centre also offers a range of other counselling and preventative services with the aim of supporting the core service and enabling holistic care and support to members of the community. Lifeline values and respects everyone's right to be heard, understood and cared for.
AMOUNT REQUESTED:	\$3,183
PROJECT DESCRIPTION:	To carryout minor alternations in the existing telephone counselling room to provide confidential and safe space.
PREVIOUS GRANTS:	2003 - \$1,650
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Lifeline provide a range of valuable community services including telephone counselling, face to face counselling, emergency relief and community aid. The service has been based in the Ku-ring-gai area for the past 11 years. Funds are sought to carryout minor alterations to a counselling room including air-conditioning. The type of works proposed are capital works and are not eligible under the Financial Assistance to Community Groups (Guideline L - "Requests for capital assistance or maintenance of buildings will not be considered). This includes items considered to be permanently affixed to the building structure or grounds."
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	N/A

Support Services

ORGANISATION NAME: Ku-ring-gai Family Support Program

ORGANISATION BACKGROUND: Family Support provides practical and emotional support to families in crisis or experiencing stress. This is done either at the Centre or home visits.

AMOUNT REQUESTED: \$2,150

PROJECT DESCRIPTION: To provide parenting information to two groups of culturally and linguistically diverse parents called "Positive Parenting".

PREVIOUS GRANTS: 2006 - \$1,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: This service is based at the Ku-ring-gai Neighbourhood Centre and operates 3 days per week. It aims to enhance the family's capacity to support the growth and development of all family members - adults, young people and children. The range of issues that families seek assistance with includes parenting, perinatal, depression, relationship counselling, domestic violence, grief and loss, life skills etc. Funding is sought to provide an eight week parenting program aimed at culturally and linguistically diverse parents living in the Ku-ring-gai area. The parents will learn how to develop positive caring relationships with children and strategies to promote children's developmental needs.

AMOUNT RECOMMENDED: \$1,075

SPECIFIC PURPOSE: To conduct an eight week "Positive Parenting Program" for people in Ku-ring-gai.

Support Services

ORGANISATION NAME: South Turrumurra Community Fire Unit MHP-39

ORGANISATION BACKGROUND: The Community Fire Unit is a community based volunteer organisation under the auspices of the NSW Fire Brigade. The range of services provided by the Unit include fire fighting, education on bushfire prevention, training and community awareness program

AMOUNT REQUESTED: \$988

PROJECT DESCRIPTION: To purchase a safety communication kit including transceivers, batteries and chargers, to be used in bushfire emergencies and training sessions.

PREVIOUS GRANTS:
 2002 - \$881
 2003 - \$1,124
 2004 - \$999
 2005 - \$1,232
 2006 - \$1,086

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Unit is comprised of local residents whose aim is to protect life and property from effects of bushfire in Albert Drive Killara designated fire prone area. Each fire unit is designated to respond to bushfire emergencies in specific locations. The volunteers participate in training with Fire Brigades each month and individual sessions throughout the year. The items requested will facilitate emergency communication during bushfire emergencies and training sessions. They will be used to communicate information between standpipes, notification of evacuation and development of new fire fronts. Approximately 38 local residents provide assistance to the Fire Unit and participate in fire education and prevention activities.

AMOUNT RECOMMENDED: \$988

SPECIFIC PURPOSE: To purchase a safety communication transceiver kit.

Support Services

ORGANISATION NAME:	St Ives Toastmasters Club
ORGANISATION BACKGROUND:	Toastmasters is a non-profit organisation which trains and develops public speaking, communication and leadership skills.
AMOUNT REQUESTED:	\$600
PROJECT DESCRIPTION:	To purchase a data projector and video camera for use by club members.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	All community members over 18 years of age are eligible to belong to the St Ives Toastmasters Club. The equipment will be used to practise and review presentations by members of the club. In addition, the Club proposes to conduct 2 speech craft courses and high school speech craft leadership courses. It is anticipated that up to 200 people would benefit directly from these activities in the next 12 months. The Club has also undertaken a number of fundraising activities and \$600 represents the balance of funds required to purchase the equipment.
AMOUNT RECOMMENDED:	\$600
SPECIFIC PURPOSE:	A contribution to purchase a data projector and video camera.

Support Services

ORGANISATION NAME:	Sydney Adventist Hospital - Jacaranda Lodge Cancer Support Centre
ORGANISATION BACKGROUND:	Jacaranda Lodge is a low cost accommodation service for patients and/or their carers who need to be close to the "SAN". The "SAN" mission is Christianity in Action and provides accommodation in a caring environment.
AMOUNT REQUESTED:	\$10,000
PROJECT DESCRIPTION:	To purchase furniture for Jacaranda Lodge Cancer Support Centre including beds, sofas, chest of drawers, chairs, tables etc.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Jacaranda Lodge Cancer Support Centre is a community service provided by the "SAN" Hospital. It provides low cost accommodation for those families from predominantly rural areas who are unable to access suitable accommodation closer to their homes or elderly carers. Families stay overnight whilst patients receive paediatric sleep treatment, cancer, cardiac or other treatment in the SAN. Cancer support services receive some funding from cancer support programs but Jacaranda Lodge accommodation receives only patient subsidy payments from the Health Department. Whilst this is a much needed service there are few local residents that use this facility. The majority of users live outside Ku-ring-gai, mainly from country areas where commuting to and from the hospital each day is not practical.
AMOUNT RECOMMENDED:	\$0
SPECIFIC PURPOSE:	N/A

Support Services

ORGANISATION NAME:	Wires - Wildlife Information & Rescue Service (North Shore Branch)
ORGANISATION BACKGROUND:	Wires is a non-profit organisation made up of volunteers rescuing and rehabilitating injured and orphaned native animals and returning them to the wild as quickly as possible.
AMOUNT REQUESTED:	\$2,500
PROJECT DESCRIPTION:	Funding for the rehabilitation and release of injured and orphaned flying fox in the North Shore area eg, food costs, release costs and creche fees.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Wires is a state-wide organisation with local branches that provides rescue and care for sick and injured animals. The service organises for the release of the animals back to the wild where appropriate and seeks to educate the public about active wildlife. They are seeking assistance for rescuing and rehabilitating injured and orphaned Grey Headed Flying Fox. The funds will be used for food and creche fees. The majority of the costs of raising and rehabilitating Grey-Headed Flying Foxes are absorbed by the volunteer rescuer and carer. Recently the number of vaccinated carer volunteers has increased to 11 and this has increased Wires ability to rescue and care for Flying Foxes in need of help. The North Shore Branch rescue a large percentage of bats from the Gordon colony and their work assists in the survival of this endangered species. The type of work carried out by these volunteers include rescuing injured animals, seek vet assistance, administer medical treatment and provide suitable housing and food.
AMOUNT RECOMMENDED:	\$1,500
SPECIFIC PURPOSE:	To assist with rehabilitation, housing and food costs for the Grey Headed Flying Fox.

**COMMUNITY
FINANCIAL ASSISTANCE PROGRAM
APPLICATION ASSESSMENTS 2007**

Attachment 3

CATEGORY: SUPPORT SERVICES

Name of Organisation	Amount Sought \$	Amount Recommended \$
18th Australian Infantry Battalion (Ku-ring-gai Regiment)	400	400
Albert Drive Community Fire Unit	359	359
Australian Breastfeeding Association (ABA) – Turrumurra Group	1,400	1,000
Australian Volunteer Coast Guard Association Ku-ring-gai Flotilla	2,340	0
Babybumps Support Group (previously POSIE)	4,000	1,500
Dial-A-Mum Inc	2,500	500
English At Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	1,079	1,079
Hornsby Ku-ring-gai & Hills Multiple Births Association (HK & HMBA)	1,260	1,260
Hornsby Ku-ring-gai Domestic Violence Network	3,000	3,000
Lifeline Harbour to Hawkesbury Inc	3,183	0
Ku-ring-gai Family Support Program	2,150	1,075
South Turrumurra Community Fire Unit MHP-39	988	988
St Ives Toastmasters Club	600	600
Sydney Adventist Hospital - Jacaranda Lodge Cancer Support Centre	10,000	0
Wires - Wildlife Information & Rescue Service (North Shore Branch)	2,500	1,500
	\$35,759	\$13,261

SUMMARY OF FUNDING APPLICATIONS AND RECOMMENDATIONS

YOUTH SERVICES	Amount Requested \$	Amount Recommended \$	Purpose
1st Lindfield Scout Group	980	980	Purchase of a hiking tent & projector screen
1st Middle Harbour Sea Scout Group	1,121	1,121	2 x training courses for trainee leaders, 8 canoe paddles, 10 Cub Scout record books, 4 items of scout uniforms
1st North Turramurra Scout Group	1,516	1,197	Purchase of 3 x MT410 GME Accusat PLB 406 MHZ Epirb (Locators Beacons)
Holy Family Youth Group	3,570	1,000	A contribution towards purchase of a digital piano.
Hornsby/Ku-ring-gai Police & Community Youth Club	5,000	1,150	To purchase 4 passive Satellite Speakers,
Killara High School (Duke of Edinburgh Award Scheme)	1,018	1,018	To purchase 1 x sleeping bag, 1 x dry sack, 1 x head lamp
Killara Scout Group (Koola Ave, Killara)	1,791	1,100	To purchase 2 x Diamantina Fraser tents, 1 x Murray Model tent
The Green Tent	220	220	To pay for camp site hiring fees.
Total	\$15,216	\$7,786	

Youth Services

ORGANISATION NAME: 1st Lindfield Scout Group

ORGANISATION BACKGROUND: Scouting in accordance with the vision of Lord Baden Powell. 1st Lindfield has active cub, scout, venturer and Rover Packs.

AMOUNT REQUESTED: \$980

PROJECT DESCRIPTION: Purchase of a hiking tent and projector screen.

PREVIOUS GRANTS:
 2002 - \$1,200
 2003 - \$895
 2004 - \$1,100
 2005 - \$Nil
 2006 - \$1,237

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: 1st Lindfield Scouts provides camping and outdoor activities for over 40 young people in the Ku-ring-gai Area. These camping activities are designed to assist with the ongoing development of young people through leadership and life skills. Lindfield Scouts are requesting funds to assist with their outdoor activities, and a screen with which they could run educational programs. These items will no doubt assist and enhance the fun and educational programs they are already running.

AMOUNT RECOMMENDED: \$980

SPECIFIC PURPOSE: Purchase of a hiking tent & projector screen

Youth Services

ORGANISATION NAME:	1st Middle Harbour Sea Scout Group
ORGANISATION BACKGROUND:	As part of the Australian Scouting Association, the aim of IMH is to encourage the physical, intellectual, emotional and spiritual development of young people so that they can take a place in society as responsible citizens.
AMOUNT REQUESTED:	\$1,121
PROJECT DESCRIPTION:	Purchase of 2 training courses for trainee leaders in the group, and various pieces of equipment.
PREVIOUS GRANTS:	2004 - \$1,100 2005 - \$880
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	1st Middle Harbour Sea Scout group, situated in east Lindfield, provides outdoor experiences and education for a variety of Ku-ring-gai young people. It is open to both young boys and girls, and it's 'Joey Mob' are one of the few in the Ku-ring-gai area to offer this experience to boys and girls aged 6 - 8 yrs. Providing training courses for trainee leaders will enhance the service offered by the group, and help to develop leadership skills amongst its members. The variety of equipment requested (most of which goes to new members) will make joining the Group a lot more appealing and affordable for local residents.
AMOUNT RECOMMENDED:	\$1,121
SPECIFIC PURPOSE:	2 x training courses for trainee leaders, 8 canoe paddles, 10 Cub Scout record books, 4 items of scout uniforms

Youth Services

ORGANISATION NAME:	1st North Turramurra Scout Group
ORGANISATION BACKGROUND:	To foster the development of our local youth through healthy activities.
AMOUNT REQUESTED:	\$1,516
PROJECT DESCRIPTION:	Purchase of 3 x locator beacons and 2 x backpacker tents
PREVIOUS GRANTS:	2003 - \$1,000 2004 - \$1,000 2005 - \$1,000
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	1st North Turramurra Scout Group is an established local Scout group that is open for young people between 8 - 18 years of age. They have a membership of approximately 60 and aim to foster physical and mental development. The locator beacons will greatly enhance the safety of any hiking trips undertaken by the Group, by allowing their exact location to be pinpointed should emergency services be needed.
AMOUNT RECOMMENDED:	\$1,197
SPECIFIC PURPOSE:	Purchase of 3 x MT410 GME Accusat PLB 406 MHZ Epirb (Locators Beacons)

Youth Services

ORGANISATION NAME:	Holy Family Youth Group
ORGANISATION BACKGROUND:	Holy Family Church seeks to involve families and youth in their church, by making it meaningful & relevant.
AMOUNT REQUESTED:	\$3,570
PROJECT DESCRIPTION:	Purchase of digital piano (keyboard)
PREVIOUS GRANTS:	
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Holy Family Youth Group is a one of the Parish Groups of the Holy Family Church located at Lindfield. The Youth Group aims to promote greater community spirit and involvement within the young people of the Parish. It offers Sunday Night Mass for teens, and specialised 'Youth Nights' once a month. Holy Family's other Parish groups include Senior Servers, Holy Family Catholic primary School and Children's Liturgy. Having their own digital piano would greatly enhance their service to the youth people in the Parish.
AMOUNT RECOMMENDED:	\$1,000
SPECIFIC PURPOSE:	A contribution towards purchase of a digital piano.

Youth Services

ORGANISATION NAME: Hornsby/Ku-ring-gai Police & Community Youth Club

ORGANISATION BACKGROUND: PCYC is a State wide partnership between young people, the community and the NSW Police working to assist young people develop the qualities to be responsible citizens and leaders and to avoid becoming offenders or victims of crime. They are a non government charity working in partnership with NSW Police to achieve a reduction in juvenile crime and anti-social behaviour.

AMOUNT REQUESTED: \$5,000

PROJECT DESCRIPTION: To purchase sound equipment for use in providing a range of performing arts activities.

PREVIOUS GRANTS: 2006 - \$1,000

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Hornsby-Ku-ring-gai PCYC works in partnership with NSW Police to assist in providing programs to develop youth leadership skills and to reduce juvenile crime and anti-social behaviour. Their primary responsibility is liaising with Crime Management Units at local Area Commands to identify young offenders and work closely with these young people in an attempt to change their criminal offending behaviour. The drop-in service is based in Hornsby, but it's programs are open to Ku-ring-gai residents. They also provide a mobile outreach program which services the Ku-ring-gai area, specifically at Youth events such as band nights and skate events. This funding will serve to enhance their performing arts program, and they have split the total application between Ku-ring-gai and Hornsby Councils.

AMOUNT RECOMMENDED: \$1,150

SPECIFIC PURPOSE: To purchase 4 passive Satellite Speakers,

Youth Services

ORGANISATION NAME: Killara High School (Duke of Edinburgh Award Scheme)

ORGANISATION BACKGROUND: Killara High School is a leading comprehensive government high school for girls and boys.

AMOUNT REQUESTED: \$1,018

PROJECT DESCRIPTION: To purchase equipment for adults accompanying students on expeditions for the Duke of Edinburgh Scheme

PREVIOUS GRANTS: 2004 - \$962
2005 - \$1,000
2006 - \$1,100

DATE 2006 ACQUITTAL FORM RECVD? Yes

COMMENTS: The Duke of Edinburgh's Award Scheme expedition equipment for adults accompanying student expeditions. In 2003 the school commenced a program of school organised expeditions as part of its curriculum enrichment program. The program is based entirely upon voluntary services of staff and parents outside school hours and is self-funding. It does not attract any government funding. The only sources of support since the program's inception have been parent donations and Ku-ring-gai Council Financial Assistance to Community Groups Program. The Program provides valuable leadership and outdoor skills to those youth who participate.

AMOUNT RECOMMENDED: \$1,018

SPECIFIC PURPOSE: To purchase 1 x sleeping bag, 1 x dry sack, 1 x head lamp

Youth Services

ORGANISATION NAME:	Killara Scout Group (Koola Ave, Killara)
ORGANISATION BACKGROUND:	To develop young people into responsible adults by giving experience in leadership and varied outdoor activities.
AMOUNT REQUESTED:	\$1,791
PROJECT DESCRIPTION:	Purchase of 9 hiking tents.
PREVIOUS GRANTS:	2005 - \$800 2006 - \$1,000
DATE 2006 ACQUITTAL FORM RECVD?	Yes
COMMENTS:	Killara Scout Group provides young people 8 - 18yrs with opportunities to appreciate the environment through recreational activities and physical development. Killara Scout Group is part of the worldwide scouting movement and services young people predominately in Lindfield and Killara. Scouts are very effective in building confidences and personal strengths in young people, as they grow to interact with their community in a positive way. The tents will provide essential shelter to hiking groups and be shared amongst other scout and guide groups.
AMOUNT RECOMMENDED:	\$1,100
SPECIFIC PURPOSE:	To purchase 2 x Diamantina Fraser tents, 1 x Murray Model tent

Youth Services

ORGANISATION NAME:	The Green Tent
ORGANISATION BACKGROUND:	The aim is to combine local Churches to reach out for Christ.
AMOUNT REQUESTED:	\$220
PROJECT DESCRIPTION:	Assistance is sought with camp site hiring fees to conduct a school holiday program.
PREVIOUS GRANTS:	N/A
DATE 2006 ACQUITTAL FORM RECVD?	N/A
COMMENTS:	Combined Churches School holiday program. The range of activities provided include - singing, drama, craft, bible talks, games, swimming. Primary school k-6 and high school 7-10 are catered for. The day camp is held for one week and is run by volunteers from the local churches. Parents pay a small fee for the full week (\$40-\$75) to cover costs. The Green Tent provides valuable school holiday programming for a variety of different ages. Their application is to cover a site hiring fee and will keep costs down to local families.
AMOUNT RECOMMENDED:	\$220
SPECIFIC PURPOSE:	To pay for camp site hiring fees.

**COMMUNITY
FINANCIAL ASSISTANCE PROGRAM
APPLICATION ASSESSMENTS 2007**

Attachment 3

CATEGORY: YOUTH SERVICES

Name of Organisation	Amount Sought \$	Amount Recommended \$
1st Lindfield Scout Group	980	980
1st Middle Harbour Sea Scout Group	1,121	1,121
1st North Turrumurra Scout Group	1,516	1,197
Holy Family Youth Group	3,570	1,000
Hornsby/Ku-ring-gai Police & Community Youth Club	5,000	1,150
Killara High School (Duke of Edinburgh Award Scheme)	1,018	1,018
Killara Scout Group (Koola Ave, Killara)	1,791	1,100
The Green Tent	220	220
Total	\$15,216	\$7,786

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF MEETING OF 20 AUGUST 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 20 August 2007.

BACKGROUND:

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS:

The meeting of 20 August 2007, five items were discussed including the SAN and Rosedale Road sites, update on the Draft Bushfire Prone Land Map (2007), mapping of Blue Gum High Forest (BGHF) and Council works undertaken at Mona Street Reserve.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 20 August 2007 and attachments be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 20 August 2007.

BACKGROUND

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

There were five items for general business discussion in the meeting of Monday, 20 August 2007:

1. Update on the SAN site Part 3A process including issues and communication with the Department of Planning;
2. Update on the Rosedale Road Development Application and the role the Federal Government's Department of Environment and Heritage;
3. Discussion on the Draft Bushfire Prone Land Map (2007) with a summary of submissions received;
4. Presentation (Attachment 2) of the development of approaches to mapping Blue Gum High Forest and other endangered ecological communities including a response by the NSW Scientific Committee as previously discussed; and
5. Report on the actions of council in relation to clearing of vegetation at Mona Street.

Minutes of the meeting are included as Attachment 1 to this report.

CONSULTATION

The Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Reference Group considered five items of business at its meeting held on Monday, 20 August 2007. The Group discussed the SAN hospital site at Wahroonga and 102 Rosedale Road St Ives sites in terms of proposed and current Development Applications (respectively), submissions received on the Draft Bushfire Prone Land Map (2007), development of a new assessment and mapping tool for endangered ecological communities and comment on the works undertaken by council staff in relation to the bushland reserve at Mona Street, Wahroonga.

RECOMMENDATION

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 20 August 2007 and attachments be received and noted.

Peter Davies

Manager Sustainability & Natural Environments

Steven Head

Director Strategy

Attachments:

- 1. Minutes of Meeting of Monday, 20 August 2007 - 719440**
- 2. Blue Gum High Forest presentation - 819895**

BUSHLAND CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Monday 20 August 2007
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Margery Street Stephen Shortis Nancy Pallin Michelle Leishman Margaret Booth Ian Wright	Clr. A. Andrew – Chair Clr. E. Malicki	Peter Davies – Manager Sustainability & Natural Environments Graeme Williams – Community Environment Officer Jenny Scott – Sustainability Program Leader Kim English – Administrator

Apologies:

Members	Councillors	Staff
Colin Manton Chris McIntosh		Steven Head – Director Strategy

Meeting open 7.10pm.

Declaration of Pecuniary Interests:

No pecuniary interested declared.

Confirmation of Minutes:

Minutes from meeting of 18 June 2007 were accepted.

Business arising from the previous meeting

No business arising.

General Business

BC&NARG 47 – SAN and UTS Site Update

Staff provided a brief history of the Development Applications and proposals affecting this site. More recently the SAN has had discussions with Council and the NSW Government in relation to development options for the site. No formal development application has been lodged. Council has prepared an Issues Paper for the Department of Planning in relation to this site that has included an assessment of impact on the social and natural environment.

Margaret Booth briefed the Committee on the first of three proposed Reference Group meeting regarding the UTS site, though noting that the final two meetings have been postponed. The first meeting outlined the general concept for the site.

Michelle Leishman queried how the site could be developed in the context of the Rural Fire Service's (RFS) guidelines regarding the asset protection zone. Staff advised that the Minster is the final consent authority for this site and that advice from the RFS would be considered along with all other information.

BC&NARG 48 – 100 Rosedale Road Update

Staff gave the Reference Group an update on the Development Application for 100 Rosedale Road. It was lodged with Council on 11 May 2007. Given the interest in this site notification was extended through to 11 June 2007. As part of the assessment a separate ecological study was undertaken on the impacts of the development on the Blue Gum High Forest. Council staff have been in contact with the respective State and Federal Government departments regarding the application and are awaiting a response from the Department of Environment and Heritage (Cth) regarding their determination on the impact of the development on the forest community.

BC&NARG 49 – Draft Bushfire Prone Land Map/ Bushfire Evacuation Map

Staff advised the Reference Group that submissions for the Draft Bushfire Prone Land Map closed on Friday 17 August 2007. As part of the exhibition period five public meetings were held attended by approximately 40 residents. Residents attending these sessions were mostly concerned with the exclusion zones as proposed by the Department of Planning. As explained to respondents comments in relation to this matter would be forwarded to the Department of Planning.

Councillor Andrew requested staff follow up with the General Manager in relation to the discretion exercised by the Minister for Local Government allowing certain Councillors to vote on this matter previously and whether this still applied.

BC&NARG 50 – Blue Gum High Forest (BGHF) Mapping Update

Staff gave a presentation to the Reference Group on the development of a mapping technique to identify BGHF and other endangered ecological communities. The rationale given for the need for this updated mapping technique was based on an initial desktop analysis indicating that up to 1/3 of the LGA, or over 10,000 properties may contain remnant BGHF as based on predictive soil maps used in past mapping. Given this, a rapid assessment technique was considered suitable to aid in the mapping used across other natural science areas.

The technique under development seeks to build on the determination by the NSW Scientific Committee and recent rulings by the Land and Environment Court. This included ongoing correspondence with the Committee confirmed in their letter of 20 August 2007 that affirmed BGHF under its final determination as a critically endangered ecological community includes “small clumps of trees may constitute an assemblage of species that matches the description of BGHF if they provide habitat for component species of the community regardless of the present state or composition of the understorey” (paragraph 4). Noting in their letter however that the Committee is “not in a legal position to provide advice on individual cases”.

As part of the development of this approach a review of existing data had been undertaken, including information previously collected under the Environmentally Sensitive Areas (ESA) Study (2001). Discussion on the ESA study noted the limited number of sites covered as part of this assessment though provided a sound method for data collection. The methods under development have been based on numerous discussions with expert BHGF consultants and officers within relevant government departments. This consultation and collaboration will continue in the finalisation of the mapping protocol to provide the most robust and accepted mapping methods. Noting that as a rapid assessment it is to be used as a trigger to undertake a more

detailed investigation should it be necessary based on the nature of the development proposed or site itself.

Supporting the development of the method above, staff are also exploring the use of aerial and satellite imagery combined with current spatial information as a means of refining the extent of potential BGHF across Ku-ring-gai. This is being undertaken in collaboration with Sydney University.

BC&NARG 51 – Mona Street Update

Staff provided a brief summary of the clearing of vegetation and subsequent actions at Mona Street, Wahroonga. This was in response to a number of media stories on this matter. A number of Reference Group members noted that in the 1980's this site was undergoing regeneration and was consequently in a much better condition than at present.

Other business

Due to time constraints the DVD on the development of the sustainability plan was not shown and will be distributed to members separately. Similarly a discussion on the development of a climate change position paper will be discussed at the next meeting.

Councillor Andrew advised the Committee that the Sir David Martin Reserve Draft Landscape Master Plan is currently on public exhibition and once Councillors have conducted a site inspection of Swain Gardens this will also be available for public comment. Both plans will be circulated to members.

Michelle Leishman queried the progress of the Beechworth to Warragal re-zoning. Councillor Malicki informed the group that a consultant has review the site and determined that it contained both threatened and critically threatened vegetation communities. A copy of this report has been sent to the Department of Environment & Climate Change (DECC) for opinion. This matter will be reported back to Council.

Next Meeting

Monday 15 October 2007 – Level 3 Ante Room at 7.00pm.

Meeting Closed at 9.25pm



Legislative Changes:

- NSW Scientific Committee recently upgraded BGHF to a *critically* EEC under Schedule 1A of the TSC Act, 1995.
- Important change: “highly modified relics of the community also persist as small clumps of trees without a native understorey.”





Council's Response:

1. USYD project: GIS spatial analysis to examine the association btwn various env. parameters and distribution of BGHF + remote sensing analysis of satellite imagery.
2. Correspondence to NSW Scientific Committee
3. Collaborative development of BGHF assessment tool: Development of field based rapid assessment tool with minimal subjectivity and external agency input to provide initial vegetation appraisal and trigger mechanism for development scenarios.



BGHF Assessment Tool

Objectives:

1. Framework for initial vegetation identification and trigger for subsequent investigation.
2. Systematic and comprehensive assessment of BGHF on private land in Ku-ring-gai LGA.
3. Classify each area of BGHF according to recovery potential.
4. Build upon existing data for comparative analysis.
5. Satisfy legislative requirements of TSC, 1995.
6. Develop a transparent, legally and scientific sound methodology for assessing BGHF.
7. Foster a collaborative approach between State, Local, independent experts and other stakeholders in assessing BGHF.



Assessment Tool Methods:

- Criteria extracted from Scientific Committee's Final Determination and discussions with ecological experts.

Assessed using:

- **VALUES:**

Connectivity
Stand Integrity
Area of Land
Recruitment
Species Composition

- **PRESSURES:**

Exotic Species
Surface Condition / Development
Soils

- Each criteria ascribed a score in field assessment based on Land Management Unit.

(+) VALUE:

H = 3

M = 2

L = 1

(-) PRESSURE:

H = -3

M = -2

L = -1



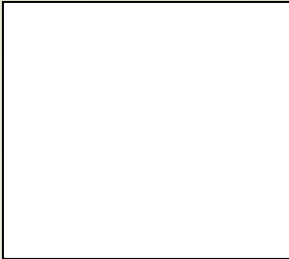


STEP 1:

VALUE:	8	XX Timaru Street			
Species Composition	L	TOTAL: <div></div>			
Stand Integrity	M				
Area	L				
Recruitment	M				
Connectivity	M				
PRESSURE:		Exotic Flora	Surface Condition	Soils	



STEP 2:

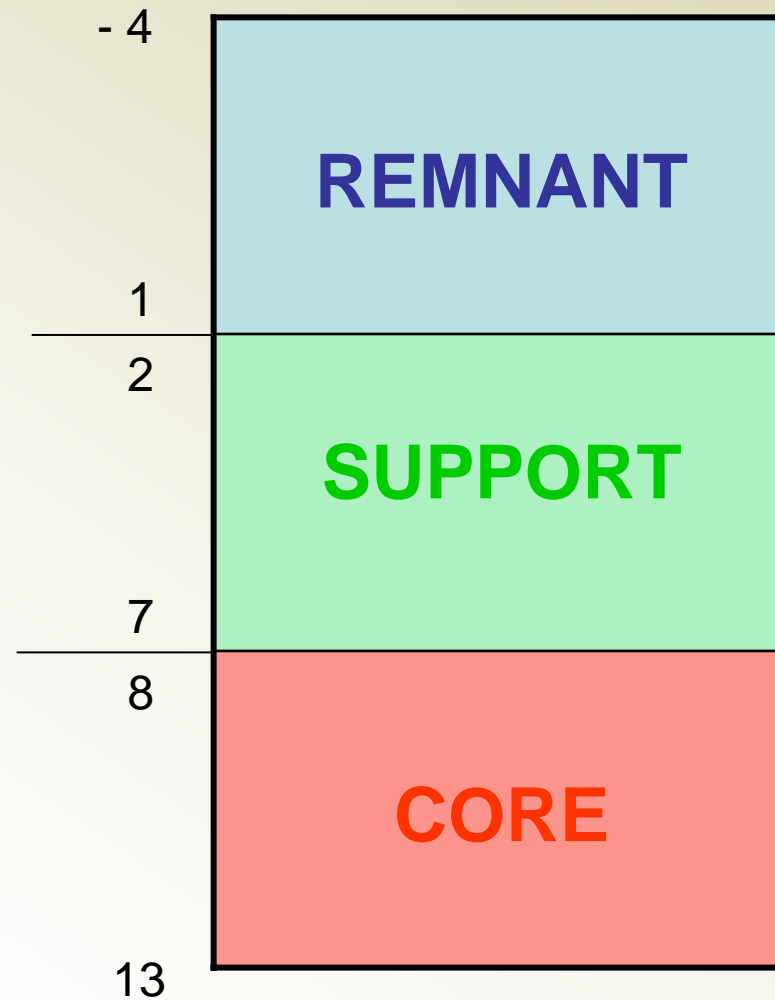
VALUE:	8	XX Timaru Street			
Species Composition	L	TOTAL: 			
Stand Integrity	M				
Area	L				
Recruitment	M				
Connectivity	M				
PRESSURE:		Exotic Flora	Surface Condition	Soils	
		M	M	L	- 5



STEP 3:

(+) VALUE:	8	XX Timaru Street			
Species Composition	L	TOTAL: <div>3</div>			
Stand Integrity	M				
Area	L				
Recruitment	M				
Connectivity	M				
(-) PRESSURE:		Exotic Flora	Surface Condition	Soils	
		M	M	L	- 5

Plotting the Results:





Conservation Significance:

- **Core Habitat** – areas with intact vegetation structure, a diversity of endemic species and resilient core area.
- **Support Habitat** – areas that provide a range of support values to the core habitat, including increasing the size, buffering and connectivity.
- **Remnant Trees** - vegetation which remains as (relatively) isolated remnant trees in an urban landscape.

*Adapted from Native Vegetation of the Cumberland Plain, 2002 and
Department of the Environment and Water Resources, 2005.*





Where Next:

- **Refine tool through staff review and field application.**
- **Engage staff from DECC, consultants and other key representatives to convene workshop to review rapid assessment tool.**
- **Conduct USYD project.**
- **Spatial display of results.**

BUSHFIRE PRONE LAND MAP (2007)

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to refer the updated Bushfire Prone Land Map (2007) to the NSW Rural Fire Service for certification.

BACKGROUND:

In June 2007 Council resolved to display the Draft Bushfire Prone Land Map for public comment. The Draft Map served to update the current Map as certified by the Commissioner for the NSW Rural Fire Service on 21 November 2002.

COMMENTS:

During the public exhibition period, five public meetings were held and 1,400 letters were sent to affected residents. Comments received during this period related to the Draft Map and also the proposed changes to evacuation risk exclusions areas as determined by the Department of Planning.

RECOMMENDATION:

That Council approve the updated Bushfire Prone Land Map (2007) and send this to the NSW Rural Fire Service for certification.

PURPOSE OF REPORT

To seek Council's approval to refer the updated Bushfire Prone Land Map (2007) to the NSW Rural Fire Service for certification.

BACKGROUND

Section 146 of the Environmental Planning and Assessment Act 1979 and the NSW Rural Fire Service Bushfire Prone Land Mapping Guidelines (June 2006) requires councils to maintain and update a Bushfire Prone Lands Map every five years. The current map came into effect November 2002. In 2006 Council through the Environmental Levy employed two staff to review the current map as certified by the Commissioned for the NSW Rural Fire Service in 2002. This process included extensive ground truthing and the use of up to-date aerial photography. A detail of this process was reported to Council at its Ordinary Council Meeting of 19 June 2007.

In accordance with the resolution of the June Council meeting, the Draft Bushfire Prone Land Map (2007) was placed on public exhibition. This report provides a summary of the comments received during the exhibition period and an updated map for Council's approval to refer to the Commissioned of the NSW Rural Fire Service for certification.

COMMENTS

Attachment 1 provides a copy of the update Draft Bushfire Prone Land Map (2007) as recommended to be referred to the NSW Rural Fire Service.

During the exhibition period, Council received numerous submissions from residents. These submissions can be categorised into five main groups:

1. Minor boundary adjustments. Minor boundary adjustments refer to one boundary category overlapping slightly into another. These adjustments have been corrected in the Map attached. An example of this is 8C Lonsdale Avenue Pymble (Attachment 3) showing a slight incursion (less than one meter) of Category 1 vegetation into the Buffer zone. These corrections provide a more accurate cartographic representation of the field mapping and in turn trigger the correct planning considerations.
2. Adjustments reflecting works undertaken by residents to remove minor pockets of Category 1 vegetation from their properties. Small pockets of Category 1 vegetation on properties have been removed by residents and their property re-classified to Buffer zone (Attachment 4).
3. Re-classification from Category 1 to Category 2 vegetation as a result of works undertaken since the Draft Map was first posted on Council's website (December 2006). Since the Draft Map was placed on Council's website as an attachment to the report for the Ordinary Meeting of Council on 12 December 2006, residents have had the opportunity to view the Map and carry out works on their property to alter their classification. Attachment 5 provides an

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S04805
22 August 2007

example of this at 157 Burns Road Wahroonga. The resident has undertaken works to reduce the amount of Category 1 vegetation to a small pocket now classified as Category 2.

4. Areas of vegetation not captured in the 2002 Bushfire Prone Land Map which have now been captured in the Draft Bushfire Prone Land Map (2007). In the development of the 2002 Bushfire Prone Land Map certain areas of bushland were not captured. This missing information now appears on the Draft Map. Attachment 6 provides an example of this at Tasman Crescent Killara.
5. Comments relating to the Bushfire Evacuation Risk Map (hatched areas). As noted in the report on the 19 June 2007 this matter is outside Council's area of responsibility, being a planning instrument proposed by the Department of Planning. As such this report seeks the resolution of Council to forward any submissions made in relation to this to the Department of Planning for their consideration (refer to Attachment 2).

The first Bushfire Prone Land Map listed 6 areas for exclusion from SEPP 5 and 53 developments. After the recent review of this map, 8 additional areas were proposed for exclusion of this development and to be exhibited on the Bushfire Evacuation Risk Map. These areas included:

1. North Wahroonga off the northern end of Grosvenor Road/Curtin Avenue.
2. South Turramurra – Howson Avenue and Stainsby Close and part of the Comenarra Parkway.
3. South Turramurra – part of the Comenarra Parkway and Evans Street, Ramsay and Parker Avenues.
4. West Pymble – south off Wallalong Crescent.
5. West Lindfield/West Killara – south off Lady Game Drive.
6. South Wahroonga/South Warrawee – south off Rothwell (Mitchell Crescent), south end of Roland Avenue and part of Campbell Drive.
7. St Ives – Richmond and Greenvalley Avenue.
8. Roseville Chase – Chase Avenue, Cardigan and Ormonde Roads.

Attachment 1 details the exclusion areas existing (hatched blue) and proposed (hatched light green).

CONSULTATION

In accordance with the resolution of Council on 19 June 2007 consultation on the draft bushfire prone lands map involved five public meetings. Four of these were advertised in the Mayor's Column of the North Shore Times on Friday 6th July 2007 with two sessions on Monday 23 July and another two on Friday 27 July. Staff also sent approximately 1,400 letters to residents that were identified as having an increase in encumbrance as a result of the draft map including an invitation to a further public meeting on the 9 August. In total 40 residents attended the meetings.

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22 August 2007**

Council staff have also dealt with a variety of submissions through the following communication methods (approximate figures):

- Emails received from residents – 12
- Phone calls received from residents – 30
- Residents viewing the Map at Council's Customer Service Counter requiring assistance – 4
- Letters received from residents – 20
- Inspections between Council staff, residents and Rural Fire Service – 17

Consultation has also occurred with the NSW Rural Fire Service to inspect and clarify areas of concerns raised by residents. The District Community Safety Officer for the Rural Fire Service also attended one of the public meetings to assist Council staff with queries raised by residents.

All those who have made formal submissions have been notified of this item on the business paper and that it would be considered by Council at the Ordinary Meeting of Council of 25 September 2007.

FINANCIAL CONSIDERATIONS

Council's Environmental Levy funded the high resolution photograph layer on the geographical information system (GIS) and two Fire Mapping Technical Officers in preparation of the Draft Bushfire Prone Land Map (2007).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with Planning staff from the Strategy department and GIS staff from Corporate has occurred in preparation of the revised Bushfire Prone Land Map (2007).

SUMMARY

On 19 June 2007 Council resolved to place the Draft Bushfire Prone Land Map (2007) on public exhibition for a period of 28 days. Five community consultation sessions were held in the month of July to provide residents with the opportunity to raise queries in relation to how the Map affects their property. Written submissions were accepted until Friday 17 August 2007 with all matters within the submissions clarified by correspondence and/ or inspections.

Concerns raised by residents were made regarding the proposed and existing hatched areas of the Map (detailing the SEPP Seniors Living and SEPP 53), changes to their incumbrances and confusion in relation to changes in colour coding of Category 1 and buffer zone vegetation.

Alterations have been made to the Map where confirmed by Council staff and Rural Fire Service following the community consultation period (Attachment 1).

RECOMMENDATION

- A That Council adopt the Bushfire Prone Land Map (2007) for certification by the Commissioner of the NSW Rural Fire Service.
- B To refer submissions received by Ku-ring-gai Council to the NSW Department of Planning in relation to the evacuation risk areas.

Mark Arnfield
Technical Officer – Fire

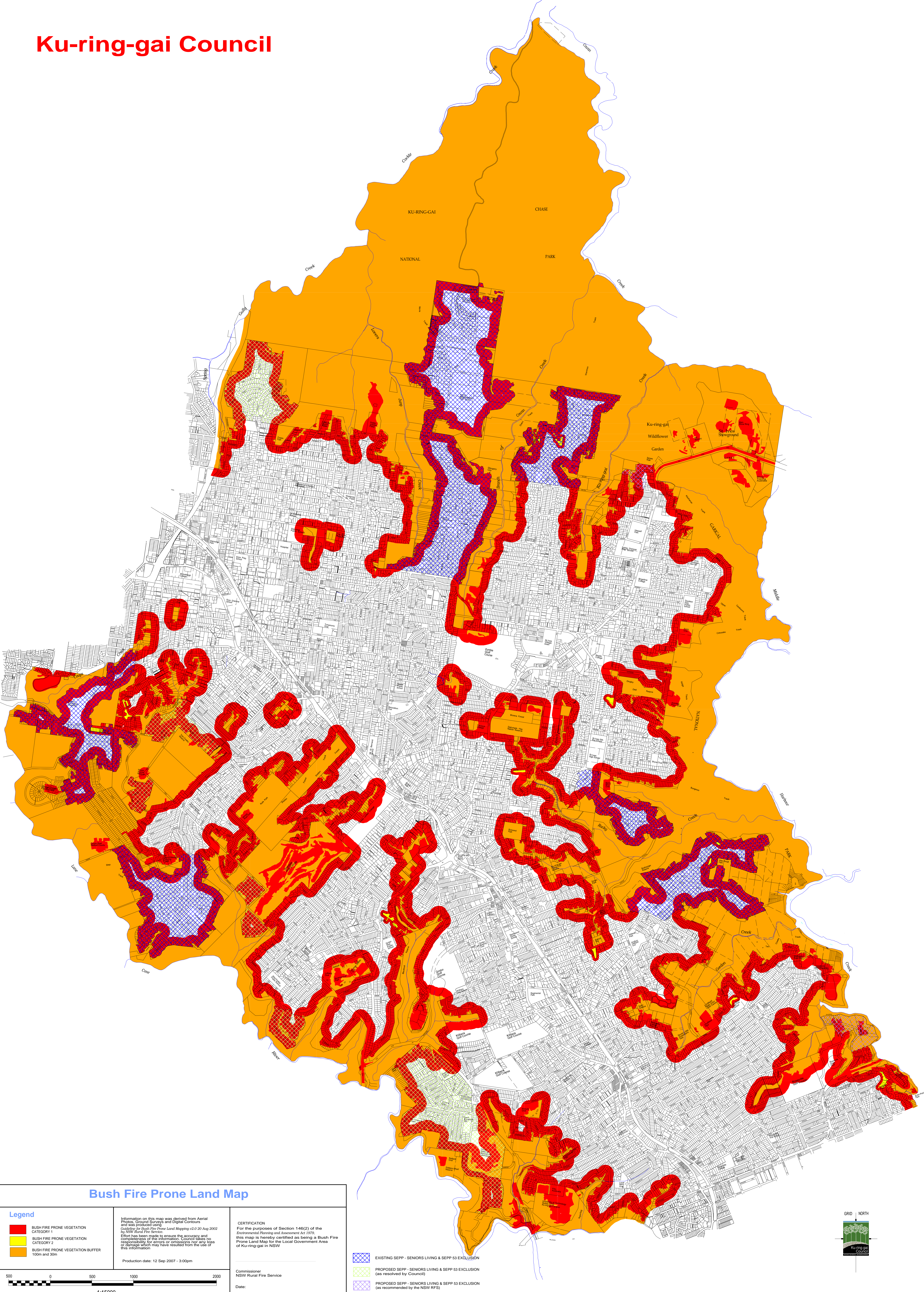
Peter Davies
**Manager Corporate Planning
& Sustainability**

Steven Head
Director Strategy

Attachments:

- 1. Bushfire Prone Land Map (2007) - 828125
- 2. Hatched areas submissions - 820784
- 3. 8C Lonsdale Avenue Pymble boundary adjustment - 823553
- 4. Small pockets of vegetation removed - 822900
- 5. 157 Burns Road Wahroonga re-classification - 823664
- 6. Missing data from 2002 Map now included in 2007 Draft Map - 823548

Ku-ring-gai Council



Bush Fire Prone Land Map

Legend

- BUSH FIRE PRONE VEGETATION CATEGORY 1
- BUSH FIRE PRONE VEGETATION CATEGORY 2
- BUSH FIRE PRONE VEGETATION BUFFER 100m and 30m

Information on this map was derived from Aerial Photos, Ground Surveys and Digital Contours and was produced using *Guidelines for Bush Fire Prone Land Mapping* (20.20 Aug 2002) by NSW Rural Fire Service. Effort has been made to ensure the accuracy and completeness of the information. Council takes no responsibility for errors or omissions nor any loss or damage which may have resulted from the use of this information.

Production date: 12 Sep 2007 - 3:00pm

CERTIFICATION

For the purposes of Section 146(2) of the *Environmental Planning and Assessment Act 1979*, this map is hereby certified as being a Bush Fire Prone Land Map for the Local Government Area of Ku-ring-gai in NSW.

Commissioner
NSW Rural Fire Service

Date:

500 0 500 1000 2000

1:15000

- EXISTING SEPP - SENIORS LIVING & SEPP 53 EXCLUSION
- PROPOSED SEPP - SENIORS LIVING & SEPP 53 EXCLUSION (as resolved by Council)
- PROPOSED SEPP - SENIORS LIVING & SEPP 53 EXCLUSION (as recommended by the NSW RFS)



(Olive) Dariel Larkins
225 Kissing Pt. Rd
TURRAMURRA NSW 2074

30th July, 2007

SUBMISSION TO KU-RING-GAI COUNCIL

RE: DRAFT BUSHFIRE PRONE LAND MAP.

OBJECTION: to red zone hatching as applied to 225 Kissing Pt. Rd.
Sth. Turramurra.



- On release of the first draft of the map I was informed that hatching applied to properties south of Havelock St., Sth. Turramurra.
- An inspection from my driveway, and from Havelock St. itself, will show that 225 cannot fairly be deemed south of Havelock St., yet the hatching conforms with 227/229/231 K. Pt. Rd., while the rear of 225, not hatched, conforms with 221/223. See photos & map 1 attached.
- Previously known as *Lot C*, 225 was a revised sub-division of part of lots 2 & 3, DP4870; *Lots A, B, & C* were each 20 554 sq.ft., or 1/3 acre. Ref. map 2 and 3 attached.
- *Lot C* was purchased by B.M. Larkins from G. Dibble, 16th September, 1953.
- *Lots A, B, C* (221-225) in 1953 supported mature dry sclerophyll forest with a dense, almost impenetrable understorey, cf. Duffy's Forest Woodland. There was no evidence of any vegetation ever having been subjected to fire on these lots.
- Since house construction in 1955-56, number 225 has been managed to exclude the possibility of fire by ember attack, while retaining some of the original vegetation.



INTER FIRE PERIOD.

- Between 1953-1968 no bushfires occurred in the vicinity. In 1968 a series of fires broke out after school hours and at weekends in what is now classified as Duffy's Forest Woodland. There was evidence that these fires had been lit by children, or by youths smoking in the bush. Fire officers were concerned at being repeatedly called out and finally deliberately burnt the whole area to a black waste, only the tree tops remaining green. Police made enquiries about these fires. There was no damage to neighbouring properties to the best of my knowledge. There have been no other bushfires here until the recent control burn initiated by KMC in Sir David Martin (Auluba) Reserve.
- None of the major fires in the Lane Cove Valley, 1960s, 1976, 1994 & 2002, resulted in outbreaks in Sir David Martin (Auluba) Reserve or adjoining properties to the best of my knowledge.
- In May 2004 residents were surprised when KMC planted 67 closely spaced native trees, mostly eucalypts, behind 221-227 K. Pt. Rd. In Feb. 2006, those trees that had not survived were replaced by KMC.
- This implies that even considering the amount of debris that accumulates from such vegetation, KMC does not anticipate a fire event in this locality.
- Recently, at my request, KMC cleaned up weeds and fallen branches from under blackbutts in vicinity of the cricket nets. Other than removal of storm damage in 1991, this was the first clean up under these trees by KMC since it acquired them from me on a portion of 225 K. Pt. Rd. nearly 20 years ago.
- Note that land behind 227-231 K. Pt. Rd. formerly belonged to J.H. Fisher + E.M. Fisher (map 3) and was used as a cow paddock and a flower farm by F. Patton until acquired by KMC. It was not part of the Duffy's Forest Woodland within recent memory. It would be appreciated if adjoining residents were advised of the designated boundary between the Woodland and the Park's and Garden's responsibilities

D. Larkins: Submission re Draft Bushfire Prone Land Map ... 3.

CONCLUSION

- After KMC acquired rear portions of 221, 223 and 225 Kissing Pt. Rd. approx. 20 years ago, and after the RTA advised they no longer required the (revised) 40 feet of frontage for widening Kissing Pt. Rd., the remaining portions of the properties remain as approx. equal size, that is, in the case of number 225, 1 570 square metres.

It is unacceptable that having resided at 225 Kissing Pt. Rd. for over fifty years, and now incorrectly deemed to live "south of Havelock St." I am denied the opportunity to develop the potential of this property, while the residents on similar sized blocks, 221 and 223, benefit by being excluded from the hatching.

Removal of the hatching from 225 Kissing Pt. Rd. will correct this anomaly.

SIGNED:



(Mrs) Darrel Larkins.
30th July, 2007

Encl: Two photographs: Havelock St. view of 225 entrance and view of Havelock St. from 225 entrance.

Maps 1,2 & 3.

Daniel Larkins
225 Kissing Point Road
Turramurra
NSW 2074

Re: Submission, Draft Bushfire Prone Land
Map.

Entrance: 225 Kissing Pt. Rd.

opposite Havelock St,

Sth. Turramurra.



Daniel Larkins
225 Kissing Point Road
Turrumurra
NSW 2074

Re: Submission, Draft Bushfire Prone Land Map.

Havelock St, opposite entrance to

225 Kissing Pt. Rd. Sth. Turrumurra.



map 1

Registered as D.P. 220615
at the Registrar General

This is Sheet 1 of 2 Sheet



Map 2
S.KU RING GAI

PLAN

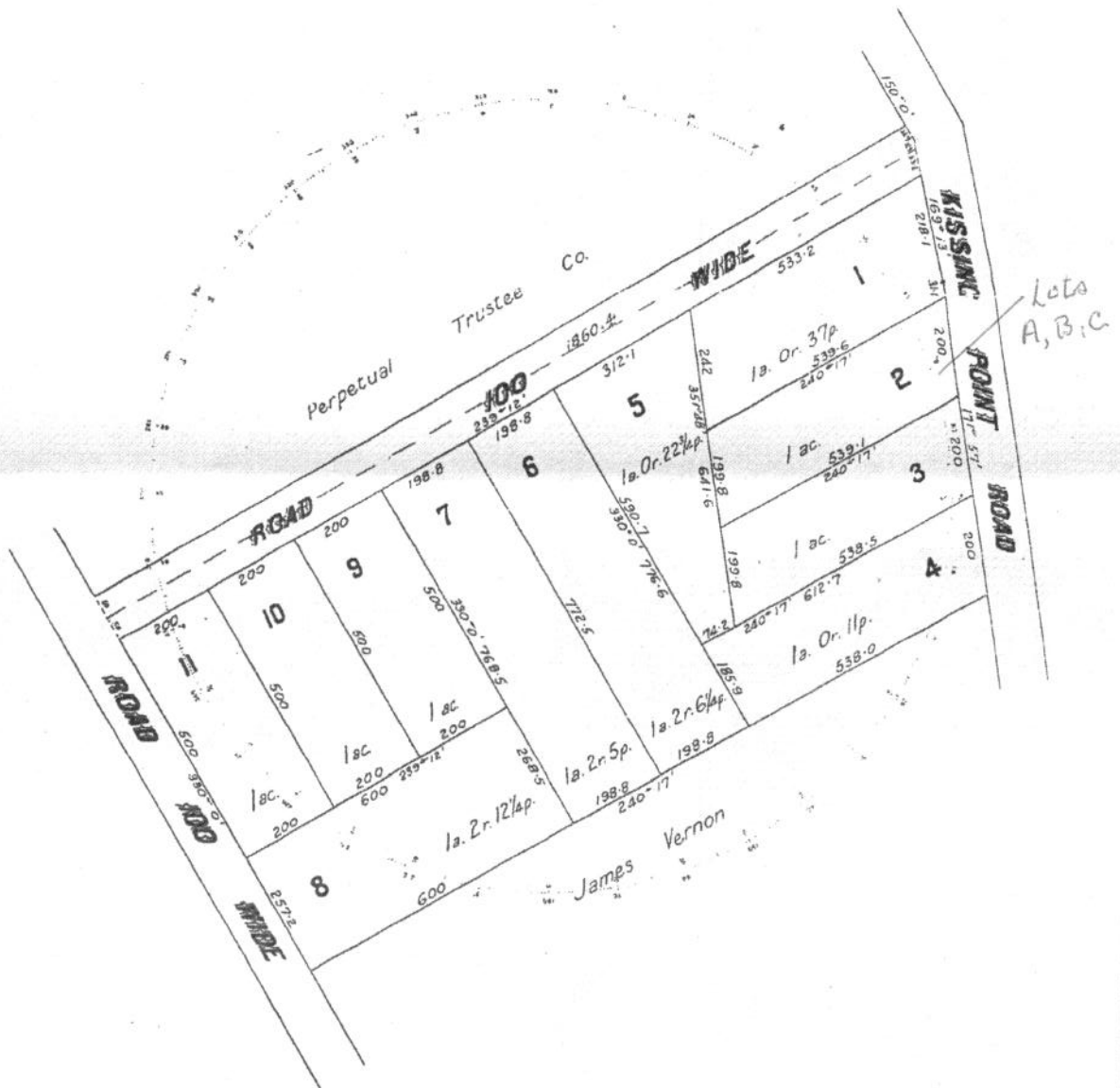
of subdivision of part of Portion 12

DP4870

Parish of Gordon

County of Cumberland

STANDARD PREPARED



DECLARATION.

I Andrew Menzies of 63 Elizabeth St Sydney Licensed Surveyor, specially licensed under the Real Property Act, do hereby solemnly and sincerely declare that the boundaries and measurements shown on this Plan are correct for the purposes of the said Act, and that the said Plan and the survey of the land to which the same relates, have been prepared and made by me, or under my immediate supervision, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900

Subscribed and declared before me at Sydney this 18th day of JULY A.D. 1906

John P. [Signature], J.P.

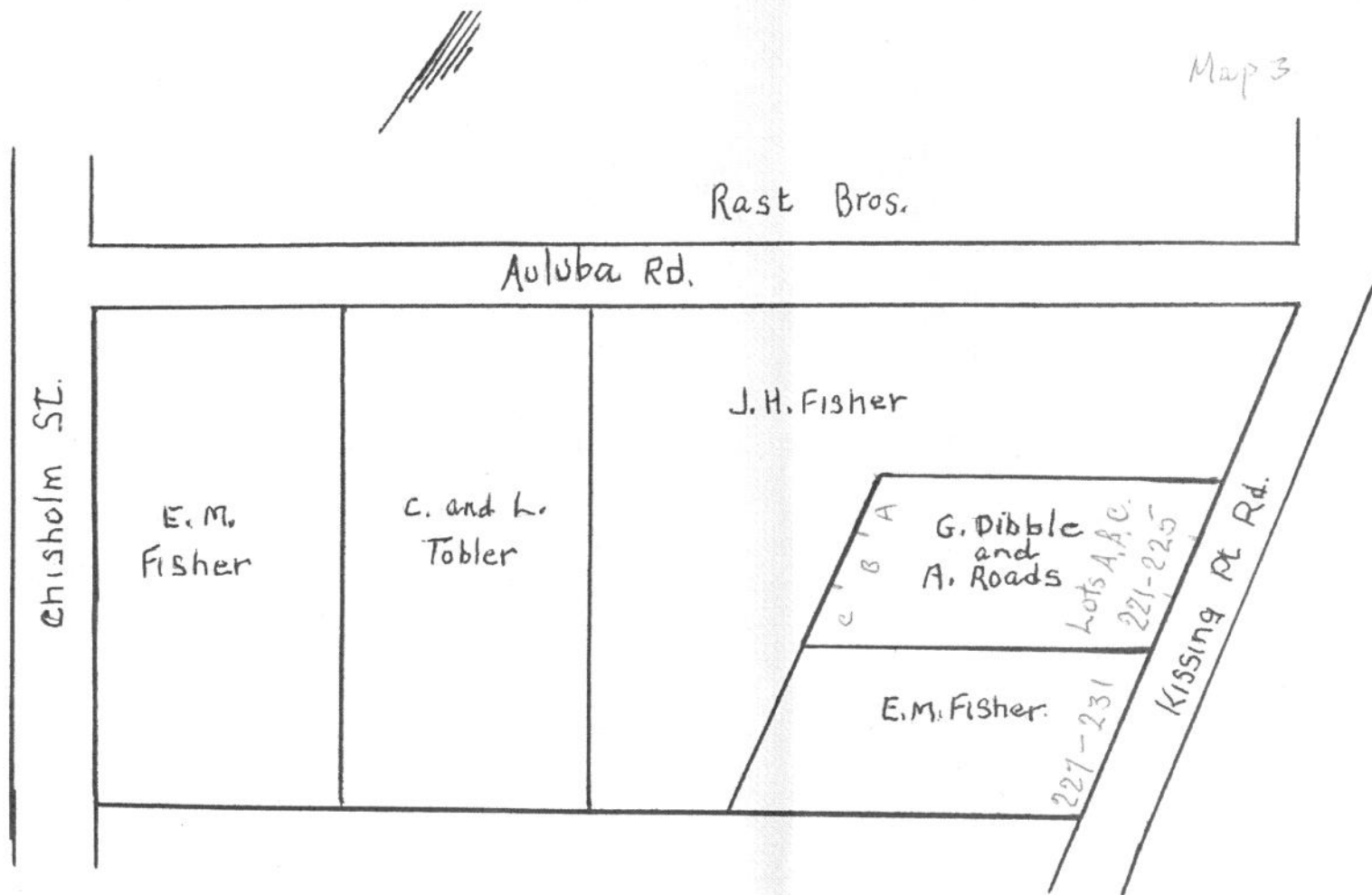
Andrew Menzies

Licensed Surveyor

Date of Survey February 1906

Scale 2 chains to an Inch

Assumed Magnetic Variation
Azimuth taken from



Rural land holdings Part Portion 12, 1930

Source: D P. 4870 (revised) Scale 2 chains to 1 inch

July 30, 2007
77J Roland Ave
Wahroonga
NSW 2076

Technical Officer - Fire,
Ku-ring-gai Council,
Locked Bag 1056, Pymble,
NSW 2073

Re: Draft Bushfire Prone Land Map

Subject: Letter of Concern regarding Yellow Hatched area bounded by Cooper Cres, Roland Ave, Campbell Drive and Rothwell Ave Wahroonga.

Dear Sir,

I commend you on the quality of the preparation of the above map, I am sure it represents a lot of detailed work on the part of you and your colleagues.

I am concerned about several aspects as follows.

1) Process of Public Notification.

As has occurred several times in the past, council decisions about our property have been made without our being made aware. Given that a relatively low number of ratepayers are affected by the changes on your map, may I suggest that in the future budget be put aside to inform affected ratepayers by mail.

2) The Fire Prone Areas Map.

Clearly a process has been followed in its preparation and it seems accurate within that process.

It seems unusual though, that the yellow Category 1 zone around Cooper Cres covers both sides of the street and this land is covered by houses. It is rare from your map to note any other areas in the shire where built-on land is classified as Category 1 vegetation. In other areas on your map, built-on land tends to be classified in red as buffer zone.

I wish, therefore, to dispute the classification of built-on land in Cooper Cres as Category 1.

Another concern I have is that the whole exercise is theoretical and its results are not based on what actually would occur. A map that showed the likelihood of fire and took into account the access roads as fire breaks and places where firefighters could be assured of controlling a blaze would be a very different map.



For example, a fire that approached from the National Park from the south (the most commonly considered risk) would be intercepted by the Commenarra Parkway, Browns Field and Campbell Drive before it came close to any vegetation in Cooper Cres. There has been no fire in this region for over 40 years.

3) The Council's Designation of "Hatched" Zones

There are "hatched" zones that have been placed on the map by the Rural Fire Service. Separately the Council has added "yellow hatched" zones.

My property is affected by such a yellow hatched zone. Properties within meters of mine, in apparently identical fire prone areas, have not been so designated? Properties much closer to a south facing fire threat are also not so designated.

~~In my opinion, if the RFS thinks this area is fine not to be separately zoned, then what's wrong with their opinion?~~

I put the case that the yellow hatched zone around Cooper Cres, Campbell Drive, Roland Ave and Rothwell Ave be struck from the map as this area harbours no more threat than any other area in the vicinity.

Once again I commend you on the quality of your teams' work and I look forward to discussing my concerns with you in further detail.

Yours truly,



Peter Leszinsky

Copy.

44, Curtin Avenue,
Wahroonga. 2076
3rd August 2007

Mr John McKee,
General Manager,
Ku-ring-gai Council.

Dear John,

Re: Draft Bushfire Prone Land Map with particular reference
to the western side of the Grosvenor Street/Curtin
Avenue 'Peninsula' north of Boundary Road.

On a visit to the Turramurra Library on Friday, 20th August, one of the undersigned residents, Patrick Dodd, noticed the abovementioned Bushfire Prone Land Map, adjacent to the exit door of the library.

Upon making enquiries to Council's Customer Service Section he found public meetings about this map would be held at Council Chambers on 23rd July and 27th July from 10.00am to 11.00am and 5.00pm to 6.00pm.

Patrick was able to attend the morning meeting on 27th July. Two residents attended, Patrick and an elderly lady from South Turramurra. Four Council officers attended. Both residents learned that, if promulgated in its present form, they would have development rights over their private property removed. They also learned that the closing date for comment was August 3rd - an inadequate period of time.

In discussing the matter with neighbours over the following week two things became apparent. The first was that the meeting raised more questions than it answered. The second was that nobody in the vicinity knew anything about it. It was apparent that, whatever means Council had used to publicise the map and the meetings it had not 'got through' to those who would be most affected. Even if people **had** known about the meetings, the times they were held meant people who worked were prevented from going.

It should be noted that Curtin Avenue, Uralba Place and Forrest Avenue residents are **NOT** neighbours of the National Park - apart from numbers 85 upwards in Curtin Avenue (8 houses). **Our** neighbours are the Indigenous People of the Metropolitan Land Council.



2.

It is our intention to discuss with our neighbour, the Metropolitan Land Council, this plan to cancel our mutual property rights. It is also our intention to inform the residents of Curtin Avenue, Uralba Place and Forrest Avenue about this discussion and convene a meeting. We will then be able make a properly informed submission to Council.

In order to do this we request that Council extend for four weeks the date for comment to Friday, 31st August. This matter has been 'in the pipeline' since 2001. An extension of four weeks is a very reasonable request.

We look forward to your granting our request and to placing before you a properly informed submission from a group of affected residents.

yours sincerely,

J.P.C. Dodd.
Phone 9487 3221
Fax 9487 3748
gandpdodd@ozemail.com.au

This letter signed and sent on and behalf of Jose and Mireille Beuchat, John and Doris Bottini, Gillian and Patrick Dodd and David and Angela Kerr - all Curtin Avenue residents.

cc. Steven Head, Open Space and Planning Director.
Mark Arnfield, Technical Officer - Fire.
The Mayor, Councillor Nick Ebbeck, Wahroonga Ward.
Councillor Ian Cross, Wahroonga Ward.
Robert Keed, Metropolitan Land Council.

1/8/07
11.15 am

77A Roland Avenue
Wahroonga 2076
31 July 2007

Mark Arnfield
Technical Officer- Fire
Ku-ring-gai Council
818 Pacific Highway
Gordon 2072


Dear Sir,

I wish to object to the proposal set out in the Draft Bushfire Prone Land Map following resolutions of the Council in June and subsequent consultations in July. I object to the arbitrary nature of the selection of the hatched areas while adjacent areas with identical terrain remain unaffected.

In addition, such a declaration would prevent the possibility of any future alterations or extensions to my house even if these served to reduce the fire risk. Such issues are already adequately covered by existing stringent regulations and should be decided on a site by site basis.

I would note, in addition, that the Council has neglected to maintain the Cooper Crescent road and surrounding Council land and thus allowed the spread of lantana along that road. This has increased the danger of bushfires in the area as it has made it impossible to locate the fire hydrant.

Yours faithfully,


F.J. Andrews



77g Roland Ave,
Wahroonga. 2076

July 31, 2007

Technical Officer – Fire
Ku-ring-gai Council
Locked Bag 1056
Pymble, NSW 2073

Dear Sir/Madam,

Re: Comments on Draft Bushfire Prone Land Map

Thank you for the opportunity to provide comments regarding the proposed abovementioned map.

The area which concerns me, about which I know, is the **light green hatched area** encompassing Cooper Crescent, Campbell Drive, Roland Avenue and Rothwell Avenue, Wahroonga. Some of these comments may relate to other areas on the map.

1. It is identified as "Proposed SEPP – Seniors Living, SEPP 53 exclusion (**as resolved by Council**).” It is classified as Category 3.
2. It is important to point out the discrepancy, that there are properties immediately in the vicinity of this area, which based on the fire category, are in a more perilous position and are not marked with the grid.
3. Further, areas in Rothwell Avenue and Kissing Point Road, North Turramurra and Bowen Road, Turramurra which of recent times have been threatened with serious bush fires, have not been so marked.
4. Fox Valley area has not had a bushfire for 40 years due to the firebreak resulting from the construction of the Comenarra Parkway, between Fox Valley and the Lane Cove National Park.

Comments and conclusions:

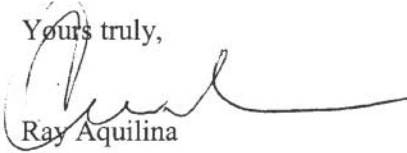
An independent adviser states the “bushfire prone area is a creek corridor less than 20 metres wide, exaggerated due to trees within adjoining private properties”.

We defer to the opinion of the independent experts advice and the lack of any bushfire threat over 40 years. Therefore we ask that the **light green hatching** be removed, at least from the Fox Valley area.



Once again, thanks for the opportunity to comment and I would be happy to discuss these issues further if requested.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ray Aquilina', with a long horizontal flourish extending to the right.

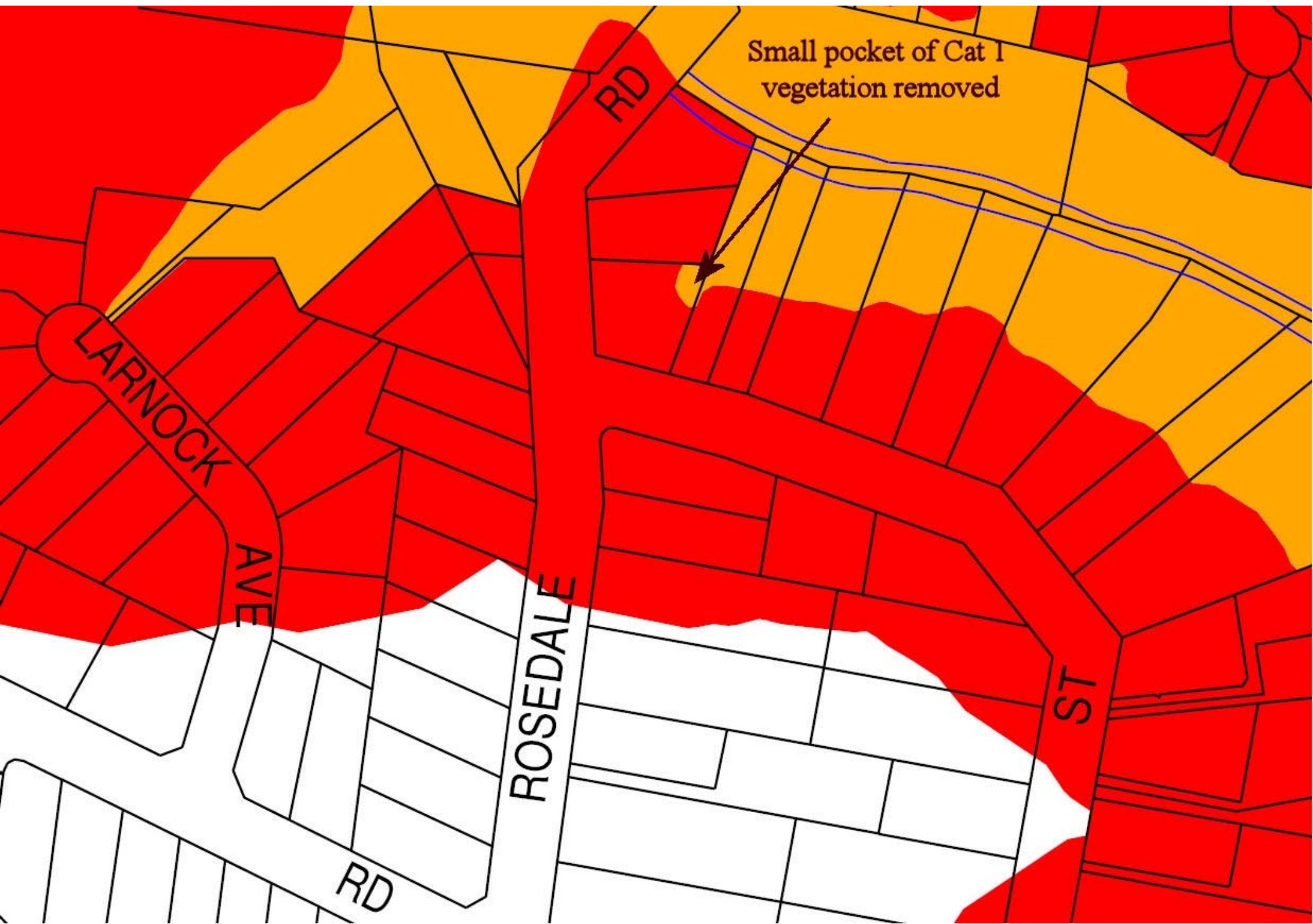
Ray Aquilina



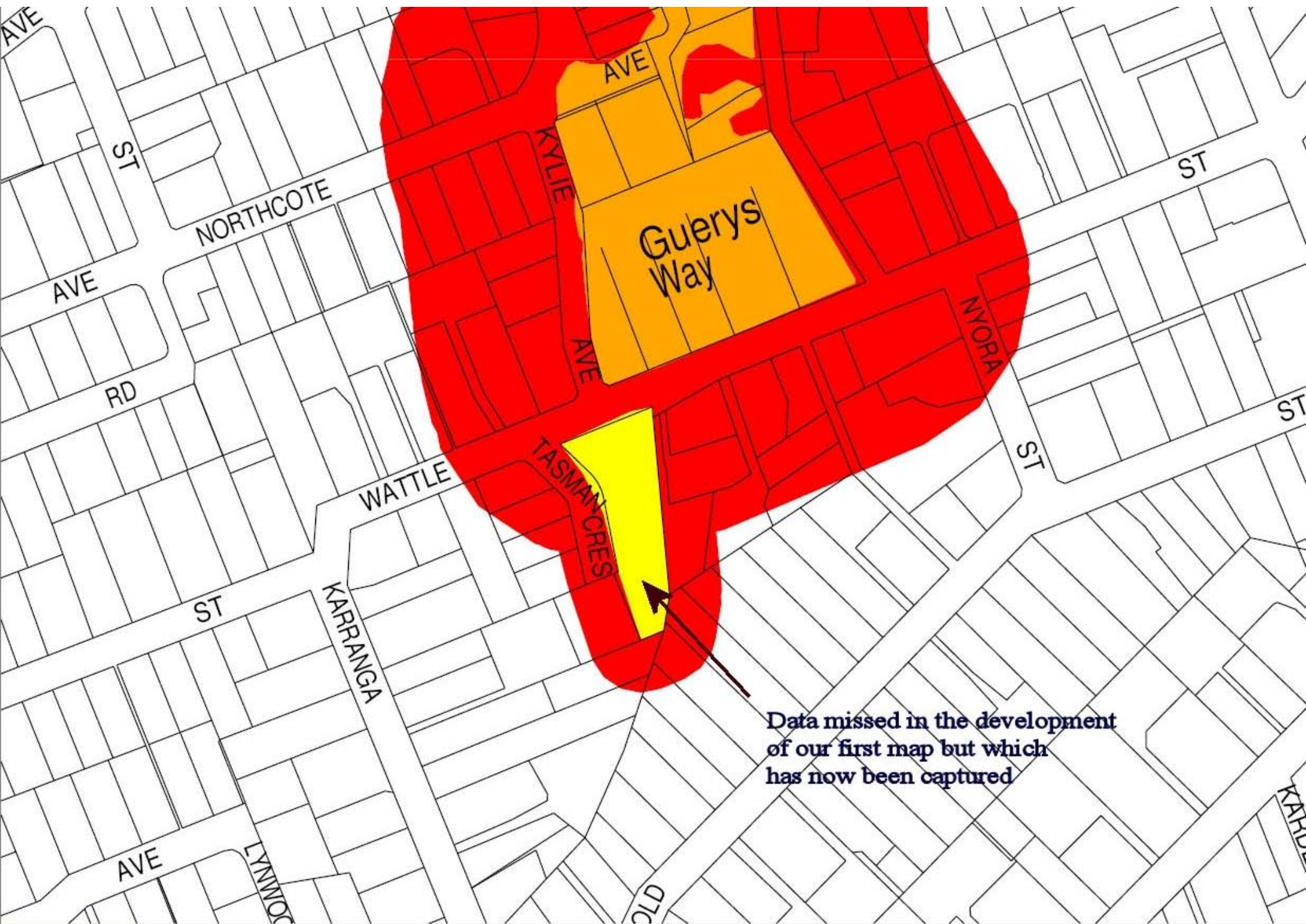
Example of where Category 1
vegetation crosses the boundary
of a Buffer zone area

LONSDALE AVENUE

8C







RENEWAL OF BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP MEMBERSHIP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to endorse the renewal and new memberships to the Bushland, Catchments & Natural Areas Reference Group.

BACKGROUND:

The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas. The Charter under which this Reference Group is established outlines the term of the group. This has lapsed since adopted by Council, requiring a review by Council.

COMMENTS:

Four (4) members have retired from the Committee since its establishment. Through advertising for new memberships in line with the Charter seven (7) new nominations were received, including four (4) new members. Promotion for new members was sought via advertisement in the North Shore Times, the Resident Feedback Register and Bushcare News.

RECOMMENDATION:

That Council endorse the new and renewal of memberships to the Bushland, Catchments & Natural Areas Reference Group and that each retiring member be sent a letter of appreciation, thanking them for their contribution.

PURPOSE OF REPORT

For Council to endorse the renewal and new memberships to the Bushland, Catchments & Natural Areas Reference Group.

BACKGROUND

The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas. The Charter (Attachment 1) outlines the role of the Reference Group including membership and term of the Committee. Important for this report is that under the heading Terms of the Committee (page 2 of the Charter) appointments remain current for two years and as such it is necessary to revisit the membership to this Reference Group. Membership is limited to 15 persons plus Councillors including: Chair (a Councillor nominated by the Council); Deputy Chair (a Councillor nominated by the Council); all interested Councillors; key local community groups; general community representatives; and government departments or agencies.

COMMENTS

At the Reference Group meeting of 18 June 2007, membership and the need for renomination were discussed. Nomination forms were distributed to existing members of the Bushland, Catchments & Natural Areas Reference Group in accordance with the Charter permitting Council to extend appointments for a second term by resolution. An advertisement was placed in the North Shore Times on Friday 25 May 2007, seeking nomination to the Reference Group. In addition to this the Resident Feedback Register and Town Centre Registers and Bushcare news were also used to seek new membership applications.

Six (6) members indicating their willingness to continue with the Reference Group. These members are Mr Colin Manton (Rural Fire Service), Mr Chris McIntosh (National Parks and Wildlife Service), Ms Nancy Pallin (Ku-ring-gai Conservation and Bat Society), Ms Margaret Booth (Ku-ring-gai Bushcare Association), Ms Margery Street (Australian Native Plants Society) and Mr Stephen Shortis (community representative).

Four (4) members have resigned during 2007 including Dr Mark Taylor (research), Ms Neroli Lock (STEP), Mr James Rennie (community representative) and Mr David Robinson (community representative). Recommended in this report is to formally send a letter of appreciation to each of person thanking them for their input and contribution.

Seven (7) new nominations were received from Dr Ian Wright (research), Dr Michelle Leishman and Dr John Martyn (co-representation for STEP), Ms Janet Harwood and Ms Alla Kamaralli (co-representation for FOKE), Mr Andrew Hogg (community representative) and Ms Stephanie Vaughan (community representative).

The term of membership to the Reference Group will be in accordance with the Charter following resolution by Council and will continue up to the next local government election scheduled for September 2008 or two years which ever comes first.

It is proposed that the thirteen (13) nominations received (Confidential Attachment 2) be endorsed by Council and take effect until the next local government election proposed for September 2008.

CONSULTATION

The Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

No consultation with other departments has occurred in the development of this report.

SUMMARY

Membership to the Bushland, Catchments & Natural Areas Reference Group was discussed at the meeting of Monday 18 June 2007. Six (6) members indicated their willingness to continue as Reference Group members and four (4) members declined to renew their membership. After newspaper advertising and seeking new memberships, a total of seven (7) new nominations (including 2 as alternates) were received.

This report seeks the endorsement of Council for the appointment of thirteen (13) Reference Group members until the next local government election, scheduled for September 2008 and that a letter of appreciation be sent to each retiring member thanking them for their contribution to the Group and Council.

RECOMMENDATION

- A That Council endorse the appointment of thirteen (13) nominees for the Bushland, Catchments & Natural Areas Reference Group until the next local government election, scheduled for September 2008.
- B That each retiring member of the Bushland, Catchments & Natural Areas Reference Group be sent a letter of appreciation, thanking them for their contribution.

Peter Davies
**Manager Corporate Planning &
Sustainability**

Steven Head
Director Strategy

Attachments:

- 1. Bushland, Catchments & Natural Areas Reference Group Charter - 775545**
- 2. Received Nomination Forms - Confidential**

Charter

Bushland, Catchments and Natural Areas Reference Group

Reference Group Role

The role of the Reference Group is to provide community, stakeholder and industry expert advice and feedback to Council on matters relevant to Bushland, Catchment Management and Natural Areas.

Those matters relate to:

- a) Future planning and policy development
- b) Strategic program review including relevant plans of management
- c) Community input into the development of Council's Management Plan
- d) Facilitation of partnerships, community participation and volunteer programs.
- e) Provide support to specific project working groups established by Council from time to time.

The Bushland, Catchments and Natural Areas Reference Group is set up to ensure that community and stakeholder input is considered in Council's wider participation, input and consultation process.

Meeting Focus

Bushland, Catchments and Natural Areas Reference Group meetings focus on LGA wide issues or corporate policy matters. Local issues of a mainly personal interest are best raised with the relevant Council staff outside the meeting forum. Complaints are dealt with through established, standard processes outside committee meetings. Individual development application issues are dealt with through the normal notification and submission processes and are not for consideration by the committee.

Committee Membership

Committee Membership is limited to 15 members, plus Councillors and will consist of the following persons or positions:

- Chair (a Councillor nominated by Council)
- Deputy Chair (a Councillor nominated by Council)
- Key local community groups, 4 members (STEP, Ku-ring-gai Bushcare Association, Ku-ring-gai Conservation & Bat Society, Blue Gum High Forest Group)
- General community representatives – 3
- Catchment Management Authority
- DIPNR (water management issues)
- Research (e.g. Macquarie University, School of Environmental Science)
- National Parks & Wildlife Service (Regional Manager)
- Rural Fire Service
- All interested Councillors

Committee Support

Technical and strategic advice is provided primarily by the Director Strategy or Nominee. Administrative support is limited to the preparation and distribution of each agenda and taking and distribution of meeting minutes.

Meeting Procedure

The quorum consists of half the current members (excluding Councillor members) plus one. Normally recommendations are made on the basis of consensus. At the discretion of the Chairperson formal voting may be called on for significant item. Minutes of Meetings are kept in accordance with Council Meeting Procedures.

Committee Status

Bushland, Catchments and Natural Areas Reference Group is constituted under the provision of the Local Government (Meetings) Regulation 1993, Part 5 – Council Committees, Clause 29.

Bushland, Catchments and Natural Areas Reference Group does not have any delegated authority under Section 377 of the Local Government Act 1993.

Term of the Committee

Appointments to the Reference Group will remain current for two years from the date of appointment. Council may extend the appointment of a member for a second term by resolution of the Council.

Meeting Attendance

Appointments to the Reference Group will be subject to regular attendance recognising apologies. When a member appointed to the Reference Group is absent from three consecutive meetings without an apology to the Chairperson, their appointment will lapse and they shall be notified accordingly. Committee members may arrange for an alternative delegate to attend in their absence.

Member Obligations

As a member of the committee, members agree to:

- Attend meetings and participate in discussions
- Report their views and where known those of the Ku-ring-gai community
- Give feedback from meetings to the wider community where possible
- Allow all committee members to present their views and opinions
- Suggest agenda items
- Make suggestions regarding improvements to advisory and consultative committees
- Work within the timeframe of the committee Charter and structure

- Clearly declare any conflict of interest regarding any issue under discussion

Council Obligation

In constituting the Reference Group, Council agrees to:

- Give due and proper consideration to all recommendations and suggestions put forward
- Give members feedback on how their recommendations have been used
- Encourage member participation and meeting attendance
- Respond within a reasonable timeframe to requests for relevant information
- Provide administrative resources to assist in the smooth operation of the committee
- Accurately record and represent the views of the committee

Reporting Relationships

The Reference Group makes recommendations to the Council or a Committee of the Council on all relevant business put before it. Recommendations of the Committee will be represented to the Council in written form accompanied by comment from relevant Council Officers. Matters determined by the General Manager as purely or substantially “operational” in nature will be dealt with by the relevant director and any action or lack thereof reported to the Reference Group on a regular basis.

Meeting Schedule

The Committee is to meet on a bi-monthly basis. No meeting is to be held in December or January. The Chairperson has the discretion to call meetings at other times on a needs basis provided sufficient notice is given to allow for such meetings to be advertised. Minimum number of meetings per year shall be 5. The Committee may appoint a sub-group to progress specific activities or events. Such meetings may be informed and meet on a needs basis.

ANNUAL TENDER FOR SUPPLY, SUPPLY & DELIVERY AND SUPPLY, DELIVERY & LAYING OF ASPHALT CONCRETE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2007/08.

BACKGROUND:

Tenders for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete were called by NSROC in June 2007 on behalf of all member Councils.

COMMENTS:

Tenders received for 2007/08 resulted in EDI Downer EDi Works being the preferred candidate for supply, delivery and laying of asphalt concrete and A J Paving being the preferred candidate for heavy patching for Kuring-gai Council.

RECOMMENDATION:

That the tender rates be accepted, tenderers be advised of Council's decision and that the Common Seal be affixed to the contract.

PURPOSE OF REPORT

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2007/08.

BACKGROUND

Tenders for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete including the associated road profiling and heavy patching works were recently called by the Northern Sydney Regional Organisation of Councils (NSROC) and were closed on 8 August 2007.

Although the tender was called by NSROC, each Council will enter into individual contracts with the successful tenderer(s).

Tenders were received from the following ten (10) companies:

1. Downer EDi Works (formerly Works infrastructure Pty Ltd)
2. Sharpe Bros. Aust. Pty Ltd
3. A J Paving
4. SAMI Road Services Pty Ltd
5. Boral Asphalt
6. Pioneer Road Services Pty Ltd
7. Tropicasphalt
8. State Asphalt Services Pty Ltd
9. FRH Group Pty Ltd
10. D & M Excavation and Asphalting Pty Ltd

Some companies did not bid for supply, supply and delivery and supply, delivery and laying of asphaltic concrete but did submit bids for profiling and heavy patching works.

COMMENTS

The tenders have been assessed by a tender review committee consisting of staff from Corporate and Operations. Downer EDi Works has provided the lowest tender for supply, supply and delivery and supply, delivery and lay of AC10, AC14. Council predominantly use these two types of asphaltic concrete for both capital works and day labour works.

For supply, delivery and laying of AC28, the rate submitted by Boral Asphalt is slightly lower than the rate submitted by Downer EDi Works but the rate quoted by the Boral Asphalt for surcharge at night work is higher than the rate quoted by Downer EDi Works. Council normally uses AC28 as a base course for full depth asphalt reconstruction of regional roads and is normally undertaken at night to minimise interruption to heavy traffic in regional roads. However, the combined rate of Downer EDi Works for AC28 with the surcharge is still cheaper than the Boral Asphalt's rate. As such Downer EDi Works is preferred for the supply, delivery and laying of AC28.

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S05465
11 September 2007

Downer EDi Works has provided the lowest tender for profiling works to a depth of 40 mm and 50mm for the area more than 500 square metres and Boral Asphalt has quoted lower rate for the same depths for the area under 500 square metres. The rate submitted by Boral Asphalt for night works is lower than the rate of Downer EDi Works. However, most the profiling works are for a depth of either 40 mm or 50mm and an area of more than 500 square metres. It is proposed that Downer EDi Works be the preferred profiling contractor for 2007/08.

Downer EDi Works, formally Works Infrastructure has been the primary contractor for the last four years and the annual programs were completed ahead of schedule. Their performance and quality standards are the best of all the companies that tendered and have a reputation across Sydney as the most reliable and skilled of all the companies.

Considering all the above, it is recommended that Downer EDi Works be the primary contractor for the supply, supply and delivery and supply, delivery and lay of asphaltic concrete and associated profiling works.

FRH Group has provided lowest tender for the supply ex-bin and supply and delivery of coldmix to Council's day labour works.

For heavy patching, A J Paving is the lowest tenderer. D & M Excavation and Asphaltting Pty Ltd has provided the second lowest tender. It is considered that A J Paving be the preferred contractor for heavy patching and it is recommended that D & M Excavation and Asphaltting Pty Ltd be used as an alternate contractor in the event that A J Paving does not meet the performance standards or cannot undertake the allocated work.

CONSULTATION

Consultation has taken place with other NSROC Councils for the preparation of the tender.

FINANCIAL CONSIDERATIONS

The rates submitted will be utilised to undertake the majority of works under the 2007/2008 Road Pavement Program for local and regional roads which has been adopted by Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with staff from the Corporate Section.

SUMMARY

Downer EDi Works and A J Paving are proposed to be the primary contractors for 2007/2008 for supply, delivery and laying of asphalt concrete and heavy patching respectively. It should be noted that Downer EDi Works, formally Works Infrastructure has been the primary contractor for the last four years and has carried out works in a professional manner and has completed works always

Item 15

S05465
11 September 2007

ahead of schedule. It is also proposed that Boral Asphalt will be the alternate supplier of asphalt concrete in the event that Downer Edi Works is unable to meet the performance standard or supply timeframes.

RECOMMENDATION

- A. That the tender rates submitted by Downer EDi Works for supply, supply and delivery and the supply, delivery and laying of asphaltic concrete and associated road profiling works for 2007/2008 be accepted as the primary supplier and Boral Asphalt as an alternate supplier, if Downer Edi Works is unable to supply or satisfactorily perform.
- B. That the tender rates submitted by A J Paving for heavy patching for 2007/2008 be accepted and D & M Excavation and Asphaltting Pty Ltd as an alternate contractor, if A J Paving does not meet the performance standard.
- C. That the tenderers be advised of Council's decision.
- D. That authority be given to the Mayor and General Manager to affix the Common Seal of the Council to the instrument for the Contract for the Supply and Laying of Asphaltic Concrete and associated specifications.

Alexx Alagiah
Pavements & Assets Engineer

Greg Piconi
Director Operations

Attachments: **A. Confidential - Schedule of rates submitted by all Tenderers**
 B. Confidential - Memorandum from Tender Evaluation Committee

DRAFT FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Draft Financial Statements for the year ended 30 June 2007 for certification and referral to Council's external auditors, Spencer Steer Chartered Accountants.

BACKGROUND:

In accordance with Section 413(2)(C) of the Local Government Act 1993, Council must prepare a statement on the General Purpose Financial Reports as to its opinion on the reports prior to referring them to audit.

COMMENTS:

The signing of these statements is an administrative function that is required before Council can formally call its external auditors in to audit the Financial Statements.

RECOMMENDATION:

That Council receive, certify and refer the Draft Financial Statements for the year ended 30 June 2007 to Council's external auditors Spencer Steer Chartered Accountants.

PURPOSE OF REPORT

To present to Council the Draft Financial Statements for the year ended 30 June 2007 for certification and referral to Council's external auditors, Spencer Steer Chartered Accountants.

BACKGROUND

In accordance with Section 413(2)(C) of the Local Government Act 1993, Council must prepare a statement on the General Purpose Reports as to its opinion on the reports prior to referring them to audit.

The Local Government Code of Accounting Practice requires the Mayor, one other Councillor, the General Manager and Responsible Accounting Officer to certify the following:

That Council's Annual Financial Statements have been prepared in accordance with:

- Local Government Act 1993 (as amended) and Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements
- Local Government Code of Accounting Practice and Financial Reporting

And that to the best of Council's knowledge and belief that the statements:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records

COMMENTS

The signing of these statements is an administrative function and is required before Council can formally call its external auditors in to audit the Financial Statements.

The Draft Financial Statements for the year ended 30 June 2007 have been prepared in accordance with the Local Government Act 1993 and the Australian equivalents to International Financial Reporting Standards (AIFRS's). It should be noted that the Financial Statements are presented to Council in draft form at this stage. These draft Financial Statements are required to be audited in accordance with sections 415, 416 and 417 of the Local Government Act 1993.

When the audit is finalised, the Financial Statements and the audit report will be presented to Council in accordance with Section 418 of the Local Government Act 1993. It is intended that the public meeting will be conducted at the Ordinary Meeting of Council on 16 October 2007. A representative from Council's external auditor, Spencer Steer Chartered Accountants will be present at the public meeting.

A copy of the Draft Financial Statements has been forwarded to Councillors under separate cover.

Item 16

S05767
13 September 2007

Annual Financial Reports Process

The process that Council must follow in the production, audit, adoption and the advertising of the Financial Statements is prescribed in detail by the Local Government Act 1993. The following timetable will allow these processes to be satisfied and for the Financial Statements to be adopted by Council.

- | | |
|-------------------|---|
| 25 September 2007 | Ordinary Meeting of Council – 2006/2007 Financial Statements presented to Council seeking Council to resolve to certify the draft statements and refer them for audit. |
| 26 September 2007 | Auditors' report anticipated to be received by Council and Financial Statements submitted to the Department of Local Government. |
| 5 October 2007 | Public advertising commences for seven days which notifies that the Financial Statements are available for inspection at the Council Chambers, and libraries until 12 October 2007. The advertisement also advises that the Financial Statements will be formally presented to Council on 16 October 2007 and submissions will be received until 23 October 2007. |
| 16 October 2007 | Ordinary Meeting of Council – Council's Auditors report on the Financial Statements formally presented at Council and respond to any public submissions. Council considers a response to any public submissions received to date on the Financial Statements. |
| 23 October 2007 | Closing date for public submissions on the Financial Statements. All submissions received must be referred to Council's Auditor for consideration (Section 420). |

CONSULTATION

Prior to the public meeting of 16 October 2007 further information will be provided to Councillors regarding the contents of the 2006/2007 Financial Statements and Council's overall financial position as at 30 June 2007.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The draft Financial Statements have been prepared in accordance with the Local Government Act 1993, Local Government Code of Accounting Practice, Local Government Asset Accounting Manual and Australian equivalents to International Financial Reporting Standards (AIFRS's).

On 16 October 2007 the audited financial reports, together with the Auditors' reports, will be formally presented to Council at which time Council's Auditors will be present to answer questions in relation to their report.

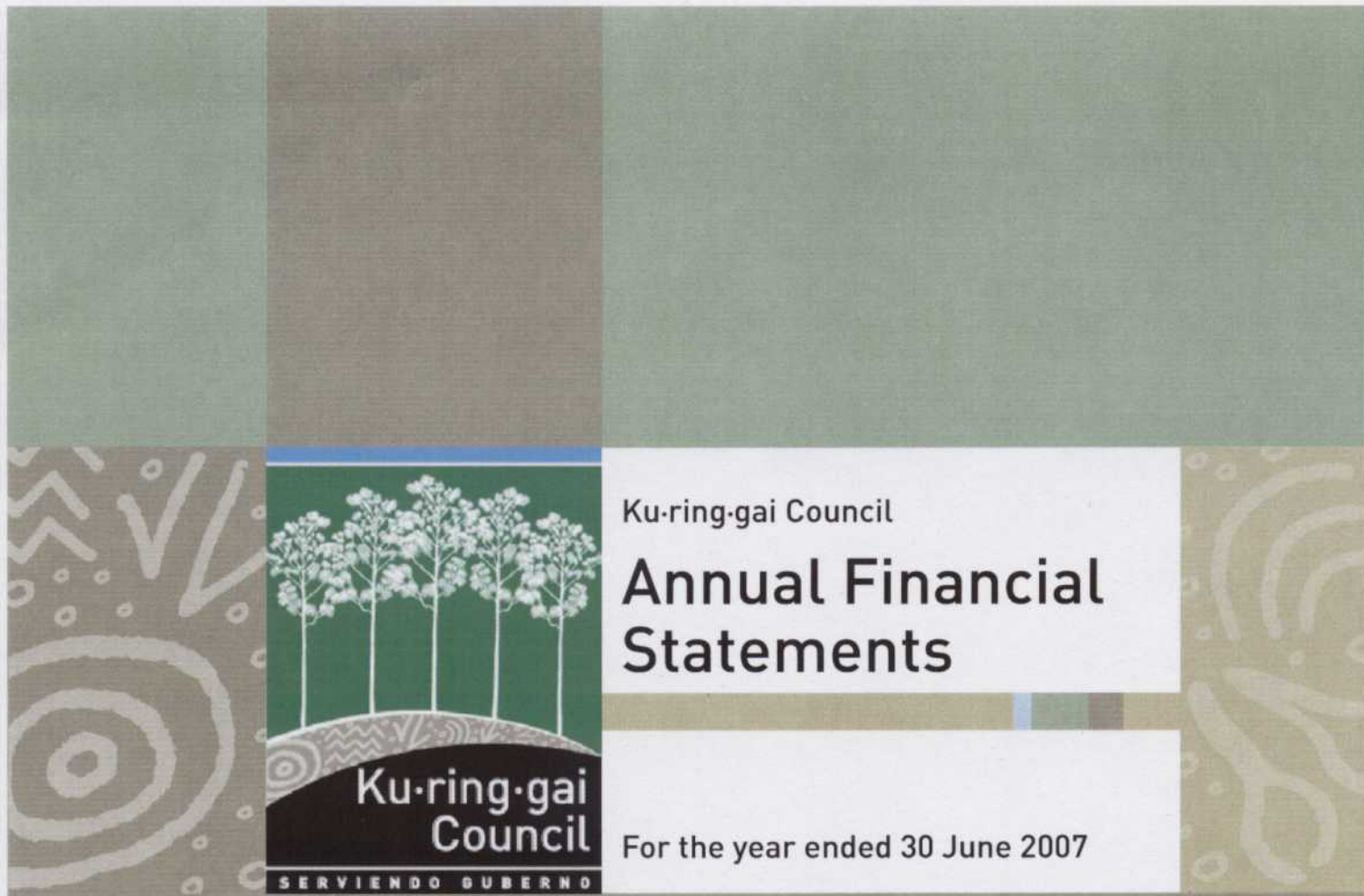
RECOMMENDATION

- A. That Council receive and certify the Draft Financial Statements for the year ended 30 June 2007.
- B. That the Draft Financial Statements be referred to Council's external Auditor, Spencer Steer Chartered Accountants to provide an opinion on the Draft Financial Statements and to report to Council.
- C. That the Draft Financial Statements be certified by the Mayor, Deputy Mayor or Chairperson of the Finance Committee, the General Manager and the Responsible Accounting Officer in accordance with Section 413(2)(C) of the Local Government Act 1993.
- D. That Tuesday, 16 October 2007 be fixed as the date for the public meeting to present the audited Financial Statements and the audit reports for the year ended 30 June 2007 as required by Section 419 of the Local Government Act 1993, and that Council's external Auditors be present to answer questions.

Tino Caltabiano
Manager Finance

John Clark
Director Corporate

Attachments: Draft Financial Statements to be circulated separately - 826714



Ku-ring-gai Council

Annual Financial Statements

**Ku-ring-gai
Council**

SERVIENDO GUBERNO

For the year ended 30 June 2007



Ku-ring-gai Council

DRAFT

General Purpose Financial Report for the financial year ended 30 June 2007

Contents	Page
1. Statement by Councillors & Management	2
2. Primary Financial Statements:	
- Income Statement	3
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- Statement of Changes in Equity	5
- Cash Flow Statement	6
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- On the Conduct of the Audit (Sect 417 [3])	xx

Overview

- (i) This Financial Report covers the consolidated operations for Ku-ring-gai Council.
- (ii) Ku-ring-gai Council is a body corporate of NSW, Australia - being constituted as a Local Government area by proclamation and is duly empowered by the Local Government Act (LGA) 1993 of NSW.

Council's Statutory Charter is specified in Section 8 of the LGA and includes;

- carrying out activities and providing goods, services & facilities appropriate to the current & future needs of the Local community and of the wider public
- responsibility for administering regulatory requirements under the LGA and other applicable legislation, &
- a role in the management, improvement and development of the resources of the local government area.

- (iii) All figures presented in this Financial Report represent Australian Currency.
 - (iv) This Financial Report was authorised for issue by the Council on 25 September 2007. Council has the power to amend and reissue the financial report.
-

Ku-ring-gai Council

DRAFT

General Purpose Financial Report
for the financial year ended 30 June 2007

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2007.

Nick Ebbeck
MAYOR

Anita Andrew
COUNCILLOR

John McKee
GENERAL MANAGER

Tino Caltabiano
RESPONSIBLE ACCOUNTING OFFICER

Ku-ring-gai Council

DRAFT**Income Statement**

for the financial year ended 30 June 2007

Budget ⁽¹⁾			Actual	Actual
2007	\$ '000	Notes	2007	2006
Income from Continuing Operations				
Revenue:				
49,910	Rates & Annual Charges	3a	50,185	48,253
14,245	User Charges & Fees	3b	14,269	13,957
2,764	Interest & Investment Revenue	3c	3,357	1,909
1,722	Other Revenues	3d	2,152	1,909
4,608	Grants & Contributions provided for Operating Purposes	3e,f	5,417	7,727
4,726	Grants & Contributions provided for Capital Purposes	3e,f	17,659	9,145
Other Income:				
	Net gains from the disposal of assets	5	-	-
	Share of interests in Joint Ventures & Associated Entities using the Equity Method	19	-	-
77,975	Total Income from Continuing Operations		93,039	82,900
Expenses from Continuing Operations				
29,130	Employee Benefits & on-costs	4a	26,461	26,721
724	Borrowing Costs	4b	666	663
21,321	Materials & Contracts	4c	23,662	20,493
6,755	Depreciation & Amortisation	4d	7,097	6,747
	Impairment	4d	-	-
10,468	Other Expenses	4e	11,327	11,383
	Net Losses from the Disposal of Assets	5	109	347
	Share of interests in Joint Ventures & Associates using the Equity Method	19	-	-
68,398	Total Expenses from Continuing Operations		69,322	66,354
9,577	Operating Result from Continuing Operations		23,717	16,546
Discontinued Operations				
	Net Profit/(Loss) from Discontinued Operations		-	-
9,577	Net Operating Result for the Year		23,717	16,546
9,577	Net Operating Result attributable to Council		23,717	16,546
	Net Operating Result attributable to Minority Interests		-	-
Net Operating Result for the year before Grants and Contributions provided for Capital Purposes				
4,851			6,058	7,401

(1) Original Budget as approved by Council - refer Note 16

Ku-ring-gai Council

DRAFT**Balance Sheet**
as at 30 June 2007

\$ '000	Notes	Actual 2007	Actual 2006
ASSETS			
Current Assets			
Cash & Cash Equivalents	6a	5,030	4,716
Investments	6b	49,563	34,367
Receivables	7	5,631	4,241
Inventories	8	166	154
Other	8	224	214
Non-Current assets classified as "held for sale"	22	1,288	1,288
Total Current Assets		61,902	44,980
Non-Current Assets			
Investments	6b	6,015	2,000
Receivables	7	195	221
Inventories	8	-	-
Infrastructure, Property, Plant & Equipment	9	1,612,958	1,611,235
Investments Accounted for using the equity method	19	-	-
Investment Property	14	-	-
Intangible Assets		-	-
Non-current assets classified as "held for sale"	22	-	-
Other	8	-	-
Total Non-Current Assets		1,619,168	1,613,456
TOTAL ASSETS		1,681,070	1,658,436
LIABILITIES			
Current Liabilities			
Payables	10	10,560	10,914
Interest Bearing Liabilities	10	1,927	1,716
Provisions - payable within the next 12 months	10	2,745	2,037
Provisions - payable after the next 12 months	10	3,773	4,397
Liabilities associated with assets classified as "held for sale"	22	-	-
Total Current Liabilities		19,005	19,064
Non-Current Liabilities			
Payables	10	-	-
Interest Bearing Liabilities	10	8,585	9,440
Provisions	10	230	399
Investments Accounted for using the equity method	19	-	-
Liabilities associated with assets classified as "held for sale"	22	-	-
Total Non-Current Liabilities		8,815	9,839
TOTAL LIABILITIES		27,820	28,903
Net Assets		1,653,250	1,629,533
EQUITY			
Retained Earnings	20	1,653,250	1,629,533
Revaluation Reserves	20	-	-
Council Equity Interest		1,653,250	1,629,533
Minority Equity Interest		-	-
Total Equity		1,653,250	1,629,533

Ku-ring-gai Council

DRAFTStatement of Changes in Equity
for the financial year ended 30 June 2007

\$ '000	Notes	Retained Earnings	Reserves (Refer 20b)	Council Equity Interest	Minority Interest	Total Equity
2007						
Opening Balance (as per Last Years Audited Accounts)		1,629,533	-	1,629,533	-	1,629,533
a. Correction of Prior Period Errors	20 (d)	-	-	-	-	-
b. Changes in Accounting Policies (prior year effects)	20 (e)	-	-	-	-	-
Revised Opening Balance (as at 1/7/06)		1,629,533	-	1,629,533	-	1,629,533
c. Current Year Income & Expenses Recognised direct to Equity						
- Transfers to/(from) Asset Revaluation Reserve	20b (ii)	-	-	-	-	-
- Transfers to/(from) Other Reserves	20b (ii)	-	-	-	-	-
- Other Income/Expenses recognised	20b (ii)	-	-	-	-	-
Net Income Recognised Directly in Equity		-	-	-	-	-
d. Net Operating Result for the Year		23,717		23,717	-	23,717
Total Recognised Income & Expenses (c&d)		23,717	-	23,717	-	23,717
e. Distributions to/(Contributions from) Minority Interests				-	-	-
f. Transfers between Equity		-	-	-	-	-
Equity - End of Reporting Period Balance		1,653,250	-	1,653,250	-	1,653,250

\$ '000	Notes	Retained Earnings	Reserves (Refer 20b)	Council Equity Interest	Minority Interest	Total Equity
2006						
Opening Balance (as per Last Years Audited Accounts)		1,612,987		1,612,987		1,612,987
a. Adjustments on adoption of AASB 132 and AASB139 as at (1/7/05)				-	-	-
b. Correction of Prior Period Errors	20 (d)	-	-	-	-	-
c. Changes in Accounting Policies (prior year effects)	20 (e)	-	-	-	-	-
Revised Opening Balance (as at 1/7/05)		1,612,987	-	1,612,987	-	1,612,987.00
d. Current Year Income & Expenses Recognised direct to Equity						
- Transfers to/(from) Asset Revaluation Reserve	20b (ii)	-	-	-	-	-
- Transfers to/(from) Other Reserves	20b (ii)	-	-	-	-	-
- Other Income/Expenses recognised	20b (ii)	-	-	-	-	-
Net Income Recognised Directly in Equity		-	-	-	-	-
e. Net Operating Result for the Year		16,546		16,546	-	16,546
Total Recognised Income & Expenses (c&d)		16,546	-	16,546	-	16,546
f. Distributions to/(Contributions from) Minority Interests				-	-	-
g. Transfers between Equity				-	-	-
Equity - End of the Reporting Period Balance		1,629,533	-	1,629,533	-	1,629,533

Ku-ring-gai Council

DRAFT**Cash Flow Statement**

for the financial year ended 30 June 2007

Budget 2007	\$ '000	Notes	Actual 2007	Actual 2006
Cash Flows from Operating Activities				
Receipts:				
49,662	Rates & Annual Charges		50,065	48,280
14,630	User Charges & Fees		14,630	13,384
2,763	Interest & Interest Received		3,069	1,498
12,000	Grants & Contributions		22,873	16,527
1,834	Other		5,833	2,648
Payments:				
(29,129)	Employee Benefits & On-costs		(26,546)	(25,888)
(21,012)	Materials & Contracts		(29,602)	(19,892)
(724)	Borrowing Costs		(626)	(669)
(10,635)	Other		(10,983)	(11,319)
19,389	Net Cash provided (or used in) Operating Activities	11b	28,713	24,569
Cash Flows from Investing Activities				
Receipts:				
	Sale of Investments		62,924	29,120
	Sale of Investment Property		-	-
	Sale of Real Estate Assets		-	1,280
2,500	Sale of Infrastructure, Property, Plant & Equipment		806	1,562
	Distributions Received from Joint Ventures & Associates		-	-
	Other Investing Activity Receipts		-	-
Payments:				
	Purchase of Investments		(81,802)	(46,948)
	Purchase of Investment Property		-	-
(23,387)	Purchase of Infrastructure, Property, Plant & Equip.		(9,683)	(11,182)
	Purchase of Real Estate Assets		-	-
	Other Investing Activity Payments		-	-
(20,887)	Net Cash provided (or used in) Investing Activities		(27,755)	(26,168)
Cash Flows from Financing Activities				
Receipts:				
1,000	Proceeds from Borrowings & Advances		1,000	1,400
	Other Financing Activity Receipts		-	-
Payments:				
(1,644)	Repayment of Borrowings & Advances		(1,644)	(1,540)
	Other Financing Activity Payments		-	-
(644)	Net Cash Flow provided (used in) Financing Activities		(644)	(140)
(2,142)	Net Increase/(Decrease) in Cash & Cash Equivalents		314	(1,739)
5,000	plus: Cash & Cash Equivalents - beginning of year	11a	4,716	6,455
2,858	Cash & Cash Equivalents - end of the year	11a	5,030	4,716

Ku-ring-gai Council

DRAFT**General Purpose Financial Report**

for the financial year ended 30 June 2007

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Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

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Note 1. Summary of Significant Accounting Policies

The Local Government Reporting Entity

Ku-Ring-Gai Council has its principal business office at 818 Pacific Highway Gordon NSW 2072. Council is empowered by the New South Wales Local Government Act (LGA) 1993 and its Charter is specified in Section 8 of the Act.

The principal accounting policies adopted by Council in the preparation of this financial report are set out below.

(a) Basis of preparation**(i) Background**

This financial report is a general purpose financial report which has been prepared in accordance with;

- applicable Australian equivalents to International Financial Reporting Standards (AIFRSs),
- other authoritative pronouncements of the Australian Accounting Standards Board,
- Urgent Issues Group Interpretations,
- the Local Government Act (1993) and Regulations and
- the Local Government Code of Accounting Practice and Financial Reporting.

(ii) Compliance with International Financial Reporting Standards (IFRSs)

Australian Accounting Standards (AASB's) include Australian equivalents to International Financial Reporting Standards (IFRS's).

Because AASB's are sector neutral, some standards either (i) have local Australian content and prescription that is specific to the Not-For-Profit sector (including Local Government) which are not in compliance with IFRS's or (ii) specifically exclude application by Not for Profit entities.

Examples include:

- excluding Local Government from applying AASB 120 (IAS 20) for Grant Accounting and AASB 118 (IAS 18) for Segment Reporting, &
- different requirements on (a) Impairment of Assets relating to Not-For-Profit AASB 136 (IAS 36) and (b) IAS 116 (IAS 16) regarding accounting for the Revaluation of Assets.

Accordingly in preparing this Financial Report and Accompanying Notes, Council has been unable to comply fully with International Accounting Standards, but has complied fully with Australian Accounting Standards.

Under the Local Government Act, Regulations and Local Government Code of Accounting Practice & Financial Reporting, it should be noted that Councils in NSW only have a requirement to comply with Australian Accounting Standards.

(iii) Application of AAS 27

Council is required to comply with AAS 27 – "Financial Reporting by Local Government", and where AAS 27 conflicts with AIFRS, the requirements of AAS 27 have been applied.

Where AAS 27 makes reference to another Australian accounting standard, the new Australian IFRS equivalent standards will apply and in particular any specific "not for profit" reporting requirements.

(iv) Basis of Accounting

These financial statements have been prepared on an **historical cost basis** except for (i) financial assets and liabilities at fair value through profit or loss, available-for-sale financial assets and certain classes of property, plant and equipment.

The accrual basis of accounting has also been applied in their preparation.

(v) Changes in Accounting Policies

Council's accounting policies have been consistently applied to all the years presented, unless otherwise stated.

Ku-Ring-Gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

(vi) Critical Accounting Estimates

The preparation of this financial report in conformity with AIFRS requires the use of certain critical accounting estimates.

It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

(b) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable.

Revenue is measured on major income categories as follows:

Rates, Annual Charges, Grants and Contributions

Rates, annual charges, grants and contributions (including developer contributions) are recognised as revenues when the Council obtains control over the assets comprising these receipts.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and is valued at their fair value at the date of transfer.

Income from Contributions is recognised when the Council either obtains control of the contribution or the right to receive it, and (i) it is probable that the economic benefits comprising the contribution will flow to the Council and (ii) the amount of the contribution can be measured reliably.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in Note 3(g).

Note 3(g) also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

The Council has obligations to provide facilities from contributions required from developers under the provisions of S94 of the EPA Act 1991.

Whilst Council generally incorporates these amounts as part of Development Consents Orders, such developer contributions are only recognised as income upon their physical receipt by Council, due to the possibility that individual Development Consents may not be acted upon by the applicant or payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required.

A detailed Note relating to developer contributions can be found at Note 17.

User Charges, Fees and Other Income

User charges, fees and other income (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

A provision for doubtful debt is recognised when collection in full is no longer probable.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided as at balance date.

Sale of Infrastructure, Property, Plant and Equipment

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

Interest and Rents

Rents are recognised as revenue on a proportional basis when the payment is due, the value of the payment is notified, or the payment is received, whichever first occurs.

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

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Note 1. Summary of Significant Accounting Policies (continued)

Interest income from Cash & Investments is accounted for using the Effective Interest method in accordance with AASB 139.

(c) Principles of Consolidation

These Financial Reports incorporate (i) the assets and liabilities of Council and any entities (or operations) that it **controls** (as at 30/6/07) and (ii) all the related operating results (for the financial year ended the 30th June 2007).

(i) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the LGA 1993, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

(d) Leases

All Leases entered into by Council are reviewed and classified on inception date as either Finance or Operating Leases.

Finance Leases

Leases of property, plant and equipment where the Council has substantially all the risks and rewards of ownership are classified as finance leases.

Finance leases are capitalised at the lease inception at the lower of the fair value of the leased property and the present value of the minimum lease payments.

The assets are disclosed as assets under lease, and are amortised to expense over the period during which the Council is expected to benefit from the use of the leased assets. Minimum lease payments are allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

At the end of the financial year Council had not entered into any finance lease arrangements.

Operating Leases

Leases in which a significant portion of the risks and rewards of ownership are retained by the lessor are classified as operating leases.

Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

Lease income from operating leases is recognised in income on a straight-line basis over the lease term.

(e) Cash and Cash Equivalents

Cash and cash equivalents includes;

- cash on hand,
- deposits held **at call** with financial institutions,
- bank overdrafts.

Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

(f) Investments and Other Financial Assets

Council (in accordance with AASB 139) classifies each of its investments into one of the following categories for measurement purposes:

- **financial assets at fair value through profit or loss,**
- **loans and receivables,**
- **held-to-maturity investments, and**
- **available-for-sale financial assets.**

Each classification depends on the purpose/intention for which the investment was acquired.

Management determines each Investment classification at the time of initial recognition and re-evaluates this designation at each reporting date.

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

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Note 1. Summary of Significant Accounting Policies (continued)

(i) Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss are financial assets held for trading.

A financial asset is classified in this category if acquired principally for the purpose of selling in the short term.

Assets in this category are classified as current assets as they are primarily held for trading and/or are expected to be realised within 12 months of the balance sheet date.

(ii) Loans and receivables

Loans and receivables are non derivative financial assets with fixed or determinable payments that are not quoted in an active market.

They arise when the Council provides money, goods or services directly to a debtor with no intention of selling the resulting receivable.

They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as non-current assets.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity.

In contrast to the "Loans & Receivables" classification, these investments are generally quoted in an active market.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, which are classified as current assets.

(iii) Types of Investments

Council has an approved Investment Policy in order to undertake its investment of money in accordance with Section 625 of the Local Government Act and S212 of the LG (General) Regulations 2005.

Investments are placed and managed in accordance with the Policy and having particular regard to authorised investments prescribed under the Local Government Investment Order.

Council maintains its investment Policy in compliance with the Act and ensures that it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

(g) Fair value estimation

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the balance sheet date.

(h) Receivables

Receivables are initially recognised at fair value and subsequently measured at amortised cost, less provision for doubtful debts.

Receivables (excluding Rates & Annual Charges) are generally due for settlement no more than 30 days from the date of recognition.

A provision for doubtful receivables is established when there is objective evidence that the Council will not be able to collect all amounts due according to the original terms of each receivable.

The amount of the provision is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate.

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

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Note 1. Summary of Significant Accounting Policies (continued)

(i) Inventories**Raw Materials and Stores, Work in Progress and Finished Goods**

Raw materials and stores in respect of business undertakings are all stated at the lower of cost and net realisable value.

Costs are assigned to individual items of inventory on the basis of weighted average costs.

Inventories held in respect of non-business undertakings have been valued at cost subject to adjustment for loss of service potential.

Land Held for Resale

Land held for resale is stated at the lower of cost and net realisable value.

(j) Infrastructure, property, plant and equipment**Transitional Provisions**

Except for land under roads, infrastructure assets acquired or constructed prior to January 1993 have been capitalised in the accounts on a staged basis since 30 June 1995. All assets except drainage assets were brought to account as at 30 June 1996. Drainage was capitalised in 1997.

All infrastructure, property, plant and equipment assets under Council's control are stated at cost (or deemed cost) less accumulated depreciation and any accumulated impairment losses.

Council's assets will be progressively revalued to fair value in accordance with a staged implementation as advised by the Department of Local Government:

- **2007/08:** Property, plant and equipment, land, & buildings;
- **2008/09:** Roads, bridges, footpaths and drainage.

Initial Recognition

On initial recognition, an assets cost is measured at its fair value, plus all expenditure that is directly attributable to the acquisition.

Where infrastructure, property, plant and equipment assets are acquired for no cost or for an amount other than cost, the assets are recognised in the financial report at their fair value at acquisition date - being the amount that the asset could have been exchanged between knowledgeable willing parties in an arm's length transaction.

Subsequent costs

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably.

All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Capitalisation Thresholds

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by Council for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life.

Depreciation

Depreciation on Councils infrastructure, property, plant and equipment assets is calculated using the straight line method in order to allocate an assets cost (net of their residual values) over its estimated useful life.

Land is not depreciated.

Ku-Ring-Gai Council

DRAFT**Notes to the Financial Statements**

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

The range of estimated useful lives for Councils assets include:

- Roads	100 years
- Drain Structures	33.3 years
- Drain grates, inlets and pipes	100 years
- Buildings	40 years
- Motor vehicles	10 years
- Plant and equipment	10 years
- Office equipment	10 years

Disposal and De-recognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Any gain or loss arising on derecognition of the asset (calculated as the difference between the net disposal proceeds and the carrying amount of the asset) is included in Council's Income Statement in the year the asset is derecognised.

(k) Land

Land in accordance with Part 2 of Chapter 6 of the Local Government Act (1993) is classified on purchase as either Operational or Community.

This classification of Land is disclosed in Note 9(a).

(l) Land under roads

Council has elected not to recognise land under roads in accordance with the deferral arrangements available to it under AASB 1045.

These deferral arrangements cease to apply as of 30 June 2008.

(m) Non-current assets held for sale

Non-current assets are classified as held for sale and stated at the lower of their carrying amount and fair value less costs to sell if their carrying amount will be recovered principally through a sale transaction rather than through continuing use.

The exception to this is plant and motor vehicles which are turned over on a regular basis.

Plant and motor vehicles are retained in Non Current Assets under the classification of Infrastructure, Property, Plant and Equipment - unless the assets are to be traded in after 30 June and the replacement assets were already purchased and accounted for as at 30 June.

Non-current assets are not depreciated or amortised while they are classified as held for sale.

Non-current assets classified as held for sale are presented separately from the other assets in the balance sheet.

(n) Impairment of assets

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable.

An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount.

The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For non-cash generating assets of Council such as roads, drains, public buildings etc - value in use is represented by the "deprival value" of the asset which is approximated as it's written down replacement cost.

(o) Payables

These amounts represent liabilities and include goods and services provided to the Council prior to the end of financial year which are unpaid.

The amounts for goods and services are unsecured and are usually paid within 30 days of recognition.

(p) Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

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Note 1. Summary of Significant Accounting Policies (continued)

(q) Borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

The capitalisation rate used to determine the amount of borrowing costs to be capitalised is the weighted average interest rate applicable to the Council's outstanding borrowings during the year.

(r) Provisions

Provisions for legal claims and service warranties are recognised when:

- Council has a present legal or constructive obligation as a result of past events;
- it is more likely than not that an outflow of resources will be required to settle the obligation; and
- the amount has been reliably estimated.

Provisions are not recognised for future operating losses.

(s) Employee benefits**(i) Wages & salaries, annual leave and sick leave**

Liabilities for wages and salaries (including non-monetary benefits), annual leave and vesting sick leave, are recognised in the provision for employee benefits in respect of employees' services up to the reporting date.

These provisions are measured at the amounts expected to be paid when the liabilities are settled.

Calculations therefore incorporate (where the leave is expected to be paid more than 12 months after the reporting date) the use of discounted cash flows.

Liabilities for non vesting sick leave are recognised at the time when the leave is taken and measured

at the rates paid or payable and accordingly no Liability has been recognised in these reports.

Wages & salaries, annual leave and vesting sick leave are all classified as Current Liabilities.

(ii) Long service leave

The liability for long service leave is recognised in the provision for employee benefits in respect of services provided by employees up to the reporting date.

Long Service Leave is measured at the present value of the expected future payments to be made using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service.

Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows.

Due to the nature of when and how Long Service Leave can be taken, all Long Service Leave for employees with 5 or more years of service has been classified as Current, as it has been deemed that Council does not have the unconditional right to defer settlement beyond 12 months – even though it is not anticipated that all employees with more than 5 years service (as at reporting date) will apply for and take their leave entitlements in the next 12 months.

(iii) Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death.

Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

A liability or asset in respect of defined benefit superannuation plans would ordinarily be recognised in the balance sheet, and measured as the present value of the defined benefit obligation at the reporting date plus unrecognised actuarial gains (less unrecognised actuarial losses) less the fair

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

DRAFT

Note 1. Summary of Significant Accounting Policies (continued)

value of the superannuation fund's assets at that date and any unrecognised past service cost.

The present value of the defined benefit obligation is based on expected future payments which arise from membership of the fund to the reporting date, calculated annually by independent actuaries using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service.

However, when this information is not reliably available, Council can account for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans.

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named the **"Local Government Superannuation Scheme – Pool B"**

This Scheme has been deemed to be a "multi employer fund" for the purposes of AASB 119.

Sufficient information is not available to account for the Scheme as a defined benefit plan (in accordance with AASB 119) because the assets to the scheme are pooled together for all Councils.

Accordingly, Councils contributions to the scheme have been recognised as an expense and disclosed as part of Superannuation Expenses at Note 4(a).

The last valuation of the Scheme was performed by Mr Martin Stevenson BSc, FIA, FIAA on 19th June 2007 and covers the period ended 30 June 2006.

This valuation found that the Schemes assets were \$3,291.1 million and its past service liabilities were \$2,980.3 million, giving it a Surplus of \$310.8 million.

The existence of this surplus has resulted in Councils contributing during the 06/07 year at half the normal level of contributions.

The financial position of the Scheme is monitored annually.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to

the extent that a cash refund or a reduction in the future payments is available.

(t) Allocation between current and non-current

In the determination of whether an asset or liability is classified as current or non-current, consideration is given to the time when each asset or liability is expected to be settled.

The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle.

Exceptions

In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months (such as vested long service leave), the liability is classified as current even if not expected to be settled within the next 12 months.

In the case of inventories that are "held for trading", these are classified as current even if not expected to be realised in the next 12 months.

(u). Taxes

The Council is exempt from both Commonwealth Income Tax and Capital Gains Tax.

Council does however have to comply with both Fringe Benefits Tax and Goods and Services Tax (GST).

Goods & Services Tax (GST)

Income, expenses and assets are all recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office (ATO).

Receivables and payables within the Balance Sheet are stated inclusive of any applicable GST.

The net amount of GST recoverable from or payable to the ATO is included as a current asset or current liability in the Balance Sheet.

Ku-Ring-Gai Council

DRAFT**Notes to the Financial Statements**

for the financial year ended 30 June 2007

Note 1. Summary of Significant Accounting Policies (continued)

(v) Rounding of amounts

Unless otherwise indicated, amounts in the financial report have been rounded off to the nearest thousand dollars.

(w) Comparative Figures

To ensure comparability with the current reporting period's figures, some comparative period line items and amounts may have been reclassified or individually reported for the first time within this Financial Report and/or the Notes.

(x) Budget Information

The Income Statement provides budget information of revenue and expenditure by type. Details of material budget variations are detailed in Note 16. Budget figures presented are those approved by Council at the beginning of the financial year and do not include Council approved variations throughout the year.

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 2(a). Functions

Functions/Activities	Income, Expenses and Assets have been directly attributed to the following Functions/Activities. Details of these Functions/Activities are provided at Note 2(b).													
	Income from Continuing Operations			Expenses from Continuing Operations			Operating Result from Continuing Operations			Grants included in Income from Continuing Operations		Total Assets held (Current & Non-current)		
	Original Budget 2007	Actual 2007	Actual 2006	Original Budget 2007	Actual 2007	Actual 2006	Original Budget 2007	Actual 2007	Actual 2006	Actual 2007	Actual 2006	Actual 2007	Actual 2006	
Governance	2	2	3	178	2,118	2,155	(176)	(2,116)	(2,152)	-	(1)	-	-	
Administration	53,260	9,011	6,743	20,135	17,568	16,992	33,125	(8,557)	(10,249)	97	488	91,959	71,195	
Public Order & Safety	388	272	316	1,164	3,381	3,153	(776)	(3,109)	(2,837)	46	34	3,557	3,383	
Health	119	68	72	439	509	386	(320)	(441)	(314)			3,410	3,406	
Community Services & Education	2,232	3,456	3,131	3,623	3,424	3,197	(1,391)	32	(66)	801	1,089	5,459	5,453	
Housing & Community Amenities	11,558	12,062	11,812	14,327	16,577	14,628	(2,769)	(4,515)	(2,816)	243	137	29,340	29,308	
Water Supplies	-	-	-	-	-	-	-	-	-					
Sewerage Services	-	-	-	-	-	-	-	-	-					
Recreation & Culture	4,445	19,928	14,234	13,067	11,754	12,742	(8,622)	8,174	1,492	266	558	177,163	176,973	
Fuel & Energy	-	-	-	-	-	-	-	-	-					
Mining, Manufacturing & Construction	3,261	2,549	2,865	5,330	4,767	4,137	(2,069)	(2,218)	(1,272)			907	906	
Transport & Communication	2,580	4,298	4,163	9,921	9,080	8,773	(7,341)	(4,782)	(4,610)	730	1,984	1,369,275	1,367,812	
Economic Affairs	130	87	136	214	144	191	(84)	(57)	(55)					
Total Functions & Activities	77,975	51,733	43,475	68,398	69,322	66,354	9,577	(17,589)	(22,879)	2,183	4,289	1,681,070	1,658,436	
Share of Gains in Associates & Joint Ventures (using the Equity Method)		-			-		-	-	-			-	-	
General Purpose Income ¹		41,306	39,425				-	41,306	39,425	2,986	2,928			
Operating Result from Continuing Operations	77,975	93,039	82,900	68,398	69,322	66,354	9,577	23,717	16,546	5,169	7,217	1,681,070	1,658,436	

1. Includes: Rates & Annual Charges (incl. Ex-Gratia), Non-Capital General Purpose Grants & Unrestricted Investment Income.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 2(b). Components of Functions

The activities relating to the Council's functions reported on in Note 2(a) are as follows:

GOVERNANCE

Costs relating to the Council's role as a component of democratic government, including elections, members fees and expenses, subscriptions to local authority associations, meetings of council and policy making committees, area representation and public disclosure and compliance, together with related administration costs.

ADMINISTRATION

Costs not otherwise attributed to other functions.

PUBLIC ORDER & SAFETY

Fire protection, animal control, beach control, enforcement of local government regulations, emergency services, other.

HEALTH

Administration and inspection, immunisations, food control, insect/vermin control, noxious plants, health centres, other.

COMMUNITY SERVICES & EDUCATION

Administration, family day care, child care, youth services, other family and children, aged and disabled, migrant services, Aboriginal services, other community services, education.

HOUSING & COMMUNITY AMENITIES

Housing, town planning, domestic waste management services, other waste management services, street cleaning, other sanitation and garbage, urban stormwater drainage, environmental protection, public, cemeteries, public conveniences, other community amenities.

RECREATION & CULTURE

Public libraries, museums, art galleries, community centres, public halls, other cultural services, swimming pools, sporting grounds, parks and gardens (lakes), other sport and recreation.

MINING, MANUFACTURING & CONSTRUCTION

Building control, abattoirs, quarries and pits, other.

TRANSPORT & COMMUNICATION

Urban roads, sealed rural roads, unsealed rural roads, bridges, footpaths, aerodromes, parking areas, bus shelters and services, water transport, RTA works, street lighting, other.

ECONOMIC AFFAIRS

Camping areas, caravan parks, tourism and area promotion, industrial development promotion, saleyards & markets, real estate development, commercial nurseries, other business undertakings.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations

\$ '000	Notes	Actual 2007	Actual 2006
(a). Rates & Annual Charges			
Ordinary Rates			
Residential		34,566	33,546
Farmland			
Business		2,410	2,311
Total Ordinary Rates		36,976	35,857
Special Rates			
Infrastructure Levy		1,926	1,640
Environmental Levy		1,969	1,753
Town Improvement			
Other			
Total Special Rates		3,895	3,394
Annual Charges (pursuant to s.496 & s.501)			
Domestic Waste Management Services		9,314	9,002
Drainage			
Waste Management Services (non-domestic)			
Total Annual Charges		9,314	9,002
TOTAL RATES & ANNUAL CHARGES		50,185	48,253

Council has used 2005 valuations provided by the NSW Valuer General in calculating its rates.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$ '000	Notes	Actual 2007	Actual 2006
(b). User Charges & Fees			
(i) Fees & Charges - Statutory & Regulatory Functions (per s608, 610A & 611)			
Building Regulation		1,847	1,971
Driveway Application Fees		869	422
Regulatory/ Statutory Fees		387	451
Section 611 Charges		56	56
Outstanding Notices		117	104
Certificates		469	468
DA Advertising Fees		65	82
Tree Preservation Orders		97	99
Other			
Total Fees & Charges - Statutory/Regulatory		3,907	3,653
(ii) Fees & Charges - Other (incl. General User Charges (per s.610C))			
Art Centre		440	439
Family Day Care		729	595
Golf Courses		1,260	1,407
Halls		245	273
Holiday Activities		117	127
Leaseback Fees - Vehicles		341	307
Library		59	64
Parks		404	389
Road & Footpath Restoration Charges		2,059	1,614
Showground		112	110
Sale of Documents		16	16
Tennis Courts		355	336
Trade Waste Charges		1,499	1,501
Nursery		88	135
Rent & Hire of Council Properties		2,307	2,571
Other		331	422
Total Fees & Charges - Other		10,362	10,304
TOTAL USER CHARGES & FEES		14,269	13,957

Ku-ring-gai Council

DRAFTNotes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$ '000	Notes	Actual 2007	Actual 2006
(c). Interest & Investment Revenue			
Interest on Overdue Rates & Charges		72	94
Interest earned on Investments		2,952	1,815
Fair Value Annual Movements in Investments		333	
TOTAL INTEREST & INVESTMENT REVENUE		3,357	1,909
Interest Revenue is attributable to:			
Unrestricted Investments/Financial Assets:			
Overdue Rates & Annual Charges		72	93
General Council Investments		846	500
Restricted Investments/Funds - External:			
Development Contributions			
- Section 94		2,013	1,044
Restricted Investments/Funds - Internal:			
Internal Restricted Assets		426	272
Total Interest & Investment Revenue Recognised		3,357	1,909
(d). Other Revenues			
Parking Fines		823	560
Other Fines		100	197
Legal Fees Recovery		48	77
Commissions & Agency Fees		22	21
Program Fees		61	47
Insurance Contribution		180	173
Recycling Income		652	541
Dog Registration Fees		58	105
Filming Fees		33	32
Other		175	156
TOTAL OTHER REVENUE		2,152	1,909

Ku-ring-gai Council

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Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$ '000	2007 Operating	2006 Operating	2007 Capital	2006 Capital
(e). Grants				
General Purpose (Untied)				
Financial Assistance	2,683	2,613		
Pensioners' Rates Subsidies - General Component	303	315		
Total General Purpose	2,986	2,928	-	-
Specific Purpose				
Pensioners' Rates Subsidies:				
- Domestic Waste Management	96	105		
Bicentennial Park		87		
Community Centres	588	491		
Echo Point Park		8		
Library per capita subsidy	213	228		
Planning Reform		200		
Road Safety	46	49		
Street Lighting Subsidy	243	237		
Transport (Other Roads Funding)	730	2,210		
Other	267	675		
Total Specific Purpose	2,183	4,289	-	-
Total Grants	5,169	7,217	-	-
Grant Revenue is attributable to:				
- Commonwealth Funding	2,683	2,613		
- State Funding	2,486	4,604		
- Other Funding	-	-	-	-
	5,169	7,217	-	-
(f). Contributions				
Developer Contributions: (s93 & s94 - EP&A Act, s64 of the NSW LG Act):				
S 94 - Contributions	185	333	17,327	8,797
Other Developer Contributions				
Total Developer Contributions	185	333	17,327	8,797
Other Contributions:				
Contributions to Works	63	177	332	348
Other				
Total Other Contributions	63	177	332	348
Total Contributions	248	510	17,659	9,145
TOTAL GRANTS & CONTRIBUTIONS	5,417	7,727	17,659	9,145

Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 3. Income from Continuing Operations (continued)

\$ '000	Notes	Actual 2007	Actual 2006
(g). Restrictions relating to Grants and Contributions			
Certain grants & contributions are obtained by Council on condition that they be spent in a specified manner:			
Unexpended at the Close of the Previous Reporting Period		22,345	11,832
add: Grants and contributions recognised in the current period which have not been spent:		19,575	10,978
less: Grants and contributions recognised in a previous reporting period which have been spent in the current reporting period:		(1,519)	(466)
Net Increase (Decrease) in Restricted Assets during the Current Reporting Period		18,056	10,513
Unexpended at the Close of this Reporting Period and held as Restricted Assets		40,401	22,345
Comprising:			
- Specific Purpose Unexpended Grants		345	1,102
- Developer Contributions		40,056	21,243
- Other Contributions			
		40,401	22,345

Ku-ring-gai Council

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Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 4. Expenses from Continuing Operations

\$ '000	Notes	Actual 2007	Actual 2006
(a) Employee Costs			
Salaries and Wages		21,583	20,167
Employee Leave Entitlements (ELE)		1,852	2,926
Superannuation		1,927	1,900
Workers' Compensation Insurance		745	1,362
Fringe Benefit Tax (FBT)		139	139
Training Costs (other than Salaries & Wages)		264	271
Other		89	59
Total Employee Costs		26,599	26,825
less: Capitalised Costs		(138)	(104)
TOTAL EMPLOYEE COSTS EXPENSED		26,461	26,721
Number of "Equivalent Full Time" Employees at year end		471	471
(b) Borrowing Costs			
(i) Interest Bearing Liability Costs			
Interest on Loans		666	663
less: Capitalised Costs			
Total Interest Bearing Liability Costs Expensed		666	663
TOTAL BORROWING COSTS EXPENSED		666	663
(c) Materials & Contracts			
Raw Materials & Consumables		3,091	2,955
Contractor & Consultancy Costs		18,120	15,036
Audit Services		42	46
Legal Expenses - Planning & Development		1,308	1,259
Legal Expenses - Other		322	408
Operating Lease Rentals - Computers		523	561
Other		256	228
Total Materials & Contracts		23,662	20,493
TOTAL MATERIALS & CONTRACTS		23,662	20,493

Ku-ring-gai Council

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Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 4. Expenses from Continuing Operations (continued)

\$ '000	Depreciation/Amortisation		Impairment Costs	
	Actual 2007	Actual 2006	Actual 2007	Actual 2006
(d) Depreciation, Amortisation & Impairment				
Plant and Equipment	1,309	1,049		
Office Equipment	83	82		
Furniture & Fittings	17	18		
Land Improvements (depreciable)	85	79		
Buildings	1,516	1,548		
Other Structures	227	227		
Infrastructure:				
- Roads, Bridges & Footpaths	3,060	3,001		
- Stormwater Drainage	458	455		
Other Assets				
- Library Books	340	289		
- Other	2			
Total Depreciation & Impairment Costs	7,097	6,747	-	-
TOTAL DEPRECIATION & IMPAIRMENT COSTS EXPENSED	7,097	6,747	-	-

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 4. Expenses from Continuing Operations (continued)

\$ '000	Notes	Actual 2007	Actual 2006
(e) Other Expenses			
Other Expenses for the year include the following:			
Advertising		401	343
Bad & Doubtful Debts		116	120
Merchant Bank Fees		232	217
Conferences		98	61
Commissions		264	232
Contributions to Other Levels of Government:			
• NSW Fire Brigade Levy		1,975	2,017
• Department of Planning Levy		326	310
Corporate Events		12	81
Mayoral Fee		31	24
Councillors Fees		141	132
Donations, Contributions & Assistance to other organisations (Section 356)		118	107
Electricity & Heating		350	327
External Plant Hire		26	108
Insurance		904	815
Insurance Excess		68	108
Postage		243	233
Rate Issue Costs		42	29
Street Lighting		1,330	1,233
Sydney Water		182	169
Subscriptions & Publications		129	125
Telephone & Communications		519	550
Valuation Fees		174	116
Temporary Salaries & Wages		1,079	971
Software Licences (Computers)		508	452
Rental Rebates		946	1,226
Vehicle Registration		106	122
Family Day Care (Child Care Assistance)		144	163
Other		863	991
Total Other Expenses		11,327	11,383
TOTAL OTHER EXPENSES		11,327	11,383

Ku-ring-gai Council

DRAFTNotes to the Financial Statements
for the financial year ended 30 June 2007

Note 5. Gains or Losses on Disposal of Assets

\$ '000	Notes	Actual 2007	Actual 2006
Plant & Equipment			
Proceeds from Disposal		806	1,562
less: Carrying Amount of P&E Assets Sold		(915)	(1,909)
Net Gain/(Loss) on Disposal		(109)	(347)
NET GAIN/(LOSS) ON DISPOSAL OF ASSETS		(109)	(347)

Note 6a. - Cash Assets and Note 6b. - Investment Securities

\$ '000	2007		2006	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Cash & Cash Equivalents (Note 6a)				
Cash on Hand and at Bank	5,030		4,716	
Cash-Equivalent Assets				
- Deposits at Call				
Total Cash & Cash Equivalents	5,030	-	4,716	-
Investment Securities (Note 6b)				
- Financial Assets at fair value through Profit & Loss	49,004		32,019	
- Held to Maturity Investments	559	6,015	2,348	2,000
- Other Long Term Maturity Financial Assets				
Total Investment Securities	49,563	6,015	34,367	2,000
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS	54,593	6,015	39,083	2,000

Ku-ring-gai Council

DRAFTNotes to the Financial Statements
for the financial year ended 30 June 2007

Note 6b. Investments (continued)

\$ '000	2007		2006	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Note 6(b-i)				
Reconciliation of Investments classified as "At Fair Value through Profit & Loss"				
Balance at the Beginning of the Year	32,019	-	15,699	
Revaluations (through the Income Statement)	333			
Additions	77,754		44,920	
Disposals (sales & redemptions)	(61,102)		(28,600)	
Balance at End of Year	49,004	-	32,019	-
Comprising:				
- Managed Funds	40,670	-	32,019	
- Equity Linked Notes	2,982			
- CDOs	3,352			
- Other Long Term Maturity Financial Assets	2,000			
Total	49,004	-	32,019	-
Note 6(b-ii)				
Reconciliation of Investments classified as "Held to Maturity"				
Balance at the Beginning of the Year	2,348	2,000	2,840	
Additions	33	4,015	28	2,000
Disposals (sales & redemptions)	(1,822)		(520)	
Balance at End of Year	559	6,015	2,348	2,000
Comprising:				
- CDO's				2,000
- Structured Securities		6,015		
- Term Deposits	559		2,348	
Total	559	6,015	2,348	2,000

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 6c. Restricted Cash, Cash Equivalents & Investments

\$ '000	2007		2006	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Total Cash, Cash Equivalents and Investment Securities	54,593	6,015	39,083	2,000
attributable to:				
External Restrictions (refer below)	38,808	6,015	25,680	2,000
Internal Restrictions (refer below)	15,775	-	12,464	-
Unrestricted	10	-	939	-
	54,593	6,015	39,083	2,000
Details of Restrictions	Opening Balance	Transfers to Restrictions	Transfers from Restrictions	Closing Balance
External Restrictions - Other				
Developer Contributions - General (D)	21,243	19,563	(750)	40,056
Specific Purpose Unexpended Grants (F)	1,102	12	(769)	345
Domestic Waste Management (G)	4,482		(486)	3,996
Environmental Levy (G)	852	1,823	(2,250)	425
External Restrictions - Other	27,680	21,398	(4,255)	44,823
Total External Restrictions	27,680	21,398	(4,255)	44,823
Internal Restrictions				
Plant & Vehicle Replacement	284	350	(525)	109
Infrastructure Replacement	1,122	1,527	(1,853)	796
Employees Leave Entitlement	1,026	357	(33)	1,350
Facilities Reserve	4,885	1,616	(182)	6,319
Golf Course Levy	835	492	(229)	1,098
Other	4,312	4,209	(2,418)	6,103
Total Internal Restrictions	12,464	8,551	(5,240)	15,775
TOTAL RESTRICTIONS	40,144	29,949	(9,495)	60,598

A Loan moneys which must be applied for the purposes for which the loans were raised.

B Advances by the Roads and Traffic Authority for works on the State's classified roads.

C Self Insurance liability resulting from reported claims or incurred claims not yet reported.

D Development contributions which are not yet expended for the provision of services and amenities in accordance with contributions plans (refer Note 17).

E RTA Contributions which are not yet expended for the provision of services and amenities in accordance with those contributions.

F Grants which are not yet expended for the purposes for which the grants were obtained. (refer Note 1)

G Water, Sewerage, Domestic Waste Management (DWM) & Special Rates/Levies/Charges are externally restricted assets and must be applied for the purposes for which they were raised.

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Ku-ring-gai Council

Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 7. Receivables

\$ '000	2007		2006	
	Current	Non Current	Current	Non Current
Purpose				
Rates & Annual Charges	1,238	155	1,114	159
Interest & Extra Charges	88	40	113	62
User Charges & Fees	2,872		1,713	
Accrued Revenues				
- Interest on Investments	175		36	
- Accrued Revenue	615		262	
Government Grants & Subsidies	384		637	
Net GST Receivable	517		465	
Other Debtors	28		72	
Total	5,917	195	4,412	221
less: Provision for Doubtful Debts				
Rates & Annual Charges				
Interest & Extra Charges				
User Charges & Fees	(286)		(171)	
Total Provisions for Doubtful Debts	(286)	-	(171)	-
TOTAL NET RECEIVABLES	5,631	195	4,241	221
Externally Restricted Receivables				
Domestic Waste Management	254	41	236	46
Environmental Levy	40			
Infrastructure Levy	42			
Total External Restrictions	336	41	236	46
Unrestricted Receivables	5,295	154	4,005	175
TOTAL NET RECEIVABLES	5,631	195	4,241	221

Ku-ring-gai Council

DRAFTNotes to the Financial Statements
for the financial year ended 30 June 2007

Note 8. Inventories & Other Assets

\$ '000	2007		2006	
	Current	Non Current	Current	Non Current
Inventories				
Stores & Materials	87		62	
Trading Stock	79		92	
Total Inventories	166	-	154	-
Other Assets				
Prepayments	224		214	
Other				
Total Other Assets	224	-	214	-
<u>TOTAL INVENTORIES & OTHER ASSETS</u>	<u>390</u>	<u>-</u>	<u>368</u>	<u>-</u>

Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 9a. Infrastructure, Property, Plant & Equipment

By asset type \$ '000	as at 30/6/2006			Asset Movements during the Reporting Period				as at 30/6/2007		
	At Cost	Accumulated Deprec.	Carrying Value	Asset Additions	WDV-Asset Disposals	Depreciation Expense	Adjustments & Transfers	At Cost	Accumulated Dep'n	Carrying Value
Capital Work in Progress			-							-
Plant & Equipment	11,001	4,096	6,905	1,434	(915)	(1,309)		11,117	5,002	6,115
Office Equipment	797	252	545	66		(83)		863	335	528
Furniture & Fittings	180	95	85	2		(17)		182	112	70
Land										
- Operational	7,533		7,533	-				7,533	-	7,533
- Community	184,522		184,522	466				184,988	-	184,988
- Non-deprec Land Improvements	3,862		3,862	-				3,862	-	3,862
Land Improvements - depreciable	991	479	512	587		(85)		1,578	564	1,014
Buildings	63,108	34,099	29,009	454		(1,516)	3	63,565	35,615	27,950
Other Structures	5,024	2,791	2,233	-		(227)		5,024	3,018	2,006
Infrastructure										
- Roads, Bridges, Footpaths	305,970	156,149	149,821	6,054		(3,060)		312,024	159,209	152,815
- Bulk Earthworks (non-depreciable)	1,202,844		1,202,844	-				1,202,844	-	1,202,844
- Stormwater Drainage	59,433	38,902	20,531	143		(458)		59,576	39,360	20,216
Other Assets										
- Heritage Collections			-			-		-	-	-
- Library Books	8,138	5,520	2,618	506		(340)		8,644	5,860	2,784
- Other	4,341	4,126	215	23		(2)	(3)	4,361	4,128	233
TOTAL INFRASTRUCTURE, PROPERTY, PLANT & EQUIP.	1,857,744	246,509	1,611,235	9,735	(915)	(7,097)	-	1,866,161	253,203	1,612,958

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Notes to the Financial Statements
for the financial year ended 30 June 2007

Note 10a. Payables, Interest Bearing Liabilities & Provisions

\$ '000	Notes	2007		2006	
		Current	Non Current	Current	Non Current
Payables					
Goods & Services - Operating		3,643		5,420	
Goods & Services - Capital				248	
Payments Received In Advance		1,588		311	
Accrued Interest Payable		58		18	
Security Bonds, Deposits & Retentions		4,801		4,578	
Other		470		340	
Total Payables		10,560	-	10,914	-
Interest Bearing Liabilities					
Loans - Secured ¹		1,927	8,585	1,716	9,440
Other					
Total Interest Bearing Liabilities		1,927	8,585	1,716	9,440
Provisions					
Employee Benefits:					
Annual Leave		2,124		2,000	
Sick Leave		409		200	
Long Service Leave		3,368	230	3,561	399
Gratuities		617		673	
Other Leave					
Total Provisions		6,518	230	6,434	399
Total Payables, Interest Bearing Liabilities & Provisions					
		19,005	8,815	19,064	9,839

(i) Liabilities relating to Restricted Assets

	2007		2006	
	Current	Non Current	Current	Non Current
Domestic Waste Management	1,139		1,267	
Other	579			
Total Restricted Liabilities	1,718	-	1,267	-

¹ Loans are secured over the General Rating Income of Council

Disclosures on Liability Interest Rate Risk Exposures, Fair Value Disclosures & Security can be found in Note 15.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 10a. Payables, Interest Bearing Liabilities & Provisions (continued)

\$ '000

(ii) Current Liabilities not anticipated to be settled within the next 12 months

The following Liabilities, even though classified as current, are not expected to be settled in the next 12 months.

2007 **2006**

Employees Leave Entitlements	3,773	4,397
Bonds & Deposits	3,542	4,092
	7,315	8,489

Note 10b. Description of and movements in Provisions

Class of Provision	2006			2007	Unused amounts reversed	Closing Balance as at 30/6/07
	Opening Balance as at 1/7/06	Additional Provisions	Decrease due to Payments	Remeasurement effects due to Discounting		
Annual Leave	2,000	1,744	(1,620)			2,124
Sick Leave	200	917	(708)			409
Long Service Leave	3,960	(41)	(321)			3,598
Gratuities	673	(56)	-			617
Other Leave	-	-	-			-
TOTAL	6,833	2,564	(2,649)	-	-	6,748

a. Employees Leave Entitlements & On-Costs represents those benefits accrued and payable and an estimate of those that will become payable in the future as a result of past service.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 11. Cash Flow Statement - Additional Information

\$ '000	Notes	Actual 2007	Actual 2006
(a) Reconciliation of Cash Assets			
Total Cash & Cash Equivalent Assets	6a	5,030	4,716
Less Bank Overdraft	10	-	-
BALANCES as per CASH FLOW STATEMENT		5,030	4,716
(b) Reconciliation of Net Operating Result to Cash provided from Operating Activities			
Net Operating Result from Income Statement		23,717	16,546
Adjust for non cash items:			
Depreciation & Amortisation		7,097	6,747
Losses/(Gains) recognised on Fair Value Re-measurements through P&L			
- Investments classified as "at Fair Value"		(333)	
Net Losses/(Gains) on Disposal of Assets		109	347
Non Cash Capital Grants and Contributions		(300)	(348)
+/- Movement in Operating Assets and Liabilities & Other Cash Items:			
Decrease/(Increase) in Receivables		(1,479)	(574)
Increase/(Decrease) in Provision for Doubtful Debts		115	114
Decrease/(Increase) in Inventories		(12)	27
Decrease/(Increase) in Other Current Assets		(10)	86
Increase/(Decrease) in Payables		(1,777)	1,017
Increase/(Decrease) in accrued Interest Payable		40	
Increase/(Decrease) in Other Current Liabilities		1,631	
Increase/(Decrease) in Employee Leave Entitlements		(85)	607
NET CASH PROVIDED FROM/(USED IN)		28,713	24,569
OPERATING ACTIVITIES from CASH FLOW STATEMENT		28,713	24,569

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 11. Cash Flow Statement - Additional Information (continued)

\$ '000	Notes	Actual 2007	Actual 2006
(c) Non-Cash Investing & Financing Activities			
Acquisition of Plant & Equipment by means of Finance Lease			
Other Dedications			
Other Non Cash Items - Operational Land		300	348
Total Non-Cash Investing & Financing Activities		300	348

(d) Financing Arrangements

(i) Unrestricted access was available at balance date to the following lines of credit:

Bank Overdraft Facilities ¹	2,000	2,000
Credit Cards / Purchase Cards	20	20
Total Financing Arrangements	2,020	2,020

1. The Bank overdraft facility may be drawn at any time and may be terminated by the bank without notice.
Interest rates on overdrafts and Interest Rates on Loans & Other Payables are disclosed in Note 15.

(ii) At Balance Date the following Loans have been approved by the NSW Department of Local Government for use in the following year:

- 06/07 Year		1,000
- 07/08 Year (and beyond)	1,000	

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Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 12. Commitments for Expenditure

\$ '000	Notes	Actual 2007	Actual 2006
(a) Capital Commitments (exclusive of GST)			
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:			
Property, Plant & Equipment			
Buildings			
Plant & Equipment		275	23
Other Structures		7,000	312
Total Commitments		7,275	335
These expenditures are payable as follows:			
Within the next year		7,275	335
Later than one year and not later than 5 years			
Later than 5 years			
Total Payable		7,275	335
Sources for Funding of Capital Commitments:			
Unrestricted General Funds		275	335
Sec 94		7,000	
Total Sources of Funding		7,275	335
(b) Other Expenditure Commitments (exclusive of GST)			
Other Non Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:			
Waste Services		37,200	43,200
Cleaning Services		173	132
Audit Services		45	85
Fleet Management		100	170
Operating Leases - Cancellable		211	263
Insurance		549	1,134
Security		165	180
Grass Cutting		722	650
Other		513	705
Total Commitments		39,678	46,519
These expenditures are payable as follows:			
Within the next year		6,340	7,401
Later than one year and not later than 5 years		21,012	24,655
Later than 5 years		12,326	14,463
Total Payable		39,678	46,519

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 12. Commitments for Expenditure (continued)

\$ '000	Notes	Actual 2007	Actual 2006
(c) Operating Lease Commitments (Non Cancellable)			
a. Commitments under Non Cancellable Operating Leases at the Reporting date, but not recognised as Liabilities are payable:			
Within the next year		211	264
Later than one year and not later than 5 years		200	212
Later than 5 years			
Total Non Cancellable Operating Lease Commitments		411	476

b. Non Cancellable Operating Leases include the following assets:

Computer Equipment

Contingent Rentals may be payable depending on the condition of items or usage during the lease term.

(c) Remuneration Commitments

Commitments for the payment of salaries & other remuneration under long-term employment contracts in existence at reporting date but not recognised as liabilities are payable:

Within the next year	759	747
Later than one year and not later than 5 years	2,045	2,430
Later than 5 years		
Total Payable	2,804	3,177

Ku-ring-gai Council

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for the financial year ended 30 June 2007

Note 13. Statement of Performance Measurement

\$ '000	Amounts 2007	Indicator 2007	Prior Years 2006 2005	
1. Unrestricted Current Ratio				
Current Assets less all External Restrictions ⁽¹⁾	<u>22,758</u>	2.28 : 1	2.05	1.76
Current Liabilities less Specific Purpose Liabilities ^(2,3)	<u>9,972</u>			
2. Debt Service Ratio				
Debt Service Cost	<u>2,309</u>	3.17%	3.19%	4.40%
Revenue from Continuing Operations excluding Capital Items & Specific Purpose Grants/Contributions	<u>72,949</u>			
3. Rates & Annual Charges Coverage Ratio				
Rates & Annual Charges	<u>50,185</u>	53.94%	58.21%	62.00%
Revenue from Continuing Operations	<u>93,039</u>			
4. Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage				
Rates, Annual & Extra Charges Outstanding	<u>1,521</u>	2.94%	2.91%	3.20%
Rates, Annual & Extra Charges Collectible	<u>51,753</u>			

Notes

⁽¹⁾ Refer Notes 6-8 inclusive.

Also excludes any Real Estate & Land for resale not expected to be sold in the next 12 months

⁽²⁾ Refer to Note 10a(i)⁽³⁾ Refer to Note 10a(ii) - excludes all ELE not expected to be paid in the next 12 months.

Note 14. Investment Properties

At balance date Council did not have any Investment properties.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 15. Financial Instruments

\$ '000	Floating	Fixed Interest Rate						Non	Total
	Interest Rate	≤ 1 Year	1-2 Yrs	2-3 Yrs	3-4 Yrs	4-5 Yrs	> 5 Yrs	Interest Bearing	

(a) Exposure to Interest Rate Risk

Council's exposure to Interest Rate Risk & the effective weighted average interest rates by maturity for each class of Financial Assets & Financial Liabilities is set out below. Exposures arise predominantly from assets & liabilities with variable interest rates, which Council intends to hold to maturity.

2007

Cash & Cash Equivalents	5,030								5,030
Investment Securities	55,019	559							55,578
Receivables		1,238	155					4,433	5,826
Other Financial Assets								-	-
Total Financial Assets	60,049	1,797	155	-	-	-	-	4,433	66,434
Weighted Avg Interest Rate	6.7%	9%	10%						

Bank Overdraft	-								-
Trade/Other Payables	4,801							4,171	8,972
Loans & Advances		1,927	1,808	1,571	1,464	1,198	2,544	-	10,512
Lease Liabilities								-	-
Total Financial Liabilities	4,801	1,927	1,808	1,571	1,464	1,198	2,544	4,171	19,484
Weighted Avg Interest Rate		6.8%	6.8%	6.8%	6.8%	6.8%	6.8%		

Net Financial Assets/Liabilities	55,248	(130)	(1,653)	(1,571)	(1,464)	(1,198)	(2,544)	262	46,950
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2006

Cash & Cash Equivalents	4,716								4,716
Investment Securities	34,019	2,348							36,367
Receivables		1,114	159					3,189	4,462
Other Financial Assets								-	-
Total Financial Assets	38,735	3,462	159	-	-	-	-	3,189	45,545
Weighted Avg Interest Rate	6.2%	7.0%	9.0%						

Bank Overdraft	-								-
Trade/Other Payables	4,578							6,025	10,603
Loans & Advances		1,716	1,783	1,724	1,542	1,363	3,027	1	11,156
Lease Liabilities								-	-
Total Financial Liabilities	4,578	1,716	1,783	1,724	1,542	1,363	3,027	6,026	21,759
Weighted Avg Interest Rate		6.8%	6.8%	6.8%	6.8%	6.8%	6.8%		

Net Financial Assets/Liabilities	34,157	1,746	(1,624)	(1,724)	(1,542)	(1,363)	(3,027)	(2,837)	23,786
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Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 15. Financial Instruments (continued)

\$ '000	Notes	2007		2006	
		Carrying Amount	Net Fair Value	Carrying Amount	Net Fair Value

(b) Net Fair Value

A comparison by category of the carrying amounts and fair values of Council's Financial Assets & Financial Liabilities recognised in the financial statements is presented below.

Financial Assets					
Cash and Cash Equivalents		5,030	5,030	4,716	4,716
Investments					
- "Held for Trading"		49,004	49,004	32,019	32,019
- "Held to Maturity"		6,574	6,574	4,348	4,348
Receivables		5,826	5,826	4,462	4,462
Total Financial Assets		66,434	66,434	45,545	45,545
Financial Liabilities					
Payables		8,972	8,972	10,603	10,603
Loans / Advances		10,512	10,512	11,156	11,156
Total Financial Liabilities		19,484	19,484	21,759	21,759

The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximates their carrying value.

Where a market exists, the net fair value of other financial assets and liabilities is based upon market prices - otherwise the expected future cash flows are discounting by the prevailing interest rates for assets and liabilities with similar risk profiles.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 16. Material Budget Variations

\$ '000

Council's Original Financial Budget for 06/07 was incorporated as part of the Management Plan and was adopted by the Council on 13th June 2006.

This Note sets out the details of MATERIAL VARIATIONS between Council's Original Budget and its Actual results for the year as per the Income Statement.

Material Variations represent those variances that amount to **10%** or more of the original budgeted figure.

Note that for Variations: **F** = Favourable Budget Variation, **U** = Unfavourable Budget Variation

	2007 Budget	2007 Actual	2007 Variance*		
REVENUES					
Other Revenues	1,722	2,152	430	25%	F

Other revenue reflected an increase over budget by an amount of \$431K (F). The main factors contributing to this result were parking fines of \$223K, insurance contribution of \$121K and other revenue of \$88K received in excess of budget.

Capital Grants & Contributions	4,726	17,659	12,933	274%	F
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Total variation between budget and actuals was \$13M (F). Major factor in achieving this result were additional Section 94 funds of \$11.3M more than anticipated, plus \$1.7M of Contributions To Works received in excess of budget.

EXPENSES

Materials & Contracts	21,321	23,662	(2,341)	(11%)	U
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Materials & Contractors reflect a variance of \$2.3M. The main factors contributing to this variance, was an increase of \$1.8M in contractors, and an increase of \$300K in materials costs above the original budget.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 17. Statement of Developer Contributions

\$ '000

Under Section 94 & Section 94A of the Environmental Planning and Assessment Act 1979, a Council may require (i) the payment of a monetary contribution or dedication of land or (ii) a % levy on the value of development, in relation to development works that are subject to a development consent issued by Council.

The following tables detail the receipt, interest and use of the above contributions & levies and the value of all remaining funds which are "restricted" in use by their nature and must be spent for the specific purposes raised.

SUMMARY OF CONTRIBUTIONS & LEVIES

PURPOSE	Opening Balance	Received during Year		Interest earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage	-	-	-	-	-	-	-
Roads	-	-	-	-	-	-	-
Traffic Facilities	70	117	-	8	-	-	195
Parking	970	-	-	66	(1)	-	1,035
Open Space	15,129	14,060	-	1,482	(179)	-	30,492
Community Facilities	3,420	2,831	-	321	(65)	-	6,507
Other	499	504	-	55	(467)	-	591
S94 Contributions - under a Plan	20,087	17,512	-	1,932	(712)	-	38,819
Total S94 Revenue Under Plans	20,087	17,512	-	1,932	(712)	-	38,819
S94 not under Plans	1,156	-	-	81	-	-	1,237
Total Contributions	21,243	17,512	-	2,013	(712)	-	40,056

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 17. Statement of Developer Contributions (continued)

\$ '000

S94 CONTRIBUTIONS - UNDER A PLAN

CONTRIBUTION PLAN PRE 1993

PURPOSE	Opening Balance	Received during Year		Interest earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities							-
Parking	1,044			71			1,115
Open Space	22			1			23
Community Facilities	88			8			96
Other	1			1			2
Total	1,156	-	-	81	-	-	1,237

CONTRIBUTION PLAN NUMBER 2 - 1993 Plan

PURPOSE	Opening Balance	Received during Year		Interest earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities	1	-		-	-		1
Parking	970	-		66	(1)		1,035
Open Space	13	-		1	-		14
Community Facilities	175	-		12	-		187
Other	30	-		2	(32)		-
Total	1,189	-	-	81	(33)	-	1,237

CONTRIBUTION PLAN NUMBER 3 - 2000 to 2003 Residential Plan

PURPOSE	Opening Balance	Received during Year		Interest earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities							-
Parking							-
Open Space	7,776	399		549	-		8,724
Community Facilities	1,953	99		137	(65)		2,124
Other	150	51		16	(199)		18
Total	9,878	549	-	702	(264)	-	10,865

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 17. Statement of Developer Contributions (continued)

\$ '000

S94 CONTRIBUTIONS - UNDER A PLAN

CONTRIBUTION PLAN NUMBER 4 - Ku-ring-gai SEPP 5 Plan

PURPOSE	Opening Balance	Received during Year		Interest earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities							-
Parking							-
Open Space	359	48		27			434
Community Facilities							-
Other							-
Total	359	48	-	27	-	-	434

CONTRIBUTION PLAN NUMBER 5 - 2004/2009 Residential Plan

PURPOSE	Opening Balance	Received during Year		Interest earned in Yr	Exp. during Yr	Internal Borrowing (to)/from	Held as Restricted Asset
		Cash	Non Cash				
Drainage							-
Roads							-
Traffic Facilities	69	116		8	-		193
Parking		-		-	-		-
Open Space	6,981	13,614		905	(179)		21,321
Community Facilities	1,292	2,732		172	-		4,196
Other	319	453		36	(236)		572
Total	8,661	16,915	-	1,121	(415)	-	26,282

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Ku-ring-gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 18. Contingencies & Other Assets/Liabilities Not Recognised

\$ '000

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge & disclosure is considered relevant to the users of Council's Financial Report.

LIABILITIES NOT RECOGNISED:**1. Guarantees****(i) Statewide Limited**

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to Local Government. Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the Net Assets or Liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the Fund Years.

Council's accounting policy regarding the measurement and disclosure of the potential liability or benefit is to book Council's share of the net asset and liability value, as advised by Statewide Mutual taking into account their audited figures for the year ended 30 June 2007.

(ii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW Local Government Industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the Company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements of APRA.

2. Other Liabilities

Council has two tips that are currently being rehabilitated. At balance date Council is unable to reliably estimate the future financial cost of such work.

(i) S94 Plans

Council levies Section 94/94A Contributions upon various development across the Council area through the required Contributions Plans.

As part of these Plans, Council has received funds for which it will be required to expend the monies in accordance with those Plans.

As well, these Plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making levies and receipting funds in future years.

These future expenses do not yet qualify as liabilities as of the Reporting Date, but represent Council's intention to spend funds in the manner and timing set out in those Plans.

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 19. Controlled Entities, Associated Entities & Interests in Joint Ventures

At balance date Council did not have any interest in any joint ventures.

Note 20. Equity - Retained Earnings and Revaluation Reserves

\$ '000	Notes	Actual 2007	Actual 2006
a. Retained Earnings			
Movements in Retained Earnings were as follows:			
Balance at beginning of Year (from previous years audited accounts)		1,629,533	1,612,987
a. Transition to AIFRS (ie. AGAAP to AIFRS)		n/a	
b. Adjustments on adoption of AASB 132/AASB139 as at 1/7/05		n/a	-
c. Correction of Prior Period Errors		-	-
d. Changes in Accounting Policies (Prior Period Effects)		-	-
e. Current Year Income & Expenses Recognised direct to Equity excluding direct to Reserves transactions		-	-
f. Net Operating Result for the Year		23,717	16,546
g. Distributions to/(Contributions from) Minority Interests		-	-
h. Transfers between Equity		-	-
i. Other Changes (disclosure required)		-	-
Balance at End of the Reporting Period		<u>1,653,250</u>	<u>1,629,533</u>

Ku-ring-gai Council

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Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 21. Reinstatement, Rehabilitation & Restoration Liabilities

\$ '000

Council has two tips that are currently being rehabilitated. At balance date Council is unable to reliably estimate the future financial cost of such work.

Note 22. Non Current Assets/Liabilities classified as "Held for Sale"

\$ '000	2007		2006	
	Current	Non Current	Current	Non Current
(i) Non Current Assets & Disposal Group Assets				
Non Current Assets "Held for Sale"				
Land	1,288		1,288	
Buildings				
Other Assets				
Total Non Current Assets "Held for Sale"	1,288	-	1,288	-

(ii) Details of Assets & Disposal Groups

Council has a parcel of land which it has made a decision to dispose of. The land is currently available for sale and is actively being marketed by a number of local real estate agents. Funds received from the sale will be internally restricted for future purposes.

Note 23. Events occurring after Balance Sheet Date

\$ '000

Subsequent to balance date, towards the end of July 2007, and the date of this report, global financial markets have experienced significant volatility as a result of the US Sub Prime Mortgage crisis.

Whilst Ku-Ring-Gai Council was not directly investing in this market, a proportion of Councils' investment portfolio that has been invested in CDOs as at 30 June 2007 has been affected as a result of contagion market volatility.

The CDOs held by Council are of a long term nature which can potentially fluctuate both positively and negatively in terms of market valuation. The downward movement in the market valuation since year end is approximately \$225K based on the latest available report from Council's Fund Manager.

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Ku-ring-gai Council

SPECIAL PURPOSE FINANCIAL REPORTS
for the year ended 30 June 2007



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Ku-ring-gai Council

Special Purpose Financial Reports
for the financial year ended 30 June 2007

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Background

- (i) These Special Purpose Financial Reports have been prepared for the use by both Council and the Department of Local Government in fulfilling their requirements under National Competition Policy.
- (ii) The principle of competitive neutrality is based on the concept of a level playing field between persons competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, State or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

- (iii) For Council, the principle of competitive neutrality & public reporting applies only to declared business activities.

These include (a) those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation and (b) those activities with a turnover of over \$2Million that Council has formally declared as a Business Activity (defined as Category 1 activities).

- (iv) In preparing these financial reports for Councils self classified Category 1 businesses and ABS defined activities, councils must (a) adopt a corporatisation model and (b) apply full cost attribution including tax equivalent regime payments, debt guarantee fees (where the business benefits from councils borrowing position by comparison with commercial rates).
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Ku-ring-gai Council

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Special Purpose Financial Reports

for the financial year ended 30 June 2007

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Reports have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government"
- The Department of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality"
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Water and Energy Best Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these Reports:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2007.

Nick Ebbeck
MAYOR

Anita Andrew
COUNCILLOR

John McKee
GENERAL MANAGER

Tino Caltabiano
RESPONSIBLE ACCOUNTING OFFICER

Ku-ring-gai Council

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Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	TCCC Actual 2007	TCCC Actual 2006	Art Centre Actual 2007	Art Centre Actual 2006
\$ '000				
Income from continuing operations				
Access charges				
User charges	721	586	440	405
Fees				
Interest				
Grants and contributions provided for non capital purposes	87	124		
Profit from the sale of assets				
Other income			9	7
Total income from continuing operations	808	710	449	412
Expenses from continuing operations				
Employee benefits and on-costs	596	651	432	391
Borrowing costs				
Materials and contracts	58	96	53	41
Depreciation and impairment	26	26	21	4
Loss on sale of assets				
Calculated taxation equivalents		186		141
Debt guarantee fee (if applicable)				
Other expenses	226	40	58	97
Total expenses from continuing operations	906	999	564	674
Surplus (deficit) from Continuing Operations before capital amounts	(98)	(289)	(115)	(262)
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	(98)	(289)	(115)	(262)
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	(98)	(289)	(115)	(262)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	-	-	-	-
SURPLUS (DEFICIT) AFTER TAX	(98)	(289)	(115)	(262)
plus Opening Retained Profits	470	505	1,806	1,824
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	186	-	141
- Debt guarantee fees	-	-	-	-
- Corporate taxation equivalent	-	-	-	-
- Retained Earning Adjustment	73	68	90	103
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	445	470	1,781	1,806
Return on Capital %	-18.7%	-52.5%	-6.4%	-14.4%
Subsidy from Council	131		228	

Ku-ring-gai Council

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Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Trade Waste Actual 2007	Trade Waste Actual 2006	Gordon Golf Course Actual 2007	Gordon Golf Course Actual 2006
\$ '000				
Income from continuing operations				
Access charges	436	439		
User charges	1,063	1,062	743	636
Fees				
Interest				
Grants and contributions provided for non capital purposes				
Profit from the sale of assets				
Other income	121	115		192
Total income from continuing operations	1,620	1,616	743	828
Expenses from continuing operations				
Employee benefits and on-costs	41	40	131	155
Borrowing costs				
Materials and contracts	1,078	1,029	145	142
Depreciation and impairment			5	5
Loss on sale of assets				
Calculated taxation equivalents		176		81
Debt guarantee fee (if applicable)				
Other expenses	1	1	246	192
Total expenses from continuing operations	1,120	1,246	527	575
Surplus (deficit) from Continuing Operations before capital amounts	500	370	216	253
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	500	370	216	253
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	500	370	216	253
less: Corporate Taxation Equivalent (30%) [based on result before capital]	(150)	(111)	(65)	(76)
SURPLUS (DEFICIT) AFTER TAX	350	259	151	177
plus Opening Retained Profits	(21)	(60)	2,145	2,178
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	176	-	81
- Debt guarantee fees	-	-	-	-
- Corporate taxation equivalent	150	111	65	76
- Retained Earning Adjustment	(502)	(507)	(205)	(367)
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	(23)	(21)	2,156	2,145
Return on Capital %	n/a	n/a	9.8%	11.5%
Subsidy from Council	-	-	-	-

Ku-ring-gai Council

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Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Turramurra Golf Course Actual 2007	Turramurra Golf Course Actual 2006	Tennis Courts Actual 2007	Tennis Courts Actual 2006
\$ '000				
Income from continuing operations				
Access charges				
User charges	714	772	365	336
Fees				
Interest				
Grants and contributions provided for non capital purposes				
Profit from the sale of assets				
Other income		25	5	
Total income from continuing operations	714	797	370	336
Expenses from continuing operations				
Employee benefits and on-costs	304	325		
Borrowing costs				
Materials and contracts	143	157	40	47
Depreciation and impairment	8	8	34	30
Loss on sale of assets				
Calculated taxation equivalents		115		467
Debt guarantee fee (if applicable)				
Other expenses	240	211	71	44
Total expenses from continuing operations	695	816	145	588
Surplus (deficit) from Continuing Operations before capital amounts	19	(19)	225	(252)
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	19	(19)	225	(252)
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	19	(19)	225	(252)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	(6)	-	(68)	-
SURPLUS (DEFICIT) AFTER TAX	13	(19)	158	(252)
plus Opening Retained Profits	2,568	2,620	1,192	1,026
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	115	-	467
- Debt guarantee fees	-	-	-	-
- Corporate taxation equivalent	6	-	68	-
- Retained Earning Adjustment	(32)	(148)	(239)	(49)
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	2,555	2,568	1,178	1,192
Return on Capital %	0.7%	-0.7%	19.1%	-21.1%
Subsidy from Council	144			

Ku-ring-gai Council

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Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Swimming Pool Actual 2007	Swimming Pool Actual 2006	Nursery Actual 2007	Nursery Actual 2006
\$ '000				
Income from continuing operations				
Access charges				
User charges			86	207
Fees				
Interest				
Grants and contributions provided for non capital purposes				
Profit from the sale of assets				
Other income			25	
Total income from continuing operations	-	-	111	207
Expenses from continuing operations				
Employee benefits and on-costs			92	150
Borrowing costs				
Materials and contracts	19	14	14	24
Depreciation and impairment	57	49	8	9
Loss on sale of assets				
Calculated taxation equivalents		15		144
Debt guarantee fee (if applicable)				
Other expenses	23	28	45	19
Total expenses from continuing operations	99	106	159	346
Surplus (deficit) from Continuing Operations before capital amounts	(99)	(106)	(48)	(139)
Grants and contributions provided for capital purposes				
Surplus (deficit) from Continuing Operations after capital amounts	(99)	(106)	(48)	(139)
Surplus (deficit) from discontinued operations				
Surplus (deficit) from ALL Operations before tax	(99)	(106)	(48)	(139)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	-	-	-	-
SURPLUS (DEFICIT) AFTER TAX	(99)	(106)	(48)	(139)
plus Opening Retained Profits	1,210	966	64	1,170
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	-	15	-	144
- Debt guarantee fees	-	-	-	-
- Corporate taxation equivalent	-	-	-	-
- Retained Earning Adjustment	316	335	37	(1,111)
less:				
- TER dividend paid				
- Dividend paid				
Closing Retained Profits	1,427	1,210	53	64
Return on Capital %	n/a	n/a	n/a	n/a
Subsidy from Council	99		48	

Ku-ring-gai Council

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Income Statement of Councils Other Business Activities

for the financial year ended 30 June 2007

	Commercial Leasing Actual 2007	Commercial Leasing Actual 2006
\$ '000		
Income from continuing operations		
Access charges		
User charges	760	768
Fees		
Interest		
Grants and contributions provided for non capital purposes		
Profit from the sale of assets		
Other income	1	1
Total income from continuing operations	761	769
Expenses from continuing operations		
Employee benefits and on-costs	108	99
Borrowing costs		
Materials and contracts	30	16
Depreciation and impairment	385	383
Loss on sale of assets		
Calculated taxation equivalents		175
Debt guarantee fee (if applicable)		
Other expenses	807	570
Total expenses from continuing operations	1,330	1,243
Surplus (deficit) from Continuing Operations before capital amounts	(569)	(474)
Grants and contributions provided for capital purposes		
Surplus (deficit) from Continuing Operations after capital amounts	(569)	(474)
Surplus (deficit) from discontinued operations		
Surplus (deficit) from ALL Operations before tax	(569)	(474)
less: Corporate Taxation Equivalent (30%) [based on result before capital]	-	-
SURPLUS (DEFICIT) AFTER TAX	(569)	(474)
plus Opening Retained Profits	635	646
plus Adjustments for amounts unpaid:		
- Taxation equivalent payments	-	175
- Debt guarantee fees	-	-
- Corporate taxation equivalent	-	-
- Retained Earning Adjustment	513	288
less:		
- TER dividend paid		
- Dividend paid		
Closing Retained Profits	579	635
Return on Capital %	n/a	n/a
Subsidy from Council	569	

Ku-ring-gai Council

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Balance Sheet of Councils Other Business Activities

as at 30 June 2007

	TCCC Cat. 2	TCCC Cat. 2	Art Centre Cat. 2	Art Centre Cat. 2
\$ '000	Actual 2007	Actual 2006	Actual 2007	Actual 2006
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment	524	551	1,801	1,823
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	524	551	1,801	1,823
TOTAL ASSETS	524	551	1,801	1,823
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions	79	81	20	17
Total Current Liabilities	79	81	20	17
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	79	81	20	17
NET ASSETS	445	470	1,781	1,806
EQUITY				
Retained earnings	445	470	1,781	1,806
Revaluation reserves				
Council equity interest	445	470	1,781	1,806
Minority equity interest				
TOTAL EQUITY	445	470	1,781	1,806

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Ku-ring-gai Council

Balance Sheet of Councils Other Business Activities

as at 30 June 2007

	Trade Waste Cat.2	Trade Waste Cat.2	Gordon Golf Course Cat.2	Gordon Golf Course Cat.2
\$ '000	Actual 2007	Actual 2006	Actual 2007	Actual 2006
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment			2,206	2,193
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	-	-	2,206	2,193
TOTAL ASSETS	-	-	2,206	2,193
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions	23	21	50	48
Total Current Liabilities	23	21	50	48
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	23	21	50	48
NET ASSETS	(23)	(21)	2,156	2,145
EQUITY				
Retained earnings	(23)	(21)	2,156	2,145
Revaluation reserves				
Council equity interest	(23)	(21)	2,156	2,145
Minority equity interest				
TOTAL EQUITY	(23)	(21)	2,156	2,145

Ku-ring-gai Council

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Balance Sheet of Councils Other Business Activities

as at 30 June 2007

	Turrumurra Golf Course Cat.2	Turrumurra Golf Course Cat.2	Tennis Courts Cat.2	Tennis Courts Cat.2
	Actual	Actual	Actual	Actual
\$ '000	2007	2006	2007	2006
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment	2,608	2,617	1,178	1,192
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	<u>2,608</u>	<u>2,617</u>	<u>1,178</u>	<u>1,192</u>
TOTAL ASSETS	<u>2,608</u>	<u>2,617</u>	<u>1,178</u>	<u>1,192</u>
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions	53	49		
Total Current Liabilities	<u>53</u>	<u>49</u>	-	-
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL LIABILITIES	<u>53</u>	<u>49</u>	<u>-</u>	<u>-</u>
NET ASSETS	<u>2,555</u>	<u>2,568</u>	<u>1,178</u>	<u>1,192</u>
EQUITY				
Retained earnings	2,555	2,568	1,178	1,192
Revaluation reserves				
Council equity interest	2,555	2,568	1,178	1,192
Minority equity interest				
TOTAL EQUITY	<u>2,555</u>	<u>2,568</u>	<u>1,178</u>	<u>1,192</u>

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Ku-ring-gai Council

Balance Sheet of Councils Other Business Activities

as at 30 June 2007

	Swimming Pool Cat.2	Swimming Pool Cat.2	Nursery Cat.2	Nursery Cat.2
	Actual	Actual	Actual	Actual
\$ '000	2007	2006	2007	2006
ASSETS				
Current Assets				
Cash and cash equivalents				
Investments				
Receivables				
Inventories				
Other				
Non-current assets classified as held for sale				
Total Current Assets	-	-	-	-
Non-Current Assets				
Investments				
Receivables				
Inventories				
Infrastructure, property, plant and equipment	1,427	1,210	66	75
Investments accounted for using equity method				
Investment property				
Other				
Total Non-Current Assets	<u>1,427</u>	<u>1,210</u>	<u>66</u>	<u>75</u>
TOTAL ASSETS	<u>1,427</u>	<u>1,210</u>	<u>66</u>	<u>75</u>
LIABILITIES				
Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions			13	11
Total Current Liabilities	-	-	<u>13</u>	<u>11</u>
Non-Current Liabilities				
Payables				
Interest bearing liabilities				
Provisions				
Other Liabilities				
Total Non-Current Liabilities	-	-	-	-
TOTAL LIABILITIES	-	-	<u>13</u>	<u>11</u>
NET ASSETS	<u>1,427</u>	<u>1,210</u>	<u>53</u>	<u>64</u>
EQUITY				
Retained earnings	1,427	1,210	53	64
Revaluation reserves				
Council equity interest	1,427	1,210	53	64
Minority equity interest				
TOTAL EQUITY	<u>1,427</u>	<u>1,210</u>	<u>53</u>	<u>64</u>

Ku-ring-gai Council

Balance Sheet of Councils Other Business Activities

as at 30 June 2007

	Commercial Leasing Cat.2	Commercial Leasing Cat.2
\$ '000	Actual 2007	Actual 2006
ASSETS		
Current Assets		
Cash and cash equivalents		
Investments		
Receivables		
Inventories		
Other		
Non-current assets classified as held for sale		
Total Current Assets	-	-
Non-Current Assets		
Investments		
Receivables		
Inventories		
Infrastructure, property, plant and equipment	591	645
Investments accounted for using equity method		
Investment property		
Other		
Total Non-Current Assets	591	645
TOTAL ASSETS	591	645
LIABILITIES		
Current Liabilities		
Payables		
Interest bearing liabilities		
Provisions	12	10
Total Current Liabilities	12	10
Non-Current Liabilities		
Payables		
Interest bearing liabilities		
Provisions		
Other Liabilities		
Total Non-Current Liabilities	-	-
TOTAL LIABILITIES	12	10
NET ASSETS	579	635
EQUITY		
Retained earnings	579	635
Revaluation reserves		
Council equity interest	579	635
Minority equity interest		
TOTAL EQUITY	579	635

This Statement is to be read in conjunction with the attached Notes

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Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Significant Accounting Policies

These financial statements are Special Purpose Financial Reports (SPFR's) prepared for use by the Council and the Department of Local Government.

For the purposes of these statements, the council's activities (listed herein) are based upon them not being reporting entities.

This special purpose financial report, unless otherwise stated, has been prepared in accordance with applicable Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, Urgent Issues Group Consensus Views, the Local Government Act and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

The statements are also prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, current values of non-current assets.

Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' to its business activities as part of the national competition policy which is being applied throughout Australia at all levels of government.

The framework for its application is set out in the June 1996 Government Policy statement on the "Application of National Competition Policy to Local Government". The "Pricing & Costing for Council Businesses A Guide to Competitive Neutrality" issued by the Department of Local Government in July 1997 has also been adopted.

The pricing & costing guidelines outline the process for identifying and allocating costs to activities and provide a standard of disclosure requirements. These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents; council subsidies; return on investments (rate of return); and dividends paid.

Declared Business Activities

In accordance with *Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality*, council has declared that the following are to be considered as business activities:

Category 1 (where gross operating turnover is over \$2 million)

Nil

Category 2 (where gross operating turnover is less than \$2 million)

a. Thomas Carlyle Children's Centre (TCCC)

Comprising the whole of the operations and assets of Thomas Carlyle Children's Centre.

b. Art Centre

Comprising the whole of the operations and assets of the Art Centre.

c. Trade Waste

Comprising the whole of the operations and assets of Trade Waste.

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Significant Accounting Policies (continued)

Category 2 (where gross operating turnover is less than \$2 million) - continued

- d. **Gordon Golf Course**
Comprising the whole of the operations and assets of Gordon Golf Course.
- e. **Turramurra Golf Course**
Comprising the whole of the operations and assets of Turramurra Golf Course.
- f. **Tennis Courts**
Comprising the whole of the operations and assets of Council's Tennis Courts.
- g. **Swimming Pool**
Comprising the whole of the operations and assets of Council's Swimming Pool.
- h. **Plant Nursery**
Comprising the whole of the operations and assets of Council's Plant Nursery.
- i. **Commercial Leasing**
Comprising the whole of the operations and assets of Commercial Leasing.

Monetary Amounts

Amounts shown in the financial statements are in Australian currency and rounded to the nearest one thousand dollars.

(i) Taxation Equivalent Charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations (General Purpose Financial Report) just like all other costs.

However, where council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all council nominated business activities and are reflected in the SPFR.

Income Tax

An income tax equivalent has been applied on the profits of the business. Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account of in terms of assessing the rate of return required on capital invested. Accordingly, the return on capital invested is set at a pre-tax level (gain/(loss) from ordinary activities before capital amounts) as would be applied by a private sector competitor – that is, it should include a provision equivalent to the corporate income tax rate, currently 30%.

Income Tax is only applied where a positive gain/(loss) from ordinary activities before capital amounts has been achieved.

Council Rates, Charges & Fees

Council rates have been *imputed* in relation to all non-rateable land, and *applied* in relation to all rateable land, owned or exclusively used by all Business Units. Annual and User Charges, and Regulatory and Other Fees, have been *applied* in relation to all services supplied to Business Units by Council or other Business Units.

Ku-Ring-Gai Council

Notes to the Financial Statements

for the financial year ended 30 June 2007

Note 1. Significant Accounting Policies (continued)

Loan & Debt Guarantee Fees

There are no loans applicable to the business activities identified in the operating statement.

(ii) Notional Subsidy from Council

Government policy requires that subsidies provided to customers and the funding of those subsidies must be explicitly disclosed.

Subsidies occur where council provides services on a less than cost recovery basis. This option is exercised on a range of services in order for council to meet its community service obligations.

Accordingly, Subsidies disclosed (in relation to National Competition Policy) represents the difference between revenue generated from 'rate of return' pricing and revenue generated from prices set by the council in any given financial year.

The overall effect of subsidies is contained within the Income Statement of Business Activities.

(iii) Return on Investments (Rate of Return)

The Policy statement requires that councils with Category 1 businesses "would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field". Such funds are subsequently available for meeting commitments or financing future investment strategies. The rate of return is disclosed for each of Councils business activities on the Income Statement. This policy has also been applied to Council's Category 2 businesses.

(iv) Dividends

In accordance with National Competition Policy guidelines, it is expected that Business Activities will pay dividends to its owner, Council, equivalent to those paid by private sector competitors. In accordance with the Code of Local Government Accounting Practice and Financial Reporting, the rate of dividend paid has been expressed as a percentage of the Change in Net Assets Resulting from Operations after Taxation.

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Ku-ring-gai Council

SPECIAL SCHEDULES

for the year ended 30 June 2007



Ku-ring-gai Council

DRAFTSpecial Schedules
for the financial year ended 30 June 2007

Contents	Page
Special Schedules¹	
- Special Schedule No. 1 Net Cost of Services	1 - 2
- Special Schedule No. 2(a) Statement of Long Term debt (all purposes)	3
- Special Schedule No. 7 Condition of Public Works	4
- Special Schedule No. 8 Financial Projections	5

¹ Special Purpose Schedules are not audited.

Background

- (i) These Special Schedules have been designed to meet the requirements of special purpose users such as;
- i the NSW Grants Commission
 - i the Australian Bureau of Statistics (ABS),
 - i the Department of Energy, Utilities & Sustainability (DEUS), and
 - i the Department of Local Government (DLG).
- (ii) The financial data is collected for various uses including;
- i the allocation of Financial Assistance Grants,
 - i the incorporation of Local Government financial figures in national statistics,
 - i the monitoring of loan approvals,
 - i the allocation of borrowing rights, and
 - i the monitoring of specific service financial activities.
-

Ku-ring-gai Council

DRAFT**Special Schedule No. 1 - Net Cost of Services**

for the financial year ended 30 June 2007

\$'000

Function or Activity	Expenses from continuing operations		Income from continuing operations			Net Cost of Services	
	Expenses	Group Totals	Non Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
Governance	2,118	2,118	2		2	(2,116)	(2,116)
Administration							
Corporate Support	15,860		8,706	204		(6,950)	
Engineering and Works	1,708		101			(1,607)	
Other Support Services		17,568			9,011	-	(8,557)
Public Order and Safety							
Contributions to Fire Service Levy	2,294					(2,294)	
Fire Protection - Other	79		52			(27)	
Animal Control	92		85			(7)	
Beach Control						-	
Enforcement of Local Govt Regs	881		134			(747)	
Emergency Services	35		1			(34)	
Other		3,381			272	-	(3,109)
Health							
Administration and Inspection	509		68			(441)	
Other		509			68	-	(441)
Community Services and Education							
Administration	443		25			(418)	
Family Day Care	416		344			(72)	
Child Care	1,551		1,321	1,220		990	
Youth Services	207		25	49		(133)	
Other Families and Children	274		14			(260)	
Aged and Disabled	296		246	33		(17)	
Other Community Services	237		179			(58)	
Education		3,424			3,456	-	32
Housing and Community Amenities							
Town Planning	913		228			(685)	
Domestic Waste Management	9,222		10,105			883	
Other Waste Management	1,120		1,499			379	
Street Cleaning	779		-			(779)	
Urban Stormwater Drainage	972		5			(967)	
Environmental Protection	3,311		42			(3,269)	
Other Community Amenities	260	16,577	183		12,062	(77)	(4,515)

Ku-ring-gai Council

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Special Schedule No. 1 - Net Cost of Services (continued)
for the financial year ended 30 June 2007

\$'000

Function or Activity	Expenses from continuing operations		Income from continuing operations			Net Cost of Services	
	Expenses	Group Totals	Non Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
Recreation and Culture							
Public Libraries	3,243		373	102		(2,768)	
Art Galleries	537		449	103		15	
Public Halls	580		386			(194)	
Other Cultural Services	322		60	394		132	
Swimming Pools	85		-	47		(38)	
Sporting Grounds	2,456		2,521			65	
Parks and Gardens (Lakes)	3,680		196	14,039		10,555	
Other Sport and Recreation	851	11,754	238	1,020	19,928	407	8,174
Fuel and Energy							
Gas Supplies	-	-	-	-	-	-	-
Mining, Manufacturing and Construction							
Building Control	4,767		2,549			(2,218)	
Other		4,767			2,549	-	(2,218)
Transport and Communication							
Urban Roads (UR) - Local	6,746		2,612	421		(3,713)	
Footpaths	618		52	27		(539)	
Parking Areas	383		943	-		560	
Street Lighting	1,333		243	-		(1,090)	
Other		9,080	-	-	4,298	-	(4,782)
Economic Affairs							
Commercial Nurseries	144		87			(57)	
Other Business Undertakings		144			87	-	(57)
Totals – Functions		69,322	34,074	17,659	51,733		(17,589)
General Purpose Revenues⁽¹⁾			41,306		41,306	41,306	41,306
Share of interests - joint ventures & associates using the equity method							
	-	-	-	-	-	-	-
NET OPERATING RESULT FOR YEAR	69,322		75,380	17,659	93,039	23,717	23,717

Notes:

(1) Includes: Rates & Annual Charges (incl. Ex Gratia), Non Capital General Purpose Grants & Interest on Investments (excl. Restricted Assets)

Special Schedule No. 2(a) - Statement of Long Term Debt (all purpose)

for the financial year ended 30 June 2007

\$'000

Classification of Debt	Principal outstanding at beginning of the year			New Loans raised during the year	Debt redemption during the year		Transfers to Sinking Funds	Interest applicable for Year	Principal outstanding at the end of the year		
	Current	Non Current	Total		From Revenue	Sinking Funds			Current	Non Current	Total
Loans (by Source)											
Commonwealth Government			-							-	-
Other State Government			-							-	-
Public Subscription			-							-	-
Financial Institutions	1,715	9,440	11,155	1,000	1,643			666		10,512	10,512
Other			-							-	-
Total Loans	1,715	9,440	11,155	1,000	1,643	-	-	666	-	10,512	10,512
Other Long Term Debt											
Finance Leases			-							-	-
Deferred Payments			-							-	-
Total Long Term Debt	-	-	-	-	-	-	-	-	-	-	-
Total Debt	1,715	9,440	11,155	1,000	1,643	-	-	666	-	10,512	10,512

Notes: Excludes (i) Internal Loans & (ii) Principal Inflows/Outflows relating to Loan Re-Financing.

This Schedule is prepared using the Face Value of debt obligations, rather than Fair Value (as per the GPFR's).

Special Schedule No. 7 - Condition of Public Works
as at 30 June 2007

ASSET CLASS	Asset Category	Dep'n. Rate (%)	Dep'n. Expense (\$)	Cost	Valuation	Accumulated Depreciation & Impairment	Carrying Amount (WDV)	Asset Condition [#]	Estimated cost to bring up to a satisfactory condition standard ⁽¹⁾	Required ⁽²⁾ Annual Maintenance	Current ⁽³⁾ Annual Maintenance
			per Note 4	<<<<<<<<< per Note 9 >>>>>>>>				<<<<<< per Section 428(2d) >>>>>>			
Buildings	Council Offices	2.5%	266	10,656		5,468	5,188	Fair	450	400	337
	Council Works Depot	2.5%	7	2,896		1,377	1,519	Poor	2,500	200	62
	Council Halls	2.5%	273	10,931		7,548	3,383	Fair	1,200	400	407
	Council Houses	2.5%	38	1,517		1,153	364	Fair	200	150	60
	Library	2.5%	311	12,442		5,443	6,999	Fair	400	150	126
	Childcare Centre(s)	2.5%	68	2,700		1,326	1,374	Good	250	250	241
	Art Gallery	2.5%	18	705		521	184	Poor	750	200	22
	Amenities/Toilets	2.5%	101	4,042		2,397	1,645	Fair	500	250	220
	Other	2.5%	434	17,673		10,379	7,294	Fair	1,100	250	46
	sub total		1,516	63,562	-	35,612	27,950		7,350	2,250	1,521
Public Roads	Sealed Roads	1%	3,054	1,513,876		159,203	1,354,673	Fair	44,000	1,850	1,450
	Bridges						-	Good	250	15	-
	Footpaths	1%	6	992		6	986	Fair	1,700	750	765
	Cycle ways						-	Fair	150	30	20
	Kerb and Gutter						-	Fair	1,500	180	187
	Road Furniture						-	Fair	2,100	240	130
	sub total		3,060	1,514,868	-	159,209	1,355,659		49,700	3,065	2,552
Drainage Works											
	Structure	3%	8	11,599		11,481	118	Fair	2,000	500	150
	Grate	1%		1,148		1,004	144	Fair	500	200	50
	Lintel	1%		1,800		1,727	73	Fair	250	150	100
	Pipe	1%	450	45,029		25,148	19,881	Fair	64,000	4,000	445
	sub total		458	59,576	-	39,360	20,216		66,750	4,850	745
	TOTAL - ALL ASSETS		5,034	1,638,006	-	234,181	1,403,825		123,800	10,165	4,818

- (1). Satisfactory refers to estimated cost to bring the asset to a satisfactory condition as deemed by Council. It does not include any planned enhancements to the existing asset.
- (2). Required Annual Maintenance is what should be spent to maintain assets in a satisfactory standard.
- (3). Current Annual Maintenance is what has been spent in the current year to maintain assets.

Ku-ring-gai Council

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Special Schedule No. 8 - Financial Projections

as at 30 June 2007

\$ million	Actual ⁽¹⁾ 06/07	Forecast 07/08	Forecast 08/09	Forecast 09/10	Forecast 10/11
(i) RECURRENT BUDGET					
Income from continuing operations	94.4	86.9	88.3	90.7	97.7
Expenses from continuing operations	69.3	71.3	73.3	75.2	77.4
Operating Result from Continuing Operations	25.1	15.6	15.0	15.5	20.3
(ii) CAPITAL BUDGET					
New Capital Works ⁽²⁾	2.3	4.8	0.5	0.5	0.5
Replacement/Refurbishment of Existing Assets	7.4	16.5	19.5	15.9	18.0
Total Capital Budget	9.7	21.3	20.0	16.4	18.5
Funded by:					
- Loans	1.0	1.0	1.0	1.0	1.0
- Internal Reserves	3.0	9.7	8.1	4.1	3.9
- Grants/Contributions	2.0	4.8	5.5	6.0	7.7
- Recurrent revenue	0.5	1.9	1.5	1.2	1.7
- Environmental Levy	1.4	1.9	1.9	2.0	2.0
- Infrastructure Levy	1.8	2.0	2.0	2.1	2.2
	9.7	21.3	20.0	16.4	18.5

Notes:

(1) From 06/07 Income Statement.

(2) New Capital Works are major non-recurrent projects, eg new Leisure Centre, new Library, new Swimming pool etc.

HERITAGE ADVISORY COMMITTEE - MINUTES OF 16 JULY 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report to Council the Minutes from the Heritage Advisory Committee Meeting held 16 July 2007.

BACKGROUND:

Council's Heritage Advisory Committee (HAC) met on 21 August 2007. The minutes taken at the 16 July 2007 meeting were confirmed and accepted at this meeting.

COMMENTS:

A range of heritage issues were discussed at the committee meeting and a number of issues were raised for further consideration.

RECOMMENDATION:

That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held 16 July 2007.

PURPOSE OF REPORT

To report to Council the Minutes from the Heritage Advisory Committee Meeting held 16 July 2007.

BACKGROUND

On 21 August 2007 Council's Heritage Advisory Committee (HAC) held their meeting at the Council Chambers, at this meeting the Heritage Advisory Committee minutes of 16 July 2007 were confirmed and adopted.

COMMENTS

16 July 2007 meeting

The Tulkiyan committee sub-committee report was reviewed. It was noted that Council does not have an updated conservation management plan (maintenance schedules) for any of Council's own buildings ie. Tulkiyan and the Council building.

The committee noted the Tulkiyan sub-committee report and recommended:

- A. *That the Heritage Advisory Committee recommend to Council that Tulkiyan's Conservation Management Plan (CMP) is outdated in light of Tulkiyan's State Heritage Listing, which includes the house, the grounds and the collection.*
- B. *That the Heritage Advisory Committee receives and notes the reports and minutes of the Tulkiyan Interim Sub-Committee meeting of 10 April, 14 May and 4 June 2007.*

Comment

The funding for a revised and updated conservation management plan requires further research and costing; there may be NSW Heritage Office funding as this is now a State listed heritage item. This will be the subject of further discussion with the Committee prior to a further report to Council.

Key Projects for 2007

Further discussion was held on the Heritage Assistance Fund, concerning the Committees recommendation on the establishment, marketing and administration of this initiative.

Comment

This project is consistent with the Management Plan and funds can be allocated through the capital works program.

Potential role for HAC as mediator / advisor for applicants seeking DAs for demolition of heritage or potential heritage properties

Item 17

**S03816
14 September 2007**

This proposal was considered. The Committee noted this proposal would require further discussion and research.

Potential Heritage Item Review

Staff advised that on 12 June 2007 the potential heritage item review was considered by Council and the matter was deferred for further consultation and that the next step would be a meeting on the future management of heritage in the context of the comprehensive LEP and DCP process.

Comment

Noted. This matter will be referred to a future Planning Committee meeting following advice from the Department of Planning and the NSW Heritage Office – particularly in the context of the comprehensive LEP process and proposed Heritage Conservation Areas.

CONSULTATION

The Heritage Advisory Committee includes representatives from the community and nominated heritage organisations.

FINANCIAL CONSIDERATIONS

The cost of running the Committee is covered by the Strategy budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Where relevant, consultation with other departments is conducted.

SUMMARY

The Heritage Advisory Committee Meeting was held on 16 July 2007. A range of issues were discussed and a number of issues were raised for further review.

RECOMMENDATION

That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on 16 July 2007.

Antony Fabbro
Manager Urban Planning

Steven Head
Director Strategy

Attachments: Minutes from Heritage Advisory Committee Meeting held 16 July 2007 - 827075

MINUTES HERITAGE ADVISORY COMMITTEE

**Monday 16 July 2007
Council Chambers
818 Pacific Highway, Gordon**

Meeting Opened 7pm

1. WELCOME BY THE CHAIR

2. APOLOGIES

Jennifer Harvey
Councillor Anita Andrew
Councillor Maureen Shelley
Vanessa Mack
Robert Moore

ATTENDANCE:

Community Members: Mr G Holman, Mr I Stutchbury

Councillors: Councillor Anderson

Council Officers: Mr A Fabbro, Manager Urban Planning
Mr P Dignam, Heritage Advisor
Mr D Barber, Student Planner

CONFIRMATION OF MINUTES

Councillor Anderson suggested some minor changes be made to the minutes of 16 April 2007.

Moved: Councillor Anderson
Seconded: Mr G Holman

DECLARATIONS OF PECUNIARY INTERESTS

None declared.

1. Tulkiyan

The Tulkiyan committee sub committee report was reviewed. It was noted that Council does not have an updated conservation management plan (maintenance schedules) for any of Council's own buildings ie. Tulkiyan and the Council building. Apparently a plan of management was adopted in 2001 which was written several years ago. It is suggested that the HAC find the original plans and sight them.

Updated Conservation Management Plan

- A. That the Heritage Advisory committee recommend to Council thatn Tulkiyan's Conservation Management Plan (CMP) is outdated in light of Tulkiyan's State Heritage Listing, which includes the house, the grounds and the collection.
- B. That the Heritage Advisory Committee receives and notes the reports and minutes of the Tulkiyan Interim Sub Committee meeting of 10 April, 14 May and 4 June 2007.

Moved: P Dignam on behalf of J Harvey
Seconded : J Anderson

2. Key Project – Heritage Assistance Fund

A review of the last HAC committee minutes took place, which briefly explained the discussion of key projects for 2007.

- The heritage assistance fund should be accessible by the community and not be too complex and timely. Ethically there should be a least two members of the heritage advisory committee which can decided upon the heritage assistance fund applications.
- There are a few details which need to be considered in regards to the development of the Ku-ring-gai Heritage Assistance Fund.
 - Should Applicants be able to apply for heritage assistance funding repeatability.
 - There should be high flexibility in regards to heritage maintenance. The application process for receiving heritage assistance funding is timely and complex.
 - It may not be worth going through the heritage assistance fund process if funding is minimal.
 - Should there be a limit on funding for individual heritage item applications or a limit on the Ku-ring-gai council yearly heritage assistance fund?

- Should applications be accepted throughout the year or during a set period at the beginning of the year? Should applications be assessed on how they compare against each other in regards to the desirable criteria? What would happen if there is money left over in the heritage assistance fund, would it be transferred to the next year's heritage fund?
 - Would the heritage assistance fund consider urgent maintenance or meagre heritage funding assistance? P Dignam stated Newcastle Council have \$400 dedicated throughout the year for general heritage painting maintenance.
- Applications for the heritage assistance fund have declined.
 - It was also discussed whether letters should be sent to all of the owners of heritage listed properties within the Ku-ring-gai Council about the heritage assistance fund scheme. Staff stated this idea could be costly process and the funds could alternatively be used to increase the amount contributed towards the heritage assistance fund and the website or local paper used to advertise the fund.

3. Potential Heritage Item Review - Update

Staff advised that the potential heritage item review was considered by Council on 12 June 2007. As part of the process the next step needs to be a meeting on the future management of heritage items within the new Comprehensive LEP Template and this may include heritage conservation areas. The possibility of developing a presentation of in heritage conservation areas was discussed and the potential heritage listed homes. Scott Robertson, Heritage Consultant would be good at presenting such information to Council.

4. Potential role for HAC as mediator /advisor for applicants seeking DAs for demolition or heritage or potential heritage properties.

- There is the chance that the amount of demolition applications will increase.
- The applicants can listen to what the HAC think and educate them on the matter
- There is a two way operation for HAC to become onboard
 - The HAC could offer to give advice to the applicant (not obligatory).
 - The HAC could also offer advice about alterations, additions and extensions, as an alternative to demolition

This matter requires further review and discussion.

5. 80th Anniversary of Council Chambers Building, Gordon 2008.

This matter will be deferred to the next HAC meeting.

6. Ku-ring-gai's Heritage and Tourism

- Mention of Aboriginal Heritage tourism guide for Ku-ring-gai National Park.
- At the recent New Zealand Conference ITCT Cities on the Edge this matter was raised.
- Aboriginal Heritage Officers could possibly give a presentation to Ku-ring-gai Council.
- Ku-ring-gai Council plans to promote its cultural heritage in Sydney.

7. Significant Sites UTS Lindfield and SAN Hospital, Wahroonga

- An update was provided on UTS and that the site was being considered as a major project under the State Government Planning system and the heritage assessment completed to date.
- An update was provided on the SAN hospital site Wahroonga- which is also in the early stages of being considered as a major project. The heritage buildings on the site were discussed.

8. General Business

- There is a seminar this Friday by Ralph Regenvanu the Director of the Vanuatu National Cultural Council. The seminar is titled "Build it, and they will come: The lure of the tourist" on Friday, 20 July 2007, Museum of Sydney, corner Bridge and Phillip Street, Sydney, 2pm-5pm (registration from 1.30pm).
- Possible homes which could be heritage listed or nearby heritage listed sites should be put on proclama to assist in determining development applications.
- Update on 16 Stanhope provided and reference to the officers report to Council dated 17 July, 2007. A discussion was held on this property. It was identified as a contributory item within an urban conservation area as identified in the Godden McKay Logan Study.

16 Stanhope Road, Killara

In the 2000 Godden McKay Logan Study RDS Baseline Study - 16 Stanhope Road, Killara was identified as a potential heritage item. The 2005 Godden McKay Logan Study- Area 10 review, which was concerned with the management of the proposed conservation area and not concerned with new individual listings, in accordance with the brief. This study shows 16 Stanhope Road Killara as a contributory item. The Perumal Murphy Alessi Report 2006 also identifies 16 Stanhope Road Killara as potential heritage item.

9. CLOSE The meeting closed at 9.25pm.

KU-RING-GAI TOWN CENTRES LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN UPDATE ON INDEPENDENT CONSULTANTS REVIEW

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with an update on the independent review of the outstanding issues with the Town Centres Local Environmental Plan (LEP) and Development Control Plan (DCP).

BACKGROUND:

On 14 August 2007 Council adopted its position on the outstanding issues with the Town Centres Draft LEP and DCP. A number of outstanding issues were recommended to be referred to an independent consultant for further review and a report back to Council on 25 September 2007.

COMMENTS:

This report outlines the work to date in engaging an independent consultant and the proposed actions to have the independent review finalised.

RECOMMENDATION:

That Council receive and note the report.

PURPOSE OF REPORT

To provide Council with an update on the independent review of the outstanding issues with the Town Centres Local Environmental Plan (LEP) and Development Control Plan (DCP).

BACKGROUND

On 14 August 2007 Council adopted its position on the outstanding issues with the Ku-ring-gai Town Centres Draft LEP and DCP. A number of outstanding issues were recommended to be referred to an independent consultant for further review and a report back to Council on 25 September 2007.

Council resolved that:

“ the Mayor and General Manager engage as a matter of urgency a suitably qualified expert/facilitator to assist Council and staff to implement this resolution. That the person to be engaged has not been involved in the Ku-ring-gai town centre process and they should have senior and recent experience in the development of town centre instruments and be experienced as a mediator or facilitator and

That the consultant’s recommendations be reported to Council at the meeting of 25 September 2007. To provide a comprehensive response to the issues raised in the letter of the Department of Planning dated 4 July 2007 for the Ku-ring-gai Town Centres Draft Local Environmental Plan (LEP) and Development Control Plan (DCP)”.

COMMENTS

A brief for the independent review was prepared by staff in the Strategy Department. The brief was circulated to five (5) consultants that were considered potential consultants who could meet the requirements as being suitably qualified and an expert/facilitator, not been involved in the Ku-ring-gai town centre process and having senior and recent experience in the development of town centre instruments and be experienced as a mediator or facilitator.

The response to date has been limited, as the pool of consultants that would meet the criteria is considered relatively small, the very tight time frame for a consultant to complete the project and to report back to Council, given the complexity, number and nature of issues to be dealt with, and that the majority of consultants capable of doing this project are usually engaged on other projects months in advance.

Staff have attempted to get three submissions. At this stage one (1) formal submission has been made at the time of writing this report and Council is awaiting a response on an additional two consultants that have been contacted that may lodge a formal submission by close of business Tuesday 18 September 2007.

Following Council’s consideration of the outstanding Town Centres DCP and LEP issues on 14 August 2007, a meeting was held with key senior staff from the Department of Planning on 5 September 2007 where they were briefed by Council staff on Council’s resolution.

Item 18

S04151
18 September 2007

At this meeting key issues that have been addressed were acknowledged by the Department staff and matters that were still of concern to the Department of Planning related to Yields – including further assessment of take-up rates and that Council should provide a strong case that dwelling targets can be achieved under the LEP and DCP. Meeting notes have already been separately provided to Councillors regarding this meeting.

Additional work on the proposed retail floor space provision is required to clearly document the total available floor space ratio from each centre – assuming minimum retail take-up rates.

In relation to feasibility issues – the proposed approach to further addressing this matter was to provide an updated table for the department of owners/developers where the feasibility had been questioned which would outline the processes undertaken to date and allow for further discussion of outstanding matters.

A further report on the implementation of the resolution is proposed to be provided to the second ordinary meeting of Council in October.

CONSULTATION

Not required for the preparation of this report.

FINANCIAL CONSIDERATIONS

The cost of independent consultants review will need to be identified at the next quarterly budget review (September 2007 quarter). This will be reported to Council in November, 2007.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Strategy Department has adopted an integrated planning approach to planning for the Kuring-gai Town Centres LEP and DCP process and where relevant, other Departments have been consulted in its preparation of this report.

SUMMARY

On 14 August 2007 Council adopted its position on the outstanding issues with the Town Centres Draft LEP and DCP. A number of outstanding issues were recommended to be referred to an independent consultant for further review and a report back to Council on 25 September 2007.

At this stage the response has been very limited and it may be worthwhile extending the relevant response period to have the review completed. Council staff will continue to seek an appointment of a consultant and Councillors will be kept informed of progress on this matter.

RECOMMENDATION

That Council receive and note this report.

Antony Fabbro
Manager Urban Planning

Steven Head
Director Strategy

PARKS, SPORT & RECREATION REFERENCE GROUP - MINUTES OF 30 AUGUST 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 30 August 2007.

BACKGROUND:

The role of the Parks, Sport and Recreation Reference Group (PSRRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.

COMMENTS:

Nine (9) items of General Business (PSRRG 82 - 90) were discussed. Comments have been provided on items relevant to Council in the Minutes in Attachment 1 and Agenda items not referred to relate to general business of the Reference Group.

RECOMMENDATION:

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on Thursday 30 August 2007 be received and noted.

PURPOSE OF REPORT

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 30 August 2007.

BACKGROUND

The role of the Parks, Sport and Recreation Reference Group (PSRRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.

COMMENTS

At the meeting held on 30 August 2007, several items of business were discussed. Comments have been provided on items relevant to Council. Agenda items not referred to relate to matters requiring further consideration prior to recommendation to Council or were items directed towards the sharing of information.

The PSRRG discussed the Ku-ring-gai District Soccer Association proposal to change sportsfield season dates across all sporting codes in Ku-ring-gai to bring the sporting seasons into line with school terms, and the positive impact this change would have on the condition of sportsfields, particularly at the start of the summer season, by allowing a longer rest and renovation period for sportsfields. It was agreed that staff would continue to investigate the proposal with other Northern Sydney Councils, but narrow the clubs and associations involved in the proposal to soccer (KDSA), local cricket (NSJCA and NSCA), baseball and softball (NSDSA). Other sporting groups indicated that the proposal would not fit in with broader scheduling up to and including Regional and State championships.

The PSRRG discussed the insurance indemnity clause 20 in Council's draft standard licence agreement. It was suggested that the standard licence used by Sydney Olympic Park would be a useful reference point for further discussion at the November meeting, with a view to progressing the Open Space Allocation, Licensing and Leasing Policy.

The PSRRG also discussed the upcoming Spring Sports Forum on Monday 22 October and the West Lindfield Sport and Recreation Club was agreed as the Forum venue.

Members raised the following ideas for topics at the upcoming Forum:

- Training techniques for conserving sportsfield surface to be revisited.
- West Pymble Pool redevelopment plans.
- North Turramurra Recreation Area update.
- Fundraising for facility development – corporate involvement.
- "Volunteering" – ideas sharing, attracting new volunteers, succession planning.
- Open Space Acquisition Strategy.
- Stormwater harvesting presentation

Item 19

S03447
17 September 2007

Finally the Chairman suggested the Group discuss improvement plans for St Ives Showground at the next meeting.

CONSULTATION

The Reference Group is a consultative forum representing the interest of residents, user groups and industry professionals.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not taken place in the preparation of this report.

SUMMARY

The PSRRG meeting held on 30 August 2007 gave the members present the opportunity to review and discuss in detail the Sportsfield Season Dates, the Spring Sports Forum, the Standard Licence component of the Open Space Allocation, Licensing and Leasing Policy, and the District Parks Landscape Masterplans.

RECOMMENDATION

That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday 30 August 2007 be received and noted.

Roger Faulkner
Sport and Recreation Planner

Steven Head
Director Strategy

Attachments: Minutes from meeting of 30 August 2007 - 828152

Ku-ring-gai Council

Parks, Sport and Recreation Reference Group

Minutes from Meeting on Thursday 30 August 2007

Level 3, Ante Room
7.00pm - 9.30pm

Chair: Mayor Nick Ebbeck

Attendees:

Members	Councillors	Staff	Guests
Craig Bryant	Cr Nick Ebbeck Mayor (Chair)	Steven Head Director Strategy	Zeke Desiatnik (representing Dr Susan Thomas)
Andrew Falk			
Alan Fredericks	Cr Elaine Malicki (Deputy Chair)	Roger Faulkner Sport and Recreation Planner	
Frank Freeman			
Matthew Horne			
John McFadden			
Michael Nesteroff			
Sandra Van De Water			
Campbell Wratt			

Apologies:

Members	Councillors	Staff
John Ceccato		
Grant Corderoy		
Julie Garland McLellan		
David Howard		
Mel Kasem		
Birgitte Lund		
Peter Rezek		
Ann Smith		
Dr Susan Thomas		

Meeting Commenced: 7.00pm

Declaration of Pecuniary Interests

None.

Confirmation of Previous Minutes

The Minutes from the PS&RRG meeting held on Thursday 12 July 2007 has an amendment to Item No. **PSRRG 72 – Review of Acron Oval Dog off-leash trial.**

The amendment to read as follows:

Motion: *“That the PS&RRG recommends that Council increases regulatory patrols of sportsfields [delete off-leash areas], particularly on weekends during sporting competition fixtures”.*

(Moved Andrew Falk. Seconded Campbell Wratt). Carried [delete carried unanimously]. Against the motion Craig Bryant.

Motion: *“That the Minutes from 12 July 2007 meeting be accepted”.*

(Moved Alan Fredericks. Seconded Campbell Wratt).

Carried (with the above amendment).

Business Arising

None.

General Business

PSRRG 82 – Sportsfield Season Dates

The PSRRG discussed the Ku-ring-gai District Soccer Association proposal to change sportsfield season dates across all sporting codes in Ku-ring-gai to bring the sporting seasons into line with school terms, and the positive impact this change would have on the condition of sportsfields, particularly at the start of the summer season, by allowing a longer rest and renovation period for sportsfields.

PSRRG members discussed their views about the proposal with the sport group. Frank Freeman from Ku-ring-gai Stealers Baseball Club stated a change of this nature is workable if there is significant lead time.

Matthew Horne, from North Shore District Softball Association stated grounds are not an issue but the representative season would need to be taken into consideration and allowances made early pre and post season for access to grounds.

Craig Bryant, from Lindfield Junior Rugby Club stated a change of this nature would not work for their club or for the association.

John McFadden, from Wahroonga Rugby Club & Ku-ring-gai Little Athletics stated a change of this nature would not work for their two associations.

It was agreed that staff would continue to investigate the proposal with other Northern Sydney Councils, but narrow the clubs and associations involved in the proposal to soccer (KDSA), local cricket (NSJCA and NSCA), baseball and softball (NSDSA).

PSRRG 83 – Proposal to vary the current limit on field use from “15 Sundays to ¾ of a weekend”.

Item not discussed due to apologies from KDSA representatives. Agenda item postponed to next meeting.

PSRRG 84 – Standard Licence (Open Space Allocation, Licensing and Leasing Policy).

The PSRRG discussed the insurance indemnity clause 20 in Council’s draft standard licence agreement. It was suggested that the standard licence used by Sydney Olympic Park would be a useful reference point for further discussion at the November meeting, with a view to progressing the Open Space Allocation, Licensing and Leasing Policy.

PSRRG 85 – Spring Sports Forum – Monday 22 October 2007

The West Lindfield Sport and Recreation Club was agreed as the venue for the Spring Sports Forum on Monday 22 October.

Members raised the following ideas for topics at the upcoming Forum:

- Training techniques for conserving sportsfield surface to be revisited.
- West Pymble Pool redevelopment plans.
- North Turramurra Recreation Area update.
- Fundraising for facility development – corporate involvement.
- “Volunteering” – ideas sharing, attracting new volunteers, succession planning.
- Open Space Acquisition Strategy.
- Stormwater harvesting presentation

Draft Agenda to be circulated to PSRRG for comment prior to promotion of the Forum.

PSRRG 86 - District Parks Landscape Masterplans

Jenny Cronan, Council’s Landscape Architect responsible for District Park Masterplans, gave a presentation on the Sir David Martin Reserve draft Landscape Masterplan (currently on public exhibition), and the Swain Gardens draft Landscape Masterplan (draft Masterplan to be the subject of a site visit by Councillors prior to being considered for public exhibition). PSRRG members provided very positive feedback about both plans.

The next district park to undergo the master planning process, Turramurra Memorial Park and Karuah Park, was discussed, with the group given a broad overview of general opportunities and constraints at the parks and the process for development of the Masterplan.

PSRRG 87 – North Turramurra Recreation Area Preferred Landscape Masterplan - update

Item not discussed at this meeting. Item to be listed for next meeting.

PSRRG 88 - Open Space Acquisition Strategy - update

Item not discussed at this meeting. Item to be listed for next meeting.

PSRRG 89 - West Pymble Pool Redevelopment – presentation of concept plans

A presentation of initial concept design options was given to the PSRRG. Feedback from the Group about the preferred concept was very positive.

PSRRG 90 - Alternative Sportsfield locations

Item not discussed at this meeting. Item to be listed for next meeting.

Other items

The Chairman suggested the Group discuss improvement plans for St Ives Showground at the next meeting.

Meeting Closed: 9.30pm

SPRING SPORTS FORUM:

Venue:

Next Meeting:

Monday 22 October 2007

West Lindfield Sport and Recreation Club

Thursday 1 November 2007

7.00pm – 8.30pm

Level 3, Council Building, Ante Room.

MARIAN STREET THEATRE FEASIBILITY STUDY - CONSULTANT'S PROPOSALS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council on the submissions received to undertake the feasibility study at Marian Street Theatre

BACKGROUND:

On 11 May 2007, a Notice of Motion was moved by Councillor Ryan :

- A. That the EOI process for the use of the Marian Street Theatre cease and that MSTYP continue occupancy of the theatre under "holding over " arrangements and all proponents be advised of Council's decision.
- B. That Council engage a consultant to assess the future use of Marian Street as a theatrical facility under the following heads of consideration.

COMMENTS:

During this period it became apparent that this type of feasibility study was extremely specialised, and the availability of capable consultants to undertake the study was limited.

RECOMMENDATION:

That Council accept the proposal submitted by Australia Street Company as the preferred consultant to undertake the feasibility study at Marian Street Theatre.

PURPOSE OF REPORT

To advise Council on the submissions received to undertake the feasibility study at Marian Street Theatre.

BACKGROUND

On 11 May 2007, a Notice of Motion was moved by Councillor Ryan :

- A. That the EOI process for the use of the Marian Street Theatre cease and that MSTYP continue occupancy of the theatre under "holding over " arrangements and all proponents be advised of Council's decision.*
- B. That Council engage a consultant to assess the future use of Marian Street as a theatrical facility under the following heads of consideration.*
 - *Future use options including consideration of an Australian Children's Theatre*
 - *Management options*
 - *Refurbishment options*
 - *Life cycle costs*
 - *Net financial return/costs to Council*
- C. That funding for the consultant's brief be sourced from the new facilities reserve and be capped at \$25,000.*
- D. That the consultant's brief includes a requirement for prioritisation to MSTYP in respect of future use of the facility. This accords with Council's previous resolution in respect of this facility.*
- E. That following completion of the Consultant's study a further report be brought to Council within 2 months to consider preferred option/s for the future use of the theatre.*

Staff prepared a draft brief for consultation with Councillors to ensure that all considerations were adequately identified. This was presented and further discussed with Councillors on 30 May 2007, and resulted in additional considerations being incorporated into the draft brief.

In June 2007, staff submitted the brief to the recommended consultants to provide a quotation and to determine the timeframe to complete the feasibility study.

This resulted in the receipt of one submission well in excess of the capped amount of \$25,000, as resolved by Council in Item C, and the other consultants advising that they were unable to undertake the task due to other work commitments.

Given that the fee submitted to undertake the feasibility study exceeded the capped amount and the lack of a comparable quotation, staff sought additional quotes to compare and assess price and the timeframe to complete the study.

COMMENTS

Staff identified four (4) candidates that had undertaken and/or completed proposals at other Theatres. The brief was submitted to the candidates and submissions were to be received by 10 August 2007.

Of the four (4) candidates three (3) submitted a formal response to Council (Confidential Attachment A), with one of the responses advising that the scope of the study was beyond their capacity to complete in accordance with the brief. It is apparent following industry research that this form of feasibility is very specialised with a very small selection of appropriate professionals available to undertake this work.

The three (3) proposals received were from;

- Australia Street Company with Tonkin Zulaikha Greer Architects
- Root Projects Australia Pty Ltd with PTW Architects
- Vivien Frazer Architects

Of the three (3) submissions received only two (2) clearly understood the requirements of the study and possessed the experience and capacity to complete the task, and as such the submissions from Australia Street Company and Root Projects Australia Pty Ltd, were deemed compliant.

The review of submissions has identified Australia Street Company as the preferred consultant and the study will take approximately four months to complete.

CONSULTATION

On-site inspections of the Theatre and meetings with the consultants were undertaken during this process.

FINANCIAL CONSIDERATIONS

An overview of each proposal and associated fees is attached (Confidential Attachment B).

The previous resolution of Council capped fees at \$25,000, and the project was to be funded from the new facilities reserve. The additional funds required to complete the study would be provided from the same reserve.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

A panel comprising of Director Community, Manager Finance and the Commercial Services Coordinator was established to assess the submissions. The panel met on several occasions to prioritise rankings and set weightings for individual assessment. The Director Strategy has reviewed the assessments in the preparation of this report.

SUMMARY

Given that the fee submitted to undertake the feasibility study exceeded the capped amount and the lack of a comparable quotation, staff sought additional quotes to compare and assess price and the timeframe to complete the study

During this period it became apparent that this type of feasibility study was extremely specialised, and the availability of capable consultants to undertake the study were few. Of the three (3) proposals received only two (2) were deemed compliant.

The proposal submitted by Australia Street Company has been selected by the panel as the preferred consultant to undertake the study.

Should Council concur with the selection of Australia Street Company, a steering committee of representatives from Ku-ring-gai and other local government areas, with expertise in theatre and performance will be established around mid October 2007. The study will take approximately four months to complete.

RECOMMENDATION

- A. That Council accept the proposal submitted by Australia Street Company as the preferred consultant to undertake the feasibility study at Marian Street Theatre.
- B. Additional costs required to complete the feasibility study are funded through the new facilities reserve.
- C. That following completion of the consultant's study a further report be brought to Council within 2 months advising of the preferred option/s for the future use of the theatre.

Deborah Silva
Commercial Services
Co-ordinator

Steven Head
Director Strategy

Janice Bevan
Director Community

Attachments: **A. Three formal responses to the brief - Confidential**
 B. Overview of each proposal and associated fees - Confidential

NOTICE OF MOTION

BMX FACILITY

Notice of Motion from Councillor Tony Hall dated 13 September 2007.

I move:

"That the Council investigate and implement more appropriate areas for BMX bike riding in a controlled environment in Ku-ring-gai LGA to lessen the current conflicts that skateboarders suffer with intrusive bike riders at the St Ives Skate Rink at 6 Memorial Avenue, St Ives in the Village Green."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor St Ives Ward

NOTICE OF MOTION

HASSELL PARK

Notice of Motion from Councillor Tony Hall dated 11 September 2007.

I move:

- "1. That the Sportsgrounds Plan of Management be amended to facilitate the use of Hassell Park for early evening games on nine Saturdays per year.
2. That draft amendments to the plan of management be reported to Council prior to exhibition.
3. That all surrounding residents and neighbours be informed of this proposal by mail within 3 days and submissions be invited accordingly".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

NOTICE OF MOTION

134 EASTERN ROAD, WAHROONGA

Notice of Motion from Councillor Ian Cross dated 12 September 2007.

I move that:

- "1. The General Manager immediately contacts the land owner and seeks their level of interest for the sale of Lot 1, on the corner of Mona and Water Streets, Wahroonga.
2. The General Manager source valuations.
3. Confirmation that S94 funding could be used to obtain this land."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Ian Cross
Councillor Wahroonga Ward

Attachments: **Background information - 827879**

134 Eastern Road, Wahroonga

Background information

Ordinary Meeting of Council
25 September 2007

Due to increased residential development and also growth in schools around the Eastern Road, Water Street and Billyard Avenue precinct in Wahroonga.

The General Manager seeks immediate communication with Mirvac or their representative with the intention for council to purchase Lot # 1 at 134 Eastern Road, Wahroonga, Corner of Mona Street and Water Street, Wahroonga.

The now redundant Holy Cross site once was the home of a significant piece of open space, sports field, and although the proposed piece of open space could only ever be a park it would at least provide a certain amount of community land in this location. In addition with the expected outcome that something will be built on the Rippon Grange site, which is only 200 metres from this location I would expect that the need for open space is more required than ever before. The adjoining property to this piece of land will house 15 new dwellings which is further reason to provide this open space.

The nearest parks that currently exist are located at the Turramurra Memorial park, Wahroonga Park and Cameron Park, all of which are outside of the preferred distance as detailed in our draft land acquisition strategy. Highest priority – less than 200m, distance from the RDS growth zones. Then 3 distance bands of decreasing priority (200-500m, 501-1,000m and more than 1,000m).

In addition the adjoining land is critically endangered blue gum high forest and this land acquisition will assist in protecting this endangered species.

The land acquisition is supported by the following key areas of our OPEN SPACE ACQUISITION STRATEGY

- A diversity of recreation opportunities relevant to identified and forecast sport / recreation needs
- Open spaces suitable for their intended recreation purpose
- Minimal negative impacts on surrounding land uses

- Protection and / or enhancement of bushland and environmental values
- Conserve and enhance the natural habitat – through extending existing areas and/or establishing new areas of indigenous vegetation
- Consider the potential for acquired open spaces to provide biodiversity linkages to and between National Parks and other bushland areas
- Protection / enhancement of visual / scenic values
- Optimal (physical and visual) access to parks and open space
- Optimal maintenance efficiencies

That this local park would be funded out of our land acquisition s94 fund.

It would also be important to ensure that no deep soil or built upon areas of the approved site were affected by any sub division of land.

NOTICE OF MOTION

OFF-LEASH DOG AREA TURRAMURRA

Notice of Motion from Councillor Ian Cross dated 17 September 2007.

I move:

- "A. That the existing off leash area adjacent to Karuah Park on the corner of Karuah avenue and Turramurra avenue be disbanded as an off leash area.
- B. That the area immediately adjacent to the Turramurra Memorial Park oval (pedestrian walkway only) be declared an off leash area immediately.
- C. During the development of the Landscape master plan for Turramurra Park the matter of an appropriate location of a leash free area within the Park be considered.
- D. That appropriate sign posting of the new area be provided.
- E. That the sports field and associated facilities within the Memorial Park precinct remain on leash at all times".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Ian Cross
Councillor for Wahroonga Ward

OFF LEASH DOG AREA TURRAMURRA

TURRAMURRA MEMORIAL PARK OVAL - PEDESTRIAN WALKWAY ONLY



SCALE: 1:2500

DATE: 18-09-2007



DOG EXERCISE AREA

NOTICE OF MOTION

RECLASSIFICATION OF COUNCIL LAND

Notice of Motion from Councillor Elaine Malicki & Councillor Laura Bennett dated 16 September 2007.

We move:

"Given the doubts expressed over the legality of Council's reclassification process, that Council seek a second legal opinion from a Senior Counsel and that the lawyer be given copies of the correspondence from the Department."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward

Cr Laura Bennett
Councillor for St Ives Ward

Attachments: Background information - 827878

Reclassification of Council Land

Background information

Ordinary Meeting of Council
25 September 2007

Letter from Dept of Local Government on Reclassification process adopted by Council

On two separate occasions the Department of Local Government has expressed concern about the public hearing process adopted by Council for the reclassification of public land. The Director General's second letter dated 30th August 2007 took into account advice Council had received from Counsel, and still considered that the process was flawed.

This is a view shared by many members of the Ku-ring-gai community and some of these people have received communication from the Department of Local Government expressing the Department's concerns.

NOTICE OF MOTION

HERITAGE LIST - 16 STANHOPE ROAD, KILLARA

Notice of Motion from Councillor Jennifer Anderson dated 17 September 2007.

I move:

- "1. That Council resolve to heritage-list 16 Stanhope Road Killara and to include it as such in an amendment under schedule 7 of the KPSO.
2. That Council advise the Department of Planning of its decision to prepare a draft LEP in accordance with section 54 of the Environmental Planning and Assessment Act, 1979.
3. Upon receipt of a response from Department of Planning in relation to "2" above, the draft LEP be prepared and consultation with statutory authorities be undertaken in accordance with Section 62 of the Act."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Jennifer Anderson
Councillor for Roseville Ward

NOTICE OF MOTION

UTS OVAL

Notice of Motion from Councillor Jennifer Anderson dated 17 September 2007.

At a recent meeting of the Community Reference Group for the redevelopment assessment of the UTS site, representatives of the UTS outlined an assessment of existing community facilities at the subject site.

With particular reference to the existing sports field, UTS outlined that should Council consider its retention as a sports ground so important that it was welcome to purchase the site.

I move:

"That Council staff commence negotiations with UTS to purchase its oval for community sport and recreation purposes for the amount of \$1.00".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Jennifer Anderson
Councillors for Roseville Ward