



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 28 MARCH 2006 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

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 14 March 2006

Minutes numbered 61 to 87

MINUTES FROM THE MAYOR

PETITIONS

PT.1 Objection to Development of 1 to 3 Nulla Nulla Street & 5 to 11 Turramurra Avenue, Turramurra - (Twenty [20] Signatures) 1

File: DA0069/06

"We, the undersigned residents of Nulla Nulla Street, Turramurra object to the above Development Application for the following reasons:

1. The two proposed multi-storey buildings and the Seniors Living buildings will have all vehicle ingress and egress into Nulla Nulla Street. Where there are currently three (3) residences with vehicle access to the street there will be forty six (46) in the proposed development. The claim that there are currently five driveways onto the street is untrue; there is one layback which is completely redundant and one which leads to a set of gates into a back garden which is not used. The other properties in the proposed development all currently exit into Turramurra Avenue. The increase in traffic both into the street and negotiating the turn into Turramurra Avenue will create congestion and safety issues that the street is not designed to handle.
2. The claim in the Development Application that there is "little pedestrian traffic as there are no destinations of interest" does not take into account the many children who cross Nulla Nulla Street to go to and from the station on school days. For a period of at least an hour in the morning and in the afternoon there are a number of children who live in the surrounding streets who walk across Nulla Nulla Street, not to mention the number of children who live in the street. As there is no crossing, an increase in traffic exiting the street at these times creates an issue for pedestrian safety.
3. The proposed Seniors Living building at 1 Nulla Nulla Street, Block "C", is to be constructed on what is an elevated site, created by fill when the current single storey dwelling was constructed. As such it is well above the surrounding ground level and though the development is stated to be two storeys the effect once the "ground level" is further elevated by the underground car parking is to make the building so large as to create issues with loss of privacy and sunlight. This building also has balconies which face east affecting the privacy of adjoining properties. The bulk of this building and its lack of aesthetic appeal also impact on the properties on the opposite side of the street and the streetscape in general. The "contemporary" style of the proposed development, with its institutional architectural style, does not blend with the style of the surrounding dwellings.
4. The streetscape, with the mature trees at the Turramurra Avenue end of the street, is part of the Turramurra area streetscape. The pressure which this proposed development will place on the street may lead to a decision that the street needs to be

widened by the removal of the trees to allow for the vehicular access. It would be a tragedy to lose trees which are such a feature.

5. We are also concerned about the noise, dust and management of the site during construction particularly as the Development Application anticipates that all demolition and construction vehicles will use Nulla Nulla Street to access the site.
6. Points of Law please see attached letter from Ian Ellis-Jones, Lawyer.
7. Town Planning issues please see attached letter from Peter A. Le Bas of the Turnbull Group.

We are residents of a street which is a special precinct where children play on the street and people know each other by their first names. We ask Council to preserve as much of that as is possible."

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

GB.1 **1389 to 1397 Pacific Highway, Warrawee - Demolition of Existing Structures & Construction of 2 Residential Flat Buildings (59 Units), Basement Car Parking & Landscaping** **3**

.
File: DA1116/05

Ward: Wahroonga
Applicant: Warr Pty Ltd
Owner: Warr Pty Ltd

To determine development application No.1116/05, which seeks consent for demolition of existing structures and construction of 2 residential flat buildings (59 units), basement car parking and landscaping.

Recommendation:

Approval.

GB.2 **Companion Animals Management Plan** **81**

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File: S03449

To present to Council the draft Ku-ring-gai Companion Animals Plan for the period 2006 to 2011.

Recommendation:

That the draft Ku-ring-gai Companion Animals Plan for the period 2006 to 2011 be placed on public exhibition for a period of 28 days then reported back to Council.

GB.3 Lease Renewal - 29 Garrick Road, St Ives 109

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File: P43683

To consider the renewal of the lease to St Ives Pre-School Kindergarten for the premises located at 29 Garrick Road, St Ives.

Recommendation:

That Council grant a lease to St Ives Pre-School Kindergarten under the conditions as outlined in this report.

GB.4 Commonwealth Department of Family & Community Services - Deed of Funding Agreement - Affixing of Common Seal of Council 112

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File: S02733

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Family and Community Services (CDFACS) and to seek approval to affix the Common Seal of Council on relevant documents.

Recommendation:

That authority be granted to affix the Common Seal of Council to the CDFACS Long Forum Funding Agreement and associated documents.

GB.5 Sponsorship Proposal - Business Achiever Awards 2006 115

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File: S02091

To advise Council of a sponsorship proposal from Cumberland Newspapers for the 2006 Business Achiever Awards.

Recommendation:

That Council support the proposal from Cumberland Newspapers for a Bronze Sponsorship Package, value \$4,500, to sponsor the 2006 Business Achiever Awards.

GB.6 Investment Cash Flow & Loan Liability as at 28 February 2006 130

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File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and the details of loan liability for February 2006.

Recommendation:

That the summary of Investments, daily cash flows and loan liability for February 2006 be received and noted.

GB.7 Council Meeting Cycle for April 2006 139

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File: S02355

To consider amending the Council Meeting Cycle for April 2006.

Recommendation:

That Council's Meeting scheduled for 11 April 2006 be cancelled and replaced with an Ordinary meeting of Council to be held on Thursday, 20 April 2006.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

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

- C.1 **Adshel Street Furniture - Community Information Units** 1
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: S02126

Report by Director Technical Services dated 15 March 2006.

John McKee
ACTING GENERAL MANAGER

*** ** **

**Environmental Planning & Assessment Act 1979
(as amended)**

Section 79C

1. Matters for consideration - general

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

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

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

PETITION

OBJECTION TO DEVELOPMENT OF 1 TO 3 NULLA NULLA STREET & 5 TO 11 TURRAMURRA AVENUE, TURRAMURRA - (TWENTY [20] SIGNATURES)

"We, the undersigned residents of Nulla Nulla Street, Turramurra object to the above Development Application for the following reasons:

1. The two proposed multi-storey buildings and the Seniors Living buildings will have all vehicle ingress and egress into Nulla Nulla Street. Where there are currently three (3) residences with vehicle access to the street there will be forty six (46) in the proposed development. The claim that there are currently five driveways onto the street is untrue; there is one layback which is completely redundant and one which leads to a set of gates into a back garden which is not used. The other properties in the proposed development all currently exit into Turramurra Avenue. The increase in traffic both into the street and negotiating the turn into Turramurra Avenue will create congestion and safety issues that the street is not designed to handle.
2. The claim in the Development Application that there is "little pedestrian traffic as there are no destinations of interest" does not take into account the many children who cross Nulla Nulla Street to go to and from the station on school days. For a period of at least an hour in the morning and in the afternoon there are a number of children who live in the surrounding streets who walk across Nulla Nulla Street, not to mention the number of children who live in the street. As there is no crossing, an increase in traffic exiting the street at these times creates an issue for pedestrian safety.
3. The proposed Seniors Living building at 1 Nulla Nulla Street, Block "C", is to be constructed on what is an elevated site, created by fill when the current single storey dwelling was constructed. As such it is well above the surrounding ground level and though the development is stated to be two storeys the effect once the "ground level" is further elevated by the underground car parking is to make the building so large as to create issues with loss of privacy and sunlight. This building also has balconies which face east affecting the privacy of adjoining properties. The bulk of this building and its lack of aesthetic appeal also impact on the properties on the opposite side of the street and the streetscape in general. The "contemporary" style of the proposed development, with its institutional architectural style, does not blend with the style of the surrounding dwellings.
4. The streetscape, with the mature trees at the Turramurra Avenue end of the street, is part of the Turramurra area streetscape. The pressure which this proposed development will place on the street may lead to a decision that the street needs to be widened by the removal of the trees to allow for the vehicular access. It would be a tragedy to lose trees which are such a feature.

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5. We are also concerned about the noise, dust and management of the site during construction particularly as the Development Application anticipates that all demolition and construction vehicles will use Nulla Nulla Street to access the site.
6. Points of Law please see attached letter from Ian Ellis-Jones, Lawyer.
7. Town Planning issues please see attached letter from Peter A. Le Bas of the Turnbull Group.

We are residents of a street which is a special precinct where children play on the street and people know each other by their first names. We ask Council to preserve as much of that as is possible."

RECOMMENDATION

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

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1389 TO 1397 PACIFIC HIGHWAY, WARRAWEE - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF 2 RESIDENTIAL FLAT BUILDINGS (59 UNITS), BASEMENT CAR PARKING AND LANDSCAPING
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	1116/05
SUBJECT LAND:	1389 to 1397 Pacific Highway, Warrawee
APPLICANT:	Warr Pty Ltd
OWNER:	Warr Pty Ltd
DESIGNER:	Nettletontribe Partnership Pty Ltd.
PRESENT USE:	Vacant land (No.1389 Pacific Highway), Dwelling house (Nos 1391 - 1397 Pacific Highway)
ZONING:	2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO- LEP 194, DCP 55 - Railway/Pacific Highway Corridor, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65, SREP 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	30 September 2005
40 DAY PERIOD EXPIRED:	9 November 2005
PROPOSAL:	Demolition of existing structures and construction of 2 residential flat buildings (59 units), basement car parking and landscaping
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 1116/05
PREMISES: 1389-1397 PACIFIC HIGHWAY,
WARRAWEE
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES
AND CONSTRUCTION OF 2 RESIDENTIAL
FLAT BUILDINGS (59 UNITS), BASEMENT
CAR PARKING AND LANDSCAPING
APPLICANT: WARR PTY LTD
OWNER: WARR PTY LTD
DESIGNER NETTLETONTRIBE

PURPOSE FOR REPORT

To determine development application No.1116/05, which seeks consent for demolition of existing structures and construction of 2 residential flat buildings (59 units), basement car parking and landscaping.

EXECUTIVE SUMMARY

Issues: Streetscape, privacy, impact on adjoining heritage items,
setbacks, parking, traffic flows
Submissions: Twelve (12) submissions
Land & Environment Court Appeal: N/A
Recommendation: Approval

HISTORY

Site history:

According to Council's records, there is evidence of site contamination for No. 1389 Pacific Highway that has been addressed in the section of this report where the proposal is assessed under the requirements of SEPP 55.

The following development applications for multi-unit development and subdivision have been approved on the subject site:-

DA No. 2045/99 1389 Pacific Highway	Three (3) x three (3) bedroom dwellings under SEPP 5 approved on 26 June 2001.
DA No. 3373/92 1391 Pacific Highway	Subdivision of the land into three (3) lots approved on 1 December 1992

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DA No. 1252/02
1391 Pacific Highway

Demolition and construction of sixteen (16) x
three (3) bedroom units under SEPP 5 approved
on 8 April 2003.

Current development application history:

31 March 2005 Pre-development application meeting with Council officers wherein
the following matters were discussed:-

- Setbacks to interface zone & road reserves
- Visual privacy
- Height of buildings
- Solar access to each unit
- Impact upon conservation area, heritage items & adjoining
properties in particular No. 4 Lowther Park Avenue
- Length of building to Pacific Highway

30 September 2005 Application lodged.

THE SITE AND SURROUNDING AREA

The site

Visual Character Study Category:	Pre 1920-1945
Legal Description:	Part lots 1 & 2, DP 325152 (Nos. 1395 & 1397 Pacific Highway), Lot 1, DP 28800 (No. 1389 Pacific Highway, Lot 3, DP 867638 (No. 1391 Pacific Highway.
Heritage Affected:	Heritage items - No.1379 & 1458 Pacific Highway
Bush Fire Prone Land:	No
Endangered Species:	Sydney Blue Gum Forest
Urban Bushland:	No
Contaminated Land:	Yes (No. 1389 Pacific Highway)

The subject site is located on the northern side of Pacific Highway, between Lowther Park Avenue and Winton Street. No. 1389 Pacific Highway is a vacant lot situated at the corner of Pacific Highway and Lowther Park Avenue. The site has an embankment on that part of the land facing Pacific Highway (RL181.56) from which the land then falls to the north with a gradient of 1 in 8. Three mature Camphor Laurels are located adjacent to the eastern boundary of No. 1389 Pacific Highway.

Currently located on No. 1391 Pacific Highway is a single storey dwelling, with a carport adjacent to its western boundary and an existing driveway off Pacific Highway. There are no significant trees on this site, however, a five (5) metres wide stormwater drainage detention basin runs along the northern boundary.

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At No. 1395 Pacific Highway, there is a single storey dwelling house and a double garage at the rear of the dwelling adjacent to the western boundary, with an existing driveway off Pacific Highway. There are a number of mature trees within the front setback and along the northern boundary.

On the corner of Winton Street and Pacific Highway (No. 1397), there is a single storey dwelling house. The building has a substantial setback off Winton Street and Pacific Highway, with a number of mature trees within the subject site and within the Winton Street road reserve.

Surrounding development

The dwellings to the north, east and west of the subject site are zoned 2(c2) (see **zoning extract**). Directly opposite the subject site, is Warrawee Public School which is located at the corner of Pacific Highway and Finlay Road. The site is predominantly surrounded by dwelling houses with heritage items located at Nos. 1379 (to the east), 1458 (to the south).

The subject site is in close proximity to Warrawee Railway Station to the north-west (approximately 750m away) and Turramurra Railway Station (approximately 500m to the east). There is also a bus service along Pacific Highway to Hornsby and Chatswood, providing good access to commercial, community and educational facilities.

THE PROPOSAL

The proposal is for the construction of two (2) residential flat buildings, with basement parking and landscaping. The proposed development would have the following components:-

BUILDING A (Corner of Winton Street & Pacific Highway)

Ground floor (RL176.1)

- Two (2) x one (1) bedroom units
- Four (4) x two (2) bedroom units
- One (1) three bedroom unit
- Private courtyard off each unit
- Pedestrian entry off Winton Street
- Lift and internal staircase to upper floors adjacent to the front entry

Level 1 (RL179.1)

- Two (2) x one (1) bedroom units
- Three (3) x two (2) bedroom units
- Two (2) x three (3) bedroom units
- Lift and internal staircase to other floors
- Balcony off living areas

Level 2 (RL 182.3), Level 3 (RL185.3)

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- Two (2) x one (1) bedroom units
- Four (4) x two (2) bedroom units
- One (1) x three (3) bedroom units
- Lift and internal staircase to other floors
- Balcony off living areas

Level 4 (RL 188.7)

- Two (2) x one (1) bedroom units
- Two (2) x three (3) bedroom units
- Lift and internal staircase to lower floors
- Terrace off living areas with pergolas

Basement parking (B1 – RL 173.1)

- Driveway off Winton Street, lift & staircase to upper floors)
- Eight (8) visitor car spaces (including one disabled car space)
- Fourteen (14) car spaces (including two disabled car spaces) some with storage areas
- Waste disposal room
- Bicycle storage room
- Stormwater retention & detention
- Twenty-eight (28) car spaces some with storage areas (**basement L2 – 170.1**)
- Bicycle storage, lift & staircase to upper floors (**basement L2 – 170.1**)

BUILDING B (Corner of Lowther Park Avenue & Pacific Highway)

Ground level (RL 178.2), Level 1 (RL181.2), Level 2 (RL184.2), Level 3 (RL187.2)

- Two (2) x one (1) bedroom units
- Two (2) x two (2) bedroom units
- Two (2) x three (3) bedroom units
- Courtyards and terraces are proposed off living areas on ground floor
- Lift & staircase to basement & upper floors
- Balconies off living areas on Levels 1, 2 & 3
- Footbridge off Pacific Highway to front entry at Level 1

Level 4 (RL190.6)

- Three (3) x three (3) bedroom units with balconies off living areas
- Lift & staircase to other levels

Basement levels (B1- RL175.2 & B2 – RL 172.2)

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- On basement Level 1, there would be seven (7) visitor spaces including one (1) disabled space; nine (9) car spaces including 4 disabled spaces; waste room; stormwater retention and bicycle storage.
- 30 car spaces on basement level B2, ramp to Basement 1 and storage areas.
- Driveway off Lowther Park Avenue to the carpark for Building B

Within the setbacks there would be extensive landscaping, including a mixture of native and exotic species, including the retention of 32 existing trees within the development site. The schedule of materials includes face brick with some painted masonry and a Colourbond roof.

CONSULTATION - COMMUNITY

On 21 October 2005, owners of surrounding properties were given notice of the application in accordance with Council's Notification DCP. In response, twelve (12) submissions were received, from the following:

1. *Ms L Kokin, owner of no. 4 Lowther park Avenue, Warrawee*
2. *A B Taylor for and on behalf of A. B. Taylor No. 1 and A.J. & L.J. Cooper, No. 3 Winton Street, Warrawee*
3. *Mr & Mrs J Palmer, Villa 5, 1-3 Lowther Park Avenue, Warrawee*
4. *G Bull, 5 Lowther Park Avenue, Warrawee*
5. *Mrs E D Sugars, Villa 1, 1 – 3 Lowther Park Avenue, Warrawee*
6. *Mrs A Montgomery, 1A Winton Street, Warrawee (letters dated 27/10/05, 3 & 15/11/05, 27/10/05)*
7. *Ms N Scott, Villa 8, 1-3 Lowther Park Avenue, Warrawee (Two letters dated 12/11/05*
8. *Ms M Kramer, Villa 3, 1 – 3 Lowther Park Avenue, Warrawee*
9. *Mrs I Kemp, 4/1 – 3 Lowther Park Avenue, Warrawee*
10. *Ms S Hammond, Villa 6, 1 – 3 Lowther Park Avenue, Warrawee*
11. *Ms A Lees, Villa 7, 1-3 Lowther Park Avenue, Warrawee*
12. *P Lawrence, 6 Lowther Park Ave, Warrawee (including signatures of other property owners in Lowther Avenue being Nos. 4 – 12 & 15 Lowther Park Avenue, Warrawee*

The following issues were raised:-

The proposed development should not devalue surrounding properties

The impact upon the monetary value of surrounding properties is not a matter of consideration under s. 79C of the EPA Act.

Increased overshadowing

At 9am during the Winter months, there would be overshadowing over Pacific Highway, part of the front garden of No. 1458 Pacific Highway and Warrawee Public School. By midday, this overshadowing would fall mostly within the front setback of the development site and part of Pacific Highway. After 3pm, there would be increased overshadowing within the development site

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and a small pocket of overshadowing at the rear of No. 4 Lowther Park Avenue. The proposal complies with the solar controls of DCP 55 that relate to solar access to adjoining properties.

Noise nuisance from the apartment balconies adjacent to common boundaries

The level of noise generated by future residents of the development would be normal domestic levels associated with medium density environments which are anticipated under the zoning.

Loss of privacy to 1 Winton Street

There is only one door on the southern side of No. 1 Winton Street that has a small frosted fan light above so it is unlikely that there would be any unreasonable loss of privacy for this dwelling house. Furthermore, a conifer hedge is located on the southern boundary of this property to provide screening to the private open space area. Privacy impacts are further addressed in the section of this report where the proposal is assessed against to the requirements of DCP 55.

Landscaping as a privacy measure would not be effective for at least 15 years and Bangalow Palms are unlikely to minimise overlooking in the short term

Council's Landscape Development Officer has advised that the proposed plantings on the northern boundary of the development site would provide effective screening within three to five years. Furthermore, the proposal retains 32 trees that will maintain existing screening.

A brick fence (2.2m high) should be constructed along the northern boundary to Lowther Park Avenue and Winton Street to minimise impacts for adjoining properties

A condition of consent has been recommended requiring the provision of a 1.8m high boundary fence along the northern boundary from the front building line of Building B to the front building line of Building A in Winton Street (**Condition No. 96**).

A three (3) storey development would reduce impacts for adjoining properties

Pursuant to Clause 25I(5) in the KPSO, a five (5) storey building is permissible on the site.

Excessive bulk and scale and inconsistency with the existing character of the streetscape

Under the zoning, a five (5) storey development is permissible. The proposed buildings respond well to the site context and are consistent with the desired future character as stated in Appendix B of DCP 55.

The proposal is an overdevelopment of the site.

The proposal complies with the height and density controls of LEP 194 and DCP 55.

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No. 1A Winton Street is not correctly shown on the plans.

The above property has been accurately shown on both the architectural plans and the survey plan.

Insufficient setbacks to 1A Winton Street

The development is compliant with the setback controls as they relate to the boundary with 1A Winton Street.

Increased traffic flows within Lowther Park Avenue – vehicular access should be off Pacific Highway

The development would generate on average one vehicle per four to six minutes during the peak hour. This low level of traffic generation is unlikely to have a significant impact on traffic flows within Lowther Park Avenue.

Access to the basement car park for buildings A and B off Winton Street and Lowther Park Avenue provides a safer entry/exit to the development site as required by the RTA and section 5.2 of DCP 55 given the significant volume of traffic along Pacific Highway especially during peak hours.

Lowther Park Avenue has limited vehicular access to Pacific Highway as there is no right hand turn on to the highway

This factor would have been taken into consideration when the land was zoned 2(d3).

A one-way, south to north access road should be constructed along the railway corridor for residents only to improve access to Pacific Highway

This recommendation has been forward to Council's Traffic Division for further consideration. However, this is not required to facilitate the subject development.

Emergency vehicular access must be maintained to No. 1-3 Lowther Park Avenue, and

The development should not restrict the availability of on street car parking in Lowther Park Avenue

The proposal complies with the parking requirements as specified in LEP 194 and DCP 55 and vehicular access to No. 1-3 Lowther Park Avenue would not be comprised by the proposed development. Given compliance with the required car parking, there should be no unreasonable demand for on street parking in either Lowther Park Avenue or Winton Street.

Visitors to the development would be unable to use the visitor carparking because they would be unable to disarm any security system

Visitor car spaces would be surrendered after completion for building security purposes

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The visitor car parking would become common property with the application for strata subdivision so there is little possibility that visitor parking would be allocated to other uses within the development. An intercom system to each unit should be made available at the entry to the carpark to allow visitors to utilise the visitor car parking (**Condition No. 133**).

Insufficient disabled car parking for the development and no car wash bay

The proposal complies with DCP 55 with respect to the provision of disabled car parking.

The driveway off Winton Street is not wide enough to allow a two way flow of traffic

Council's Development Engineer is satisfied that the basement car parking, internal ramps and driveways provide a safe entry/exit to Winton Street and Lowther Park Avenue subject to recommended conditions of consent.

Garbage room is inadequate with no ventilation.

Satisfactory access to the waste collection areas within each building has been provided as indicated by Council's Development Engineer.

Loss of amenity during the construction phase, in particular noise nuisance, dust emissions and limited access for trunks given that Lowther Park Avenue is only 300 metres in length

Relevant conditions of consent have been recommended (**Refer Condition Nos 8, 11 -14, 17, 21, 22, 24, 25, 27, 30, 31, 37, 40, 75, 103**).

There should be no damage to Council's footpaths, kerbs and guttering

Condition No. 79 requires the applicant to pay an infrastructure restorations fee prior to the issue of any construction certificate to guard against any damage to Council's assets.

Cumulative impacts of other approvals on Pacific Highway and other local roads

Traffic impacts resulting from cumulative impacts of LEP 194 developments along the Highway and other roads were considered in the rezoning of the land.

The proposal is consistent with the objectives of SEPP 65, The Residential Flat Design Code, LEP 194 and DCP 55 and will not result in cumulative impacts beyond those provided for under the zoning and associated controls that apply to the development site.

No provision for sewer overflow in the event of system failure

Stormwater runoff will be exasperated by the proposed development, and

Stormwater from the proposed development should be prevented from using the drainage easement through No. 1 Winton Street to minimise potential damage

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Council's Development Engineer has advised that stormwater will be drained to Winton Street in front of the subject property without the need to make use of the easement through No. 1 Winton Street.

A wind tunnel could remove the colorbond roofing, causing damage to adjacent properties

The *Colorbond* roof would be built in accordance with the standard requirements of Building Code of Australia.

An electrical transformer must be installed within the building envelope off Pacific Highway not fronting Winton Street or Lowther Park Avenue.

A condition of consent is recommended, requiring the applicant to liaise with Energy Australia to meet their requirements in this respect (**Condition No. 85**).

The application was not notified in the local papers

The subject application was notified in accordance with Council's Notification Policy and appeared in the local newspaper on 21 October 2005.

CONSULTATION - WITHIN COUNCIL

Urban Design

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

The built form context is comprised of –

- *Adjoining sites to the north which are zoned 2(c2).*
- *3 Single storey houses adjacent to the site to the north.*
- *A Federation Arts and Crafts style building (c1905) No. 1379 Pacific Highway located to the east of the site on the corner of Lowther Park Avenue and Pacific Highway.*
- *One and two storey houses on the western frontage of Winton Street, Nos 2, 6 and 12 are identified as Heritage Items, as is No. 7 which is approximately 80m north of the site. The styles range from late Federation bungalows to Stockbroker Tudor.*
- *Warrawee Primary School opposite the site on the Pacific Highway.*

The Residential 2(d3) zoning of this site establishes the future scale of development on

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these sites as being 5 storeys maximum. This zoning establishes a future difference in height and bulk in relation to the existing heritage items to the north and east of the site. The scope available for minimising the impact of the proposed 5 storey development on the heritage items is limited to the siting of the proposed buildings, the setbacks and quality of landscape within the setbacks and the architectural form and character of the buildings.

The relationship to the existing context is acceptable.

Principle 2: Scale

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

The scales of the proposed buildings are acceptable, as they comply with the height controls in the LEP 194.

Principle 3: Built form

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

The proposed buildings comply with the LEP 194 and DCP 55 setback controls with the exception as stated in Principle 7: Amenity.

Principle 4: Density

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

The site coverage is 35% of the site. The top floors of Building A and B occupy less than 60% of the floor area of the lower floors. The density is acceptable.

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.

More than 70% of living rooms/balconies in apartments will receive greater than 2 hours sunlight between 9am and 3pm in mid-winter. There are no south facing apartments.

More than 25% of kitchens are located on external walls as recommended in the

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Residential Flat Design Code.

The Residential Flat Design Code recommends that kitchens are no more than 8m from the rear wall of the kitchen to a window. Units G0.02 and L1.02 in Building A do not comply therefore it is recommended that these units be redesigned at the same time the setbacks are increased.

More than 60% of apartments are naturally ventilated as recommended in the Residential Flat Design Code.

Principle 6: Landscape

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

The landscape design is acceptable.

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.

There are issues of privacy with regard to the overlooking from rooms and balconies on the eastern wall of Building A into a bedroom window on the western wall of 1A Winton Street.

Although LEP 194 Clause 25L states that "the third and fourth storey of any building on land within Zone No 2(d3) must be set back at least 9 metres from any boundary of the site of the building with land (other than a road) that this is not within Zone No 2(d3)", SEPP 65 design principles state that for buildings of up to 4 storeys there should be a building separation of 12m between habitable rooms/balconies, necessary in this instance "to provide visual and acoustic privacy for existing and new residents".

It is therefore recommended that a 12m setback be applied to all levels of the eastern wall of Building A.

Building B has the appropriate 12m setback from the south wall of 1A Winton Street which contains habitable rooms with windows.

Principle 8: Safety and security

SEPP 65: Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising activity on the streets, providing

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clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

The mix of apartments is acceptable.

Principle 10: Aesthetics

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

The aesthetic quality of the development is acceptable.

Conclusion and recommendations

It is recommended that:

- *the setback from the south wall of 1A Winton Street to the eastern wall of Building A of the proposed building be increased to 12m to provide privacy for the existing residents.*
- *the kitchens in units G0.02 and L1.02 should be redesigned to the specifications recommended in the Residential Flat Design Code ie no more than 8m from a window.*

The proposal is otherwise acceptable in terms of SEPP 65 design principles, and should be approved when these changes are made.

Kitchens within units G0.02 & L1.02

Whilst the kitchens for G0-02 and L1.02 do not comply with the permissible depth for the far wall of kitchens as stated in the Residential Flat Code (8 metres), the kitchens would have adequate light and ventilation from the north-facing windows and doors opening out to the terrace and private courtyard (G0.02) and the balcony in the case of L1.02. Despite the non-compliance with Council's DCP, light and ventilation provisions would still need to be in accordance with the provisions of the BCA.

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Setback to 1A Winton Street

It is also considered unnecessary to provide an additional setback from the eastern side of building A to No. 1A Winton Street given that the setback for an interface zone complies with the minimum required in LEP 194. Furthermore, there would be adequate plantings within the eastern setback to No. 1A Winton Street to minimise any impacts for that dwelling. The main outdoor recreation area is located on the northern side of this dwelling where there is sufficient screen planting around the pool area to reduce privacy loss. It is, therefore, considered unjustified to request a greater setback to No. 1A Winton Street.

Heritage

Council's Heritage Advisor, Paul Dignam, commented on the proposal as follows:

Existing buildings

A number of existing buildings will be demolished to allow construction of this development.

1397 Pacific Highway

This is an Inter War house that is relatively intact externally and in fair condition. Due to the slope of the site, it is partially two storey at the rear of the site. It is located on the corner of the Pacific Highway and Winton Street with vehicle access from Winton Street. It is graded as contributory to UCA 25. There is no objection to demolition provided archival recording is undertaken.

1395 Pacific Highway

This is a highly intact Inter War bungalow, but the condition is only fair. It has a long rear yard and a garage at the rear of the house. It is graded as contributory to UCA 25. There is no objection to demolition provided archival recording is undertaken.

1391 Pacific Highway

This is a Federation house with brick walls, stone base and tile roof. It has been altered with the addition of a new façade, although it is still readable as an earlier building. It is in fair condition. It is graded as contributory to UCA 25. There is no objection to demolition provided archival recording is undertaken.

1389 Pacific Highway

This house was demolished in 2003 as part of an approval for a SEPP 5 developemnt. It is vacant and the land was rezoned via LEP 194.

UCA

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The site is located within the National Trust UCA No 25 Warrawee. The UCA was reviewed for Council in 2005 by heritage consultants who found the UCA to have State heritage significance. However, the subject site was recommended to be removed from UCA 25 due to the effect of rezoning.

Nearby heritage items

There are a number of heritage items in the immediate vicinity including:

*1379 Pacific Highway (directly opposite);
1458 Pacific Highway (directly opposite);
2 Winton Street;
6 Winton Street;
7 Winton Street; and
12 Winton Street.*

1379 Pacific Highway is a large Federation house possibly designed by the noted architect Howard Joseland. It was adapted for a SEPP 5 development a few years ago, but nevertheless is a prominent element in the Pacific Highway streetscape.

Given the objectives and guidelines in DCP 55, it is considered that impacts on this item are acceptable because of its physical separation and visual prominence. It would still retain its setting and visual strength. Views to or from it would not be affected by the proposed development. It is noted that the proposed building would be about the same height of the ridge of this building.

1458 Pacific Highway is a single storey Federation Bungalow sited on the opposite side of the highway. It is screened by considerable vegetation along the front boundary and its setting does not extend to the subject site.

Given the objectives and guidelines in DCP 55, it is considered that impacts on this item are acceptable.

The other nearby heritage items are located a considerable distance from the subject site and given the objectives and guidelines in DCP 55, it is considered that impacts on this item are minimal and acceptable.

Comments

The application generally complies to the objectives and guidelines in DCP 55. However, the surrounding area is of low density, mainly single storey residential development and development of the land to the density allowable as a consequence of rezoning will alter the overall context, scale and bulk in the immediate locality, particularly to Winton Street, which is a fine street with many listed heritage items. Retention of street trees along the Pacific

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Highway and Winton street would help to reduce the impact and additional tree plantings on the subject site would provide some additional screening.

It is noted that the battle axe lot at 1 A Winton Street is a relatively recent house (1998) and there is a marked difference in scale and there would be amenity issues.

The development proposes two buildings which have an effective height of 4 storeys when seen for the Pacific Highway due to the fall on the site.

The design is contemporary and proposes reasonable articulation, use of different building materials with generally mid tone recessive colours. It is considered that the choice of materials and colours would assist in reducing the impact of the development within the UCA.

Conclusions and recommendations

Demolition of the existing houses is acceptable, provided archival recording of the buildings in undertaken prior to work commencing.

Given the objectives and controls relating to heritage in DCP 55, it is considered that the application is satisfactory in terms of its impact on the UCA and nearby heritage items. The variety of textures, building materials and colours is considered acceptable in assisting its relationship with the UCA and with nearby heritage items.

A condition of consent requiring the provision of a photographic record of the buildings to be demolished has been recommended by Council's Heritage Advisor. **(Condition No. 94)**

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures and construct two residential flat buildings with basement car parking on the amalgamated site area of 4 715sqm. The irregular shaped site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn areas which are typical of the broader Ku ring gai landscape character. The southern portion of the site has been previously cleared of vegetation. There are numerous trees scattered over the site, including urban environmental weed species. The most visually significant trees associated with the site are a grouping of Cinnamomum camphora (Camphor laurels) that are centrally located on site.

Impacts on trees/Trees to be removed/Tree replenishment

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A total of thirty two (32) trees have been identified as being located on or associated with the site. The development proposes to retain seven. The majority of the trees nominated for removal are either exempt species, identified urban environmental weeds, or are in poor condition. Landscape Services raises no objection to nominated tree removal subject to adequate and appropriate tree replenishment on site and the planting of street trees.

The submitted landscape plan proposes the planting of forty seven (47) additional tall trees, including street tree planting, capable of attaining a minimum height of thirteen metres in addition to other smaller trees and feature palm plantings. This exceeds Councils' minimum tree replenishment requirements as required by DCP55. The proposed tree plantings have been placed and spaced appropriately around the site to enhance the treed landscape character in the medium to long term.

Deep soil

By the applicant's calculations the proposed development will have a deep soil landscape area of 2 472.3sqm or 52.4% of the site area, which numerically complies with minimum LEP194 requirements. Landscape Services agrees with the areas included as deep soil landscaping.

Landscape plan

The development proposes an extensive landscape setting for the site. No issues are raised regarding the proposed landscape plan.

Drainage plan

Landscape Services raises no objections to the proposed Concept Storm Water Plan.

Landscape Services can support the application with conditions.

Engineering

Council's Engineering Team Leader, Kathy Hawken, commented on the proposal as follows:

The application is for the demolition of the existing three residences and the construction of two residential flat buildings comprising a total of 59 units, (18x1br, 23x2br and 18x3br). Subdivision is not indicated on the application form, so no subdivision conditions have been included.

The following documentation was used for the assessment:

*AFCE Environment + Building Drawings 362077-C1/0, dated Aug 05, and report dated 23 September 2004 (should be 2005?);
Rygate & Company survey plan 69345, dated 12/4/2002 (some numbers not legible);
Metropolitan Statement of Environmental Effects, SEE05-011C, dated September 2005;*

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*Nettleton Tribe architectural drawings Revision A, dated September 2005;
Environmental Site Management Plan prepared by Belbore Project Management, dated September 2005;
Transport and Traffic Planning Associates report 05135, dated September 2005;
Jeffery and Katauskas Report on Preliminary Geotechnical Investigation, 19552Vrpt, dated 13 July 2005.*

Water management

The concept stormwater plan submitted shows 59 000 litres capacity for rainwater retention, as well as 73m³ of on site detention. Discharge of runoff is to be to the Winton Street frontage. Re-use of retained roofwater is not specified, except that the report states “Stormwater management will include the provision of stormwater detention and retention/re-use facilities which will be sized in accordance with DCP 47.” For compliance with DCP 47, the use of the stored rainwater will be for toilet flushing, clothes washing, irrigation and car washing.

Traffic generation

The development is calculated to generate some 30 to 38 vehicle trips per peak hour, which when split between the two streets, will be equivalent to about one vehicle per four to six minutes during the peak hours. This is not expected to adversely affect flows in Winton Street or Lowther Park Avenue, because of breaks in the Pacific Highway flows due to the traffic lights at Fox Valley Road and the pedestrian crossing for the school.

Parking and vehicular access

The site is further than 400 metres from a railway station, so under LEP194, 77 resident and 15 visitor parking spaces are required. The development includes 96 parking spaces and therefore complies.

The dimensions of the parking spaces comply with AS2890.1:2004. There is a number of tandem spaces, each of which may be allocated to a single unit. The traffic report also includes a swept path analysis of the relatively tight turn into the carpark for Building B, which demonstrates that vehicles including the small waste collection vehicle, can manoeuvre inside the carpark.

Building A has a combined 5.8 metres wide entry and exit off Winton Street, and Building B has a combined 5.5 metres entry and exit off Lowther Park Avenue. The access driveway into Building B has a one lane section with adequate visibility from one end to the other. The traffic report suggests a sign “Incoming Drivers to Give Way”, which has been included in the recommended conditions. Each building also has a one lane ramp to lower basement level with a traffic light and mirror proposed. This is acceptable due to the low traffic volumes, and the operation is described in the report.

Council infrastructure

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There is no footpath along the Lowther Park avenue frontage of the site, so a footpath will be required, to be constructed in conjunction with the works. There is no kerb and gutter for most of the Winton Street frontage, however this has not been required in the recommended conditions, for the following reasons:

Kerb and gutter would increase velocity of the flows in the table drain further down Winton Street, and the potential for scouring.

The road has a relatively steep shoulder and would require complete reconstruction.

Waste collection

Each building has a garbage storage area on the upper basement level. As mentioned above, the swept path analysis for Building B demonstrates access, and it is evident that access is also available for the waste collection vehicle into Building A. No doors or gates are shown on the drawings which would obstruct access. An easement for waste collection will be required prior to occupation.

Construction management

The applicant has requested that restrictions not be placed in any consent on delivery hours in relation to school times. The site is opposite Warrawee Public School, but is at the southern extremity of the school zone, so a restriction on hours of delivery to the site has not been included.

Construction access to the site is anticipated to be an issue, since there is no direct access to either street for northbound vehicles and no northbound access from the site onto the Pacific Highway. Construction vehicles coming from the south or travelling north would ideally use Ryde Road/ M2/ Pennant Hills Road, which would obviate any need to travel directly past the school, however unless the applicant is extremely diligent with contractors right from the beginning it is difficult to imagine this route being voluntarily adopted.

A detailed Construction and Traffic Management Plan will be required prior to commencement of works, which is to include travel routes for various types of construction vehicles.

Geotechnical investigation

Excavation to lower basement level will be up to 6 to 8 metres below the existing ground level.

The preliminary investigation comprised one borehole only, drilled to 10.5 metres depth. A deeply weathered profile is indicated, with clay to 5.5 metres depth, underlain by shale of extremely to very low strength.

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The report contains recommendations for further works including at least 5 additional boreholes. This can be done after demolition, and prior to commencement of bulk excavation, to obtain more detailed recommendations for vibration monitoring and excavation considerations. Rock anchors will most likely be required, and these could extend outside the property boundaries into the road or Highway reserve. The process for obtaining approval for temporary anchors is outlined in the recommended conditions.

The application is supported, subject to conditions (Refer Conditions Nos 59 -76, 83 – 93, 103, 109 – 116, 120- 132).

STATUTORY PROVISIONS

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

A design verifications statement has been submitted with the application, verifying that a registered architect has designed the proposed residential flat buildings in accordance with the quality design principles in SEPP 65 as required by Clause 50 (1A) of the EPA Act Regulation.

The proposal is assessed against the design principles as follows:

Context:

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

The proposal accords with the desired future character of Ku-ring-gai as identified in part 3.2 of DCP 55. The development would provide adequate setbacks to street frontages with characteristic plantings within the front setbacks that are consistent with properties in close proximity in both Winton Street and Lowther Park Avenue.

Scale:

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

The scale of the development is compliant with relevant controls of DCP 55 and LEP 194. The visual mass of the building would be minimised with appropriate plantings, varying setbacks and changes in materials, colours and textures. The built form would follow the irregular shape of the site and the design responds to prominent corners of the site at the junction of Lowther Park Avenue, Winton Street and the Pacific Highway.

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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.....”

Two buildings have been proposed to minimise bulk and scale to the streetscape with adequate landscaping within the setbacks to soften the built edges of the development when viewed from the public domain. There is adequate fenestration on the front facades to provide architectural interest also with varying materials, colours textures. The fourth floors are set back from the edge of the third floors to provide a lighter element at the top of the proposed building with a skillion roof in contrast to the horizontal presentation of the lower floors.

Density:

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

The development complies with the maximum FSR of 1.3:1 and comprises units that have varying layouts to cater for different household types.

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.

Building orientation and internal layouts within individual units have been arranged to maximise solar access as required by SEPP 65 and DCP 55. A rainwater tank is proposed for the reuse of roof water for toilets, laundry washing machines and for garden irrigation purposes. Moreover, a high percentage of native species is proposed within the deep soil zones to achieve the principles of sustainable development.

Landscape:

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

The proposal provides for sufficient soft landscaping within deep soil zones, with a mixture of native species and exotics within the front, side and rear setbacks.

Amenity:

“SEPPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor

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space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.”

The development provides units with varied layouts and relatively generous living areas that will afford good solar access, natural light and ventilation. Storage has also been provided within each unit as well as within the basement level. Most of the units and garden areas are visitable.

Safety and security:

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

Most units within the development would overlook public areas to promote natural surveillance. Safety by Design principles have been achieved with a development that is unlikely to provide potentially dark and/or non-visible areas. A condition of consent is recommended requiring a card operated security system (not key operated) to further promote site security. **(Condition No. 133)**

Social dimensions:

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

There is a mix of unit sizes (1, 2 & 3 bedrooms) with a variety of layouts. The site is not far from Warawee and Turrumurra Railway Stations and has good access to the Turrumurra and Gordon Town Centres. The development also provides manageable housing, disabled access; with lifts to the upper floors, the basement car park and car spaces for disabled residents and/or visitors.

Aesthetics:

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

The schedule of materials features an interesting palette of colours, textures and finishes. The earthy, recessive tones of the external walls would allow the development to blend into the existing built context and landscape setting provided by the existing and proposed trees.

Residential Flat Design Code

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The considerations in the Residential Flat Code are as follows:

Relating to the local context:

The proposal occupies four separate allotments which will need to be consolidated. (**Refer Condition No. 83**)

The development also generally complies with the prescribed building envelope controls within LEP 194 and DCP 55. In particular, maximum building height, number of storeys, top floor percentage, site coverage and floor space ratio. There is some non-compliance with the required setbacks (above and below ground levels) to Pacific Highway, Winton Street and Lowther Park Avenue. However, these are considered to be satisfactory for the reasons stated in this report where the proposal is considered against the requirements of DCP 55. The bulk, scale and density anticipated for the site is, therefore, consistent with the development outcome required by the relevant planning instruments and policy documents.

Site analysis:

A satisfactory site analysis was submitted, indicating how the proposal performs in terms of building edges, landscape response, access, parking and overall building performance in respect of overall energy sustainability.

In terms of site configuration, the proposal provides adequate areas for private and common open space and deep soil landscaping.

The orientation of the development ensures adequate solar access habitable areas and private open space, both internally and to adjoining residential development. The proposal also provides appropriate frontages to Winton Street, Lowther Park Avenue and Pacific Highway.

The merits of the application with respect to stormwater management, access and privacy are assessed below.

Building design:

The proposal is satisfactory in terms of its internal configuration and achieves the objectives of the Residential Flat Code by providing functional and organised spaces, with a high level of residential amenity. The proposal provides good habitable spaces, with a majority of the units having a northerly aspect to optimise solar access, natural light and ventilation.

All other relevant matters under “Building Design” are considered to be satisfactory.

State Environmental Planning Policy No. 55 – Remediation of Land

Council’s property file for No. 1389 Pacific Highway indicates that there has been evidence of site contamination in particular fly tipping in 1994 and herbicide use prior to 1997. A report by a suitably qualified consultant was submitted on 30 April 2001 which demonstrated that:

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Based on the findings of the site history review, field work and analyses undertaken, the dumping of clay, broken masonry and other materials at the site, as well as the use of herbicides, are considered to have had negligible impact on the site. Moreover, given the low levels of contaminants detected and that recorded concentrations meet guidelines for all development scenarios, it is considered that the site is currently suitable for any future redevelopment.

Council considered possible contamination of the site and the above report when DA2045/99 for a SEPP 5 development was granted consent on 3 July 2004 where Council was satisfied that there was no contamination of the site in light of the findings of the above report.

The applicant has indicated that there has been no activity on the land since its purchase to cause any further contamination. In addition, Council's records also indicate that there have been no reports of any further activity that is likely to cause contamination. Accordingly, the land in question is considered to be suitable for residential development.

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

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

Subject to recommended conditions of consent from Council's Development Engineer, the development is unlikely to generate significant additional stormwater and would be consistent with the provisions of SREP 20.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1,200m ²	4715m ²	YES
Deep landscaping (min): 50%	52.4%	YES
Street frontage (min): 30m		
Pacific Highway	98m	YES
Lowther Park Avenue	44.4m	YES
Winton Street	46m	YES
Number of storeys (max): 5	5	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	60%	YES
Storeys and ceiling height (max): 5 and 13.4m	5 & 13.4m	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Car parking spaces (min): <u>Building A</u> <ul style="list-style-type: none"> 8 (visitors) 39 (residents) Total = 47 spaces <u>Building B</u> <ul style="list-style-type: none"> 7 (visitors) 38 (residents) Total = 45 spaces 	8 (Including 1 disabled space) 42 spaces (Including 3 disabled spaces) 50 spaces 7 (Including 1 disabled space) 39 (including 4 disabled spaces) 46 spaces	YES YES YES YES YES YES
Zone interface setback (min): 9m (Levels 3 & 4)	9m (Levels 2 – 4)	YES
Manageable housing (min): 6	6	YES
Lift access: required if greater than three storeys	1 lift for each building	YES

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

There are two heritage items directly opposite the site (Nos. 1379 & 1458) to the east and south. Council's Heritage Advisor has considered the impact of the proposal on the heritage listed items and concluded that there would be no unreasonable impact on their significance.

Residential zone objectives and impact on heritage:

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 708m² 	2,451.8m ²	YES
No. of tall trees required (min): 16 trees	5 existing trees & 38 proposed trees	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	35%	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.3:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 		
<u>Building A</u> Pacific Highway 10-12m Winton Street 10-12m (Footprint <40%) (Footprint <40%)	10-12m 10-12m Basement - 8.4m to Pacific Highway 78% - Pacific Highway 67% - Winton Street	YES YES NO NO NO
<u>Building B</u> Pacific Highway 10-12m Lowther Park Avenue 10-12m (Footprint <40%) (Footprint <40%)	10-12m 10-12m Basement - 5.03m to Pacific Highway Basement level – 6 metres to Lower Park Avenue Basement level - 2.9m to 4 Lowther Park Avenue 45% - Pacific Highway 41% Lowther Park Avenue	YES YES NO NO NO NO NO
Rear 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 Building A Building B	8m to Winton Street & Pacific Highway 7m-8m to Pacific Highway 4m to Lowther Park Avenue	YES NO NO
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	10 – 15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm 	<600mm	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Wall plane area <81m² 	<81m ²	YES
Built form: <ul style="list-style-type: none"> Building width < 36m <u>Building A</u> – Winton Street Pacific Highway <u>Building B</u> Pacific Highway Lowther Park Avenue <ul style="list-style-type: none"> Balcony projection < 1.2m 	32m 18m 50m 14m Building B - 2m-3m Northern elevation	YES YES NO YES NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	70% >50% 6%	YES YES YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 	Eastern side of Bld. A to 1A Winton Street – 9m Northern side of Bld. B to 1A Winton Street 13m – 19m Northern side of Bld. B to No. 4 Lowther Park Avenue - 13m- 18m 12m between buildings A & B	NO YES YES YES YES
5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 	Eastern side of Bld. A to 1A Winton Street - 15m Northern side of Bld B to 1A Winton Street – 19m Northern side of Bld B to 4 Lowther Park Avenue – 14m 20m between Buildings A & B	NO YES NO YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	3-3.4m 3-3.4 3m min 3m min 7 units (max) 1.5m 1.8m	YES YES YES YES YES YES
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m ² <ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	>25m ² 10m ² 12m ² 15m ² >2.4m	YES YES YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	70%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1,2,3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation 	66%	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> single aspect units are to have a maximum depth of 10m 	<10m	YES
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	32%	YES
<ul style="list-style-type: none"> >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	61% - 4.5 star and above 15% - 4 stars 24% - 3.5 stars Average rating 3.5 stars	NO
Part 5 Parking and vehicular access:		
Car parking (min): Car parking spaces (min): <u>Building A</u> <ul style="list-style-type: none"> 8 (visitors) 39 (residents) 47 (total) <u>Building B</u> <ul style="list-style-type: none"> 7 (visitors) 38 (residents) 45 (total) 	8 (Including 1 disabled space) 42 spaces (Including 3 disabled spaces) 50 spaces 7 (Including 1 disabled space) 39 (including 4 disabled spaces) 46 spaces	YES YES YES YES YES YES

Part 4.3 Setbacks:

The basement carparking levels to Buildings A and B fail to achieve the required setback of 10 metres to Pacific Highway and Lowther Park Avenue.

At its closest point, the basement to Building A has a setback of 8.4m to Pacific Highway. The extent of the non-compliant area of the basement is 2.4 m² of the total floor area of the basement (approximately 960.5 square metres at each level or 0.3%).

At its closest point the basement to Building B has a setback of 2.9m to No. 4 Lowther Park Avenue, 6m to Lowther Park Avenue and 5.03m to Pacific Highway. The extent of the non-compliant area of the basement is 138m² or 13% of the total floor area of the basement (1063.8m²) at Levels 1 and 2.

Those non-compliant areas within the setback form a very minor proportion of the overall building floor area. These areas are also located below ground and have no impact on the presentation to the streetscapes. However, Council in considering the non-compliance, must be satisfied that they do not preclude large canopy plantings and general front garden areas. This issue has been carefully

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considered by the Landscape Development Officer who concludes that the non-compliance would not restrict large plantings in the setbacks.

Above ground level, the footprints of Buildings A and B occupy in excess of 40% of the setback zone (ie. 10 – 12m). This control aims to allow for articulation of the façade. In this respect both buildings are well articulated through the use of indentations, relieved wall plains and through balcony indentations. The following points are also made:

- The proposal provides adequate soft landscaping within the front setbacks to Pacific Highway, Winton Street and Lowther Park Avenue. The landscaping will soften the built edges of the buildings when viewed from the public domain,
- A characteristic landscape setting, consistent with adjoining properties, will be established.
- The proposed front setbacks are consistent with adjoining properties (Nos. 1 Winton Street and 4 Lowther Park Avenue)
- There would be sufficient variation in materials, external colours and fenestration to provide adequate architectural relief to the facades of the buildings.
- Building A will appear as a four (4) storey building when viewed from Pacific Highway and Lowther Park Avenue due to the changes in ground levels so as to reduce its visual impact upon the streetscape,
- There would be no unreasonable loss of amenity for adjoining properties as a result of the non-compliance, and
- The proposal complies with the non-discretionary development standards in clause 25M(d3) in the KPSO.
- The narrow width of building B facing Lowther Park Avenue (only 7 metres) would minimise bulk and scale to Lowther Park Avenue.

Setback for private courtyards

Four (4) ground floor courtyards fail to comply with the required setback to Winton Street (G.09, G.08, G.12, G.13) of eight (8) metres. This non-compliance is considered to be satisfactory because the courtyards would be located at a lower level than the footpath so they would be barely visible from the public domain, with open palisade fencing to Lowther Park Avenue and landscaping serving to minimise their impact on the streetscape.

Part 4.4 Built form and articulation:

Width of Building B

Building B has a length of 50 metres as it presents to Pacific Highway, whereas DCP 55 limits the length of buildings perceivable from a street to 36 metres. However, this non-compliance is satisfactory for the following reasons:-

- Due to changes in the ground levels, the building would present four (4) storeys to the street, with a lighter element on Level 4 as required by Clause 25I(7) to reduce bulk and scale to the streetscape.

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- The site has three frontages and is relatively shallow in depth, making compliance with the maximum building length of 36 metres difficult to achieve.
 - The building massing, façade modeling, articulation and roof forms reduce the apparent bulk and scale when viewed from the streetscape
 - The building is of a high architectural standard, and
-
- There would be adequate landscaping within the front setback to soften the built edges of the building when viewed from the public domain.

Balcony projection

On the northern elevation of Building B there is a minor non-compliance with DCP 55 in terms of maximum permitted balcony projection (no greater than 1.2m). The non-compliance relates to the balconies off the living areas of Units 10 and 11 on Levels 1 – 3. These non-compliances are acceptable as this elevation does not present to the street and the protrusion of the balconies does not affect the architectural integrity of the building and there would be no unreasonable privacy loss as a result of the protrusion given the high standard of landscaping that would be provided in the rear setback. Furthermore, planter boxes have been recommended on the protruding balconies to reduce overlooking into the adjoining properties.

Part 4.5 Residential amenity:

Visual Privacy

No. 1 Winton Street is located 10m to the north of Building A. Between No. 1 Winton and the subject site is the vehicular access handle to No.1A Winton Street. Despite the close proximity of the dwelling house, privacy can be provided through landscaping along the northern boundary of the development site. In addition, the existing boundary fence to No. 1 Winton and the conifer hedge prevent direct view into any windows and the private open space at the rear of this property.

There is a non-compliance with the minimum habitable window separation between Building A and No. 1A Winton Street. However, there would be no unreasonable loss of privacy as a result of this non-compliance because there would be adequate landscaping within the side setbacks to minimise overlooking, boundary fencing and given that there is a compliant setbacks for an interface zone.

Furthermore, No. 1A Winton Street is located at a lower level than the subject site so any overlooking from the subject site would primarily overlook the roof of No. 1A Winton Street. The private outdoor space for this dwelling is located on its northern side, so there would be adequate separation between the subject site and the private outdoor space of No. 1A Winton Street to minimise privacy loss for that dwelling. In addition, privacy louvers have also been proposed for the northern elevation of Building B to discourage overlooking into adjoining properties.

There is also a non-compliant setback between the windows on the fifth floor and the windows of No. 4 Lowther Park Avenue. This non-compliance is unlikely to cause any unreasonable loss of privacy for the residents of No. 4 Lowther Park Avenue despite its close proximity to the common

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boundary. This is because there is only one window on the southern side of No. 4 Lowther Park Avenue and this would be adequately screened by the existing and proposed vegetation on the common boundary and within the building setbacks. In addition, it is also recommended that planter boxes be provided along the northern edges of the upper level terraces/balconies to minimise overlooking into No. 4 Lowther Park Avenue (see **Condition No. 95**).

Overlooking within the proposed development has been minimised through the careful placement of windows and balconies. Planter boxes have been recommended for the larger terraces on the fifth floor as well as privacy screens (see **Condition No. 95**).

Acoustic privacy

To comply with section 4.5.3 of DCP 55, the applicant has submitted an acoustic report. The report recommends the use of acoustic rated windows/doors, double glazing, the upgrading of eaves, appropriate mechanical ventilation and acoustic detailing of building elements (see **Condition No. 99**).

Part 4.6 Safety and security:

Windows and balconies of the proposal will afford overlooking of public areas, providing natural surveillance. Security lights must be provided in the garden areas, in particular to the communal outdoor area (**Condition No. 135**). Entries to each building would also be clearly visible from Pacific Highway, Winton Street and Lowther Park Avenue to further ensure site security.

Part 4.7 Social dimensions:

There is a mixture of one, two and three bedrooms units on each level in Buildings A and B, with different layouts and sizes to satisfy the intent of part 4.7 in DCP 55. The applicant has also provided a lift in each building to ensure equitable access for disabled visitors/residents within the development. Adaptable units have also been provided in each building and the pathways within the landscaped setting provide disabled access to the common outdoor areas. Parking for disabled residents and visitors has also been proposed in the basement car park below Buildings A and B.

Part 4.8 Resource, energy and water efficiency:

Whilst only 61% the development achieves a 4.5 star rating, it should be noted that 76% of the units would achieve a rating of 4 stars. The applicant has also submitted an ABSA (Association of Building Sustainability Assessors) certificate. The certificate confirms that the development would achieve the intent of Part 4.8 of DCP 55 by providing an energy efficient development with a high level of thermal comfort, natural light and ventilation and solar access.

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 found to be satisfactory.

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Development Control Plan 40 – Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55 and also found to be 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 subject development complies 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 55 and the proposal satisfies the intent of Council's Development Control Plan concerned with water management.

Section 94 Plan

The development attracts a section 94 contribution of \$928,386.02, which is required to be paid by **Condition No.100**.

Likely impacts

The likely impacts of the development have been considered and are found to be satisfactory.

Suitability of the site

The subject site is zoned to accommodate residential flat buildings pursuant to the provisions of the KPSO and DCP 55 and, as such, the proposal is considered to be suitable for the site.

Any submissions

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

Public interest

Approval of the application is considered to be in the in the public interest.

Any other relevant matters considerations not already addressed

There are no other matters for 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.

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RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA1116/05 for demolition and construction of two (2) residential flat buildings, basement parking and landscaping on land at Nos. 1389 – 1397 Pacific Highway, Warrawee, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1116/05 *Error! No document variable supplied.* and Development Application plans prepared by Nettletontribe listed below lodged with Council on 30 September 2005:

Roof Plan no. 2775_DA_18_A dated September 2005
Level 4 Floor Plan no. 2775_DA_17_A dated September 2005
Level 3 Floor Plan no. 2775_DA_18_A dated September 2005
Level 2 Floor Plan no. 2775_DA_15_A dated September 2005
Level 1 Floor Plan no. 2775_DA_14_A dated September 2005
Ground Floor Plan no. 2775_DA_13_A dated September 2005
Sections no. 2775_DA_31_A dated September 2005
Streetscapes no. 2775_DA_23_A dated September 2005
Internal Elevations no. 2775_DA_22_A dated September 2005
Street elevations no. 2775_DA_21_A dated September 2005
Basement Level B2 Plan no. 2775_DA_11_A dated September 2005
Basement Level B1 Plan no. 2775_DA_12_A dated September 2005
Landscape Plan No. 56.05/116 sheets 1-3 prepared by Ian Jackson dated July 2005
Schedule of materials prepared by Nettletontribe lodged with Council on 30/9/05

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

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

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

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

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14. With regard to the proposed rock breaking the following conditions are to be observed:
- The Geotechnical Engineer shall supervise the works in progress.
 - A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
17. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
18. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

22. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
23. The fence and footings shall be constructed entirely within the boundaries of the property.
24. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
25. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
26. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.

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27. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
28. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

29. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
30. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
31. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
32. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
33. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

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34. All combustible material shall be removed from the site on a daily basis. Materials shall not be burnt on the site.
35. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
36. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
37. Fire hoses are to be maintained on site during the course of demolition.
38. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
39. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
40. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
41. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
42. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
43. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.

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44. To maintain the established streetscape and general appearance, the overall height of the fence is not to exceed 1.2 metres in height above finished ground level for visually transparent fences and 900mm for visually solid fence forms.
45. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
46. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
47. 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.

Tree/location	Time of inspection
All existing trees to be retained	Prior to demolition
	After completion of demolition
	Prior to excavation
	After completion of excavation works
	Prior to construction
	At monthly intervals during construction
	At the completion of all works on site

48. Landscape works shall be carried out in accordance with Landscape Plan 46.05/116 Sheets 1-3 prepared by Ian Jackson and dated July 2005 submitted with the Development Application.
49. REMOVAL/PRUNING of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#'s 31 & 32 *Liquidambar styraciflua* (Sweet Gum)
Winton St nature strip

50. 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 the Horticulture Certificate or Tree Surgery Certificate
51. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

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Tree/Location	Radius From Trunk
#6 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Pacific Hwy nature strip	4.0m
#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	4.0m
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.5m
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	3.0m
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	4.0m
#27 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary	3.0m
#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	5.0m

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

Tree/Location	Radius From Trunk
#6 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Pacific Hwy nature strip	4.0m
#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	4.0m
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.5m
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	3.0m
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	4.0m
#27 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary	3.0m

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#28 *Castanospermum australe* (Blackbean) 5.0m
Adjacent to northern site boundary

53. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
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#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	4.0m
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#27 <i>Arecastrum romanzoffianum</i> (Cocos Palm) Adjacent to eastern site boundary	3.0m
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#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	5.0m
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54. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
55. The tree species as detailed on the Landscape Plan 46.05/115 Sheet 2 and 46.05/116 Sheet 3, shall be planted, at no cost to Council, in the nature strip fronting the property along Winton St, Pacific Hwy and Lowther Park Ave. The tree/s used shall be a minimum 25 litres container size specimen/s trees:
56. Following removal of the nominated trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
57. 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.
58. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species
59. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system in Winton Street.
60. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be

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made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.

61. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
62. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
63. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
64. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
65. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
66. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps

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must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

67. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” as a minimum requirement.
68. For the purpose of any further plan assessment and works inspections by Council’s engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
69. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
70. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
71. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
72. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Preliminary Geotechnical Investigation 19552Vrpt by Jeffery and Katauskas and the subsequent geotechnical investigations carried out for construction purposes.
73. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.

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74. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.
75. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
76. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.

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

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

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

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

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lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

80. To preserve the following tree/s, footings of the proposed boundary fence shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
#6 Melaleuca quinquenervia (Broad leaf Paperbark) Pacific Hwy nature strip	4.0m
#7 Eucalyptus sideroxylon (Ironbark) Pacific Hwy nature strip	4.0m
#20 Lagerstroemia indica (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.5m
#21 Acer palmatum (Japanese Maple) Adjacent to north west site corner	3.0m
#22 Acer palmatum (Japanese Maple) Adjacent to northern site boundary	4.0m
#28 Castanospermum australe (Blackbean) Adjacent to northern site boundary	5.0m

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

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

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It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

82. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#6 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Pacific Hwy nature strip	\$1,000.00
#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	\$2,000.00
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	\$1,000.00
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	\$500.00
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	\$500.00
#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	\$1,000.00

83. The Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of the lodgement of a consolidation plan with the Department of Lands must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
84. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and

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sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.

85. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate. Any sub-station and/or fire hydrant booster assembly must be located in a discrete location with landscaping to minimise the visual impact of the facility from the streetscape.
86. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

87. The Applicant must carry out the following infrastructure works in the Public Road:
 - a. construct a 1.2 metres wide concrete footpath along the Lowther Park Avenue frontage of the site.

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

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works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

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

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

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

88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.

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90. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum, and are to be sealed and lightproof. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design may be generally in accordance with the Concept Stormwater Drainage plan prepared by AFCE Environment + Building, advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
93. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
 - a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".

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- b) A clear height clearance of 2.44 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

94. A report is to be submitted to and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

The photographic report for each building to be demolished (Nos. 1391 – 1397 Pacific Highway) is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified person who has knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

All photographs to be mounted, labelled and cross referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following:

- Each elevation
- Photographs of selected interiors
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Floor Plan (1:100)
- Black and white archival quality photography, contact prints with negatives and selected prints (one copy of negatives, other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

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95. To provide for adequate privacy, the architectural plans must be amended prior to the release of the construction certificate to provide planter boxes on balconies (minimum width 500mm for larger balconies, 300mm for smaller balconies) of the following units:-
- Units L4-01 (northern edge) L4-02 (northern & eastern edges), L4.03 (southern edge) L4-05 (northern & western edges), L4-06 (northern edge) L4-07 (northern edge);
 - Northern edges of Units L3.01, L3.02, L3.03, L3-10, L3-11, L2 – 12, L3 – 13; L3.05 (southern edge) L3.09 (western edge)
 - Northern edges of Units L2- 01, L2- 02, L2.03 (also eastern edge), L2.10, L2.11, L2.12; L2.13, southern edge of L2.05, western edge of L2.09
 - Northern edges of Units L1.02, southern edge of L1.03. & northern edge of L1.10, L1.11, L1.12, L1.13 southern edge of L1.05, & western edge of L1.09
 - Also Privacy screens for the eastern perimeter of the balconies for Unit Nos. L4.05, L3.03, L3.11, L2.11, L1.11 & northern perimeter of L1.01 & L1.03.
96. A boundary fence (1.8m high) must be provided along the northern boundary from the front building line in Winton Street to the front building line in Lowther Park Avenue to minimise overlooking into adjoining properties at the applicant's expense. The architectural plans must be amended accordingly prior to the release of the construction certificate.
97. Six (6) of the proposed apartments are to be designed with accessible features for disabled persons, and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate.
(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population).
98. The recommendations for noise attenuation within the development must be included in the application for a construction certificate in accordance with the Acoustic Report prepared by Atkins Acoustics dated September 2005 submitted to Council on 30 September, 2005.
99. One (1) visitor car must be adapted to provide a car wash bay in the basement carpark for both buildings (A & B) in accordance the BCA requirements in this respect that must not result in the loss of any car parking, storage or waste disposal areas for the development.
100. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTY SIX (56)
ADDITIONAL DWELLINGS IS CURRENTLY \$928,386.02. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Turramurra/Warrawee	\$4,723.00
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

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a. Describe the anticipated impact of the construction works on:

- local traffic routes
- pedestrian circulation adjacent to the building site;
- and on-street parking in the local area; and;

b. Describe the means proposed to:

- manage construction works to minimise such impacts;
- provide for the standing of vehicles during construction;
- provide for the movement of trucks to and from the site, and deliveries to the site; and

c. Show the locations of:

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

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

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

104. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.0m
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	3.0m
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	4.0m
#27 <i>Arecastrum romanzoffianum</i> (Cocco's Palm) Adjacent to eastern site boundary	3.0m

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#28 *Castanospermum australe* (Blackbean) 4.0m
Adjacent to northern site boundary

105. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
106. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information :
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
107. Prior to works commencing 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, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
108. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
109. After demolition and prior to the commencement of bulk excavation, the applicant shall carry out an additional geotechnical investigation comprising at least five boreholes, some cored, as recommended in the report by Jeffery and Katauskas. A supplementary report is to be submitted to Council and the Principal Certifying Authority which contains recommendations for vibration monitoring, excavation methods, excavation support and inspection frequency. Works are to proceed in accordance with any recommendations of the supplementary report.
110. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
 - Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

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Must be undertaken in accordance with the recommendations of the Jeffery and Katauskas Report on Preliminary Geotechnical Investigation, 19552Vrpt, dated 13 July 2005, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

111. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:

- Full road pavement width of Winton Street, Lowther Park Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
- All driveway crossings and laybacks in Winton Street and Lowther Park Avenue opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

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

Item 1

Traffic Control Plan(s) for the site

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

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

- Separate route maps for spoil removal vehicles and concrete delivery trucks are to be provided.
- Construction vehicles are not to turn in local streets.
- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- Light traffic roads and those subject to a load or height limit must be avoided at all times.

A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- The basement car park shall be made available for employee parking as soon as possible. A timeframe for this is to be included in the plan.

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

Item 1

113. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the adjoining structures at 1 and 1A Winton Street and 4 Lowther Park Avenue. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council.
114. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
115. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- RTA concurrence to the proposed temporary rock anchors
 - How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - That the locations of the rock anchors are registered with Dial Before You Dig
 - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The

Item 1

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.

116. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

117. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
118. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
119. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
120. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications must be compiled in report format and submitted to the Principal Certifying Authority for approval.
121. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter

Item 1

Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

122. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
123. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
124. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
 - That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
 - That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
 - That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
 - The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
 - The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
125. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and management systems. These plans shall show:
 - As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
 - As built locations of all access pits and grates in the retention systems, including dimensions.

Item 1

- The achieved capacity of the retention storages and derivative calculations.
- Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- As built surface and invert levels for all drainage pits and junction points.
- Gradients of drainage lines, materials and sizes.
- As built level(s) at the approved point of discharge to the public drainage system.

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

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

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

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

127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

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

- 1 and 1a Winton Street and 4 Lowther Park Avenue.
- Full road pavement width of Winton Street, Lowther Park Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
- All driveway crossings and laybacks in Heydon Avenue and Eulbertie Avenue opposite the subject site.

Item 1

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

129. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
130. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
131. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
 - Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking";
 - Traffic lights and mirrors have been provided at the single lane ramps, with operation as described in Transport and Traffic Planning Associates report 05135, dated September 2005;
 - A sign "Incoming Drivers to Give Way" has been installed at the entry to the carpark for Building B.
 - No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
 - A minimum of 2.44 metres headroom has been provided for access to the waste storage area.
132. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development

Item 1

has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.

133. The entry doors and basement car parking areas for buildings A & B must be fitted a card operated security system (not key operated) to achieve safety by design principles. The entries to the basement car parking areas for Buildings A & B must also be fitted with an intercom system linked to the units to facilitate the use of the visitor car parking spaces. Security lights must also be provided in communal garden areas to further enhance site security without causing a loss of amenity for adjoining properties as a result of unreasonable light spillage

BUILDING CONDITIONS

134. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

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

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

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

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

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

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

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

Item 1

137. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
 - h. A Registered Surveyor's Report confirming approved levels of the ground floor.
 - i. A Registered Surveyor's Report confirming approved levels of the first floor.
 - j. A Registered Surveyor's Reports confirming approved floor levels for all floors.
 - k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

Robyn Pearson
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment – South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

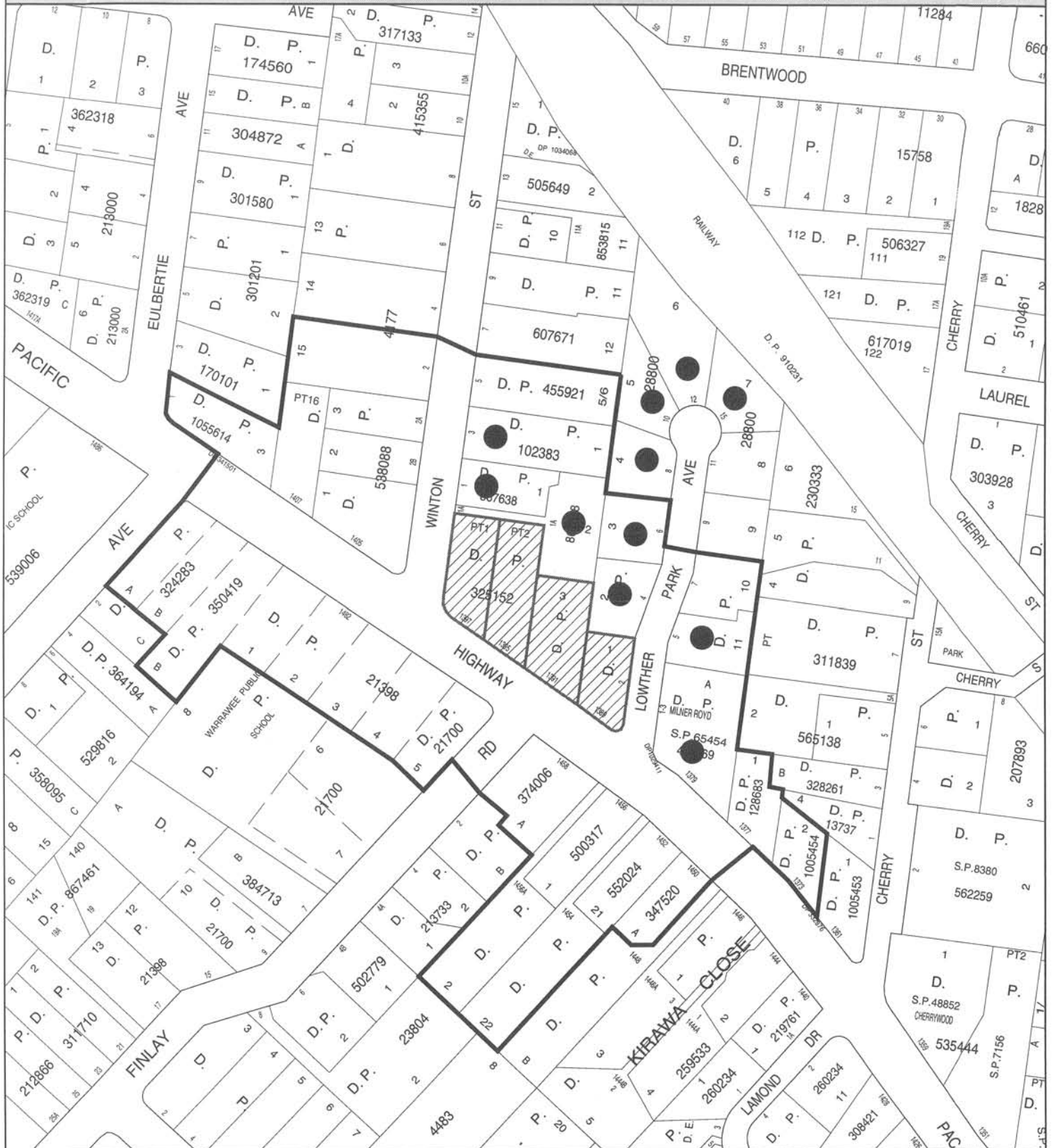
- Location sketch - 593965**
- Zoning extract - 593971**
- Site and roof plans - 593974**
- Plans of elevations - 593975**
- Shadow diagrams – 593978**
- Basement level floor plans – 593979**
- Landscape plans – 593982**

Item 1

Sections and streetscape - 593984
Confidential floor plans

LOCATION SKETCH

1389 - 1397 Pacific Hwy WARRAWEE NSW
DEVELOPMENT APPLICATION No 1116/05



Scale : 1:2500

13-03-2006



AGREEMENT

OBJECTION

SUBJECT LAND



PETITION

SUBMISSION

CIRCULATED AREA



1389-1397 Pacific Hwy WARAWEE DA 1116/05



COUNTY ROAD _____

DRAINAGE INSTRUMENTS _____

- (c) LOCAL ROAD PROPOSED — —
-
- —

Scale:1:2000
Date:07-03-2006





special
school zone

2(d3)

2(c2)

heritage listed
item
no. 6
winton street

2(c)

2(c2)

2(c)

WINTON STREET

site boundary

A zone boundary

2(d3)

2(c2) zone

2(C)

2(c)

heritage listed
item
no. 1458 pacific
highway

PACIFIC
HIGHWAY

LOWTHER
PARK

AVENUE

2(c)

existing SEPP 5
unit
development

heritage listed
item
no. 1379 pacific
highway

2(c2)



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Project
1389 - 1397 Pacific Hwy
Warracree
1389 - 1397 Pacific Hwy
Warracree Sydney NSW

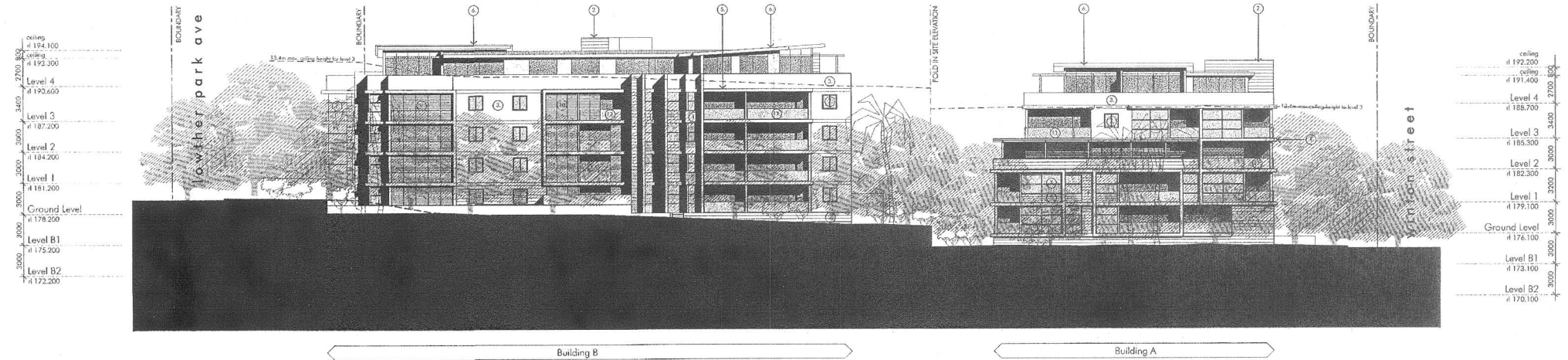
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Site Plan
1:400
September 2005
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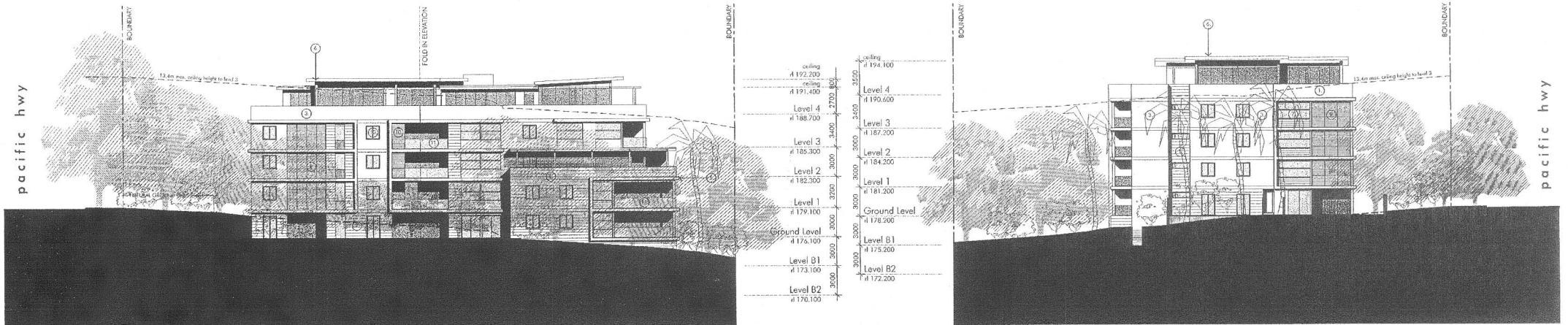
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o sydney@nettletontribe.com.au w www.nettletontribe.com.au

FINISHES LEGEND

- | | |
|--|--|
| 1. RENDERED MASONRY | 7. ALUMINIUM FRAMED WINDOWS / DOORS
POWDERCOATED FINISH |
| 2. FEATURE RENDERED MASONRY | 8. FEATURE WALL CLADDING |
| 3. FACE BRICKWORK | 9. ACOUSTIC LOUVRE SCREENS |
| 4. FEATURE FRAMING | 10. ALUMINIUM LOUVRE SCREENS |
| 5. SLAB PROJECTION | 11. GLASS BALUSTRADES |
| 6. FRAMED ROOFING WITH
COLORBOND SHEETING | 12. COLOUR-BACKED GLASS |



NORTH ELEVATION



BUILDING A - EAST ELEVATION

BUILDING B - NORTH-WEST ELEVATION

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Project
1389 - 1397 Pacific Hwy
Warrabee
1389 - 1397 Pacific Hwy
Warrabee Sydney NSW

Tab.
Scale
Date
Number
1 2 3 4

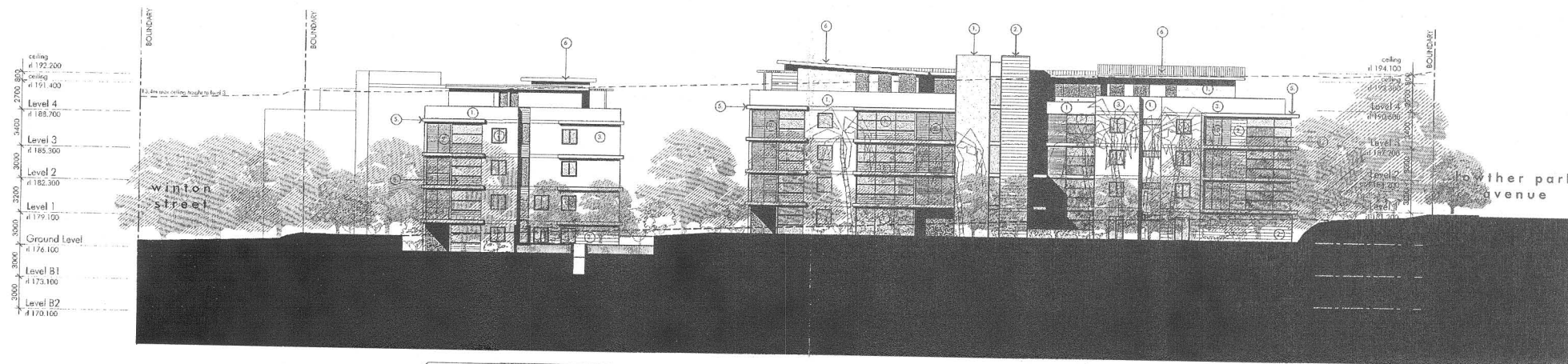
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1:200
September 2005
2775_DA_22_A

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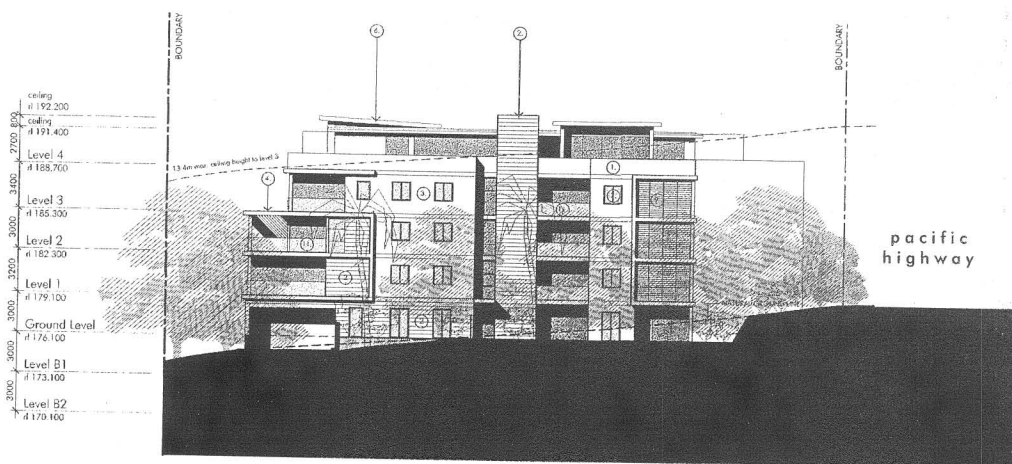
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FINISHES LEGEND

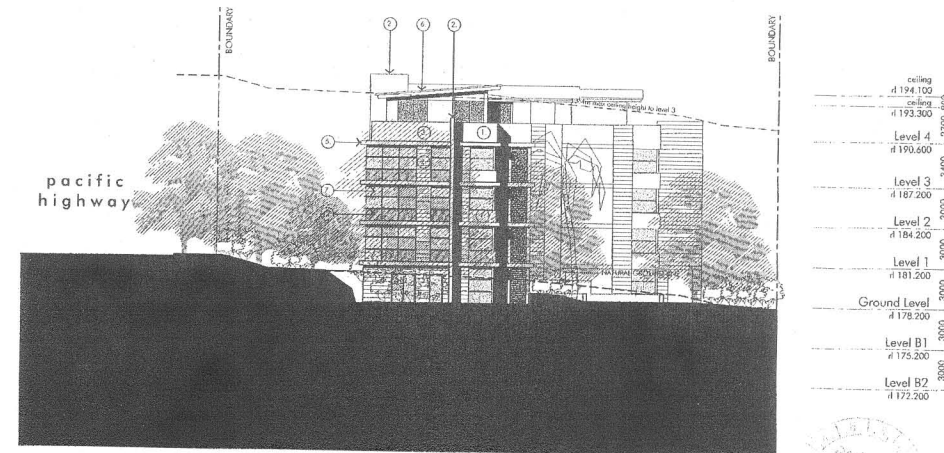
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| 2. FEATURE RENDERED MASONRY | 8. FEATURE WALL CLADDING |
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| 6. FRAMED ROOFING WITH
COLORBOND SHEETING | 12. COLOUR-BACKED GLASS |



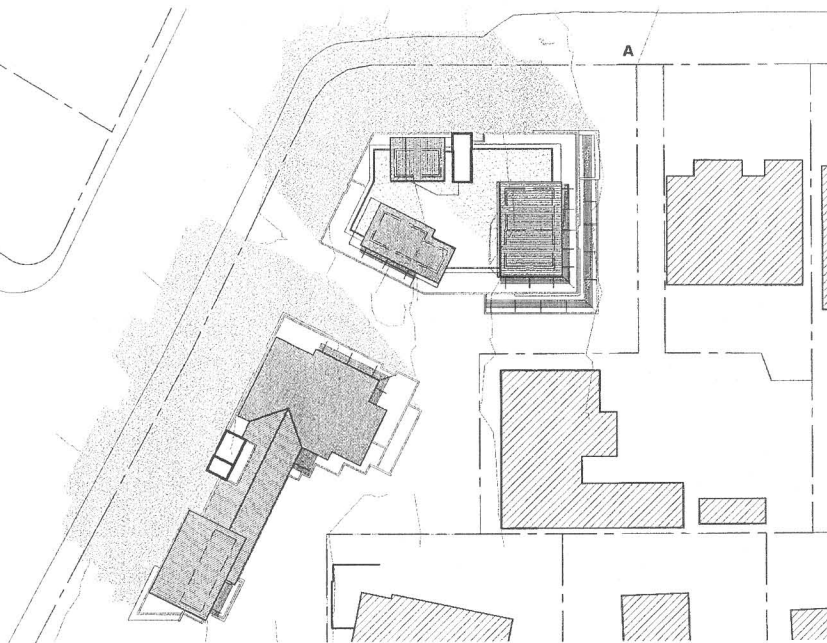
PACIFIC HIGHWAY ELEVATION



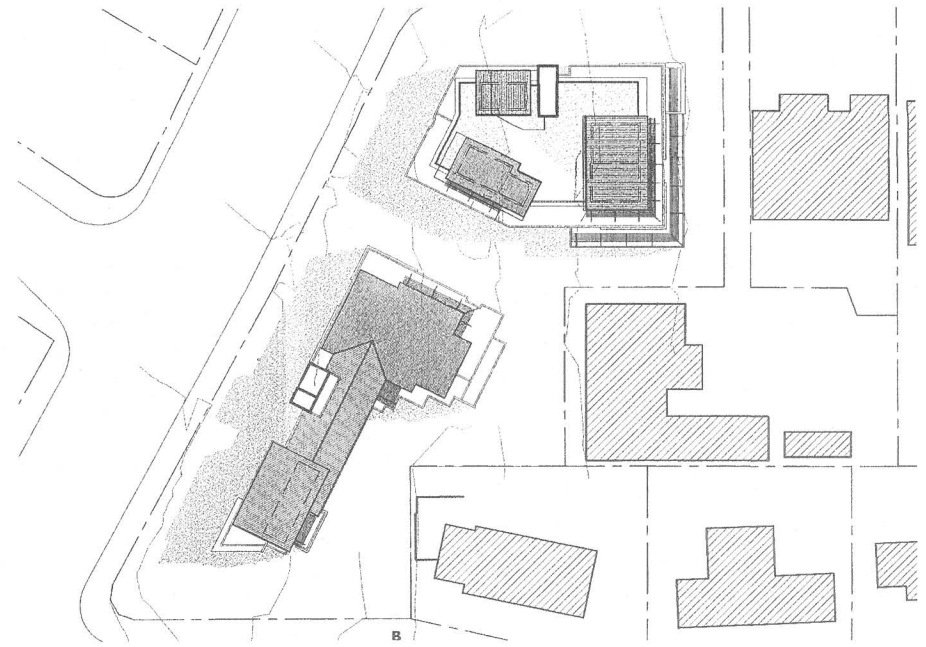
WINTON STREET ELEVATION
Building A - West Elevation



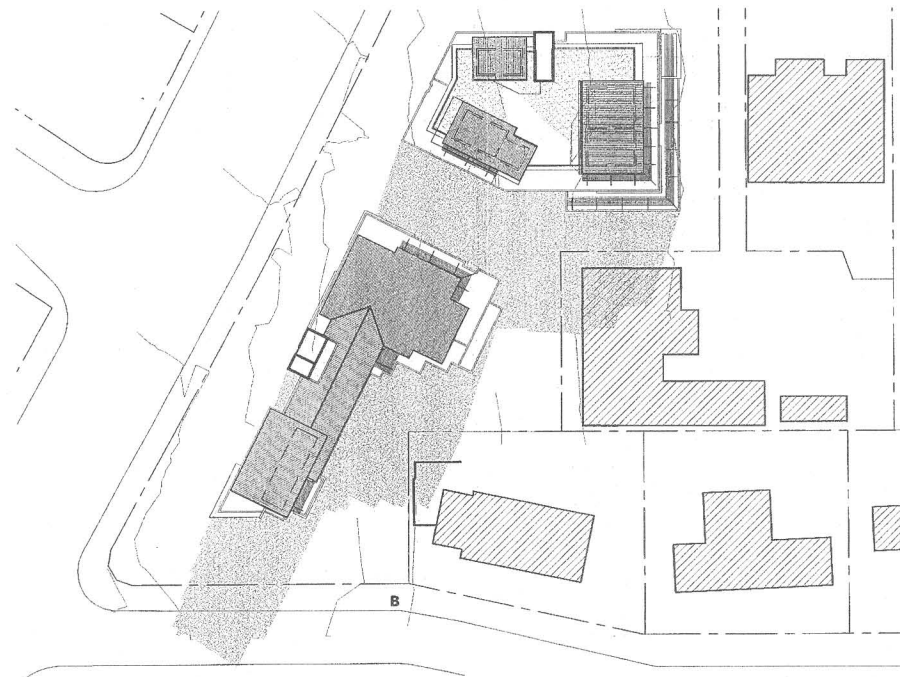
LOWTHER PARK AVENUE
Building B - East Elevation



MAR 21 - 9.00 AM



MAR 21 - 12.00 AM



MAR 21 - 3.00 PM

NOTES:

AZIMUTH FOR SHADOWS CAST IS SET AT 33.866d AS PER SYDNEY CITY COUNCIL'S SOLAR SCOPE.

SHADOWS ARE CAST FROM HEIGHT ABOVE GROUND AT THE SITE BOUNDARY & DO NOT TAKE INTO CONSIDERATION ANY RISE OR FALL BEYOND THIS POINT.

SHADOWS ARE CAST FOR BUILDINGS ONLY & NOT FOR LANDSCAPE ELEMENTS SUCH AS TREES, FENCES OR BOUNDARY WALLS.

SHADOWS ARE CAST IN AUTOCAD USING ADD ON PACKAGE DRCAUTO R11.

LEGEND

EXTENT OF SHADOWS
CAST BY PROPOSED
DEVELOPMENT





NOTES:

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LEGEND

EXTENT OF SHADOWS
CAST BY PROPOSED
DEVELOPMENT

SEP 21 - 9.00 AM

SEP 21 - 12.00 AM

SEP 21 - 3.00 PM

NOTES:
 AZIMUTH FOR SHADOWS CAST IS SET AT 33.866d AS PER SYDNEY CITY COUNCIL'S SOLAR SCOPE.
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LEGEND
 EXTENT OF SHADOWS
 CAST BY PROPOSED
 DEVELOPMENT



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Project
 1389 - 1397 Pacific Hwy
 Warrawee
 1389 - 1397 Pacific Hwy
 Warrawee Sydney NSW

Shadow Diagrams - September

Scale 1:400
 Date September 2005

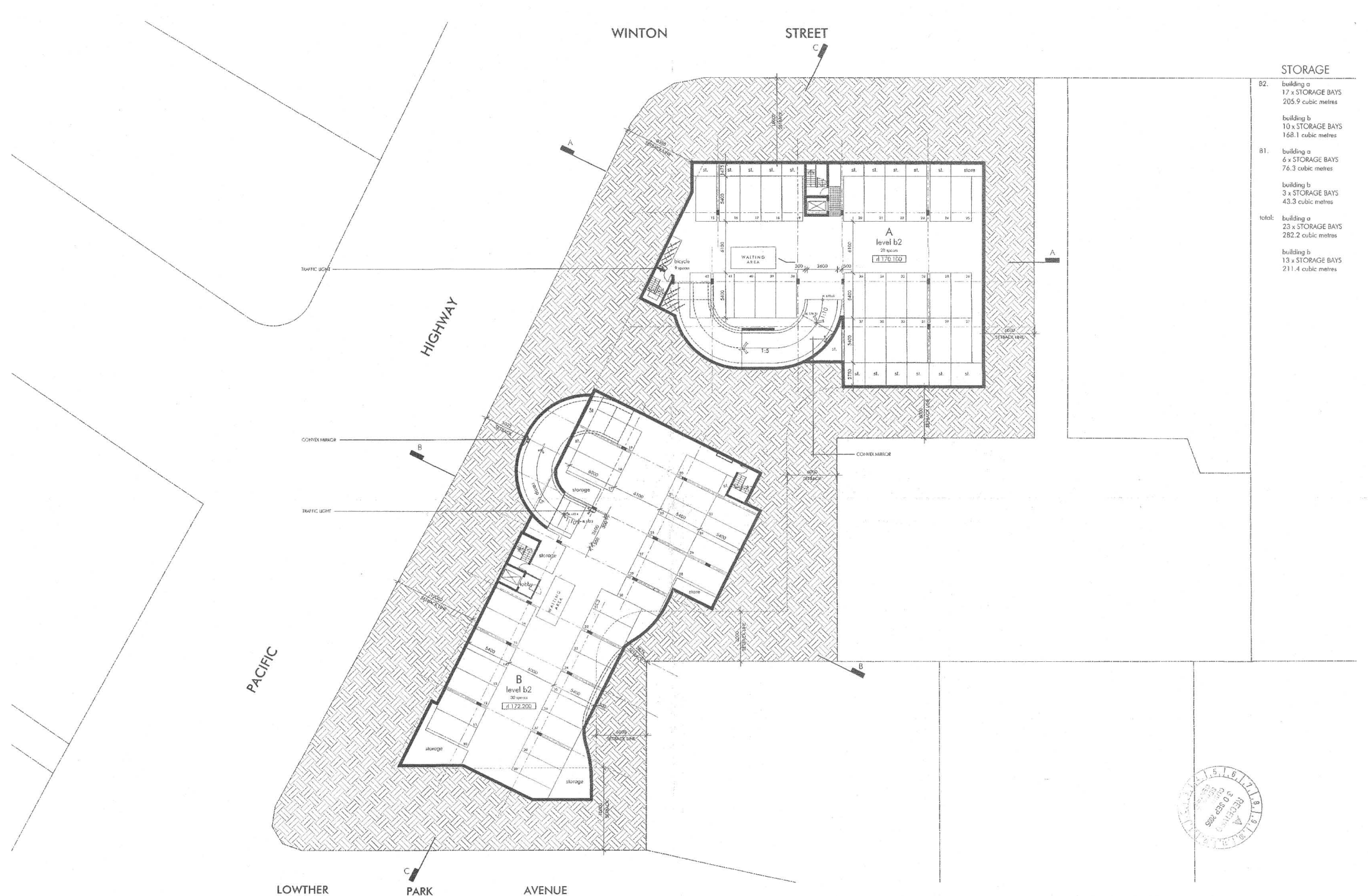
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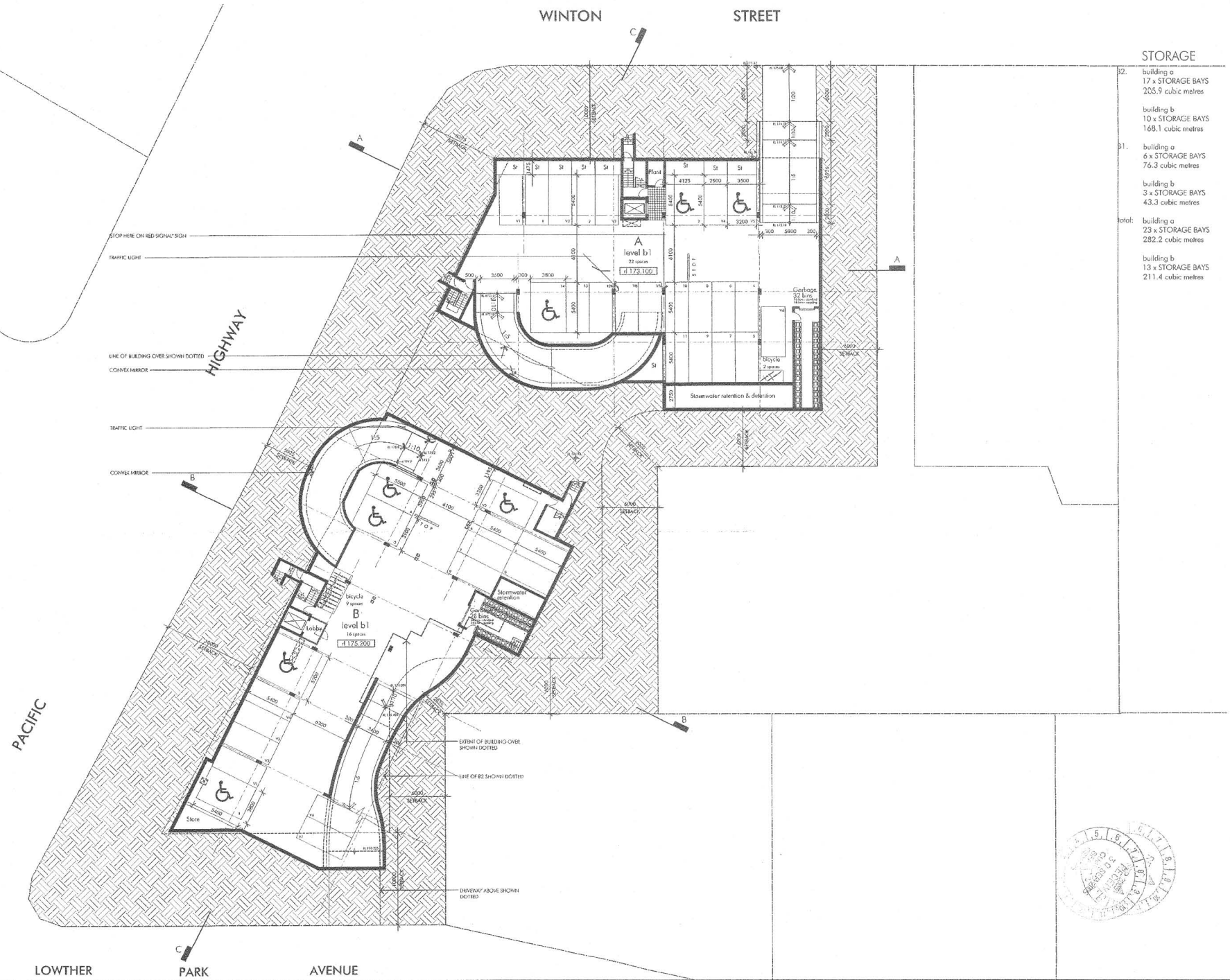
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 107 alexander street crows nest nsw 2065
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STORAGE

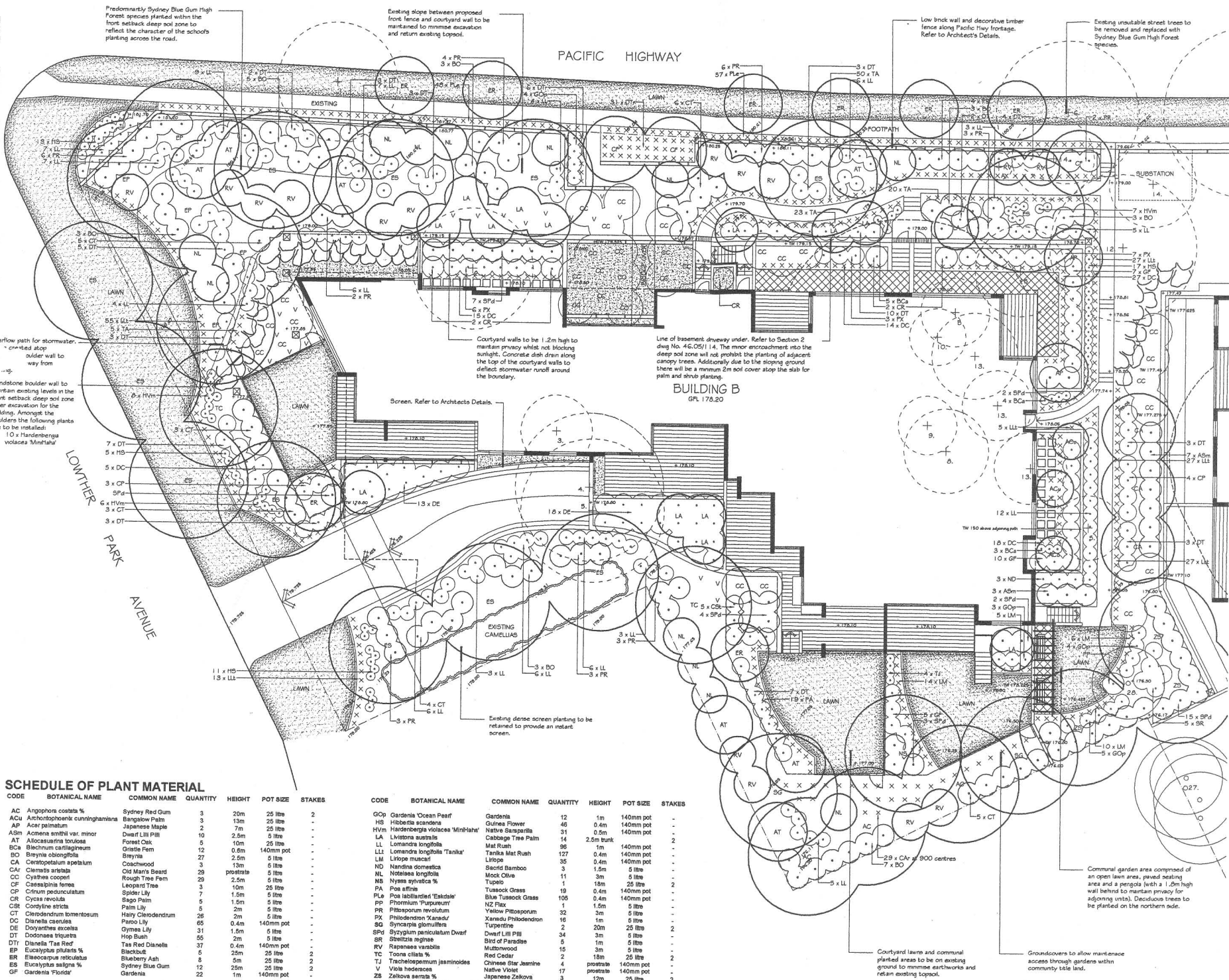
- B2. building a
17 x STORAGE BAYS
205.9 cubic metres
- building b
10 x STORAGE BAYS
168.1 cubic metres
- B1. building a
6 x STORAGE BAYS
76.3 cubic metres
- building b
3 x STORAGE BAYS
43.3 cubic metres
- total: building a
23 x STORAGE BAYS
282.2 cubic metres
- building b
13 x STORAGE BAYS
211.4 cubic metres





STORAGE

32.	building a	17 x STORAGE BAYS	205.9 cubic metres
	building b	10 x STORAGE BAYS	168.1 cubic metres
31.	building a	6 x STORAGE BAYS	76.3 cubic metres
	building b	3 x STORAGE BAYS	43.3 cubic metres
total:	building a	23 x STORAGE BAYS	282.2 cubic metres
	building b	13 x STORAGE BAYS	211.4 cubic metres



LEGEND

EXISTING & ARCHITECTS LEVELS
+ 105.20 PROPOSED LANDSCAPE LEVELS

EXISTING TREES TO BE RETAINED
EXISTING TREES TO BE REMOVED

NEW TURF AREAS: SOFT LEAF
BUFFALO

GRAVEL
UNIT PAVING

MASONRY WALLS
BRICK GARDEN EDGING

STEPPING STONES
POOL STYLE COURTYARD FENCING

SHEET 3 ADJOINS - ALSO REFER TO LANDSCAPE MASTER PLAN 46.05/114

SCHEDULE OF PLANT MATERIAL

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT	POT SIZE	STAKES
AC	Angophora costata %	Sydney Red Gum	3	20m	25 litre	2
ACU	Anchistophyllum cunninghamianum	Bangsaw Palm	3	13m	25 litre	-
AP	Acer palmatum	Japanese Maple	2	7m	25 litre	-
ASM	Acmena smithii var. minor	Dwarf Lilly Pill	10	2.5m	5 litre	-
AT	Allocasuarina torulosa	Forest Oak	5	10m	25 litre	-
BCA	Blachium carolinianum	Drift Fern	12	0.8m	140mm pot	-
BO	Breynia oblongifolia	Breynia	27	2.5m	5 litre	-
CA	Cestropetalum a petalum	Coachwood	3	13m	5 litre	-
CAV	Clematis arifolia	Old Man's Beard	29	prostrate	5 litre	-
CC	Cyathra cooperi	Rough Tree Fern	29	2.5m	5 litre	-
CF	Caesalpinia feneae	Leopard Tree	3	10m	25 litre	-
CP	Crinum pedunculatum	Spider Lily	7	1.5m	5 litre	-
CR	Cycas revoluta	Sego Palm	5	2m	5 litre	-
CST	Cordyline stricta	Palm Lily	5	1.5m	5 litre	-
CT	Cleodendrum tomentosum	Hairy Cleodendrum	28	2m	5 litre	-
CC	Dianella caerulea	Panda Lily	65	0.4m	140mm pot	-
DE	Doryanthes excolata	Gymea Lily	31	1.5m	5 litre	-
DT	Dodonaea triquetra	Hop Bush	55	2m	5 litre	-
EP	Dianella 'Tas Red'	Tas Red Dianella	37	0.4m	140mm pot	-
EP	Eucalyptus phillyriae %	Blackbutt	6	25m	25 litre	2
ER	Elaeocarpus reticulatus	Blueberry Ash	8	5m	25 litre	2
ES	Eucalyptus saligna %	Sydney Blue Gum	12	25m	25 litre	2
GF	Gardenia Florida	Gardenia	22	1m	140mm pot	-

CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT	POT SIZE	STAKES
GOP	Gardenia 'Ocean Pearl'	Gardenia	12	1m	140mm pot	-
HS	Hibbertia scandens	Guinea Flower	46	0.4m	140mm pot	-
HVM	Hardenbergia violacea 'Mini-Haha'	Native Scaevola	31	0.5m	140mm pot	-
LA	Livistona australis	Cabbage Tree Palm	14	2.5m trunk	-	2
LL	Lomandra longifolia	Mat Rush	96	1m	140mm pot	-
LLI	Lomandra longifolia 'Tanika'	Tanika Mat Rush	127	0.4m	140mm pot	-
LI	Liriodendron muscari	Lilipoe	35	0.4m	140mm pot	-
ND	Nandina domestica	Sacred Bamboo	3	1.5m	5 litre	-
NL	Notelaea longifolia	Mock Olive	11	3m	5 litre	-
NS	Nyssa sylvatica %	NZ Flax	1	18m	25 litre	2
PA	Poa affinis	Tussock Grass	10	0.4m	140mm pot	-
PLe	Poa labillardieri 'Eskdale'	Blue Tussock Grass	105	0.4m	140mm pot	-
PP	Phormium 'Purpureum'	NZ Flax	1	1.5m	5 litre	-
PR	Pittosporum revolutum	Yellow Pittosporum	32	3m	5 litre	-
PX	Philodendron 'Xanadu'	Xanadu Philodendron	16	1m	5 litre	-
SG	Synsphaera glomerulifera	Turpentine	2	20m	25 litre	2
SPd	Syringium paniculatum Dwarf	Dwarf Lilly Pill	34	3m	5 litre	-
SR	Strelitzia reginae	Bird of Paradise	15	3m	5 litre	-
RV	Rapanea variabilis	Red Cedar	2	18m	25 litre	2
TC	Torreya citata %	Chinese Star Jasmine	4	prostrate	140mm pot	-
TJ	Trachelospermum jasminoides	Native Violet	17	prostrate	140mm pot	-
V	Viola hederacea	Japanese Zelkova	3	12m	25 litre	2
ZB	Zelkova serrata %					

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

NOTES

This plan is to be read in conjunction with all the documentation prepared by Hesterton Tyle.

Also refer to the Landscape Specification.

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project
Residential Development
1389-1397 Pacific Highway,
Warrawee

drawing
Landscape Plan

client
Warr Pty Ltd

date
July 2005

scale
1:100 at B1

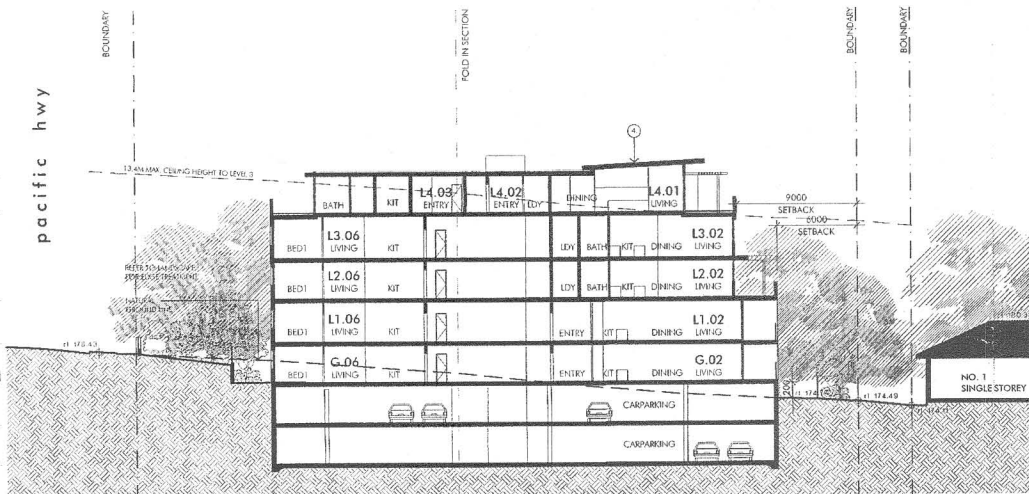
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46.05/115

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TWO/THREE

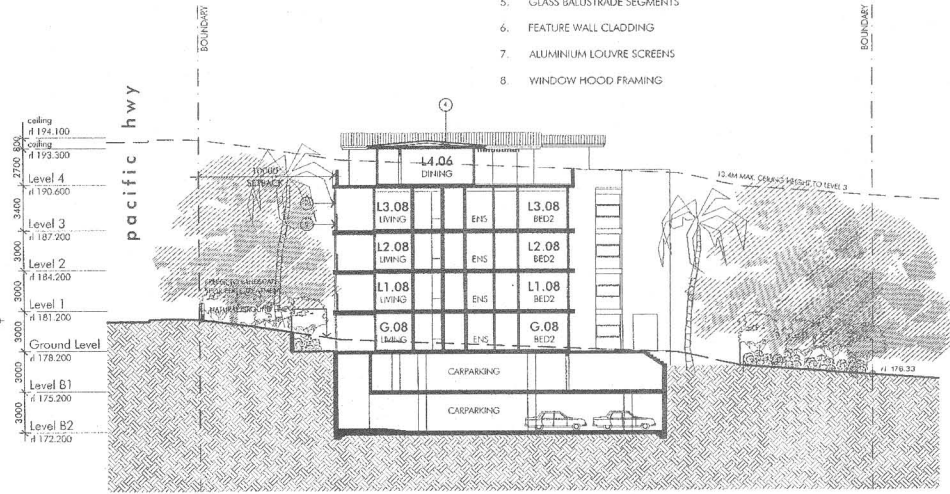
designed by
drawn by

FINISHES LEGEND

1. RENDERED MASONRY
2. BALCONY FRAMING
3. ALUMINIUM FRAMED WINDOWS / DOORS
POWDERCOATED FINISH
4. FRAMED ROOFING WITH
COLORBOND SHEETING
5. GLASS BALUSTRADE SEGMENTS
6. FEATURE WALL CLADDING
7. ALUMINIUM LOUVRE SCREENS
8. WINDOW HOOD FRAMING



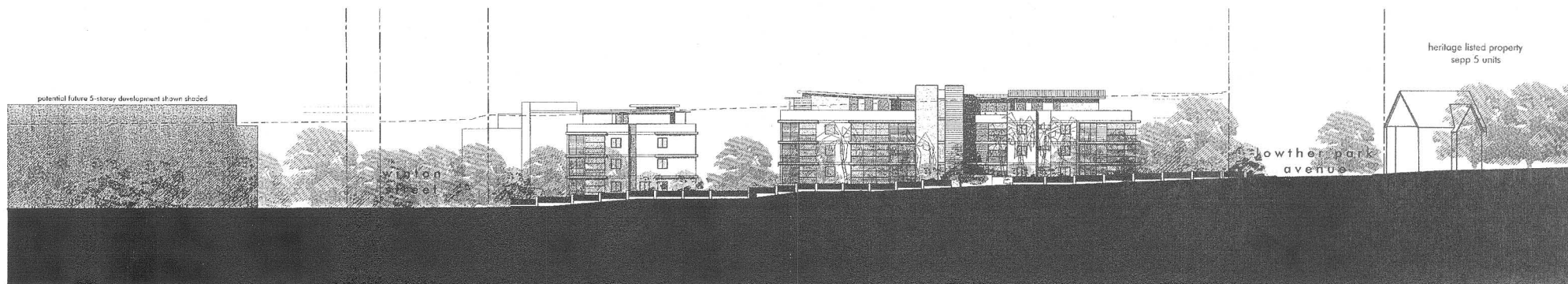
SECTION A
Building A



SECTION B
Building B



SECTION C

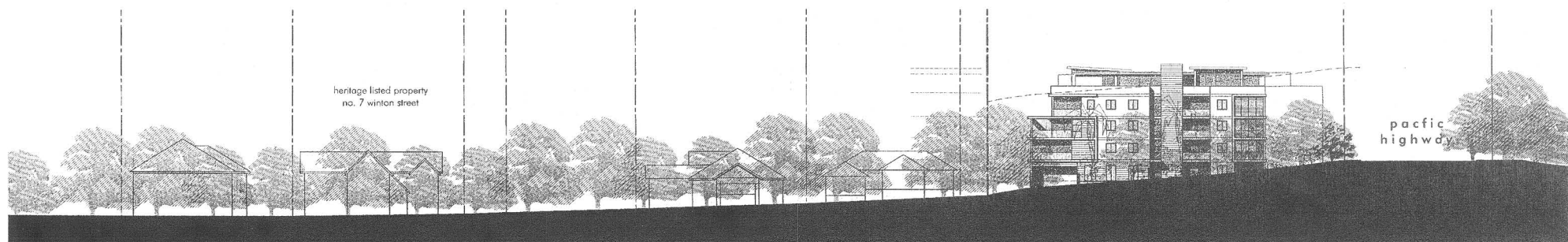


2(d3) zone

2(d3) zone - proposed site

2(c) zone

PACIFIC HIGHWAY STREETSCAPE



2(c2) zone

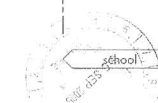
2(c) zone - heritage

2(c2) zone

2(d3) zone - proposed site

school

WINTON STREET STREETSCAPE



Client
Warr Pty Ltd
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Crows Nest NSW 2065
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Project
1389 - 1397 Pacific Hwy
Warrarwee
1389 - 1397 Pacific Hwy
Warrarwee Sydney NSW

File
Scale
Date
Number
0 3 6
15 30 60

Streetscapes
1:300
September 2005
2775_DA_23_A
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COMPANION ANIMALS MANAGEMENT PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the draft Ku-ring-gai Companion Animals Plan for the period 2006 to 2011.

BACKGROUND:

In accordance with NSW state guidelines, the inaugural Ku-ring-gai Companion Animals Plan has been developed. The plan sets out intended actions for the period 2006-2011.

COMMENTS:

The plan has been developed over the past 18 months with the full commitment of Council's Companion Animals Advisory Committee.

RECOMMENDATION:

That the draft Ku-ring-gai Companion Animals Plan for the period 2006 to 2011 be placed on public exhibition for a period of 28 days then reported back to Council.

PURPOSE OF REPORT

To present to Council the draft Ku-ring-gai Companion Animals Plan for the period 2006 - 2011

BACKGROUND

Council established a Companion Animals Advisory Committee in late 1999, its purpose being to assist in the development of a Companion Animals Management Plan and make recommendations in respect of the recreation and welfare of animals within the Ku-ring-gai area. The term "Companion Animals" includes both cats and dogs, no other species are covered by this plan, however some reference is made to the protection of local wildlife within the plan.

Since establishment, the committee has been fairly active over the years, assisting with the preparation of Council's "Handbook for Pet Owners", updating information on Council's web site and hosting of "Pet's Day Out".

Over the past 18 months, the Committee has concentrated on the development of a Companion Animals Management Plan, as required under the NSW Companion Animals Act. The Companion Animals Management Plan is a document which provides a means for Council to fulfil its responsibilities under the Act, by determining relevant objectives and priorities along with a clear program for implementation.

The four main areas that the plan targets are:

- Community service and facility provision
- Environment protection
- Education – community schools and general
- Compliance – responsibilities under the NSW Companion Animals Act 1998.

COMMENTS

The draft Companion Animals Management Plan 2006 – 2011 is considered ready to be placed on public exhibition, having received the endorsement of Council's Companion Animals Advisory Committee, at its last meeting. It is recommended that the following process be adhered to:

1. The draft Companion Animals Management Plan be placed on public exhibition for a period of 28 days.
2. Whilst on exhibition, members of the public be able to make written submissions.
3. After the period of public exhibition, the document be referred back to the Companion Animals Advisory Committee for consideration of public comments, and the document be amended if necessary, incorporating suggestions, where considered appropriate, and formal endorsement and recommendation to Council.
4. The final document be presented to Council for adoption.

CONSULTATION

The development of this plan has been greatly assisted by the dedication of the ten (10) volunteers form Council's Companion Animals Advisory Committee. These members represent various groups within the community, including pet owners, non pet owners, seniors, youth and animal specialists, such as a consultant veterinarian and animal behaviourialist.

FINANCIAL CONSIDERATIONS

Not applicable. Implementation of the plan will need to be addressed in annual budgets, in terms of hosting special events and preparation and distribution of educational materials or establishment of facilities.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Representatives of Council's Open Space Department were consulted, in particular, Council's Sport and Recreational Planner and Bushland Management officers. Comments in respect of proposed development of "off leash" recreation areas were incorporated into the plan. Protection of the natural environment is also a key area of the plan. Comments provided by Bushland Management officers were also incorporated into the plan.

Council's Customer Service Department was also consulted so as to identify key educational requests and to streamline the customer service request (CRS) system so as to ensure the capture of accurate information.

SUMMARY

The Companion Animals Management Plan represents Council's continued commitment to provide services to all sectors of the community. It lays the framework for activities in respect of companion animals management over the coming years and will assist in the preparation of annual work plans and associated budgets.

RECOMMENDATION

That the draft Ku-ring-gai Companion Animals Management Plan for the period 2006 to 2011 be placed on public exhibition for a period of 28 days then reported back to Council.

Anne Seaton
Manager
Compliance & Regulation

Michael Miocic
Director Development & Regulation

Attachments: Draft Companion Animals Management Plan 2006 to 2011 - 594011



Companion Animals Management Plan

Ku-ring-gai Council
March 2006

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1. Introduction

Term of Plan

This Plan is to facilitate the management of companion animals and associated areas within Ku-ring-gai for the period 2006 – 2011.

Profile of Ku-ring-gai Council area and its pet community

The Ku-ring-gai local government area covers approximately 84 square kilometres or 8,446 hectares. Ku-ring-gai contains nine suburbs and displays a wide variation in landscape and wildlife, with significant areas of urban bushland identified as having high conservation status. The area is bounded by Garigal National Park to the east, Lane Cove River Park to the west and Ku-ring-gai Chase National Park to the north. The estimated residential population as at June 2004 was 108 000.

Ku-ring-gai Council encourages responsible pet ownership. The majority of households within Ku-ring-gai own or have owned pets and the NSW Companion Animals Register, shows that there are approximately 13,000 dogs and 4,000 cats in Ku-ring-gai. Below is a list of the most popular cat and dog breeds in the area.

Most popular cat breeds

1. Domestic Cat
2. Burmese
3. Siamese
4. Birman
5. Himalayan
6. Abyssinian
7. Persian
8. Russian Blue
9. British Shorthair
10. Tonkinese

Most popular dog breeds

1. Labrador Retriever
2. Golden Retriever
3. Border Collie
4. Jack Russell Terrier
5. Maltese
6. German Shepherd Dog
7. Cavalier King Charles Spaniel
8. Schnauzer (Miniature)
9. Poodle (Miniature)
10. Staffordshire Bull Terrier

Within the Ku-ring-gai Council area we have:-

- 3 dog training clubs
- 18 leash free areas for dog socialisation.
- 9 veterinary clinics,
- 3 pet shops
- 4 grooming salons
- 3 mobile dog groomers



The NSW Companion Animals Act was introduced in July 1998. The Act introduced major reforms in the keeping and control of companion animals.

The Act was developed with the understanding that all sectors of the community will benefit from having more proactive and enforceable laws. The community expectation is that Council will provide quality services relating to companion animal control.

Education and promotion of responsible pet ownership is the guiding principle behind the plan and many of the issues faced within companion animal's management are related to irresponsible pet ownership. Council strives to encourage animal owners to be more responsible for their pet's behaviour and in doing so; many of the plan objectives can be met.

Council's plan identifies three main factors in companion animal management – the animals, the community and the surrounding environment. All areas are contributing factors to our recommendation and strategic actions.

The plan aims to:-

- balance the needs of the community, the environment and companion animals;
- identify gaps in previous planning and education;
- provide a framework for directing and prioritising actions;
- provide measurable indicators for the assessment of plan results and outcomes.

The plan has been developed following consultation and input from Council's Companion Animals Advisory Committee, Councillors, staff and the general community.

2. Policy statement for companion animal management

Three main goals:

Service	To provide quality customer service for all matters involving person-animal relationships to the community.
Education	To disseminate knowledge to the community about responsible pet ownership and benefits of people-pet relationships via educational programs
Compliance	Meet optimum requirements under legislation

Council's education programs will be guided by the following principles of responsible pet ownership:

1. Appropriate pet selection
2. Basic health and welfare principles for pets
3. Identification of companion animals
4. Lifetime registration
5. Desexing
6. Secure confinement
7. Environmental enrichment
8. Socialisation
9. Training
10. Lifetime commitment

Our objectives are based on providing pet owners with support, education, regulation and facilities to accommodate companion animals, while protecting the needs of the broader community and the environment. They are as follows:-

- to create an environment where owners can enjoy the benefits of pet ownership and pets become a welcomed part of the community;
- to advocate responsible pet ownership by the use of community education programs;
- to encourage owners to have their animal's microchipped and lifetime registered as required by the NSW Companion Animals Act and to facilitate the prompt return of stray companion animals to their owners;
- to minimise negative impacts by companion animals on the community, wildlife and the environment;
- to enhance the quality of customer service by improving communication methods, access to information and by increasing the knowledge of relevant Council staff;
- promote community involvement with companion animal issues, programs and volunteer programs;
- to ensure dangerous dogs are monitored and controlled to create a safe environment for the community.

- to encourage companion animal owners to incorporate physical and mental challenges & stimulation for their animals so as to improve behaviour and quality of life;
- to increase awareness of child safety around companion animals by including local schools in education programs.

Responsible pet ownership

Education and promotion of responsible pet ownership is the guiding principle behind the plan. Many of the companion animal issues that impact upon the community are related to irresponsible ownership and ignorant management by owners. By encouraging responsible ownership and increasing the awareness of pet management, many of the plans objectives can be met.

Areas of responsible pet ownership are:-

In the home – Confining pets to their property and preventing escape. Ensuring adequate environmental enrichment is provided to reduce the likelihood of nuisance behaviour such as barking and damage of property and personal effects.

In public places (dogs) – Keeping pets under effective control by means of chain, cord or leash (except in leash-free areas). Ensuring pets are properly trained when encountering the wider community.

Identification and registration – Ensuring pets are adequately identified by a collar, name tag and microchip and carry out lifetime registration at the appropriate age.

Training and socialisation – Giving pets adequate training and socialisation to become obedient and manageable in the majority of circumstances and making use of our facilities eg leash free areas, dog training clubs, etc.

Desexing - Having pets desexed to reduce unwanted animals and to discourage nuisance behaviour or otherwise ensuring appropriate control measures are provided to facilitate the needs of an undesexed animal.

Environmental awareness - Cleaning up after their pets so as to minimise impact on wildlife and the environment.

Animal welfare - Providing care, and if needed, appropriate medical treatment for their pet.

3. Ku-ring-gai Council's mission and vision for companion animals

Mission

Ku-ring-gai is considered a leader in companion animal management, recognising and balancing the needs of pet owners in the natural and built environment.

Vision

To promote an optimal environment for people and animals to live together harmoniously

4. Current companion animal figures

So as to establish a benchmark, current statistics have been gathered so as to enable the setting of targets for the term of the plan. These benchmark figures can be used to assess our record as the plan is implemented.

The areas that figures will be collected from include:-

- Microchipping and lifetime registration
- Customer Request System (CRS) for animal control – recording system that logs requests from residents.
- Animal seizure and pound activity

Microchipping and lifetime registration

These figures have been obtained from the NSW Companion Animals Register (8 June 2005) and provide a starting point for the Companion Animals Management Plan. The plan aims to improve these figures through education, specific programs targeting microchipping and lifetime registration and regular follow ups of unregistered animals.

	1 Jan 96 – 8 Jun 05		
	Dogs	Cats	Total
Total number of animals	13147	4049	17219
Animal identified only	3414	2073	5487
Animals not registered	2597	1377	3974
Percentage registered	74.21%	48.80%	68.13%

This table shows a clear indication of the increasing number of animals and allows us to prepare and target companion animal management to accommodate these figures.

	01/02		02/03		03/04		04/05	
	Dogs	Cats	Dogs	Cats	Dogs	Cats	Dogs	Cats
Total number of animals	6418	1724	9181	2335	10892	2968	12295	3711
Animals not registered	906	338	1248	590	1557	837	1900	1112

Customer Request System (CRS) – animal control

All requests/complaints received by Council are recorded in the Customer Request System (CRS) which was implemented in October 2002. Within animal control, there are a series of request descriptions to categorise the requests. The request descriptions were recently upgraded to allow further distinction between requests/complaints and to increase the efficiency of complaint handling. Therefore, figures for certain areas may not be available.

The current request descriptions outlined within animal control are:

Request description	Definition
Dog attack	Injury or otherwise caused by dog to person or animal.
Pick up dog	Dog is contained, tied up or at a premise (eg. vet)
Stray roaming dog	Dog is currently roaming from an unknown address.
Nuisance roaming dog	Roaming dog with known address.
Barking dog	Dog is causing a nuisance to the complainant by barking.
Companion animal	All enquiries relating to microchipping & Lifetime registration, leash free area etc.
Dead animal – domestic	Request to remove a dead companion animal (dogs and cats only – no wildlife).
Other	Defecating, leash free area behaviour, cats or any other request that does not fit in the above categories.

CRS animal control request figures

These figures indicate the number of requests that were received for investigation each financial year. Recently, the categories were updated to provide further accurate information in relation to animal control matters. The aggressive dog category was divided into three groups; dog attack, stray roaming and nuisance roaming dog. There are presently no figures for these new categories.

	02/03	03/04	04/05
Dog attack	*	*	*
Aggressive dog (old)	133	111	106
Pick up dog	351	299	240
Stray roaming dog	*	*	*
Nuisance roaming dog	*	*	*
Barking dog	236	235	243
Companion animal	61	39	37
Dead animal – domestic	0	1	38
Other	315	197	198
Total complaints	1071	882	863

(*accurate figures not available)

Animal seizure and pound activity

Under the NSW Companion Animals Act 1998, an authorised officer has the option to either return the seized animal to it's owner at the address where the animal is ordinarily kept or impound the animal at our service provider. Currently, Ku-ring-gai Council uses Thornleigh Animal Hospital to provide our impounding service. Below is the activity of the animal pound for Ku-ring-gai Council.

2004/2005	cats	dogs
Animals seized & returned home	1	45
Animals seized & impounded	11	119
Public impound	6	8
Surrendered	6	9
Released to owner	3	114
Sold/rehomed	5	11
Euthanased	14	13

5. Division areas

Division areas have been created to cover all aspects of companion animal management. These incorporate Council's service to the community, facility provision, education and Council's legislative role under the NSW Companion Animals Act 1998. The four division areas are as follows:-

5.1 Community service and facility provisions

service:

- committee
- customer service
- ranger services animals other than companion animals
- companion animal management plan

facilities:

- recreation facilities
- pound/animal shelter facilities

5.2 Environmental protection

- companion animals & the bushland
- wildlife response program
- feral animal response

5.3 Education – community, schools and general

community:

- fact sheets & handbook
- pets day out
- community involvement
- animal welfare & our pound

schools:

- school education programs

general:

- specific education programs

5.4 Compliance – responsibilities under the NSW Companion Animals Act 1998

- identification and registration
- procedures – complaint & investigation & resolution
- community relations
- dangerous/aggressive dogs
- companion animal meetings

6. Action Plan

Division Name	Community service & facility provision		
Division objectives: <ul style="list-style-type: none">to provide facilities for the function enjoyment of pet ownership and utilise space provided for these reasonsto provide high level of customer service to community and local animal businesses			
Recommendation	Strategic actions	Proposed outcome & benefits	Performance indicator
S - Committee	<ul style="list-style-type: none">Establish a committee comprising of local profiles and interested parties including but not limited to: dog owners & training clubs, cat owners, vets, non-pet owners and wildlife representation.	<ul style="list-style-type: none">Create good relations with the community and establish a functional working committee.	<ul style="list-style-type: none">Companion Animal Advisory Committee operates in accordance with adopted charter.
S – Customer service	<ul style="list-style-type: none">Provide Council's Customer Service unit with a searchable computer database containing frequently asked questions in relation to companion animal issues to increase level of response to customer enquiries and in crease knowledge of specific areas.	<ul style="list-style-type: none">Provide a higher level of service to residents.Residents will be presented with correct information.	<ul style="list-style-type: none">‘Frequently asked questions’ (FAQ) database is utilised by Customer Service staff on a regular basis.Monitor website enquiries, in particular the FAQ database.

Community service & facility provision cont...

	<ul style="list-style-type: none"> • Provide current and informative website relating to companion animals and include a link to pound services for further exposure to lost animals and animals looking for new homes 		
S – Ranger services	<ul style="list-style-type: none"> • Provide quality ranger duties as stated under the Companion Animals Act – respond to & investigate barking and nuisance dog complaints, collect roaming dogs, patrol nominated areas and liaise with the community. • Increase knowledge base of regulatory officers in respect of managing nuisance animals. 	<ul style="list-style-type: none"> • Display a high level of knowledge in specific areas. • Show initiative towards improving service levels for residents. 	<ul style="list-style-type: none"> • CRS monitoring for complaint resolution time. • Ensure rangers team follow adopted procedure for nuisance animal matters. • Regulatory officers undertake regular in-house refresher courses on management of nuisance animals.
S – Animals other than companion animals	<ul style="list-style-type: none"> • In consultation, develop a council code outlining the method of keeping and managing animals other than companion animals (i.e., horses, pigs, chickens, goats and domestic rabbits). 	<ul style="list-style-type: none"> • Guidelines will be available for enquiring residents and regulatory officers to enable better management of this issue. 	<ul style="list-style-type: none"> • Implementation of the guidelines for keeping other animals.

Community service & facility provision cont...

<p>S - Companion Animals Management Plan</p>	<ul style="list-style-type: none"> • Develop and implement Companion Animals Management Plan to facilitate management of companion animals in the Ku-ring-gai area. 	<ul style="list-style-type: none"> • Provides a guide to direct programs and management techniques. • Creates goals encourages focus towards achieving a harmonious environment between people, pets and nature. • Council will be acting in accordance with it's statutory requirement to establish a Companion Animals Management Plan. 	<ul style="list-style-type: none"> • Annual review and regular monitoring of the plan and adjustments made as required.
<p>F - Recreation facilities</p>	<ul style="list-style-type: none"> • Improve recognised dog off-leash areas in accordance with the prioritised capital works program. 	<ul style="list-style-type: none"> • The provision of suitable areas and promotion of their use provides a range of options for the community and assists Council in the control of non-compliance. 	<ul style="list-style-type: none"> • Facilities provided that meet the needs of dog owners (and non dog owners concerned with dog behaviour)
<p>F – Pound/animal shelter facilities</p>	<ul style="list-style-type: none"> • Provide pound facility for lost animals and animals needing new homes. Animal welfare orientated. 	<ul style="list-style-type: none"> • Council is confident that our service provided is offering a high level of care and service to impounded animals and the community. 	<ul style="list-style-type: none"> • Council entered into a long term contractual arrangement with a nominated service provider.

Division Name	Environmental protection		
Division objectives: <ul style="list-style-type: none">• protect the environment and its wildlife and continue the availability of the benefits gained from our leafy surrounds• educate pet owners on responsible behaviour in bushland to minimise impact of companion animals on the natural area			
Recommendation	Strategic actions	Proposed outcome & benefits	Performance indicator
Companion animals & the bushland	<ul style="list-style-type: none">• Encourage responsible behaviour of dogs and cats in bushland – living together with wildlife.	<ul style="list-style-type: none">• Increase awareness to protect natural flora and fauna.	<ul style="list-style-type: none">• Regular patrols of bushland interface areas by regulatory officer’s results in compliance.
Wildlife response program	<ul style="list-style-type: none">• Create a standard wildlife response program with support from ‘wildlife org’ (SMWS) for nuisance, sick and/or injured wildlife.• Create a response database for situations involving wildlife.	<ul style="list-style-type: none">• The establishment of a mutual relationship with Sydney Metropolitan Wildlife Services (SMWS).• Council can effectively respond to request from residents concerning native wildlife by working with SMWS.	<ul style="list-style-type: none">• Wildlife response database is used on a regular basis.
Feral animal response program	<ul style="list-style-type: none">• This is to include fox and rabbit control and feral cat management. Work in conjunction with Open Space.	<ul style="list-style-type: none">• Council, in conjunction with National Parks & Wildlife Services (NPWS), to undertake regular fox, rabbit and feral cat control programs.	<ul style="list-style-type: none">• Native flora and fauna have increased protection from introduced species.

Division Name	Education – community, schools and general		
Division objectives: <ul style="list-style-type: none">• target problem areas and companion animal issues with education programs designed to be noticed and encourage community involvement• reduce complaints, detected offences, impact of companion animal issues within the community and the surrounding environment• increase awareness across the community and in schools about responsible pet ownership			
Recommendation	Strategic actions	Proposed outcome & benefits	Performance indicator
C* Fact sheets & pet handbook	<ul style="list-style-type: none">• Develop standard fact sheets to address and manage companion animal issues.• Update pet owners handbook	<ul style="list-style-type: none">• Increased community awareness of being a responsible pet owner.• Providing residents with current information on companion animal issues.	<ul style="list-style-type: none">• Increased level of compliance by pet owners.• All contacts with in the Pet Handbook are current and correct.
C* Pets day out	<ul style="list-style-type: none">• Provide a pets day out, promoting responsible pet ownership and involving the community and their pets.	<ul style="list-style-type: none">• Increase interrelations between Council and the greater community.• Increase opportunities for pet socialisation and educational involvement.	<ul style="list-style-type: none">• Council hosts regular activities for pets and their owners to promote responsible pet ownership.
C* Community involvement	<ul style="list-style-type: none">• Encourage community participation in companion animal management.	<ul style="list-style-type: none">• Increasing community relations and social opportunities.	<ul style="list-style-type: none">• Companion animal management programs participated by community members.

Education – community, schools & general cont...

C* Animal welfare and our pound	<ul style="list-style-type: none"> Establish relationship with welfare organisations and the RSPCA. Create a positive image of the pound and its activities. 	<ul style="list-style-type: none"> Council supports the pound and its activities. Better ability to respond to animal matters when dealing with welfare and injury. 	<ul style="list-style-type: none"> Regularly liaise with RSPCA and welfare organisations to keep abreast of programs as they relate to the Ku-ring-gai area. Increase profile of pound.
S* Schools education program	<ul style="list-style-type: none"> Initiate a schools program to educate children about companion animals. 	<ul style="list-style-type: none"> Increased child awareness of companion animal issues and diminished chances of dog attack incidents on children. 	<ul style="list-style-type: none"> Increase the number of schools that participate in the program. Decrease the number of record dog attacks on children.
G* General education programs	<ul style="list-style-type: none"> Develop specific programs targeting specific companion animal issues. 	<ul style="list-style-type: none"> Good community relations exercise and seen as a proactive approach towards these issues. Problem and topical areas are identified and managed through education programs. 	<ul style="list-style-type: none"> Increase the number of programs developed and delivered. Ensure education programs are managing problem areas.

Note: C = community education
S = schools education
G = general education

Division Area	Compliance – responsibilities under the NSW Companion Animals Act		
Division objective: <ul style="list-style-type: none">• provide an efficient and effective service to the community to incorporate the lifestyles of all members in the community• reach a high level of compliance as required by the Companion Animals Act 1998			
Recommendation	Strategic actions	Proposed outcome & benefits	Performance indicator
Identification & registration	<ul style="list-style-type: none">• Ensure companion animals are lifetime registered as prescribed by the Companion Animals Act.	<ul style="list-style-type: none">• Increase awareness throughout community of the requirement to register animals.• Council complies with its responsibilities of enforcing the Companion Animals Act.• Increased funds to Council resulting from lifetime registration fees to support companion animal programs.	<ul style="list-style-type: none">• Increase the number of companion animals registered within the Ku-ring-gai Council area.• Animals can be clearly identified by council officers when conducting investigations or locating owners of lost animals.• Ensure a constant flow of registration money is received by Council.
Procedures - complaint investigation & resolution	<ul style="list-style-type: none">• Outline the roles and responsibilities for rangers and the Companion Animals Management Officer.• Create a standard approach across	<ul style="list-style-type: none">• Reduction of repeat offenders - relating both to the pet owner and complainant.	<ul style="list-style-type: none">• Complaints are investigated and resolved in a timely manner.• Complaints are approached in a standard manner.

Compliance – responsible pet ownership cont....

	<p>the ranger team towards companion animal issues.</p> <ul style="list-style-type: none"> • Provide rangers with standard guidelines and investigation stages to enable them to resolve complaints in a quick and effective manner whilst taking into consideration the safety of themselves and members in the community. 		<ul style="list-style-type: none"> • CRS are monitored for complaint resolution time.
Community relations	<ul style="list-style-type: none"> • Develop handouts for regulatory officers to distribute to residents. 	<ul style="list-style-type: none"> • Increase awareness of responsible pet ownership. 	<ul style="list-style-type: none"> • Ranger feedback. • Monitor the number of handouts being distributed.
Dangerous/aggressive dogs	<ul style="list-style-type: none"> • Create a dog attack investigation kit • Conduct annual dangerous dog and restricted breeds inspections using a standard checklist. • Provide regular refresher training for regulatory officers in dealing with difficult dogs. 	<ul style="list-style-type: none"> • Reduce OH & S risk to the officer in the field when dealing with difficult animals. 	<ul style="list-style-type: none"> • Standard approach of evidence collecting and resolution of dog attack incidents. • Ensure dangerous dogs and restricted breeds are kept in accordance with the prescribed conditions of the NSW Companion Animals Act. • Annual inspections of dangerous dog and restricted breed are carried

Compliance - responsible pet ownership cont....

			<p>out.</p> <ul style="list-style-type: none"> • Monitor reported attack and report outcomes. • Monitor OH & S incidents for animal control.
<p>Companion animal meetings</p>	<ul style="list-style-type: none"> • Attend Councils' Unite for Pets meetings. • Attend other associated companion animal meetings. 	<ul style="list-style-type: none"> • Keep abreast of legislation, obtain new ideas and become involved with other councils. • Establish relations with other council officers and learn of their adopted programs. 	<ul style="list-style-type: none"> • Record number of meetings attended. • Participation in joint events where deemed appropriate.

7. Performance indicators and targets

The performance indicators have been taken from the Action Plan for each division, and lists the tasks involved in accomplishing the set performance indicators. The tasks have been set a priority level to ensure that tasks are completed in order of priority.

Community service & facility provision

Action plan performance indicator	Tasks involved	Priority
Companion Animal Advisory Committee operates in accordance with adopted charter	Annually review operating charter.	Medium
'Frequently Asked Questions' (FAQ) database is utilised by Customer Service staff on a regular basis.	Develop FAQ database and record use.	High
Monitor website enquiries, in particular the FAQ database.	Develop FAQ database on website and record use.	High
CRS monitoring for complaint resolution time.	Develop report to check response times.	Medium
Ensure rangers team follows adopted procedure for nuisance animal matters.	Develop and implement procedures across all relevant areas.	High
Regulatory officers undertake regular in-house refresher courses on management of nuisance animals.	Develop and maintain a training register for officers.	Medium
Develop guideline for keeping of other animals.	Implement a guideline for keeping other animals.	Low
Annual review and regular monitoring of the plan and adjustments made as required	Annual achievement report prepared.	High
Facilities provided that meet the needs of dog owners (and non dog owners concerned with dog behaviour)	Develop and implement a program to monitor the use of leash free areas and report findings.	Medium
Council to enter into a long term contract arrangement with a nominated impounding service provider.	Conduct public EOI activity to source a service provider.	Low

Environmental protection

Action plan performance indicator	Task involved	Priority
Regular patrols of bushland interface areas by regulatory officers.	Systematically patrol interface areas and report findings.	Medium
Wildlife response database is utilised by customer service officers on a regular basis to supply information to customers and residents.	Establish access relationship with relevant wildlife groups so as to utilise their databases.	Low
Native flora and fauna have increased protection from introduced species.	Create a database to record results of feral animal programs run.	Low

Education – community, schools and general

Action plan performance indicator	Task involved	Priority
Increased level of compliance by pet owners.	Increase patrols to monitor activity of companion animals. Conduct regular education projects.	High
All contacts with in the Pet Handbook are current and correct	Annually review and update booklet and website as appropriate.	High
Council to host regular activities for pets and their owners to promote responsible pet ownership	Develop events register. Organise companion animal events.	High High
Companion animal management programs participated in by community members.	Monitor participation in planned activities and report findings.	Medium
Regularly liaise with RSPCA and welfare organisations to keep abreast of programs as they relate to the Ku-ring-gai area.	Establish network between agencies and attend relevant meetings.	Medium
Increase profile of pound.	Positive media stories sent to local papers.	Medium
Increase number of schools that have participated in the program.	Develop and implement a school education program and monitor.	Medium
Decrease number of dog attacks on children.	Deliver education program focusing on dog safety for kids.	High
Increase number of education programs developed and delivered.	Develop education program register.	Medium

Ensure education programs are managing problem areas.	Monitor education program register.	Medium
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Compliance – responsible pet ownership

Action plan performance indicator	Task involved	Priority
Increase the number of Companion animals registered within the Ku-ring-gai Council area.	Implement friendly reminder project, follow up registrations and monitor.	High
Animals can be clearly identified by council officers when conducting investigations or locating owners of lost animals.	Develop a Microchip checking program to ensure details are correct.	Medium
Ensure constant flow of registration money is received by Council.	Sent out friendly reminder letters each month and maintain regular follow ups.	High
Complaints investigated and resolved in a timely manner.	Ensure procedures for rangers are developed, adopted and amended as required.	High
Complaints approached in a standard manner.	Rangers to follow procedures as adopted.	Medium
CRS's are monitored for complaint resolution time.	Monthly reporting of CRS statistics.	High
Ranger feedback.	Reports regularly supplied.	Medium
Monitor the number of handouts being distributed.	Develop handouts on current topics and monitor distribution.	Medium
Standard approach of evidence collecting and resolution of dog attack incidents.	Rangers to follow procedures as adopted.	Medium
Ensure dangerous dogs and restricted breeds are kept in accordance with the prescribed conditions of the NSW Companion Animals Act.	Rangers to follow SOP's as adopted.	Medium
Annual inspections of dangerous dogs and restricted breeds are carried out.	Annual inspection of registered premises.	Medium
Monitor reported attacks and report outcomes.	Supply annual activity report to Council.	Medium
Monitor OH & S incidents for animal control.	Supply annual activity report to Council management.	Medium
Record number of meetings attended.	Record meetings in a central register.	Low
Participation in joint events where deemed appropriate.	AMO and rangers to participate in regional events.	Low

8. Monitor and review

Monitoring and reviewing our performance regarding companion animals is a large component of this plan so as to ensure that we meet the goals and vision of the Plan.

There will be four main types of monitoring, these include:-

Monthly monitoring:

Standard figures will be collected from various areas of companion animal management and recorded at the end of each month. These figures will be used to monitor progress and provide the basis of the end of year report. The particular areas that will be monitored on a monthly basis are:-

- **No. of registrations processed** – Used to measure the efficiency of mail outs to owners of unregistered dogs and indicate the number of animals residing in the Council area.
- **No. of friendly reminders sent** - This will indicate the number of new animals that are coming into the area each month and will also show a proactive approach to promoting lifetime registration for pets over 6 months of age.
- **Percentage of animals registered** – This will indicate the percentage of animals registered and provide an indication of animals still to be registered.
- **Total complaints received for animal control** – This will allow comparisons over each financial year period to allow education and resources to be allocated effectively.
- **Individual figures for specific complaint areas** – the specific categories that are of major interest include all nuisance complaints, dog attacks and dog pick ups. This will allow Council to target problem areas within companion animal management to further reduce these figures.
- **Animal seizure and pound activity** – This information will provide an indication of the number of animals seized and the impounding rate for the Council area.

Annual monitoring

The end of year report will be prepared, collating all the data over the financial year to support the progress of the Companion Animals Management Plan.

Specific program monitoring

All companion animal programs developed and implemented will be monitored and the results will be collated in a report to determine the success or otherwise of the program.

Key area monitoring

This lists seven key areas that require high performance and is an essential component of companion animal management, these are:-

1. Animals registered
2. Animals seized
3. Complaints received
4. Barking dog complaints
5. Dog attacks
6. Nuisance roaming dogs
7. Leash free area

The following table shows our aims for each key area and outlines how we have performed over the past few years. Targets have been set for 2005/2006 and will be re-evaluated at the end of each financial year.

Key Area Aims	2002/03	2003/04	2004/05	Target 2005/06	Target 2006/07	Target 2007/08	Target 2008/09
Increase in the percentage of animals registered	*	*	68.13%	80%	85%	87%	90%
Reduction in the number of animals seized	*	*	130	≥ 115	≥ 100	≥ 95	≥ 90
Reduction in overall complaints regarding companion animals	1071	882	863	≥ 800	≥ 780	≥ 750	≥ 740
Reduction in barking dog complaints	236	235	243	≥ 220	≥ 200	≥ 195	≥ 190
Reduction in dog attacks	*	*	*	≥ 100	≥ 90	≥ 60	≥ 50
Reduction in nuisance roaming dogs	*	*	*	≥ 100	≥ 95	≥ 90	≥ 85
Ensuring that the upgrade program of leash free areas is being met as set by Council (one area per year)	Yanko Road & Bicentennial Park	Roseville Park & Sandakan Park	Westbrook Ave & light in Yanko Road	Toolang, Mitchell Cres & Barra Brui	Karuah Park	Soldiers Memorial Park	Kent Road Reserve

(* - Accurate figures not available)

9. Acknowledgements

The development of this Companion Animal Management Plan has only been possible as a result of the committed and sustained effort of a dedicated team of volunteers working with Council officers, collectively forming 'The Ku-ring-gai Companion Animals Committee'.

The Committee's focus is to promote socially responsible pet ownership.



LEASE RENEWAL - 29 GARRICK ROAD, ST IVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider the renewal of the lease to St Ives Pre-School Kindergarten for the premises located at 29 Garrick Road, St Ives.

BACKGROUND:

St. Ives Pre-school Kindergarten has operated from the premises since 1982 and currently hold occupation under the holding over clause of their previous agreement which expired in December 2005.

COMMENTS:

The pre-school have met their responsibilities as tenants and have advised Council that they wish to continue operating from the premises.

RECOMMENDATION:

That Council grant a lease to St Ives Pre-School Kindergarten under the conditions as outlined in this report.

PURPOSE OF REPORT

To consider the renewal of the lease to St Ives Pre-School Kindergarten for the premises located at 29 Garrick Road, St Ives.

BACKGROUND

Council is the owner of the property at 29 Garrick Road St. Ives that is zoned Residential 'C' and classified as Operational Land.

St. Ives Pre-school Kindergarten has operated from the premises since 1982 with the previous lease expiring 31 December 2005. The pre-school is currently occupying under the holding over provisions of that agreement.

The St. Ives Pre-school Kindergarten provides education and training in a safe and caring environment for 40 children between the ages of 3–5 years. The high demand for the service is reflected by a current waiting list of 11 for 2006 and 67 for the 2007 calendar year so far.

COMMENTS

St. Ives Pre-school Kindergarten has advised Council that they wish to continue to operate their service from the premises at 29 Garrick Road. During the period of their tenancy they have met their responsibilities as a tenant and have complied with the conditions of Council's Policy for Leasing Council Property to Community Organisations by way of:

- Being an incorporated "not for profit" organisation
- Having a commitment to providing and supporting a range of education and care services for children in the area.
- Providing a pre-school centre for the community, a service that has been identified as being in high demand.

They have also contributed to the improvement of the property by way of installing new playground equipment and an air lock front gate.

By way of giving priority access to children at risk or have additional needs and those of diverse cultural backgrounds they have met conditions of Council's draft Community Plan 2005-2009.

It is recommended that a lease be entered into using Council's standard leasing conditions to the St. Ives Pre-school Kindergarten as follows:

Lessee:	St. Ives Pre-school Kindergarten
Lessor:	Ku-ring-gai Council
Term:	5 years
Commencement Date:	1 April 2006
Rent:	\$5,300pa exclusive of GST
Rent Review:	Annual CPI
Outgoings:	Lessee
Maintenance:	As per schedule
Legal Costs:	50% Lessee, 50% Lessor

CONSULTATION

St. Ives Pre-school Kindergarten has advised Council that they wish to renew their lease and have agreed to the proposed terms and conditions of the new agreement.

FINANCIAL CONSIDERATIONS

The previous lease contained a commencing rental of \$5,000per annum exclusive of GST and subject to annual CPI increases. The agreed upon rental figure of \$5,300 per annum exclusive of GST is considered reasonable and subject to annual CPI adjustments throughout the term of the agreement.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

St. Ives Pre-school Kindergarten has operated from the premises since 1982 and has provided a valuable service to the community over those years. The pre-school is currently occupying the premises under the holding over provisions of their previous agreement.

They have met the conditions of Council's Policy for Leasing Council Property to Community Organisations and have advised Council that they wish to renew their lease. They have agreed to the proposed terms and conditions of the new agreement as outlined in this report.

RECOMMENDATION

- A That a lease be granted to St. Ives Pre-school Kindergarten for a period of 5 years on the terms as outlined in this report.
- B That the Mayor and General Manager be authorised to exercise all necessary lease documents.
- C That the Council Seal be affixed to the lease agreement.

Stephen Plumb
Community Facilities Coordinator

Janice Bevan
Director Community Services

COMMONWEALTH DEPARTMENT OF FAMILY AND COMMUNITY SERVICES - DEED OF FUNDING AGREEMENT - AFFIXING OF COMMON SEAL OF COUNCIL

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Family and Community Services (CDFACS) and to seek approval to affix the Common Seal of Council on relevant documents.

BACKGROUND:

CDFACS currently provides an annual grant of approximately \$175,600 to assist with the operation of the Ku-ring-gai Family Day Care Scheme.

COMMENTS:

Ku-ring-gai Family Day Care Scheme currently provides long day care to 243 children and 250 families. The Ku-ring-gai Family Day Care Scheme has been approved for 212 effective full time places and an 8 month Long Form Funding Agreement. CDFACS is currently in the process of aligning all funding agreements on a financial year basis.

RECOMMENDATION:

That authority be granted to affix the Common Seal of Council to the CDFACS Long Form Funding Agreement and associated documents.

PURPOSE OF REPORT

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Family and Community Services (CDFACS) and to seek approval to affix the Common Seal of Council on relevant documents.

BACKGROUND

CDFACS currently provides an annual grant of approximately \$175,600 to assist with the operation of the Ku-ring-gai Family Day Care Scheme. The scheme currently provides long day care and before and after school care to 243 children and 250 families throughout Ku-ring-gai. Care is provided by 30 registered carers in their homes and supported by Council.

COMMENTS

The Commonwealth Department of Family and Community Services have introduced a standard funding agreement to provide consistency and simplify dealings with funding recipient organisations. The Ku-ring-gai Family Day Care Scheme has been approved for 212 effective full time places and an 8 month Long Form Funding Agreement. DFACS is currently in the process of aligning all funding agreements on a financial year basis. At the end of the agreement period, DFACS is seeking to introduce funding agreements of up to 3 years.

The main section of the agreement format is a set of standard clauses which are uniform across service types. In addition to these general clauses, the agreements contain schedules that define the operational nature and agreed outcomes for the relevant service type. Schedule – Family Day Care contains project details including:

- Program objectives
- Description of project
- Project plan and objectives
- Milestones
- Outputs of project
- Performance indicators
- Approval purposes
- Start date and end date of project
- Payment of funding
- Reporting
- Insurance requirements

The project details outlined are consistent with the current operation of the Ku-ring-gai Family Day Care Service. The agreement does not guarantee ongoing Family Day Care funding beyond the specified period June 2006 and is subject to government policy. If the Ku-ring-gai Family Day Care Scheme delivers the services they have agreed to, and comply with conditions set out in the Long

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S02733
9 March 2006

Form Funding Agreement, funding should continue in accordance with Commonwealth Government policy and in line with the agreement.

Attached to the Long Form Funding Agreement is a Confidentiality Deed Poll identifying Ku-ring-gai Council as the confidant. This document outlines Council's responsibilities and obligations relating to confidential Commonwealth information under this Agreement. This is a standard document applicable to all Department of Family and Community Services funded services.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

According to Finance and Business Development, the proposed Long Form Funding Agreement does not have any other impact on Council's financial position.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development has been consulted in the writing of this report.

SUMMARY

The Long Form Funding Agreement has been introduced as a standard procedure for claiming grant monies from the Commonwealth Department of Family and Community Services. A copy of the Long Form Funding Agreement between the Commonwealth of Australia (represented by and acting through the Department of Family and Community Services) and Ku-ring-gai Council is available on file. Approval is now sought to affix the Common Seal of Council to the necessary Long Form Funding Agreement and associated documents.

RECOMMENDATION

That authority be granted to affix the Common Seal of Council to the Commonwealth Department of Family and Community Services Long Form Funding Agreement and associated documents.

Danny Houseas
Manager Community Development

Janice Bevan
Director Community Services

SPONSORSHIP PROPOSAL - BUSINESS ACHIEVER AWARDS 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of a sponsorship proposal from Cumberland Newspapers for the 2006 Business Achiever Awards.

BACKGROUND:

In 2005 and 2004 Council sponsored both the Precedent Productions, Sydney Weekly Courier *North Shore Business Awards* and the Cumberland Newspaper Group, Upper North Shore Advocate and North Shore Times *Community Business Awards*.

COMMENTS:

A proposal has been received from Cumberland Newspapers to sponsor the 2006 *Business Achiever Awards*.

RECOMMENDATION:

That Council support the proposal from Cumberland Newspapers for a Bronze Sponsorship Package, value \$4,500, to sponsor the 2006 Business Achiever Awards.

PURPOSE OF REPORT

To advise Council of a sponsorship proposal from Cumberland Newspapers for the 2006 Business Achiever Awards.

BACKGROUND

In 2004 and 2005 Council sponsored both the Precedent Productions, Sydney Weekly Courier *North Shore Business Awards*, and the Cumberland Newspaper Group, Upper North Shore Advocate and North Shore Times *Community Business Awards*.

The Small Business Awards program has been running on the North Shore for 20 years. From 2003 the program has been presented by Precedent Productions (*North Shore Business Awards*) and by the Sydney Weekly Courier (*Community Business Awards*).

COMMENTS

A proposal has been received from Cumberland Newspapers to sponsor the 2006 *Business Achiever Awards*. There are 3 options for sponsorship: (see Attachment 1 for details)

- Gold Sponsorship - \$12,500
- Silver Sponsorship - \$ 8,500
- Bronze Sponsorship - \$ 4,500

In 2005 Council resolved to sponsor the Precedent Productions, Sydney Weekly Courier *North Shore Business Awards* for \$3,850 and the Cumberland Newspaper Group, *Community Business Awards* for \$3,000. (Total sponsorship \$6,850)

At the time of writing this report no other sponsorship proposals had been received from Precedent Productions.

Council has supported small business awards for a number of years. Small business awards acknowledge local businesses, facilitate networking opportunities and bring together businesses in a diverse range of industries. As a sponsor, Council will receive promotional and editorial coverage throughout the awards period. (See Attachment 1 for details)

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The proposal for sponsorship for the Cumberland Newspapers *Business Achiever Awards* provides 3 options for sponsorship, Gold - \$12,500, Silver - \$8,500 and Bronze - \$4,500.

There are no available funds in the current budget for sponsorship. If Council were to resolve to sponsor the Business Achiever Awards, funds would need to be sourced at the quarterly review.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business have been consulted during the writing of this report.

SUMMARY

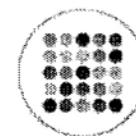
Council has been approached by Cumberland Newspapers to sponsor the *Business Achiever Awards* 2006. There are 3 options for sponsorship ranging from \$4,500 to \$12,500.

RECOMMENDATION

That Council support the proposal from Cumberland Newspapers to sponsor the *Business Achiever Awards*, Bronze proposal for \$4,500, and that the funding source be identified at the March quarterly review.

Janice Bevan
Director Community Services

Attachments: Cumberland Newspapers Business Achiever Awards 2006 Sponsorship Proposal - 593785



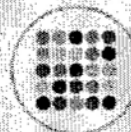
Cumberland Newspapers Business Achiever Awards

2006 Sponsorship Proposal - *Benefits*

*An integrated marketing and
promotions campaign, delivering a
unique opportunity to interact with the
local community in an emotive, grass-
roots and celebratory manner*

Cumberland
NEWSPAPERS

2006 Sponsorship Proposal - *Content*



- Business Achiever Awards: Our Commitment – Your Benefits
- Exciting New Developments – Bigger, Better and Brighter!
- Community Engagement + Credibility - The Judging Procedure
- Business Achievers Awards – Presentation Dinner
- Sponsorship Packages

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 28 FEBRUARY 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Investment allocation and the performance of funds, monthly cash flow and the details of loan liability for February 2006.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No.480).

COMMENTS:

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.50% during February.

RECOMMENDATION:

That the summary of Investments, daily cash flows and loan liability for February 2006 be received and noted.

PURPOSE OF REPORT

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of loan liability for February 2006.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No. 480).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Council's, with the advice of Grove Research & Advisory Pty Limited.

COMMENTS

During the month of February, Council had a cash inflow of \$2,800,000 and gross capital appreciation on Council's investments was \$136,700.

Council's total investment portfolio at the end of February 2006 is \$32,808,600. This compares to an opening balance of \$18,539,000 as at 1 July 2005.

Council's interest on investments for February year to date is \$1,182,600. This compares favourably to the year to date budget of \$670,000.

Council's total debt as at 30 February 2006 stands at \$10,534,000. There were no loan repayments made during the month of February.

PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance against the UBS Bank Bill Index**

This measures the annualized yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.

- **Allocation of Surplus Funds**

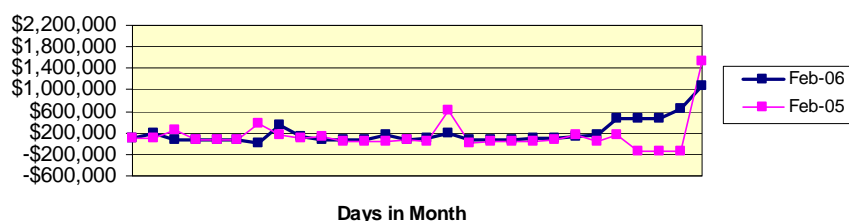
This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

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

Item 6

S02722
3 March 2006February 2005**Management of General Fund Bank Balance**

During February, Council had an inflow of funds of \$2,800,000. This was largely as a result of receipts from the third rates instalment that fell due at the end of February.

Management of General Fund Bank Balance**Funds Performance against the UBS Bank Bill Index**

The weighted average return for the total portfolio of managed funds during February was 6.36% compared to the benchmark of the UBS Bank Bill Index of 5.76%.

A summary of each fund's performance is shown in the following table:

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$1,414,685	(\$300,000)	\$2,951	\$1,117,637	5.79%
Deutsche Income Fund	At Call	\$11,837,443		\$56,172	\$11,893,616	7.13%
Macquarie Income Plus Fund	At Call	\$6,802,833	\$1,450,000	\$30,237	\$8,283,070	6.27%
Perpetual Credit Income Fund	At Call	\$7,224,497	\$1,650,000	\$31,475	\$8,905,972	6.23%
Turramurra Community Bank	Term Deposit	\$528,300		\$2,566	\$528,300	5.83%
CBA Loan Offset No 1	Offset	\$910,000		\$4,273	\$910,000	5.72%
CBA Loan Offset No 2	Offset	\$1,170,000		\$5,494	\$1,170,000	5.72%
TOTALS		\$29,887,758	\$2,800,000	\$133,168	\$32,808,595	

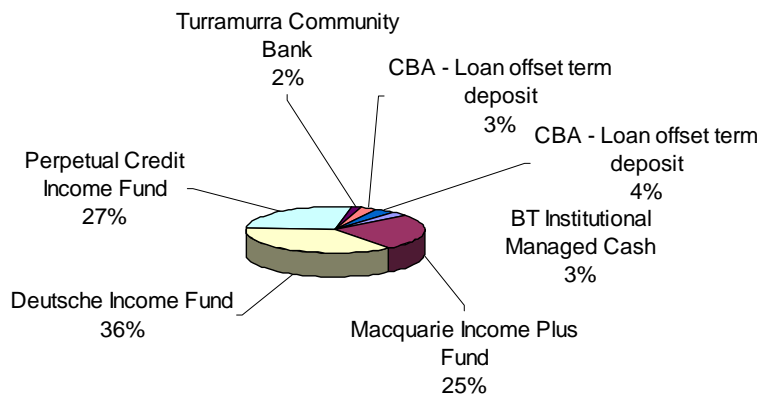
Year to-date Funds Performance against the UBS Bank Bill Index

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

Fund Manager	Performance Annualised for February 2006	UBS Bank Bill Index Annualised for February 2006
BT Institutional Managed Cash	5.77%	5.76%
Deutsche Income Fund	6.69%	
Macquarie Income Plus Fund	6.53%	
Perpetual Credit Income Fund	6.55%	
Turramurra Community Bank	5.83%	
CBA Offset No.1	5.72%	
CBA Offset No.2	5.72%	

Allocation of Investment Funds:

Council's funds during February were allocated as follows:

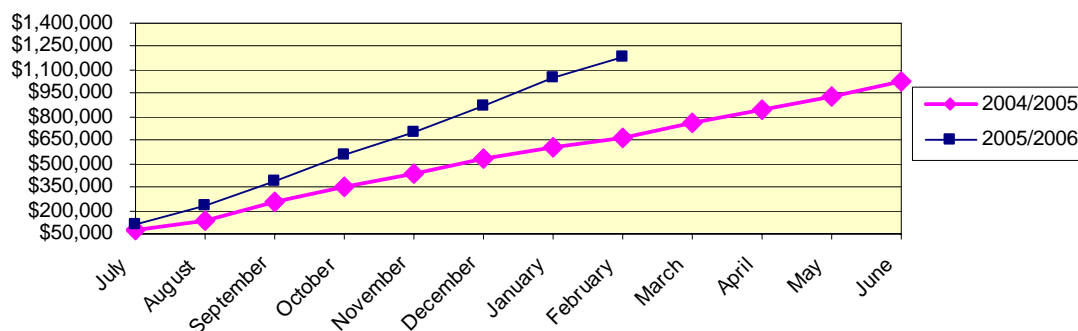
Portfolio Allocation of Investment Funds**2004/2005 versus 2005/2006****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2004/2005 and 2005/2006. At the end of February, year to date interest earnings totalled \$1,182,600. This compares to \$667,100 at the same time last year, an increase of \$515,500.

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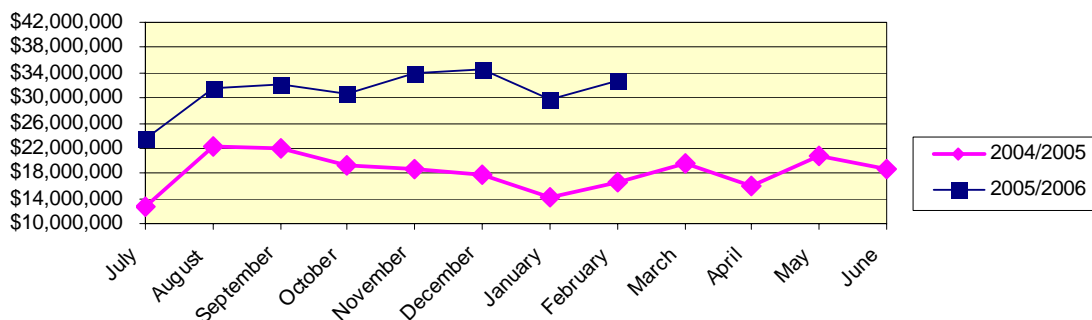
Accumulative Interest 2004/2005 v's 2005/2006



Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2005/2006 in comparison to 2004/2005.

Total Investment Portfolio 2004/2005 v's 2005/2006



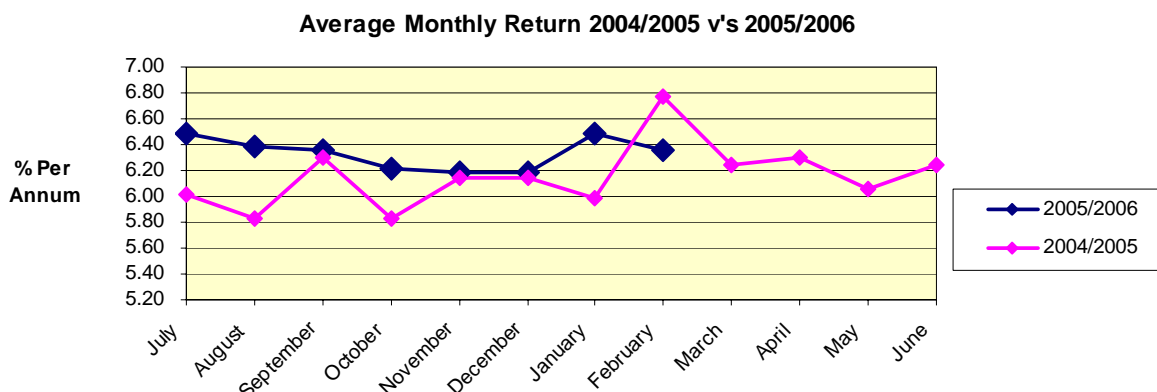
During February 2006 Council's investment portfolio increased by \$2,800,000. In comparison, during February 2005 Council's investments increased by \$2,200,000.

Council's closing investment portfolio of \$32,808,600 in February 2006 is \$16,256,500 higher than the February 2005 closing balance of \$16,552,100.

Portfolio Performance Average Return 2004/2005 versus 2005/2006

The following graph compares the monthly returns on Council's portfolio for the financial years 2004/2005 and 2005/2006.

In February 2006 earnings were 6.36%, this compares to 6.77% in February 2005.



2005/2006 Portfolio Performance against the UBS Bank Bill Index

Council's average portfolio performance (6.36%) performed above the UBS Bank Bill Index (5.76%) in February.

Council's year to date average portfolio performance was 6.33% which compared favourably with the UBS Bank Bill Index benchmark of 5.76%.

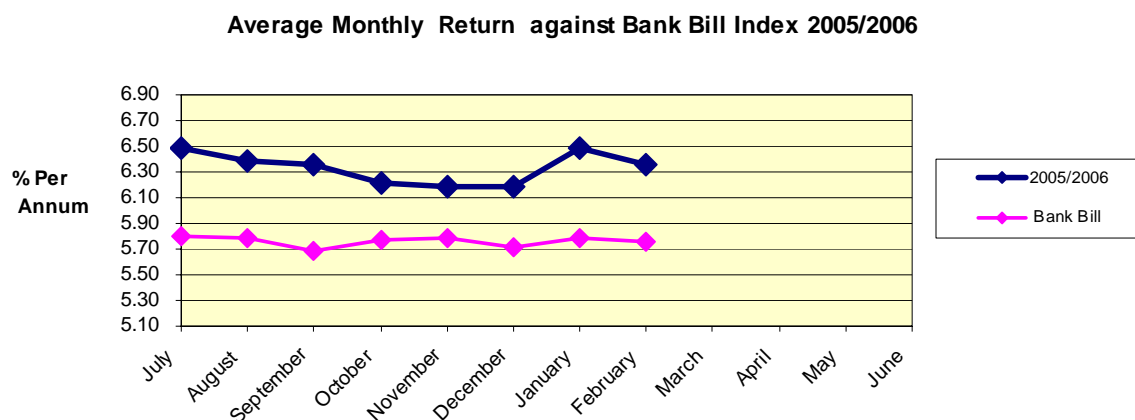
Returns have exceeded benchmark in each of the eight months this financial year. Fund Managers took advantage of market opportunities during the September quarter thus producing better month to month results than the December quarter. In particular both Deutsche and Perpetual funds benefited from anticipating the record volume of maturing debt in July and August, and the effect that this would have on the demand for securities as funds were reinvested. Both funds benefited from increasing their exposure to high rated short dated securities in the preceding months.

February saw income flows remain strong due to consumer spending. Many businesses are continuing to expand to meet new demand as their current capacity is used up. The managed funds that make up Council's investment portfolio were able to benefit from these market conditions through specific sector and stock selections.

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The monthly average return of portfolio against bank bill is displayed in the following graph:



Summary of Borrowings

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

There were no loan repayments made in February leaving total debt at \$10,534,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$689,022	\$310,978	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,690,000	\$910,000	5.87%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,430,000	\$1,170,000	5.87%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$973,437	\$1,626,563	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$718,313	\$1,881,687	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$384,360	\$1,497,640	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$203,600	\$1,596,400	6.36%	23-Jun-04	23-Jun-14
Westpac	134	\$1,600,000	\$59,261	\$1,540,739	6.05%	29-Jun-05	30-Jun-15
TOTAL		\$16,682,000	\$6,147,993	\$10,534,007			

Capital Works Projects

As at the end of February 2006, Council had total gross expenditure of \$7,841,000 on capital works, which is \$1,104,800 lower than at the same time last year when \$8,945,800 had been expended.

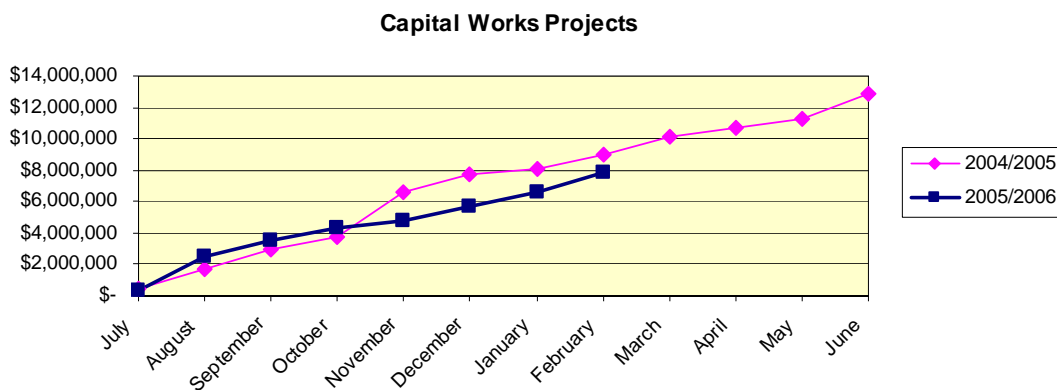
During February 2006, Council expended \$1,269,100 on capital works, which compares to \$883,100 during February 2005, an increase of \$386,000.

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Council's 2005/2006 total revised budget for capital works is \$13,940,900, which leaves funds of \$6,099,900 unexpended at the end of February.

The following graph compares the gross accumulative monthly expenditure totals for capital works for financial years 2004/2005 and 2005/2006.



CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.50% during February.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 February 2006:

- Council's total investment portfolio is \$32,808,600. This compares to an opening balance of \$18,539,000 as at 1 July 2005, an increase of \$14,269,600.
- Council's General Fund interest on investments totals \$1,182,600. This compares favourably to the year to date budget of \$670,000.
- Council's total debt stands at \$10,534,000.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for February 2006 is received and noted.

John Clark
Acting Director Finance & Business

COUNCIL MEETING CYCLE FOR APRIL 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider amending the Council Meeting Cycle for April 2006.
BACKGROUND:	Council had resolved to hold meetings on 4 & 11 April 2006.
COMMENTS:	Option for Council's consideration.
RECOMMENDATION:	That Council's Meeting scheduled for 11 April 2006 be cancelled and replaced with an Ordinary meeting of Council to be held on Thursday, 20 April 2006.

PURPOSE OF REPORT

To consider amending the Council Meeting Cycle for April 2006.

BACKGROUND

Council resolved at its meeting of 6 December 2005 that the Meeting Cycle for April 2006, due to School Holidays and Anzac Day, be:

4 April 2006	Ordinary Meeting of Council (Transferred from 25 April 2006)
11 April 2006	Ordinary Meeting of Council

COMMENTS

Instead of calling an Extraordinary Council Meeting on 20 April 2006 to deal with the Pymble and Gordon Town Centres, it is considered a better option to transfer the Ordinary Meeting of Council from Tuesday, 11 April 2006 to Thursday, 20 April 2006.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

That the Council Meeting scheduled for Tuesday, 11 April 2006 be transferred to Thursday, 20 April 2006.

RECOMMENDATION

That Council amend its Meeting Cycle for April 2006, as follows:

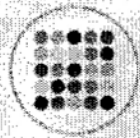
4 April 2006	Ordinary Meeting of Council
11 April 2006	(Transferred to Thursday, 20 April 2006)
20 April 2006	Ordinary Meeting of Council

Geoff O'Rourke
Senior Governance Officer

John McKee
Acting General Manager

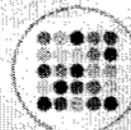
Business Achievers Awards Objectives

Our Commitment – Your Benefits



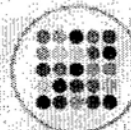
- To recognise outstanding businesses for their contribution to the local community, and for excellence in business management, customer service and product delivery
- Bring together people from various aspects of community to celebrate success and recognition of achievements.
- Assist in improving the standards of local business, and strengthen the credibility of local business for their own marketing campaigns
- Develop, maintain and strengthen business to business relationships
- Acknowledge employees for their contribution to the success of local business
- Provide added value service through business consulting and feedback to smaller size businesses, through the nomination and judging process and through sponsors
- Demonstrate our commitment and connection with the local community.
 - Building loyalty in existing markets with strong product positioning
 - Establishing a point of difference in competitive market places.
- Create a unique offering where corporate sponsors get to interact with a valuable target audience at a grass-roots level, unrivalled by any of our competitors

BAA 2006 – *Bigger, Better + Brighter*



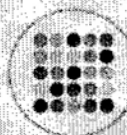
- In 2006 the Business Awards program launches with a new look + many new developments!
- To match the increasing profile of the program nationally, the Business Awards program (across NSW, VIC and QLD) will be called "Business Achiever Awards". The name reflects the professional and credible profile of the Awards, while also acknowledging achievement of local business owners and employees.
- Business Achiever Awards Online
 - Access all the information about the Business Awards online, including judging procedures, online nominations, booking your tickets for the presentation dinner, how the program works, and any frequently asked questions.
 - Major sponsors benefit from branding, as well as links to their own websites
- Radio Media Partnership
 - Cumberland Newspapers will promote the Business Achiever Awards on-air, with a campaign to promote the program and increase nominations
 - Added value services from our Radio partner will increase the value and exposure of the business in their local market

BAA 2006 – *Bigger, Better + Brighter*



- Your own "Sponsors Pack"
 - To keep you up-to-date with all the relevant details of the program, this year Cumberland Newspapers will produce a 'Sponsors Pack' including timelines, procedures, awards night information + booking details, editorial deadlines, advertising material specifications and contact details.
 - All you need to know, up-front, at your finger tips.
- Improved Customer Service Deliverables
 - Launch event (BBQ) with the Editor's and Paper Managers of all Cumberland Newspapers, as well as networking opportunity with other Major Sponsors
 - One point of contact for advertising booking and editorial submissions
 - One point of contact on editorial submissions
 - Immediate access to program information via the website
- Category Development
 - To ensure our program is relevant and matches the structure of local business, Cumberland Newspapers have create some new award categories and merged exiting categories.
 - We have also improved the criteria for judging, ensuring that reputable businesses are awarded for their efforts while also getting feedback to improve on their business

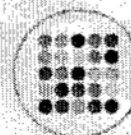
BAA 2006 – *Bigger, Better + Brighter*



- Celebrity MC's + New Entertainment
 - Whether it be in partnership with our Radio sponsor, or contracted personalities, 2006 will be a year of excitement with celebrity entertainers as MC's
 - Contemporary and fun-filled entertainment will provide an engaging evening for guests
- In 2006 Cumberland Newspapers will be contract a professional, and highly reputable Events Management company to execute the entire awards night presentation
 - Improved response on tickets for the dinner
 - Improved service for VIP's
 - Improved negotiations on Venue (including Food + Beverage requirements)
 - Improved Entertainment
 - All of which contributes to a better experience for you and your business colleagues

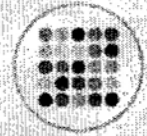
Community Engagement & Credibility

The Judging + Award Procedure



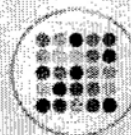
- Reader response through nomination forms in each paper over a four week period allows customers to provide a vote of appreciation for any local business who gives outstanding service.
- Reader nominations will be used to create a short list of up to 6 finalists per category.
- Business Achiever Awards finalists will be sent a presentation pack including a questionnaire, certificate, judging information, and sponsor information.
- Our audit process ensures participating businesses are located within the local area, comply with Workplace Health and Safety Regulations, are not in breach of award wage conditions and are creditworthy.
- To ensure a professionally managed second stage of judging, we have arranged a partnership with the Department of State and Regional Development
- An outside company, ACNielsen, will be used in final selections using a "mystery shopper" audit.
- The Awards Night will take place as the highlight of the promotion for each of the Newspaper areas.

Business Achievers Awards - *Presentation Dinner*



- The Business Achiever Awards have now established the reputation of being among the most professionally presented awards nights in the local community as well as a highly beneficial evening out for leading small business operators
- Room theme, lighting and staging all form part of creating an exciting environment
- Sophisticated, high quality graphics and animation are used to introduce sponsors, awards categories and winners throughout the evening
- Professional MCs keep the audience on their toes with trivia quizzes and audience participation prizes, whilst weaving sponsors' products and support information into the evening's program
- Top local entertainers will provide entertainment and opportunities for dancing during and at the conclusion of the evening
 - *The awards night presentations allows for numerous contact and promotional opportunities, including MC presentation, interviews with local market winners, live-cross to boost drive-time and evening listening*

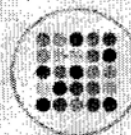
Gold Sponsorship Package



INVESTMENT \$12,500 (+GST)

- Recognition as the Major Local Sponsor in editorial coverage
- 4M full colour advertisement to appear in finalists or winners feature
- 1M full colour advertisement, designed by your company, carrying the "Proud Sponsors of the 2006 Business Achievers Awards" tag to appear once a fortnight throughout the duration of the sponsored area's program
- Company logo to appear as the Major Local Sponsor on the entry coupon and event program
- 30 second TVC to be played at awards night (to be supplied by sponsor)
- Presentation of three category awards to winners at the awards night
- Signage at the awards night
- Company literature to appear in finalists pack
- 4 Event tickets
- Logo on website with link to your website
- Entitled to submit promotional material for the Show Bags
- Opportunity to submit editorial about your company (max 150 words), please note there is no guarantee that this will be published and the content is at the Editor's discretion
- Access to the Finalist database

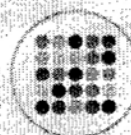
Silver Sponsorship Package



INVESTMENT \$8,500 (+GST)

- Recognition as Local Sponsor in editorial coverage
- 2M full colour advertisement to appear in finalists or winners feature
- 1M full colour advertisement, designed by your company, carrying the "Proud Sponsors of the 2006 Business Achievers Awards" tag to appear once a fortnight throughout the duration of the sponsored area's program
- Company logo to appear in order of rank in the entry coupon, website and event program
- Presentation of two category awards to winners at the awards night
- Signage at the awards night
- 2 Event tickets
- Logo on website with link to your website
- Entitled to submit promotional material for the Show Bags
- Opportunity to submit editorial about your company (max 150 words), please note there is no guarantee that this will be published and the content is at the Editor's discretion

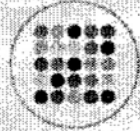
Bronze Sponsorship Package



INVESTMENT \$4,500 (+GST)

- Recognition as Local Sponsor in editorial coverage
- 2M full colour advertisement to appear in finalists or winners feature
- Company logo to appear in order of rank on the entry coupon, website and event program
- Presentation of one category awards to winners at the awards night
- Signage at the awards night
- 2 Event tickets
- Entitled to submit promotional material for the Show Bags

Confirmation of Support



Yes, _____ would like to support the 2006 Cumberland
Newspapers Business Achievers Awards.

_____ Gold Sponsorship \$12,500 Investment

_____ Silver Sponsorship \$8,500 Investment

_____ Bronze Sponsorship \$4,500 Investment

Business Name: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

Mobile: _____ Email: _____

Signature: _____ Date: _____