



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 28 NOVEMBER 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](http://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 November 2006  
Minutes numbered 435 to 462

## **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 8 November 2006

Minutes numbered EMC.9 & EMC.10 - deferred from Ordinary Meeting of Council held 14 November 2006

## **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 13 November 2006

Minutes numbered EMC.11 to EMC.13

## **MINUTES FROM THE MAYOR**

## **PETITIONS**

## **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 Pymble Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report 1**

File: S04291

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 2 as it applies to Pymble and the Draft Ku-ring-gai Development Control Plan Town Centres (Pymble) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.

### **Recommendation:**

That the Draft Ku-ring-gai Local Environmental 2006 (Town Centres) Amendment 2 as it applies to Pymble and the Draft Ku-ring-gai Development Control Plan Town Centres (Pymble) 2006 as amended, be adopted by Council and forwarded to the Department and Minister for Planning with the Section 68 submission with a request that the Plan be made.

**GB.2 2005 to 2006 Annual Report 424**

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File: S02015

To present to Council the Statutory Annual Report for 2005/2006 in accordance with Section 428 of the Local Government Act 1993.

**Recommendation:**

That the Annual Report for the period, 1 July 2005 to 30 June 2006, be received and noted.

**GB.3 Budget 2006/2007 - 1st Quarter Review as at end September 2006 427**

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File: S04708

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2006.

**Recommendation:**

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

**GB.4 Investment & Loan Liability as at 31 October 2006 515**

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File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for October 2006.

**Recommendation:**

That the summary of investments and loan liabilities for October 2006 be received and noted.

**GB.5 2006 to 2010 Management Plan, 1st Quarter Review as at 30 September 2006 522**

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File: S04708

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2006-2010 Management Plan.

**Recommendation:**

That the 1st Quarter Management Plan Review, 2006-2010 be received and noted.

**EXTRA REPORTS CIRCULATED AT MEETING**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

NM.1 **Bert Oldfield Oval**

**559**

File: S02258

**Notice of Motion from Councillor A Ryan dated 13 November 2006.**

I move:

- "i. That Council resolve to remove, following finalisation of Part (ii) below, Bert Oldfield Oval at Killara Park from Council's register of Leash Free Areas.
- ii. I further move that Council undertake a study into alternative and more appropriate locations for a Leash Free Area within the immediate catchment".

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

**QUESTIONS WITHOUT NOTICE**

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

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## **PYMBLE CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN AND RECLASSIFICATION OF COUNCIL LAND - FINAL REPORT**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 2 as it applies to Pymble and the Draft Ku-ring-gai Development Control Plan Town Centres (Pymble) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.
<b>BACKGROUND:</b>	The Minister for Planning has directed Council under Section 55 of the Environmental Planning and Assessment Act to prepare plans for additional housing in and around its key commercial centre and to provide for additional retail and commercial demand to cater for the needs of the local population. Council on the 25 July 2006 resolved to exhibit Draft Plans.
<b>COMMENTS:</b>	Submissions have been received from State Agencies together with 44 public submissions. Key issues have been assessed and recommendations have been made for further amendments to the Draft LEP and Draft DCP. A public hearing was conducted into the reclassification of Council owned land. This report provides a recommendation on the future classification of these sites.
<b>RECOMMENDATION:</b>	That the Draft Ku-ring-gai Local Environmental 2006 (Town Centres) Amendment 2 as it applies to Pymble and the Draft Ku-ring-gai Development Control Plan Town Centres (Pymble) 2006 as amended, be adopted by Council and forwarded to the Department and Minister for Planning with the Section 68 submission with a request that the Plan be made.

## PURPOSE OF REPORT

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 2 as it applies to Pymble and the Draft Ku-ring-gai Development Control Plan Town Centres (Pymble) 2006, and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.

## BACKGROUND

On 28 May 2004 the Minister for Planning, directed Council under Section 55 of the Environmental Planning & Assessment Act 1979 to prepare plans for additional housing in and around its key commercial centres including Pymble and to provide for additional retail and commercial demand to cater for the needs of the local population (**Attachment 1a**).

Ku-ring-gai Council is also part of the Sydney North Sub-regional Plan under the NSW Metropolitan Strategy. Council considered a report on this matter on 27 June, 2006 and accordingly Council will provide 10,000 dwellings to the region over the next 25 year timeframe of the regional plan.

Pymble, in conjunction with Gordon is the third group of the centres to have a new Draft Local Environmental Plan and Development Control Plan prepared- this is known as Amendment No 2. The new plans have been prepared under the Standard Instrument (Local Environmental Plans) Order 2006.

On 25 July 2006, Council considered a conditional Section 54(4) notification from the NSW Department of Planning (**Attachment 1b**), and resolved to exhibit Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 Amendment No 2 and Draft Ku-ring-gai Town Centres Development Control Plan (Pymble) 2006.

The Draft Local Environmental Plan (and Draft DCP and supporting documentation) has been referred to the relevant government authorities as required by Section 62 of the Environmental Planning and Assessment Act (EP&A Act) and has been placed on formal public exhibition in accordance with the Act.

The exhibition period commenced 25 September 2006 and concluded on 24 October 2006. A comprehensive consultation program was conducted throughout the project. An overview and analysis of consultation is dealt with in detail later in the report.

In addition a public hearing was conducted into the reclassification of Council owned land in Pymble and a public hearing was conducted as part of the process.

## OVERVIEW OF DRAFT KU-RING-GAI LEP 2006 (TOWN CENTRES) AMENDMENT NO 2

Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 2 seeks to amend Draft Ku-ring-gai LEP 2006 (Town Centres), which is the principle Draft LEP previously adopted to apply to the St Ives and Turramurra centres. This amending Draft LEP will bring land in and

## Item 1

S04291  
14 November 2006

around the Pymble and Gordon centre under the principle Draft LEP and introduce appropriate zonings, development standards and additional provisions to implement the overall master plan that has been developed for these centres.

The Draft LEP Amendment No 2 only contains the new provisions to be added to the principle Draft LEP. All existing provisions in the Draft LEP will also apply. The Draft LEP Amendment No 2 includes amendments to the written LEP instrument and introduces new land application, zoning and development standard maps which cover land to which the Draft LEP is to apply.

The principle Draft Ku-ring-gai LEP 2006 (Town Centres) has been prepared in accordance with the 'Standard Instrument (Local Environmental Plan) Order 2006 under Section 33A of the Environmental Planning and Assessment Act (EP&A Act). The Standard Instrument LEP mandates provisions that are to be included in all future LEPs and substantially governs the content and operation of the Draft Ku-ring-gai LEP 2006.

The Draft Ku-ring-gai LEP 2006 (Town Centres) consists of a **written instrument** and a series of **maps**. The written instrument contains the detailed planning provisions that will apply to land covered by the LEP. This includes provisions relating to aims, standard zone descriptions and zone objectives, permitted land uses and development standards, subdivision provisions and numerous miscellaneous provisions.

### Zoning

The proposed new zones for Pymble Centre are described below. The Land Zoning Map identifies which land each zone applies to.

- *Zone B2- Local Centre*

This zone is generally intended for centres that provide a range of residential, retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre. The majority of the commercial core of the Pymble Centre falls within this zone.

- *Zone B5- Business Development*

This is a new zone introduced by DLEP Amendment No 2. The objectives of this zone are to enable a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres. Permitted uses with consent in this zone include retail premises, business uses and warehouse facilities. The zone does not permit residential uses and applies to two sites in Pymble, both of which front the Pacific Highway and back onto the Railway line (railway owned land).

- *Zone R3- Medium Density Residential*

This zone is generally intended to provide housing choice by catering for a variety of medium density accommodation other than residential flat buildings, including townhouses and villas.

## Item 1

S04291  
14 November 2006

- *Zone R4- High Density Residential*

This zone is generally intended for land where primarily high density housing (such as residential flat buildings) is to be provided. This includes land that was formally zone Residential 2(d3) under LEP 194 or is currently zoned 2(d) or 2(e) under the KPSO. The two Minister's targeted sites in Avon Road are also to be rezoned R4, however, the Planning controls in SEPP 53 will remain in place for these sites. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.

- *Zone RE1- Public Recreation*

This is intended to provide for a wide range of public recreation areas and activities, including local and regional open space. Council will permit typical public recreation uses in this zone as well as a range of land uses compatible with recreation uses of the land.

### Principle development standards

The standard instrument includes development standards for minimum subdivision lot sizes, height of buildings, and floor space ratio as optional clauses. All of the optional development standards are contained within the Draft LEP. Development standard clauses in the Draft LEP include:

- Clause 19 - Minimum subdivision lot size
- Clause 21 - Height of buildings
- Clause 22 - Floor space ratio.

These standards may or may not apply to the whole zone, depending on how the map is drawn. Under the Standard Instrument, Council has the ability to identify different standards for different sites in the one zone.

### Schedules

The Draft LEP contains five schedules as follows:

#### *Schedule 1 – Additional permitted uses (clause 14)*

Schedule 1 contains a table which identifies additional permitted uses that are permissible on particular parcels of land that would not otherwise be permitted on that land. The additional permitted uses identified principally relate to potential complications arising from existing use rights on land where the zoning is changing from its current use and to enable compliance with the Section 117 Direction No 3.

#### *Schedules 2 & 3 – Exempt and Complying Development (clause 16 and 17)*

Clauses 16 and 17 of the Standard Instrument requires that all exempt and complying development provisions be listed in schedules under the Draft LEP. This differs from the existing situation where Councils can make DCPs containing exempt and complying development provisions.



Item 1

S04291  
14 November 2006

*Schedule 4 - Classification and reclassification of public land. (clause 27)*

Schedule 5 of the Draft LEP includes a list of the Council owned land that is to be considered for reclassification from 'community land' to 'operational land' as part of the LEP making process.

*Schedule 5 – Environmental Heritage (clause 35).*

Schedule 5 lists sites to be included as heritage items under the Draft LEP. In the case of Pymble there are 7 items being considered for heritage listing. These include items currently listed under the KPSO as well as a number of new items.

**Dictionary**

The Dictionary defines the terms used in the written instrument. The dictionary comes from the standard LEP template which applies a standard set of definitions state wide. Council is not able to alter the standard definitions or directly add its own definitions to the Dictionary.

**Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2 - Maps**

*i) Land Application Map*

This map shows which land will be rezoned by the Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 2. The planning controls on all other land will remain unchanged and the Ku-ring-gai Planning Scheme Ordinance (KPSO) will continue to apply.

*ii) Land Zoning Map*

This map shows the new zones that will apply to the land covered by Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 2. The zones, zone objectives and permitted land uses in the zones are described in Part 2 of the Draft LEP written instrument.

*iii) Minimum Lot Size Map*

The minimum lot size map identifies the minimum size of any new lot that will be created through either subdivision or amalgamation of lots. The minimum lot size requirements only apply to the R3- Residential medium density zone and the R4- Residential High density zone and reflect the existing requirements under LEP 194.

*iv) Building Height Map*

This map shows the maximum height of buildings permitted on any parcel of land. The heights range from 3 up to 6 storeys, which is reflected by the building envelope controls contained in the Draft DCP.

*v) Floor Space Ratio Map*

This map shows the maximum floor space ratio (FSR) that can be developed on each parcel of land. FSR is the gross floor area of a building as a ratio to the total site area. The FSR controls also specify minimum and maximum amounts of retail and commercial floor space that can be developed on sites where these uses are permitted. The FSR standards have been derived from

Item 1

S04291  
14 November 2006

the detailed building envelopes developed in the Draft DCP, ensuring consistency between the two plans.

## COMMENTS

In line with Council's resolution the draft Local Environmental Plan and Development Control Plan have been exhibited (**Attachment 4 and 5**).

Submissions have been received from the relevant state agencies and 44 submissions have been received from the public in response to the exhibition (a list of persons who made a submission is included in the consultation section).

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic and parking, environmental and economic analysis, and where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

This section of the report contains the following analysis of submissions received and the proposed changes to the draft plans:

- Section 62 notifications from State Agencies.
- Matters of Policy.
- Matters of Process.
- Matters related to specific precincts and properties.
- Matters related to the Draft LEP.
- Matters related to the DCP.

## SECTION 62 CONSULTATION KEY SUBMISSIONS AND RESPONSES

The Plans have been referred to the relevant State Agencies as required under Section 62 of the EP&A Act (**Attachment 2**).

### 1. NSW Roads and Traffic Authority

#### Pymble Centre

- *RTA has no objection to the proposed dedication of land on Pacific Highway for an exclusive left turn lane; the RTA has no current road widening plans at this location.*
- *The RTA supports the proposed improvement to the intersection of Post Office Street and Grandview Street, provided the design consideration are given to separating conflicting movements between highway traffic and local traffic and to improving pedestrian safety.*

Item 1

S04291  
14 November 2006

- *The RTA has no objection to the proposed dedication of land to provide a right turn bay at the junction off Livingstone Avenue.*
- *No objection is raised to the proposed dedication of land for a right turn lane on Pacific Highway, provided that no right turn for traffic from the overpass to the Pacific Highway is permitted. The RTA has no current plans to widen the overpass.*

Council response:

It is noted no objection is raised by the RTA in respect of the Section 62 consultation.

**2. Sydney Water**

Water and Water Infrastructure

*As rezoning can intensify water usage in a given area any proposed development that results from rezoning may impact upon Sydney Water System and Infrastructure.*

*Amplifications will be required throughout the Pymble precincts;*

- *All existing 100mm water mains will be required to be amplified to 150mm mains.*
- *All existing 150mm sewer mains will be required to be amplified to 225mm mains.*
- *A Section 73 Compliance Certificate will be required (from Sydney Water) for all future developments within these precincts. This certificate will confirm that the developer has met Sydney Water's detailed requirements.*
- *The developer will be responsible for funding any adjustments to Sydney Water infrastructure resulting from development.*
- *Water conservation standards are encouraged, adoption of ecological sustainable development (ESD) principles is encouraged.*
- *Sydney Water recommends that Council incorporates a water efficiency objective into its LEP to promote and encourage water conservation.*
- *Sydney Water recommends that Council includes a mandatory requirement in the DCP that water saving devices such as AAA- related water efficient shower heads, water tap outlets, front loading washing machine and toilet cisterns are installed in new developments, renovations of existing structures and changes of use.*

Council response

Noted and the NSW Government's building sustainability index (BASIX) applies to residential development under the Gordon plan. The Draft DCP provides guidance for non residential development and the public domain plan will also provide the opportunity for Council to demonstrate and apply Water Sensitive Urban Design principles.

Item 1

S04291  
14 November 2006

At the DA stage, a Section 93 Certificate is required to demonstrate the developer has met Sydney Water requirements.

### 3. Department of Housing

*The Department of Housing notes Ku-ring-gai is the least affordable market in the Sydney metropolitan area and outlines methods to incorporate and promote affordable housing eg planning mechanisms such as density bonuses, development incentive concession. Such mechanisms can be implemented through planning instruments or planning agreement. Affordable housing can be achieved through more housing stock including private rental accommodation.*

Council response:

The Ku-ring-gai RDS Stage 1 and the town centres LEP will provide a wider range of housing stock and increase the opportunity for the supply of smaller and potentially more affordable accommodation in the private rental market.

If Council intends to provide for affordable housing a comprehensive policy needs to be prepared this would include consideration of appropriate levels of accommodation, relevant standards, funding mechanisms, density bonuses, concessions and incentives and appropriate longer term management for affordable housing. This would most appropriately be considered during the preparation of the Ku-ring-gai Comprehensive LEP.

The issue of affordable housing and an accompanying policy matters can be addressed at the Ku-ring-gai Comprehensive LEP stage.

### 4. Ministry of Transport

#### General

- *Suggest inclusion of “road safe bus stop infrastructure” as a form of exempt development in Schedule 2 of Draft LEP.*
- *Compliance with the Section 117 direction- integrated land use and transport- Metropolitan Strategy.*
- *Bus stop infrastructure more important with the Disability Standards for Accessible Public Transport 2002.*

#### Pymble

- *Strategies 2.2.6 and 2.2.7 are supported (relates to pedestrian and bicycle links;*
- *New Bus network proposed 2008;*
- *Supports the concept of improved kiss and ride facilities and taxi zones adjacent to Pymble Station (2.2.8);*
- *Interchange Design Guidelines should be considered when developing or redesigning bus/rail interchanges or commuter car parks;*
- *Bus interchange currently declining, no objections to the proposed changes to the operation of Grandview Street;*

Item 1

S04291  
14 November 2006

- *Widening the Pacific Highway- RTA advice currently no immediate plans;*
- *Supports less parking strategy for more developments. Supports management and control. No parking rates are stated in the Draft LEP or DCP;*
- *Ministry would like to comment on Council's Draft Parking Management Plan;*
- *Council must maintain the integrity the rail network in Metropolitan Sydney- according to the Rail Corp comments.*

Council response

Noted – these matters will be dealt with as part of future detailed plans including the public domain plans for the Pymble Centre.

**5. Department of Natural Resources**

*The Department has no specific comment in relation to the final LEP and is supportive of the objectives and strategies of the DDCP.*

*With regard to the Pymble Town Centre DCP they comment:*

- *Part 2.2.5 (iv) - Water quality treatment and detention systems should be located off-line and outside of the Riparian zones for watercourses identified as Category 1 and Category 2 and where possible for Category 3 watercourses.*
- *Part 2.2.5- the map does not identify the watercourse is mapped as a Category 2 watercourse in Riparian Policy 2004, Managing Watercourses and Riparian Zones in the Ku-ring-gai Local Government Area.*
- *The Department is highly supportive of the recommendation to restore and rehabilitate a section of piped watercourse located within Pymble Town Centre Precincts 1 and J. Of the two options presented in Attachment 10, Option A is preferred.*

Council response

Noted – Amendments to the DCP.

1. Diagrams 2.2.9 should be amended to make reference to the Category 2 watercourse in the Riparian policy and insert the following text:-

*“Water quality treatment and detention systems should be located off-line and outside of the Riparian zones for watercourses identified as Category 1 and Category 2 and where possible for Category 3 watercourses.”*

**6. NSW Rural Fire Service**

*A small portion of the subject area is identified as bush fire prone on the Ku-ring-gai Bush Fire Prone Map.*

Item 1

S04291  
14 November 2006

- *Future developments on those areas identified as bush fire prone will be subject to the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997.*
- *Dual and multiple occupancy developments on bush fire prone land are not regarded as infill for bushfire purposes and must comply with all requirements of Planning for Bushfire Protection 2001. These requirements are likely to exceed those detailed in the DCP.*

Council response:

Noted and these matters will be addressed at the development application stage.

## **7. Rail Corporation**

### **Draft Pymble Town Centre Draft DCPs**

#### ***Easy access upgrade at Pymble Station***

- RailCorp suggests should Council wish to provide developer contributions to advance the progress of Pymble Station's Easy Access Upgrade (not expected within the next 5 years) it is recommended that they contact RailCorp to negotiate such arrangements.

### **Issues common to Both the Gordon and Pymble Draft DCPs**

#### ***Car parking and promotion of public transport***

- RailCorp is concerned that existing car parking ratios in the Ku-ring-gai LGA may be excessive considering the high levels of public transport use.
- RailCorp believes there should be no net loss of commuter car parking spaces in the Gordon and Pymble Town Centres as a result of the proposed LEP and DCPs, and therefore encourages Council to consider the replacement of any lost commuter car parking facilities.

#### ***Future Rail Works-***

- RailCorp are in the process of developing proposals for future rail facilities to meet existing and future rail demand. Some of these proposals may impact on developments adjoining the rail corridor.
- Council is advised that the proposed development adjacent to the railway corridor is likely to be affected by the proposed North Shore Line quadruplication with regard, but not limited to, rail noise, vibration and visual impacts. RailCorp recommends setbacks or easements should be implemented to accommodate such future rail works
- Council is requested to attach an advisory note on any approval that alerts the Applicant and future occupiers to this proposal. The Applicant is also encouraged to contact RailCorp for further information regarding this proposal.

*Noise and vibration*

- RailCorp is concerned that residents and businesses will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, and jeopardise the structural safety of buildings, and should be addressed early in the development process. RailCorp have published documents related directly to these issues the document relevant to Council is 'Interim Guidelines for Councils' they are available at:  
[www.railcorp.info/about\\_railcorp/environmental\\_guidelines](http://www.railcorp.info/about_railcorp/environmental_guidelines)
- In drafting the DCP, Council is encouraged to adopt the recommendations given in Part C-Draft Planning Instruments of the 'Interim Guidelines for Councils'.

*Stray Currents and Electrolysis from Rail Operations*

- Stray currents as a result of rail operations may impact on the structure of nearby developments. Electric currents on overhead wiring pass through the train's motor and return to the power substation via the rail tracks. Occasionally, these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipe work and earthing rods) accelerating corrosion of metals and leading to concrete cancer.
- Council should consider this possible impact, and require developers to engage an expert consultant when designing buildings. It is requested that Council impose a clause requiring Electrolysis Risk reports and mitigation measures on developments adjacent to the railway corridor.

*Geotechnical and Structural Stability and Integrity*

- RailCorp needs to be assured that future development adjacent to the rail corridor have no adverse effects on the geotechnical and structural stability and integrity of RailCorp's facilities.
- It is requested that Council impose setbacks from the railway corridor for such developments. Alternatively, any adjoining development must submit geotechnical reports to RailCorp indicating what affect, if any, that their proposed development will have on the stability of the embankments, including a list of mitigation measures.

*Building Set Backs and Design*

- The placement of buildings and structures in relation to RailCorp's facilities should enable continued access for maintenance for RailCorp's facilities.
- To ensure the safety of passenger rail services, balconies and windows in the proposed development, must be designed to prevent objects being thrown onto RailCorp's facilities.

Item 1

S04291  
14 November 2006

Alien objects can damage overhead power lines, cause injury to others and initiate derailment.

- In order to maintain the safety of the occupants of the new development, all balcony and window design should meet the relevant BCA standards, and the RailCorp Electrical Standards. These standards will provide appropriate separation of the building and its occupants from the electrified infrastructure.
- Balconies overlooking the RailCorp's facilities should not be serviced with outside taps, and rainwater should be piped down the face of the building overlooking the RailCorp's facilities.

***Drainage-***

- RailCorp wishes to advise that run-off or stormwater discharge from any development onto the Rail Corridor is unacceptable, both during and after construction and installation. Any run-off or water arising from development activities needs to be properly disposed of and must not be allowed to enter onto the rail corridor.
- RailCorp looks to Council to ensure that stormwater is not diverted onto the rail corridor as the result of development.

***Fencing, Graffiti, Screening and Landscaping***

- With adjacent developments it is important to carefully consider the options for reducing trespassing, graffiti and vandalism at the design stage, thereby reducing long-term costs and improving the aesthetic appearance of the RailCorp's facilities and the surrounding development. Should enhancements be desired, RailCorp must be contacted to ensure adequate safety measures are taken whilst work is carried out.

***Accessibility***

- Large scale developments need to provide safe and convenient access to railway stations for pedestrians. If existing development lacks safe and convenient access to Gordon and Pymble stations, Council needs to ensure that upon completion adequate pedestrian links are established. Council may consider the imposition of developer contributions for the provision of such access.

***General access to the RailCorp's Facilities***

- The on-going ability to access the rail corridor for maintenance and emergency situations is critical to the safety, integrity and operation of the NSW rail network. Council needs to ensure that access to the corridor can continue to be easily achieved as a result of development.

**8. Other State Agency submissions**

Section 62 consultation responses were also received from the following organisations that raised no objection or did not request specific amendments to the Draft LEP:



Item 1

S04291  
14 November 2006

- Hornsby Council,
- Energy Australia
- Warringah Council

Note: The NSW Heritage Office were consulted as part of the Section 62 process but at the time of the preparation of the report no formal response had been received, however comments may be provided prior to this matter going to Council.

**Matters raised by the Department of Planning**

***Section 54 (4) Authorisation to exhibit Department of Planning***

The Department of Planning issued a delegation to exhibit the draft plans under Section 54(4) under the Environmental Planning and Assessment Act 1979 (see **Attachment 1b**). The conditional Section 65(2) Certificate was considered by Council on 8 August 2006 and the required amendments were made as part of the exhibition.

Following the exhibition there are further clarifications required for the following matters:

***Section 117 Directions***

The Department of Planning have also advised that the new Section 117 Directions that require Council to make a request to the Director General justifying any inconsistencies with Directions No 3 - Business Zones and No 21 - Residential Zones.

*"In both cases the Council needs to justify the inconsistency" having regard to the provisions of Section 5 of the EP&A Act", and argue that "the rezoning is in accordance with the relevant Regional Strategy (in this case the Metropolitan Strategy) prepared by the Department."*

The Department have advised that only the Director General can make this decision as no delegations have been prepared.

It is considered that the Draft LEP complies with Direction No 21 - Residential Zones, as it provides for either maintained or increased residential densities in all zones. A revised yield table for Pymble to demonstrate this will be submitted to the Director General as part of the Section 68 report and provide details on how increased dwelling yields in Pymble will contribute to Ku-ring-gai's housing provision under the Metropolitan Strategy.

Direction No 3 – Business Zones includes the requirements that a Draft LEP shall not:

- (a) *alter the location of existing zonings, or*
- (b) *alter the area of existing zonings, or*
- (c) *create, remove or alter provisions applying to land zoned for Business that will result in a reduction of potential floor space area.*

## Item 1

S04291  
14 November 2006

In relation to requirements a) and b) above, the Draft LEP does propose the rezoning of a number of sites currently zoned Business 3(a) to residential R4 zone. These sites included:

- 1035 to 1083 Pacific Highway
- 1116 Pacific Highway
- 9 and 11 Everton Street

The majority of these sites have been developed for medium density housing over the last 3 to 10 years. The proposed R4 zone in the DLEP is intended to reflect these existing uses. The sites being rezoned to R4 which still retain business or retail uses included 1047, 1051, 1083 and 1116 Pacific Highway. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity requirements under the Direction, it is proposed to retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under Schedule 1. The contraction of the area zoned for business and retail purposes in Pymble and also intend to concentrate there uses closer to the station to reinforce the centre function as a small village under the Metropolitan Strategy.

In relation to part c) of the direction, it is considered that the Draft LEP is compliant.

- Sites retaining a business zoning in the existing Business (3(a)-(A2)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 2.1:1 to 2.5:1. All sites can be developed for business uses up to the maximum FSR, while Retail FSR is capped at the existing 1:1 maximum.
- All sites in the existing Business (3(b) – (B1)) zone have either retained the existing maximum FSR of 1:1 or have an increased maximum ranging from 2.5:1 to 2.6:1. All sites can develop for business uses up to the maximum FSR.

While it is acknowledged that there is an overall reduction in area zoned for business uses, the future capacity of retail and business floor space is considered appropriate for the identified future role of the Pymble centre within Ku-ring-gai consistent with Council's adopted retail strategy and its role as a small village under the Metropolitan Strategy. This will included an increase of retail floor space from the existing 5800sqm (NLA) to approximately 7000sqm an increase in business floor space from the existing 15,900 to an estimated future 25,800sqm, an increase of 9,900sqm

The identified non compliances with the 117 Directions in the Draft LEP as it applies to the Pymble Centre are considered justifiable subject to the following amendments to Draft LEP.

- Sites at 1047, 1051, 1083 and 1116 Pacific Highway included a maximum 1:1 FSR for business and retail uses.

***Additional comments from Department of Planning***

Council received on 16 November, 2006 advice from the NSW Department of Planning (**see Attachment 11**). This information will be taken into consideration as part of the preparation of

## Item 1

S04291  
14 November 2006

this report, where possible, however a supplementary memo will be provided, with a response to the issues raised in the Department's advice.

**Amendments to the LEP Resulting from Revised Ku-ring-gai LEP 2006 (Town Centres).**

There are a number of amendments that are required to be made to Draft LEP Amendment No 2 as a result of the amendments being made to the principle Ku-ring-gai LEP 2006 (Town Centres). These amendments include:

- Amending the Height of buildings map to identify maximum height of buildings in metres rather than storeys.
- In the land use table in the zone, moving the "Public utility undertakings" and "Utility installations" from 'Item 2 Permitted without consent' to 'Item 3 Permitted with consent'.
- Include "Demolition of a building or works" in item 3 of the land use table for the B5 zone.

**Details of revised yields**

The proposed amendments to the Draft LEP following the considerations of submissions will result in minor changes to the potential dwelling, retail and commercial yields under the LEP.

A copy of the updated yield table for the Pymble centre is included as **Attachment 9** of this report. The yield table shows potential yields for the Pymble centre under full development of the plan, including dwelling yields from LEP 194 and LEP 200.

**COMMUNITY CONSULTATION**

The issues raised in the submissions were comprehensively summarised and given detailed consideration by relevant Council staff and consultants where appropriate. The submissions are included as **Attachment 2**. A summary table of the submissions and recommendations is included as **Attachment 3**. Following are the key issues raised in the submissions:

**1. MATTERS OF POLICY**

The following is a summary of issues raised in submissions that relate to broader policy-related issues. Due to the broad nature of submissions in this category few changes to the Draft LEP and DCP are recommended as a result of the review.

**a. Traffic and Access**

Concerns were raised in relation to increasing traffic on the Pacific Highway and accessing the highway from local streets and accessing properties. Several submissions sought the widening of the bridge on the highway and pedestrian crossings or tunnel. Concern was also raised in relation to accessibility to shops, the proposed new road between Alma St and Station St and details about the link between Grandview Lane and Station St.

## Item 1

S04291  
14 November 2006

Most of the issues raised can be addressed through reference to the traffic study and the RTA requirements and therefore generally no major changes have been recommended to the traffic plan. In addition, feasibility of some suggestions is limited by funding. Other issues are noted and will be addressed in future more detailed design work, including:

- Accessibility to shops
- Location of pedestrian crossing
- Bicycle access routes

Recommendations:

- *That bicycle access routes and shared routes be considered in the design details for the town centre;*
- *That the location of the pedestrian crossing from the subway to Pymble Avenue be considered independently from the town centre study;*
- *That accessibility to shops be included in the public domain manual requirements;*
- *That Council consult with the property owners directly affected by the proposed new road between Alma Street and Station Street.*

**b. Parking**

Concerns were raised in regard to the need for increased commuter parking, and the loss of above ground/short stay parking.

It is noted that providing underground parking will free up space for other uses. Ongoing costs will need to be factored into Council's financial management. Commuter parking is not within the responsibility of Council and these issues will be referred to CityRail. No changes to the plan are recommended.

Recommendations:

- *That Council adopt a policy position that outlines there will be no loss of current publicly owned (available) parking as a result of town centre redevelopment as an absolute minimum;*
- *Ongoing costs of public underground parking be factored into Council's financial management.*

**c. Lack of infrastructure/services**

Concerns were expressed in regard to the need for increased public transport to accommodate the proposed growth, and the capacity of water, sewer and stormwater infrastructure.

Item 1

S04291  
14 November 2006

Major infrastructure is a state government responsibility, however, future rail line duplication and bus corridors will support growth. Water sensitive urban design requirements will improve stormwater outcomes.

*No changes to the plan are recommended.*

**d. Crime and safety**

Submissions noted concerns regarding safety in relation to underground parking, laneways and highrise developments.

Relevant issues will be addressed in the detailed design stages, and the assessment of development applications within the centre. The public domain plan will also address these issues.

*No changes to the plan are recommended.*

**e. Character and amenity**

Submissions addressing these issues are largely related to the loss of “village character,” “sense of place”, increased density due to the 5 storey heights and the relationship with the tree canopy and with low density areas.

Submissions also supported the proposal for improved shopping area, the reorientation towards Robert Pymble Park and improved access to amenities.

Council is acting under a direction from the state government and has prepared the plans to balance the competing objectives of existing character and future character. Standards in relation to height and FSR adjacent to low density development and DCP controls especially in relation to landscaping provision, will address the relationship with surrounding development.

*Amendments recommended*

*Future pedestrian tunnel upgrading to be incorporated as part of the strategies in part 2.2.10 of the DCP.*

**f. Heritage**

Submissions raised concerns regarding the impact of the plans on the “interwar architecture and streetscapes”, and on the following sites:

- 4a Park Crescent, Pymble
- 1002 Pacific Highway
- Pymble Hotel

Council staff and the Consultant have reviewed existing and potential heritage items to be retained in a new urban setting. The majority of interwar architecture in the suburban areas is

Item 1

S04291  
14 November 2006

not affected by this plan. To provide a new economic life, provision has been made for some buildings to be adaptively re-used. 4a Park Crescent is one such site, which, while there is limited scope for increasing setbacks, as requested, the potential to capitalise on its heritage and garden setting within the new local centre is provided. Detailed consideration is provided in the discussion under Precinct A.

The houses on properties 1002, 1006, 1010 Pacific Highway are existing heritage items, recommended for de-listing. Their significance is diminished due to the loss of buildings from the group, intrusive alterations and additions and the compromised setting.

The plans allow for the continued use of the hotel. Any future DA will need to consider traffic management for the site.

Amendment recommended:

*Refer to recommendations under Precinct A*

**g. Natural resource constraints**

Submissions raised concerns in relation to tree loss, including Blue Gum High Forest.

There is no Blue Gum High Forest in the Gordon Town Centre. The plans provide for the retention of significant vegetation where possible and provide for new landscaping in the new areas for redevelopment.

*No changes to the plan are recommended.*

**h. Economic issues**

Submissions raised concerns in regard to the impact of additional retail space on existing businesses, uncertainty of development timing and outcomes.

The plan provides for future commercial/retail requirements consistent with Council's Retail Study to meet future demands. Any down time in business activity will be balanced against future economic benefits of development.

*No changes recommended to the plan*

**i. Overdevelopment and other issues**

Submissions raised concerns that the proposal exceeds state government requirements for high density housing and retail development and that the proposed levels of retail are also in excess of the recommendations of Council's consultant and will have adverse impacts on the infrastructure, environment and character of Pymble and fail to provide for housing choice.

It is noted that the plan is consistent with the Retail Study, the Minister's Direction and Section 54 (4) notification. A wider range of commercial/retail will be provided and attract a greater

Item 1

S04291  
14 November 2006

patronage for Pymble businesses while a range of housing choice is provided through a range of building types and heights.

*Amendment recommended*

- *Town Hall to be referred to as Ku-ring-gai Town Hall*

## 2. MATTERS OF PROCESS

The predominant concerns expressed in the submissions included:

- inadequacy of community consultation and information sessions in particular;
- perception that the community is not being listened to;
- plans/studies being abandoned, and new plans started without reference to the old;
- lack of input from government agencies.

Support was also expressed for the information sessions.

The level of community engagement has been broad, open and extensive (as indicated in **Attachment 6**). At the outset, Council sought detailed ideas about Pymble centre planning via a survey sent to householders in June 2005, a preliminary exhibition and most recently formal statutory exhibition. To complement that, advertisements in the local paper, email updates, plus consultations, workshops, feedback surveys and statutory exhibition, displays and information sessions, have encouraged a broad range of feedback from the community. The exhibition and consultation requirements have exceeded those required by the legislation.

Reference has been made to earlier studies and results brought forward. The results of consultation with government agencies, in accordance with statutory requirements, have also been taken into consideration in the centre planning as detailed in the report under Section 62 Consultation key submissions and responses.

*No changes are recommended to the plan.*

## 3. MATTERS RELATED TO THE DRAFT LOCAL ENVIRONMENT PLAN

Public submissions raised a number of matters relating to the provisions of the Draft LEP. These related to how the Draft LEP applied to particular sites as well as more general issues. Details of Draft LEP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the Draft LEP raised in submissions is included in **Attachment 3**. Issues of note and areas where amendments to the Draft LEP are proposed are discussed below.

Residents of 15, 17 and 21 Livingstone Avenue and 9 Telegraph Road seek up-zoning of their sites to R4, while 53 Grandview St seeks an increase in FSR.

Concerns were raised in regard to heights in excess of 3 storeys in a number of locations and that the standards result in reduced yields contrary to the Minister's Direction.

## Item 1

S04291  
14 November 2006

15, 17 and 21 Livingstone Avenue and 9 Telegraph Road are not contained within the area to which the Town Centres LEP applies. Zonings additional to those resolved by Council are not supported unless they can be looked at in a strategic context and have had adequate opportunity for community consultation. Council will be preparing a new Comprehensive LEP to be completed by 2011.

Heights are appropriate to the scale of the centre as required under the Metropolitan Strategy and the Minister's direction, and consistent with the sites already re-zoned under LEP 194. Building envelopes have been developed through detailed urban design work taking into consideration optimum building height and density while still maintaining an appropriate economic feasibility for development.

The standards for multi unit housing in R4 are consistent with LEP 194 in accordance with the Minister's Section 55 Direction. There is no discretionary clause included, as this is not provided for the standard LEP template. Clause 25K of LEP 194 is designed to improve flexibility on steeply sloping sites, rather than increase yield. Similar flexibility is provided through the "building height" definition and Clause 24 of the Draft LEP.

*No changes are recommended to the plan.*

#### **4. MATTERS RELATED TO KEY PRECINCTS & PROPERTIES**

The following discussion addresses the issues raised within the public submissions regarding key sites and precincts of the Draft DCP. The discussion focuses on where the submissions request amendments to the Draft LEP and DCP. A comprehensive analysis is undertaken where the issues raised in submissions are complex or may result in significant changes. This applies to Precincts A and J. In precincts H, K and L the issues raised are less complex and more easily resolved in this case the discussion and recommendations are in **Attachment 3**. No submissions were received for precincts D, B or C.

##### **Precinct A – bounded by Post Office Street, Park Crescent, Grandview Street Grandview Lane**

###### *Existing situation*

The precinct is generally zoned 3(a)-(A2) under the KPSO and has a maximum FSR of 1.0:1 and a 2 storey (or 8 metres) height limit allowing retail and commercial uses. In addition there are properties facing Park Crescent zoned Residential 2(c2) and Residential 2(c). The latter, 4A Park Crescent, is a heritage item under the KPSO.

The Draft Town Centre LEP proposes to rezone the whole precinct B2 – Local Centre allowing a mix of uses including residential, retail and business premises. The planning controls for the site allow a Floor Space Ratio (FSR) of between 2.0:1 and 2.5:1 (with maximum and minimum retail requirements) and a 5 storey height limit.

4A Park Crescent is zoned B2 Local Centre, and listed as heritage item under the Draft LEP, with a 0.5:1 FSR to limit any redevelopment of the site to adaptive re-use of the building.



Item 1

S04291  
14 November 2006

Heritage incentives apply to the site under Clause 33 of the LEP.

*Summary of submissions*

Two submissions have been received in relation to Precinct A from land owners:

- the owner of 4A Park Crescent (submission 11); and
- a group owners representing 93 and 95-97 Grandview Street, 2 and 4 Park Crescent, Pymble (Submission No. 31).

Submission 11 seeks the following amendments to the Draft LEP and DCP:

- Propose that all development on Park Crescent side of Post Office Lane be zoned residential.

Submission 31 seeks the following amendments to the Draft LEP and DCP:

- Recommends that Council adjust FSR control for this proposed site from 2.1:1 to 2.5:1 to accurately represent the amount of floor space that can realistically be developed within the confines of the proposed building envelope, with a bonus of 0.5:1 to encourage redevelopment;
- Requests a total site FSR of 3:1
- Increase the height limit to seven storeys

Submission 11 argues that the development plan will endanger the viability of the house (4A Park Crescent) because:

- a) Change from Residential to B2 – will result in loss of heritage significance, and ultimate destruction of house.
- b) Loss of amenity to the occupants:
  - Loss of significant access to the sky from the main bedroom and almost total loss of solar access to the main bedroom.
  - Loss of privacy with potential overlooking from two sides. This includes the overlooking of the backyard and all bedrooms.
  - Post Office Road is already an alternate car park for the hotel and bottles, cans and food scraps are dumped in the garden on the kerb over our fence. We are concerned that the new car park will become an extension of this without the natural surveillance that the road offers and will become a location for anti-social behaviour.
  - The introduction of retail next door will increase the obtrusive light and noise if they are allowed to trade into the evening.
- c) Isolation of the building from other residential area both physically and perceived.

Item 1

S04291  
14 November 2006

- d) Destruction of the appearance of the building by creating a massive structural backdrop on two sides.

Submission 31 argues that a higher FSR is necessary because:

- the planned changes to the development controls do not go far enough and do not provide any economic incentive for the current landowners, thus not providing Councils objective to revitalise Pymble Town Centre;
- Floor Space Ratio should be raised to benefit from additional height/changed amalgamation allowed by Councils resolution on the 22 August 2006 (see details in submission No. 31);
- Council has not also been consistent in applying FSR controls to this block. The eastern side has a FSR control of 2.5:1 and the western side has an FSR control of 2.3:1;
- The topography and slope of the land make it very expensive to develop and the confined nature of access also makes it difficult;
- Results from the feasibility modelling indicated that the proposed planning controls do not offer adequate financial incentive for property owners to undertake a development of the site taking into consideration the risk involved.

The submission provides the following suggestions in relation to increasing the FSR across the site:

- Increase the height limit to seven storeys and maintain the current building setback and depth controls. Impact would be reduced by the requirement to step the buildings down the street due to the topography of the site;
- Reduce or eliminate the proposed setbacks on Level 3 and 5 of the Grandview Street buildings and Level 2 of the Park Crescent building and increase the building depth control to 18m;
- Increase from 1m to 2m the amount of balcony that can extend past the main building envelope;
- Allow larger ground floor retail floor space;
- Eliminate the proposed service laneway (that stretches across 14 separate land allotments) as it is impracticable and costly if owners on either side do not jointly develop their properties so as to link the laneway to the side streets;
- Allow through site links, rear public landscape works and footpath works to be provided as 'works in kind' in lieu of some Section 94 charges;

Item 1

S04291  
14 November 2006

- Reduce the car parking rate for commercial and retail on each site to 1 per 50sqm or to a level set by having regard to future detailed traffic demand studies.

*Analysis and Discussion*

Council staff and external consultants have undertaken an analysis of the amendments sought in the submission in terms of traffic impacts, heritage, community/public interest, economic issues and urban design among others.

a) Public interest

Precinct A is proposed to contribute substantially to improvements to public infrastructure in Pymble including:

- a new rear lane way with public on street parking;
- a through site pedestrian walk way from Grandview Avenue to Park Crescent;
- development setbacks for widened footpaths and landscaping; and
- dedication of land to Council
- setbacks to Park Crescent

The submission from the owners 93 and 95-97 Grandview Street, and 2 and 4 Park Crescent notes that these requirements are particularly onerous on their site and it may be necessary to review these requirements (without compromising objectives of Precinct A) through one or all of the following:

- reduction of the lane width
- reduction of public on street parking requirements along lane way
- reduction or removal dedication of public land (other than the road way)

b) Planning/land use

The submission requests and increase in FSR from 2.1:1 to 2.5:1 with an additional 0.5:1 for incentive and building heights to 7 storeys. From a planning point of view 7 storeys is not considered appropriate for a minor centre such as Pymble and it would be preferable to increase FSR (if found to be necessary through financial analysis) by other means such as increased ground floor retail and second floor commercial and the measures noted above.

The residents of 4A Park Crescent raise the issue of the impacts of the proposed development of precinct A on the amenity of the house in terms of solar access, noise and over looking. It is accepted that the potential to redevelop nearby sites in accordance with the LEP and DCP would have some adverse impact on the use of the place as a residence. However the impacts are considered minor:

- The house currently has a north to north easterly aspect and due to the corner location would retain a large proportion of solar access throughout the year;

Item 1

S04291  
14 November 2006

- The issue of overlooking can be partly addressed through provisions in the DCP that would restrict balconies and windows on the northwest facade of the proposed adjoining building to the east;
- It is noted that the early options for Precinct A considered allowing redevelopment of 4A Park Crescent to avoid such interface issues however Council resolved the following on the 20 April 2006:

*“That 4A Park Crescent be identified as low density retaining the existing house with consideration given to allowing additional uses such as cafes and restaurants.”*

c) Heritage

Council’s heritage consultant has reviewed the heritage impacts on 4A Park Crescent a summary is provided below and the full report is in **Attachment 10**.

- The zoning allows for the adaptive reuse of the place that is commensurate with the desired future character for this precinct. It is considered that the rezoning of the place does not directly correlate with adverse impact to the significance of the place.
- Council has sufficient statutory controls to assess the potential impact upon the significance of the place that may result from its adaptive reuse for commercial purposes.
- The impacts to the amenity of the heritage item from the bulk, scale and siting of the adjacent development are considered less crucial if the place is used for a commercial use.
- The bulk, scale and siting of the adjacent development could have an adverse impact on the setting of the place. The proposed two storey forms fronting Park Crescent are likely to have an impact on views to and from the main elevation of the heritage item.
- Increasing the setback from Park Crescent and the Heritage Item at the northern corner of the adjacent development would aid in the retention of those views.
- An increased setback from the side boundary would increase the distance between the built forms and allow for plantings to buffer the side elevation of the new building thereby mitigating some of this impact.
- Development Controls should also encourage the setback of the top level from the north western side elevation as well as from the main north eastern and south western elevations.

d) Economic Feasibility

Earlier analysis by Sphere Property Corporation in July 2006 assessed feasibility of sites in Precinct A. The modeling work undertaken by SPC for this site was based on amalgamations along Park and Grandview Streets rather than the cross block amalgamation structure adopted in the DCP. When this new amalgamation structure is modeled, the 2.1:1 FSR listed in the LEP does not provide a viable outcome in the development.

Item 1

S04291  
14 November 2006

The proposal of a bonus to encourage rapid development is likely to be effective but would need a change in Council policy to be acceptable.

While the issues raised about the laneway are clearly of a planning rather than economic nature, they are relevant to the consideration of the bonus FSR. If a bonus was provided it would be much more likely that the laneway could be achieved in a timely way. Without it, any redevelopment in the middle of the block will probably need to be designed so that it is accessible from both Park and Grandview Streets. In that case, the benefits of the laneway will not be available to that development.

e) Traffic Impacts

An increase of FSR to 3.0:1 and 7 storeys, throughout Precinct A, would result in an increase of 35-40 additional dwellings. Council's traffic consultant provides the following comments in relation to these possible increases.

The performance of Pymble's local road network under the future urban design option can be described as follows:

- the signalised highway intersections will be operating at or near capacity;
- non-highway intersections will continue to operate with considerable spare capacity;
- An additional 40 dwellings would result in an additional 20 vehicle trips in both the AM and PM peak hour. This represents an increase of 2% over the forecast traffic generated by the urban design option for the whole of Pymble town centre. Due to the characteristics of the Pymble road network and the small magnitude of this increase, the FSR increase is unlikely to have a significant traffic impact.

*Summary and Recommendations*

There are a number of competing objectives in this precinct including the provision of public benefits, impacts on the private dwelling at 4A Park Crescent, impacts on the heritage significance of 4A Park Crescent and future development.

The rear lane proposed in Precinct A is an appropriate planning objective, however the width proposed in the Draft DCP is excessive and in consideration of other factors (such as the need for greater setbacks to 4A Park Crescent and possibly from Park Crescent itself and the need to increase FSR on the central site for feasibility) should be narrowed.

Reducing the lane width to the minimum required (around 6 metres) will provide a number of benefits:

- allow greater FSR on the central site through increased depth of retail/commercial floors without the need to increase building heights;
- potential for a larger side setback to 4A Park Crescent;
- potential for an increased setback to Park Crescent to improve the heritage setting of 4A Park Crescent;

Item 1

S04291  
14 November 2006

The following amendments are recommended:

Draft LEP (Precinct A):

- Increase site FSR to 2.5:1
- maximum retail FSR increased to 1.0:1
- allowance for building heights fronting Grandview Parade and Park Crescent to accommodate two storey retail/commercial podium

Draft DCP (Precinct A):

- Reduce laneway width to 6 metres;
- Increase side setback to 4A Park Crescent to a width to allow screen planting in consultation with heritage architect;
- Amend setback to Park Crescent frontage in consultation with heritage architect to address the heritage setting of 4A Park Crescent;
- Require the setback of the top level from the north western side elevation in relation to 4a Park Crescent;
- Restrict balconies and windows on the north western façade of proposed building facing Park Crescent;
- Adjust amalgamation line to exclude 99 Grandview Street from the central site.

**Precinct B and C – between the Pacific Highway and the railway line south of the rail station**

*Existing situation*

Precinct B is currently zoned 3(a)-(A2) under the KPSO and has a maximum FSR of 1.0:1 and a 2 storey (or 8 metres) height limit allowing retail and commercial uses. Precinct C is currently zoned 3(b)-(B1) under the KPSO and has a maximum FSR of 1.0:1 and a 3 storey (or 12 metres) height limit allowing commercial offices and associated services.

The Draft Town Centre LEP proposes to rezone both precincts B5 – Business Development. This zone is generally intended for land where employment generating uses such as offices are to be encouraged. The zone is applied to locations that are located close to centres and which will support (and not detract from) the centres.

The planning controls for the site allow an FSR of 1.0:1 for Precinct B and 2.6:1 for Precinct C and a 3 storey height limit.

*Summary of submissions*

No submissions were received in relation to these precincts.

*No changes are recommended.*

**Precinct D – between Park Crescent, Post Office Lane and Telegraph Road**

*Existing situation*

The precinct is currently zoned Residential 2(d3) and allows 5 storey apartment buildings. One property, 10 Park Crescent, is currently zoned 2(c) and listed as a heritage item under the KPSO. Following an independent heritage assessment, this item is not proposed to be listed as a heritage item in the Draft LEP.

Item 1

S04291  
14 November 2006

The Draft Town Centre LEP proposes to rezone most of the precinct R4 High Density Residential. 10 Park Crescent is proposed to be zoned R3 – Medium Density Residential which allows townhouses and villas. The planning controls for the precinct vary with heights from 3-4 storeys on Park Crescent to 5 storeys on Telegraph Road. The FSR range is from 0.8 to 1.3:1.

*Summary of submissions*

No submissions received in relation to Precinct D.

One submission received in relation 9 Telegraph Road seeking incorporation within Precinct D and rezoning to R4 - High Density Residential this has been dealt with separately in **Attachment 3** under rezoning.

*No changes are recommended.*

**Precinct E – bounded by Pacific Highway, Post Office Street, Post Office Lane and 3 storey apartment building at 1035 Pacific Highway**

*Existing situation*

The precinct is currently zoned 3(a)-(A2) has a maximum FSR of 1.0:1 and a 2 storey (or 8 metres) height limit allowing retail and commercial uses. It is noted that some buildings within this precinct currently exceed these controls.

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail and business premises. The planning controls for the site allow an FSR of 2.1:1 to 2.6:1 (with minimum and maximum retail/commercial requirements) and a 5 storey height limit.

*Summary of submissions*

Two submissions were received from land owners in the precinct representing the properties 999, 1001 and 1015 Pacific Highway.

The submissions seek the following amendments to the Draft LEP and DCP:

- 995 be included with 997 in amalgamation and increase FSR to 2.6:1;
- Remove 3 metre setback to front boundary;
- Reduce site amalgamation requirements;
- Increased FSR of 2.5:1 or 2.6:1; and
- Increased depth of residential floors from 18 to 24 metres.

*Recommendations*

The following amendments are recommended:

Draft LEP (Precinct E):

- Increase FSR to 2.5:1 for site E1 (1001 – 1017 Pacific Highway)

Item 1

S04291  
14 November 2006

- Allow building height in metres to allow first floor commercial

Draft DCP (Precinct E):

- Adjust front setbacks to require 2 metre setback on the highway on all sites in Precinct E;
- adjust amalgamation to include 999 Pacific Highway within E2 (987 – 999 Pacific Highway)

**Precinct H – Ku-ring-gai Town Hall and adjoining properties**

*Existing situation*

Precinct H contains a range of uses:

- The Ku-ring-gai Town Hall and the Performing Arts Resource Centre, both owned by council (subject to reclassification), are currently zoned 5(a) Special–Uses Municipal Purposes;
- 1190 Pacific Highway is a private residence zoned 2(c) currently listed as heritage item under the KPSO. This item is not proposed to be listed as a heritage item in the Draft LEP;
- 1190A Pacific Highway is an isolated private dwelling zoned Residential 2(d3) for 5 storey apartment buildings; and
- 1192 Pacific Highway is a Council owned property (subject to reclassification) currently known as the Secret Garden is Residential 2(d3) for 5 storey apartment buildings.

The Draft Town Centre LEP proposes to rezone the site R4 - High Density Residential allowing apartment buildings. The planning controls for the site allow an FSR of between 0.6:1 and 0.8:1 with a 5-6 storey height limit.

*Summary of submissions*

One submission was received from the owners of 1190 Pacific Highway in support of the proposed controls within the Draft LEP and DCP.

*No changes recommended.*

**Precinct J – Interface zone between Livingstone Avenue and Pymble Avenue**

*Existing situation*

The precinct is currently zoned Residential 2(c2) under the KPSO and allows single residential dwellings (with dual occupancy potential). The Precinct has been identified by Council as an interface zone between high density and single residential dwellings.

The Draft Town Centre LEP proposes to rezone the precinct R3 – Medium Density Residential which allows townhouses and villas as well as other residential uses such as apartment buildings where appropriate. The planning controls for the precinct vary with heights between 3-4 storeys and an FSR of 0.8:1.



Item 1

S04291  
14 November 2006

Residential yield would be approximately 40 - 50 units.

*Summary of submissions*

A number of submissions were received from land owners within Precinct J and from residents adjoining. Submissions either support the proposed plans or object to the limited development capacity allowed.

The submissions in support of the draft proposals for Precinct J note the following:

- Commends the planners and councillors on limiting the extent to which the development rolls down Livingstone and Pymble Avenues;
- Residents in the area highly value: tree canopy, bushland, village feel, low density, gardens and wildlife and avoid overshadowing developments and too much commercial property; and
- A development beyond that proposed by the LEP would be difficult to support.

The submissions from landowners within Precinct J seek the following amendments to the Draft LEP and DCP:

- Change in zone from R3 to R4; and
- increase of FSR from 0.8:1 to 1.3:1 and building heights to 5 storeys.

The submissions argue that:

- The site is currently limited due to a riparian zone, requiring a 20m setback. The riparian zone doesn't exist (see submission No. 14 for photos) it is just a buried 375mm (15") stormwater pipe.
- It is within 100m of the railway station
- This would meet the NSW Government's objectives to increasing housing developments within a 600m radius of public transport
- Neighbour's properties have a higher FSR of 1.3 and 1.76. The Council has used spurious economic feasibility to justify the low FSR. Despite no identifiable commercial reason, the council refuses to release the assumptions used.
- Floor space ratio is economically unfeasible (see submission No. 14)
- Other sites in neighbouring properties, including those that directly adjoin this property, have been approved for seven storey residential development (flats) with two levels of car parking despite the zoning being 5 storeys. Neighbours across the road have also been approved for seven storey residential flats. By limiting this site to 3 storey townhouses the draft plan renders the site sterile for development.
- Council should double the minimum setbacks to single dwellings, so we are not shifting the issue along the street.
- Council should eliminate the imaginary riparian zone in the plans and the associated restrictions.

*Background*

Council prepared a report titled Interface Sites LEP194 and 200 which was complete in August 2005. This study examined the properties identified by council as interface sites which included

Item 1

S04291  
14 November 2006

7 Livingstone Avenue and 6-8 Pymble Avenue. The study recommended no change for the latter and rezoning of the former as well as 9, 11, 11A and 15 Livingstone Avenue to 3 storeys.

Following this report the Pymble town Centre Study also examined the interface area and in the Pymble Draft Recommended Land Use Plan recommended that the interface area be extended to include 6, 8 and 10 Pymble Avenue and 7-17 Livingstone Avenue as town house transition development. Council resolved the following on the 20<sup>th</sup> April *“That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Revised Attachment H which includes Precincts F, J and L (part) and 10 Park”*

Subsequent options considered by the Council Planning Committee reduced the extent of precinct J to exclude 10 Pymble Avenue and 15 and 17 Livingstone Avenue. This option was placed on preliminary exhibition in July 2006 and on the 26<sup>th</sup> July 2006 at the Council Meeting Precinct J was subject to a rescission motion and excluded from the plans subject to the result of a rescission motion.

Council later resolved that Precinct J would be an R3 zone with an FSR of 0.8:1 and building heights of 3-4 storeys this final option was then placed on formal exhibition 25 September until 24 October 2006.

*Analysis and Discussion*

Council staff and external consultants have undertaken an analysis of the amendments sought in the submissions in terms of traffic impacts, community/public interest, economic issues and urban design among others.

f) Public interest

The public interest issues relate to a number of aspects:

- Firstly the site is intended to be an interface between high density residential and low density housing. The primary role then is to reduce impacts on adjoining properties;
- The second relates to how far the rezoning extends down Pymble and Livingstone Avenue. Based on the submissions there appears to people who support the proposed extent within the Draft plans and those that wish it to extend so that it would incorporate their properties. From a public interest point of the preferred approach is to extend the rezoning to a point that ensures that the interface impacts are minimised.

g) Planning/land use

The submissions request an FSR of 1.3:1. From a planning point of view this would go against the principle of an interface zone which requires a reduction in density. An FSR of 1.3:1 on Precinct J would then require an additional interface zone further down the slope which is not in the public interest.

From a planning point of view an R3 zone is the preferred outcome.

Item 1

S04291  
14 November 2006

h) Economic Feasibility

It is noted that the submissions do not provide an economic analysis to support the claim that the site controls result in unfeasible development.

Sphere Property Corporation (SPC) have undertaken an economic review and a summary is provided below, the full report is in **Attachment 8**.

- The original modeling results provided by SPC were based on the whole site and took no account of the set-backs associated with a riparian zone. These are planning issues and we do not feel qualified to comment on their appropriateness.
- the setbacks associated with the riparian zone may make it difficult to achieve an FSR of 0.8:1 on a number of blocks within Precinct J
- If this is the case it would be a severe restriction and is likely to make re-development unviable or at least significantly reduce the value of these blocks.
- An FSR of 0.8:1 should provide sufficient incentive for development if it can be located more evenly across the precinct.

i) Environment

The submissions raise concern regarding the proposed riparian corridor in Precinct J. Council's environment staff have visited the site and provide the following assessment:

There is no obvious riparian zone present on 8 Pymble Avenue. The properties 7 and 9 Livingstone Avenue have an obvious depression running through them, which historically would have been a drainage line. These areas are now piped and overland flow through this area would be minimal as a result.

This area, if reinstated as a riparian corridor, could have some positive environmental benefits (e.g. increased water quality, flood mitigation etc.) even if the "stream" is piped upslope and down slope. These benefits would in part offset some of the impacts high density development on the site. Presumably some landscaping, planting etc. would be planned as part of any redevelopment of the site and the area identified as a riparian zone would be the logical area to do so. If this was a DA to redevelop a single lot it probably would not be an issue, but because this is a proposal to amalgamate lots it would be an ideal time to reinstate the riparian zone as part of the master plan for the site.

j) Traffic Impacts

An increase from 0.8:1 to 1.3:1 FSR in Precinct J would result in an additional 40 dwellings. Council's traffic consultant notes the following in relation to the potential impacts of such an increase:

An additional 40 dwellings would result in an additional 20 vehicle trips in both the AM and PM peak hour and the FSR increase is unlikely to have a significant traffic impact.

## Item 1

S04291  
14 November 2006*Summary and Recommendations*

Precinct J has a long history and at this stage there appears to be a number of issues requiring resolution. A number of possible options arise from the analysis above.

*Option 1 - No change to Draft LEP and DCP*

The advantage of this option is that it has been exhibited and has some public acceptance it also achieves a reasonable interface with adjoining properties by using townhouse form of development. However, because of the presence of the riparian corridor SPC find that a number of sites are impacted and do not achieve feasibility.

*Option 2 – Retain riparian corridor increase FSR to 1.0:1*

This option would retain the riparian zone as proposed in the Draft DCP and increase the FSR to 1.0:1. Council's urban design consultant has tested this option and found that with an FSR of 1.0:1 the revised block plan would require a change in zone to R4 high density, removal of the townhouses from the centre of the site and replacement with 5 storey residential flat buildings. This option can not be supported on planning grounds because it does not meet the objectives of the interface zone and is likely to trigger further demands for rezoning. The retention of the riparian corridor tends to push taller buildings closer to the boundaries and creating interface impacts.

*Option 3 – delete riparian zone increase FSR to 1.0:1*

This option would remove the riparian zone and replace the 3 storey town houses with 4 storey apartment buildings. Testing of this option results in all buildings being 4 storeys in a regular arrangement across the site with 8 metre setbacks to the southern interface boundary. The advantage of this option is a more efficient use of the land allowing the interface setbacks to be prioritised. This option would also allow a consistent building type, and less site constraints and therefore improve viability. The disadvantage of this option is the loss of the riparian zone however there does not appear to be an overwhelmingly strong case to retain the riparian corridor on the site. It would be necessary to identify significant trees for retention. The disadvantage of this option is the loss of the potential to restore a riparian zone however there does not appear to be an overwhelmingly strong case to fully justify the reinstatement of a riparian corridor on the site, particularly one 20 metres wide. An R4 zone would be the most appropriate zoning and it is noted that the Draft LEP was not exhibited as such.

*Option 4 – removal of riparian zone retain 0.8FSR*

This option would reduce the environmental requirements on the site by not requiring excavation of a channel and associated riparian works. Ground levels would be kept more or less as they are to protect the main indigenous and other significant existing trees; town houses in the centre of the site would be replaced with apartment buildings to 3 storeys. The advantage of this option is that the exhibited building heights are retained and setbacks to interface properties to the south could be increased. The option allows a more even distribution of floor space, allows a single building type and regular arrangement of buildings which would improve attractiveness for redevelopment in comparison to the exhibited version and reinforces the original notion for the inclusion of this precinct into the Draft LEP.

The interface zone is the primary objective of rezoning this area, secondary to this is the provision of environmental improvements. Given the small size of the interface zone proposed

Item 1

S04291  
14 November 2006

it is not possible to achieve multiple planning outcomes. Option 4, on balance, is the preferred option as it provides a very good interface outcome (better than exhibited form) while still allowing for the necessary environmental protection and is consistent with the exhibited Draft LEP.

The following amendments are therefore recommended.

Draft LEP (Precinct J):

- No change

Draft DCP (Precinct J):

- adjustment of building envelopes to show 3 storey apartment buildings in the centre of the site (replacing town houses);
- adjustment of building envelopes to provide greater setbacks (minimum 9 metres) to 10 Pymble Avenue;
- minimum interface setbacks to 15 and 17 Livingstone Avenue of 12 metres interface setbacks;
- deletion of riparian corridor identification of existing significant trees to be retained (based on site assessment report);

### **Precinct K – Livingstone Avenue, Orinoco Street and Pacific Highway**

#### *Existing situation*

The precinct is currently zoned under the KPSO partly Residential 2(d) allowing 3 storey apartment buildings at 0.85:1 and partly Residential 2(d3) allowing 5 storey apartment buildings at 1.3:1.

The Draft Town Centre LEP proposes to rezone the precinct Residential R4 - High Density Residential allowing apartment buildings with an FSR of 1.3:1 with a 5 storey height limit.

#### *Summary of submissions*

No submissions were received in relation to this precinct.

A submission was received from the owners of 1a, 1b and 1c Orinoco Street, Pymble (which are under control of the same land owner as 1070-1072 Pacific Highway within Precinct C) requesting these sites be included within the Draft LEP and be rezoned to Residential R4. The issue of rezoning has been addressed in **Attachment 3**.

#### *Recommendations*

No change recommended.

### **Precinct L – Pacific Highway and Bloomsbury Avenue**

#### *Existing situation*

The precinct is currently zoned Residential 2(e) on the properties fronting the Pacific Highway allowing townhouses up to 2 storeys with an FSR of 0.5:1. On the eastern side of Bloomsbury

Item 1

S04291  
14 November 2006

Avenue the properties are zoned Residential 2(c1) allowing single residential dwellings. The precinct is partly built out on the highway frontage with strata title apartment buildings up to 3 storeys. Three properties (1002, 1006 and 1010 Pacific Highway) within Precinct L are currently listed as heritage items under the KPSO.

The Draft Town Centre LEP proposes to rezone the precinct Residential R4 - High Density Residential allowing apartment buildings. The planning controls for the site allow an FSR of 0.9:1 with a 4 storey height limit. The Draft Town Centres LEP does not include the three properties noted above as heritage items.

*Summary of submissions*

One submission was received from resident who partly supports the rezoning and provides suggestions for changes.

The submission seeks the following amendments to the Draft LEP and DCP:

- Review of amalgamation and built form in the Draft DCP for the combined lots 1022 and 1012 Pacific Highway with 1 Bloomsbury Avenue;
- No change to the zoning of 3 Bloomsbury Avenue

*Recommendations*

The following amendments are recommended.

Draft LEP (Precinct L)

- Retain existing 2(c1) zone on 1 and 3 Bloomsbury Avenue.

Draft DCP (Precinct L)

- Amend building envelope for 1028, 1022 and 1012 Pacific Highway to reflect height and densities with LEP;
- Adjust amalgamation to separate 1 and 3 Bloomsbury Avenue and 1028-1012 Pacific Highway; and
- Note Council owned easement behind 1012 Pacific Highway.

**Community lands**

Concern was expressed that the reclassification and rezoning of community land in Pymble will result in loss of community benefit and is not required. Specific concerns were raised in regard to 1 & 2 Alma Street, 65 Grandview Parade, and 1186 and 1192 Pacific Highway.

Reclassification assists in the realisation of the Plan which in turn contributes to meeting the Minister's Direction. It will provide Council with the mechanism to assist in the planning and delivery of new facilities and services for the Pymble community. The reclassification hearing has been undertaken as an independent process.

The specific sites are discussed in the section on Reclassification of Council owned land.

Amendments recommended

*Refer to specific recommendations contained in the report relating to Reclassification of Council owned land.*

**5. MATTERS RELATED TO THE DRAFT DEVELOPMENT CONTROL PLAN**

Public submissions raised a number of matters relating to the objectives, strategies and controls within the Draft DCP. These related how the Draft DCP applied to particular sites as well as more general issues. Details of Draft DCP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the Draft DCP raised in submissions is included in **Attachment 3**. A summary of issues of note and areas where amendments to the Draft DCP are proposed are outlined below.

**a. Draft DCP Part 2 & 3 - Objectives and Strategies and public domain controls**

Issues raised included the following:

- Curtilage and landscaping of the Town Hall
- Provision of open space
- Practicality of pathway and playground on, and entry to Robert Pymble Park
- Proposed landscaping in Post Office Street precinct, the pocket park on Grandview Lane and Cresswell O'Reilly Lookout.

Council will continue to refine and review the landscaping in the public domain. Comments and further input will be required at the design stage for the following sites

- Robert Pymble Park
- Use of *Plantanus x hybrida* in Post Office Street precinct
- "Cresswell O'Reilly Lookout"
- Ku-ring-gai Town Hall

Amendments recommended

- *Add further point to 3.1.4 regarding town hall site – to consider the value of maintaining current planting on site.*
- *Amend Section 3.1.4 of DCP to include correct reserve name; "Cresswell O'Reilly Lookout".*

**6. Development Contributions Strategy – Section 94**

A development contributions strategy (including Section 94 Plans) and an accompanying financial strategy are being prepared on the basis of Council's exhibited Draft LEP and Draft DCP.

A report on the development contributions strategy will be provided to Council with a Draft Plan for exhibition prior to the gazettal of the Draft LEP.

## 7. Reclassification of Council owned land from Community to Operational

Council sought, in the Draft LEP, the reclassification of parcels of Public Land identified within the plan to “operational” from their current classification as “community”.

The Local Government Act (Section 29) AND Section 68 of the Environmental Planning & Assessment Act 1979 provides the process through which Council owned community land classification can be changed to operational. Aside from identification of such land within the Draft LEP, a public hearing, independent of Council, must be held to consider submissions. Council in making its final decision must consider the findings of the hearing.

In relation to the Draft LEP the following sites are proposed for reclassification.

- Site 1 - 1 Alma Street - Lot 19 DP5528 and Lot 4 DP307623 – vacant land
- Site 2 - 2 Alma Street - Lot A DP302332 – car park
- Site 4 - 65 Grandview Street - Lot 23 DP791208 – pathway
- Site 5 - Part of Post Office Land - Lot 2 DP582963 –rear lane access purposes
- Site 6 - 1186-1188 Pacific Highway - Lot 1 DP86583 – Ku-ring-gai Town Hall and former Presbytery and car park.
- Site 7 - 1192 Pacific Highway - Lot 8 DP30236 – vacant land “Secret Garden”

Public notification of the hearing and of the closing date for those wishing to provide a submission on the matter was provided to the community as prescribed in the Environmental Planning & Assessment Act.

In total ten written submissions were received covering the proposed reclassification of Council’s land and a petition containing 982 signatures was also submitted. Nine people addressed the hearing which was held at Council Chambers on Thursday 26 October 2006. The hearing was chaired by Mr Andy Ludvik of Ludvik & Associates.

The report provided from the independent consultant (Mr Ludvik) must be released, without alteration, within 4 days of its receipt by Council.

The report was received by Council on Wednesday 15 November 2006 (**Attachment 7**). The report has been released via Council’s website on Friday 17 November and all those who made submissions or spoke at the hearing have been informed of its release and advised how to access the report.

The report provides commentary and analysis of issues raised at the public hearing including specific commentary on appropriate classifications of each site.

In summary the report recommends that the proposed reclassification of sites 2, 4 & 5 be supported, subject to a number of conditions and recommends that reclassification of sites 1, 6 & 7 not be supported at this time. The recommendations outlined in the report are reproduced below.



## CONSULTATION

The recent extensive work to source and include a broad range of ideas and opinion during the formal exhibition for Pymble centre is summarised below. **Attachment 6** includes summaries of earlier consultation and advice to interested stakeholders about Pymble Centre planning since some 4700 resident surveys were posted in June 2005.

### Recent Consultation

1. Formal exhibition of the plans and supporting information was completed from 25 September to 24 October 2006 at the Gordon Library and the Council Chambers Level 4, Gordon. CDs of exhibition materials were available to interested persons, and were delivered to resident group representatives and interested businesses, on request.
2. Some 5000 letters to property-owners, occupiers and businesses in the Pymble postcode area were posted advising about the about formal exhibition, and detailing web-access, displays and other sessions for planning Pymble town centre. These letters provided advice to all property-owners affected by the draft local environmental plan, or to property-owners located within the study area, or to remaining properties within the Pymble postcode area.
3. On-going email advice including exhibition, display times and public hearing web-links were sent to some 600 householders, resident group representatives, businesses and others who have expressed interest in being kept informed of planning progress for Pymble.
4. The Pymble planning page of Council's web-site was updated with all materials on exhibition – including the Draft DCP, Draft LEP and supporting documents.
5. An extensive schedule of local displays in the Pymble and Gordon shopping centres, approaching 100 hours of planning staff display time – with staff attending to assist interested householders, businesses and others, in their understanding of the draft proposals. Afternoon and evening information presentations by senior planning staff were also held in Pymble to provide information that would assist people interested in Pymble centre planning to better prepare their responses to the planning proposals.
6. A large range of telephone calls were fielded, together with office appointments between key planning staff and interested persons and property-owners, to discuss detailed issues about the plans.
7. Local paper advertisement in the North Shore Times of 22 September gave detailed prior advice of the exhibition period to promote awareness, interest and feedback from the Pymble community.

A chronology of Pymble centre surveys and consultations is appended at Attachment 6.

## Item 1

S04291  
14 November 2006

Consultation has involved working extensively to establish and develop contact with interested stakeholders including:

- Householders from Pymble
- Interested business-owners/ retailers in Pymble
- Retirement village residents in West Pymble
- Established Pymble resident groups
- Owners of commercial land in the town centre.

Throughout the exhibition, Council has received correspondence/submissions as letters and e-mails, on the planning for the Pymble town centre. This information has been registered, acknowledged and passed to on staff and relevant consultants for detailed consideration and evaluation in the planning process. The correspondence has indicated a mixture of support and objection, and its evaluation is shown elsewhere in this report.

A public hearing before an independent arbiter to determine the reclassification of community lands to operational lands, indicated by the draft plans, was convened on 26 October, during the exhibition period. This included prior statutory public notification, as well as email advice to those above who had expressed interest in being kept informed about Pymble town centre planning.

Council applied and exhibited the Best Practice Guidelines - Exhibition in respect of the Draft LEP for Pymble during the exhibition process.

All properties in the Pymble town centre study area have been advised by letter of this report going to Council – together with some 600 people via email who have expressed on-going interest in being kept informed about Pymble centre planning.

### Community Consultation

The plans and accompanying documentation were exhibited publicly 25 September to 24 October 2006. In response, 44 submissions have been received. Submissions were received from the following:

NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mr P Lee	Email supplied	Ms A Lee	Email supplied
Mr J Woodcock	Email supplied	Ms M B Smits	Email supplied
Mrs J Henderson	PYMBLE	Mr P Tuft	WEST PYMBLE
Ms S Ng	Email supplied	E G Clark & S M Grob	ARTARMON
Mr J Byrne	PYMBLE	S Rahmani	PYMBLE
Mr J Luschwitz	Email supplied	Ms S Howard	PYMBLE
Mr M Burton	PYMBLE	Mr P & Ms E Mitchell	PYMBLE
Mr P Wright	Email supplied	Ms D E B Maltby	PYMBLE
Mr R Howard	PYMBLE	*Mr K Yip	PYMBLE
Mr A Boxall & Ms S McCracken	PYMBLE	Mrs S C T So	PYMBLE
Mr P & Mrs B McLean	PYMBLE	Mrs Y Forsyth	PYMBLE
Mr B & Mrs C Wells	Email supplied	Lady Fairlie-Cuninghame	PYMBLE
Mr M K Wu	Email supplied	Mr J & Mrs V Hill	PYMBLE

## Item 1

S04291  
14 November 2006

NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mr P Dobrijevic	PYMBLE	Mr G Tabuteau	PYMBLE
Mr J Burke	TURRAMURRA	*R Staas for Mrs S So	PYMBLE
S & S Ng & S & G You	PYMBLE	Mrs E Potiris	PYMBLE
Mrs M le Poer Trench	PYMBLE	#Alison Walker	Email supplied
*Mr J Poole	NTH NARRABEEN	*Mr A Minto	THORNLEIGH
Mrs S White	PYMBLE	Ms P McElhone	PYMBLE
Mr E C Fox	PYMBLE	Mr P Cooper	PYMBLE
Mr & Mrs G J Hucker	PYMBLE	Mr C & Mrs N Allen	PYMBLE
Mr T & Mrs J Hutchinson	Email supplied	*Mr J Lovell	NEUTRAL BAY

\* Consultant submissions, generally on behalf of owners in the town centre.

# Internal submission.

## FINANCIAL CONSIDERATIONS

Costs were covered by the Department of Open Space and Planning budget and part funding from the NSW Department of Planning.

In relation to financial considerations relating to Council owned land a detailed financial analysis and summary will be provided to accompany Council's Section 94 Strategy and in relation to any future matters originating from Council's final position on land reclassification.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council has adopted an integrated planning approach involving all Departments, which have provided detailed input throughout the project.

## SUMMARY

Pymble is the third group of the centres to have new Draft Local Environmental Plan and Draft Development Control Plan prepared. The new plans have been prepared under the Standard Local Environmental Plan 2006 template. Following the consideration of a Section 54(4) notification from the NSW Department of Planning, Council on 26 July 2006 resolved to exhibit Draft Ku-ring-gai Local Environmental Plan Town Centres (Pymble) 2006 Amendment No 2 and the Draft Ku-ring-gai Town Centres Development Control Plan (Pymble) 2006.

The Plans have been referred to the relevant State Agencies as required under Section 62 of the Environmental Planning & Assessment Act and have been on formal public exhibition in accordance with the Act. The exhibition period commenced 25 September 2006 and finished on 24 October 2006. A comprehensive consultation program was conducted throughout the project. Council prepared and exhibited a Draft Local Environmental Plan and Draft Development Control Plan. Submissions have been received from the relevant state agencies and 44 submissions have been received from the public in response to the exhibition.

## Item 1

S04291  
14 November 2006

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic, parking, environmental and economic analysis and, where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

This section provides a comprehensive final list of the key summary recommendations for the Draft Local Environmental Plan and Draft Development Control Plan resulting from the formal exhibition process.

**Recommended Amendments to the Draft LEP.**

There have been a number of amendments that are recommended to be made to the Draft LEP following consideration of submissions from the Department of Planning, public submissions and further considerations from Council officers and consultants. An amended Draft LEP is contained in **Attachment 4** to this report, which includes the amendments detailed below:

1. Sites at 1047, 1051, 1083 and 1116 Pacific Highway include a maximum 1:1 FSR for business and retail uses.
2. Amending the Height of buildings map to identify maximum height of buildings in metres rather than storeys.
3. In the land use table in the zone, moving the “Public utility undertakings” and “Utility installations” from ‘Item 2 Permitted without consent’ to ‘Item 3 Permitted with consent’.
4. Include “Demolition of a building or works” in item 3 of the land use table for the B5 zone.
5. In relation to Precinct A – bounded by Post Office Street, Park Crescent, Grandview Street Grandview Lane
  - i) Increase site FSR to 2.5:1
  - ii) Maximum retail FSR increased to 1.0:1
  - iii) Allowance for building heights fronting Grandview Parade and Park Crescent to accommodate two storey retail/commercial podium
6. In relation to 53 and 55-63 Grandview Street;
  - i) Include a maximum FSR of 2.5:1 , with a minimum retail/business of 0.8:1 and a maximum retail of 1:1.
7. In relation to Precinct E – bounded by Pacific Highway, Post Office Street, Post Office Lane and 3 storey apartment building at 1035 Pacific Highway
  - i) Increase FSR to 2.5:1 for site E1 (1001 – 1017 Pacific Highway)
  - ii) Allow building height in metres to allow first floor commercial

Item 1

S04291  
14 November 2006

8. In relation to Precinct J – Interface zone between Livingstone Avenue and Pymble Avenue:
  - i) Include ‘residential flat building’ as an additional permitted use under Schedule 1.
9. In relation to Precinct L – Pacific Highway and Bloomsbury Avenue
  - i) Retain existing 2(c1) zone on 1 and 3 Bloomsbury Avenue

**Recommended Amendments to Draft DCP**

There have been a number of amendments that are recommended to be made to the Draft DCP following consideration of submissions from public submissions and further considerations from Council officers and consultants. These are as follows, and if adopted will be incorporated into the final Draft DCP:

1. Precinct A – bounded by Post Office Street, Park Crescent, Grandview Street Grandview Lane
  - i) Reduce laneway width to 6 metres;
  - ii) Increase side setback to 4A Park Crescent to a width to allow screen planting in consultation with heritage architect;
  - iii) Amend setback to Park Crescent frontage in consultation with heritage architect to address the heritage setting of 4A Park Crescent;
  - iv) Require the setback of the top level from the north western side elevation in relation to 4a Park Crescent;
  - v) Restrict balconies and windows on the north western façade of proposed building facing Park Crescent;
  - vi) Adjust amalgamation line to exclude 99 Grandview Street from the central site (93, 95-97 Grandview and 2-4 Park Crescent).
2. In relation to Precinct E – bounded by Pacific Highway, Post Office Street, Post Office Lane
  - i) Adjust front setbacks to require 2 metre setback on the highway on all sites in Precinct E;
  - ii) adjust amalgamation to include 999 Pacific Highway within E2 (987 – 999 Pacific Highway)
3. In relation to Precinct J – Interface zone between Livingstone Avenue and Pymble Avenue:
  - i) adjustment of building envelopes to show 3 storey apartment buildings in the centre of the site (replacing town houses);
  - ii) adjustment of building envelopes to provide greater setbacks (minimum 9 metres) to 10 Pymble Avenue;
  - iii) minimum interface setbacks to 15 and 17 Livingstone Avenue of 12 metres interface setbacks;
  - iv) deletion of riparian corridor identification of existing significant trees to be retained (based on site assessment report)
  - v) Adjust text 4.2.5 to reflect changes noted above.

**4. Precinct L – Pacific Highway and Bloomsbury Avenue**

Item 1

S04291  
14 November 2006

- i) Amend building envelope for 1028, 1022 and 1012 Pacific Highway to reflect height and densities with LEP;
- ii) Adjust amalgamation to separate 1 and 3 Bloomsbury Avenue and 1028-1012 Pacific Highway; and
- iii) Note Council owned easement behind 1012 Pacific Highway

5. Draft DCP Part 2 & 3 - Objectives and Strategies and public domain controls

- i) Amend figure 2.2.9 to make reference to the Category 2 watercourse in the Riparian policy and insert the following text:  
*“Water quality treatment and detention systems should be located off-line and outside of the Riparian zones for watercourses identified as Category 1 and Category 2 and where possible for Category 3 watercourses.”*
- ii) Future pedestrian tunnel upgrading to be incorporated as part of the strategies in part 2.2.10 of the DCP
- iii) Add further point to 3.1.4 regarding town hall site – to consider the value of maintaining current planting on site.
- iv) Amend Section 3.1.4 of DCP to include correct reserve name; “Cresswell O’Reilly Lookout”.

***Traffic and Parking related Recommendations***

- 1. That bicycle access routes and shared routes be considered in the design details for the town centre;
- 2. That the location of the pedestrian crossing from the subway to Pymble Avenue be considered independently from the town centre study;
- 3. That accessibility to shops be included in the public domain manual requirements;
- 4. That Council consult with the property owners directly affected by the proposed new road between Alma Street and Station Street.
- 5. Ongoing costs of public underground parking be factored into Council’s financial management

There have been a number of amendments that are recommended to be made to the Draft LEP following consideration of submissions from the Department of Planning, public submissions and further considerations from Council officers and consultants. An amended Draft LEP is contained in **Attachment 4** to this report, which includes the amendments detailed below:

**RECOMMENDATION**

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2 as it applies to Pymble as attached to this report including amendments as outlined in this report.

Item 1

**S04291**  
**14 November 2006**

- B. That Council submit a copy of the Draft Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.
- C. That Council adopt amendments to the Draft Ku-ring-gai (Town centres) Development Control Plan (DCP) as they apply to the Pymble Centre, including amendments as outline in this report.
- D. That further corrections to the Draft DCP for drafting inconsistencies, or minor amendments as necessary to ensure consistency with Council's adopted LEP be completed.
- E. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the notice identifies that the plan will come into effect from the date of gazettal of Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2.
- F. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, Council submit a copy of the Plan to the Director-General of the Department of Planning.
- G. That the developer contributions strategy (including section 94 plan) for Pymble and accompanying financial strategy continue to be developed and reported to Council as a draft for exhibition prior to the gazettal of the Local Environmental Plan.
- H. That Council continue to seek support from the State Government for infrastructure investment.
- I. That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the Draft LEP that seeks to reclassify public land in Pymble to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing.
- J. That all persons who made a submission be notified of Council's decision.

Terri Southwell  
**Urban Planner**

Craige Wyse  
**Senior Urban Planner**

Bill Royal  
**Senior Urban Designer**

Greg Piconi  
**Director**  
**Technical Services**

Steven Head  
**Director**  
**Open Space and Planning**

**Attachments:**      **Attachment 1a - Section 55 Direction - 696170**

**Attachment 1b - Copy of conditional Section 54(4) - Notification from the  
Department of Planning - Pymble Centre - 696165**

**Attachment 2 - Booklet of submissions received - circulated separately  
- Copy of general submissions  
- Section 62 State Agency summary table  
- Section 62 copies of State Agency submissions.**

**Attachment 3 - Copy of Summary issues table - 696357**

**Attachment 4 - Final Draft Ku-ring-gai Local Environmental Plan (Town  
Centres) Amendment No 2 (Gordon and Pymble Centres) - circulated  
separately**

**Attachment 5 - Exhibition copy of Draft Ku-ring-gai Development Control  
Plan Town Centres (Pymble) 2006**

**Attachment 6 - Summary of consultation program for overall Pymble  
Centre project. 695873**

**Attachment 7 - Copy of public hearing report - Reclassification of Council  
land - Independent report - 696107**

**Attachment 8 - Confidential Economic Review from Sphere Properties  
Corporation**

**Attachment 9 - Revised yield table Pymble - circulated separately**

**Attachment 10 - Heritage advice - 696273**

**Attachment 11 - Advice from DOP 16/11/06 - 696132**



### DIRECTION UNDER SECTION 55

I the Minister Assisting the Minister for Infrastructure and Planning, in pursuance of section 55(1) of the Environmental Planning and Assessment Act 1979 (the 'Act'), direct Ku-ring-gai Council:

- (a) to perform all of its functions under Division 4, Part 3 of the Act, to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway and the St Ives Centre which are zoned Residential "D", "E" "F" and "H" and 3(a) and 3(b) under Ku-ring-gai Planning Scheme Ordinance.
- (b) to exercise its functions under Division 4, Part 3 of the Act, in relation to the preparation of the draft local environmental plan, in accordance with the principles set out in Schedule A;
- (c) to include in the draft local environmental plan provisions which achieve or give effect to the principles specified in Schedule A; and
- (d) to submit the draft local environmental plan to the Director-General of the Department of Infrastructure, Planning and Natural Resources under section 68 of the Act within 12 months of the date of this Direction

Dated at Sydney this 27 day of May 2004



Diane Beamer  
Minister Assisting the Minister  
for Infrastructure and Planning

### Schedule A

#### Principles

1. To encourage the provision of housing that will broaden the choice of building types and locations available in the housing market and to make more efficient use of existing infrastructure and services.
2. To revitalise the existing retail/commercial areas.

#### Aims

1. To rezone land to facilitate the development of multi-unit housing and increase housing choice particularly in the form of "shop-top" housing
2. To improve the development standards so as to encourage the redevelopment of land in the existing multi-unit housing zones

#### Objectives

1. To include provisions which allow for the redevelopment of land for multi-unit housing consistent with the development standards contained in LEP 194
2. To provide for retail and commercial activities to cater for the local community and to implement housing density standards which compliment those contained in LEP 194



NSW GOVERNMENT  
Department of Planning

Office of the Director General

Mr John McKee  
General Manager  
Ku-ring-gai Municipal Council  
PO Box 15  
Gordon NSW 2072



Contact: P Adrian  
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Postal: Locked Bag 8, Redfern

Our ref: 9043258;9043170  
Your ref: s04019; s04365; s04350

Dear Mr McKee

**Re: Section 54(4) Notification – Draft Amendment to Ku-ring-gai Town Centres LEP**

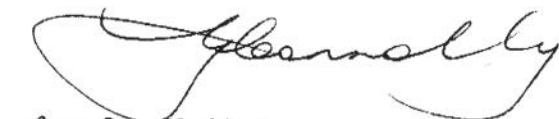
I am writing in response to Council's letters advising of the Council's decision to prepare draft local environmental plans ('LEP'), under section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') for Gordon, Pymble, Roseville and Lindfield,

You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006 ('**delegation**'). Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation ('**Authorisation**'). An Authorisation is being issued on this occasion subject to the attached schedules. Council is required to submit the draft LEP to the Department prior to a section 65 certificate being issued and to provide a copy of the certificate and accompanying instrument and maps when the LEP is exhibited.

Consultation with the Heritage Office within the Department under section 62 of the Act is required in this instance.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

  
per **Sam Haddad**  
**Director General**  
30.6.06.



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

This is a Written Authorisation to Exercise Delegation ('**Authorisation**') pursuant to the instrument of delegation executed by the Director General of the Department of Planning ('**Director General**') on 16 February 2006 ('**Delegation**').

Subject to the Delegation and the terms and conditions specified in Schedules 1 to 5 inclusive to this Authorisation, the following functions are delegated to **Ku-ring-gai** Council ('**Council**') with respect to the draft local environmental plan the subject of notification by Council to the Director General under section 54(4) of the *Environmental Planning and Assessment Act 1979* ('**EP&A Act**') on resolution by Council for Pymble and Gordon dated 23 May 2006 and on resolution by Council for Lindfield and Roseville dated 29 May 2006 ('**Draft Ku-ring-gai (Town Centres) LEP 2006 (Draft Amendments)**')

Section 65(1)

Dated 30th day of June 2006

per Sam Gabriel Haddad  
**DIRECTOR GENERAL**  
Department of Planning

### Schedule 1

The exercise of the function(s) under the Delegation is subject to:

1. Prior to exhibition and before a section 65 certificate is issued, Council submitting the draft LEP amendments to the Department.
2. the Draft LEP being consistent with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act; and
3. the Draft LEP not containing provisions suspending laws pursuant to section 28 of the EP&A Act; and
4. compliance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 entitled, '*LEPs and Council Land - Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owner or controlled by Council*'; and
5. matters set out in the following schedules (Schedules 2,3,4,5) for each town centre.

## **SCHEDULE No 5 - PYMBLE TOWN CENTRE**

- There are sites within the 600m radius of the centre which are zoned either Residential 2(d), 2(e), 2(f), or 2(h) that have not been rezoned in the DLEP as per the Minister's Directions. These sites are to be included in the DLEP and zoned appropriately. Council established a study boundary for the centre, using that boundary would help overcome this issue.
- Council is to consider the capacity currently provided in the centre in relation to its R4 zone and demonstrate that capacity provided by the R4 zone will deliver additional dwellings sufficient to meet Council's Metropolitan Strategy targets. Yield tables for all rezoned areas are to be provided to indicate the expected increases being achieved.

Alternatively, Council could consider other, if not all, of the areas within an 600m radius of the train station in which residential uses are proposed to ensure maximum yields are achieved in line with the Metropolitan Strategy and supportive of the Minister's s. 55 Directions.

- There are sites within the DLEP which have been downzoned. All sites included are to provide an improved yield. No downzoning is to occur.
- The existing commercial zones should be zoned B2 Local Centre and other land included as appropriate. There is to be no overall loss of commercially zoned land.
- The Special Purposes (SP2 Infrastructure) zone in the draft Plan is not to be used for car park area, community facilities, churches or schools. These areas are to be zoned according to the adjoining land use zoning (i.e. the relevant residential or commercial zone).
- All of Area D is to be considered for R4 zoning.
- The Minister's sites are to be included in the draft Plan and zoned R4. The consent role is to remain under SEPP 53.

**Key matters raised in submissions- Pymble**

Matters of policy related to the introduction of increased density	Issue	Comment	Recommendation
Traffic and access	While changes on the Pacific Highway will help, the opportunity to widen the bridge to allow an additional lane each way should be implemented. Currently it is dangerous for both vehicles and trains. It would be cheaper now, as part of the overall scheme, than as a standalone project at some later stage.	The cost of widening the bridge is very high and not possible for Council to fund through developer contribution or Council funding. This is an RTA requirement and therefore dependant on State Government funds.	No change recommended.
	Council should consult with the NSW Government for solutions to problems such as the narrow Pacific Highway at Turramurra and Pymble (with bridges).	Council has consulted with the RTA and they have advised that there are no current plans or funding available in their ten year program.	No change recommended.
	Traffic problems will be made worse by these proposals because nothing has been done about Pymble bridge, pedestrian tunnel, traffic accessing the Highway and the shops.	The cost of widening the bridge is very high and not possible for Council to fund through developer contribution or Council funding. This is an RTA requirement and therefore dependant on State Government funds.	No change recommended.
	No account has been taken of the plan to build the new Council Depot in Suakin St in Pymble which will cause further traffic chaos.	Traffic generated from the new depot is insignificant in comparison to through traffic. Also, the existing depot traffic already accesses the Pacific Highway.	No change recommended.
	Business owner wants assurances that access to the businesses in Pymble are maintained and footpaths are maintained as part of development (especially in regards to elderly population)	This will be part of the public domain requirements and it is proposed to have wider footpaths and access into shops and businesses in accordance with AS1428	To be included in public domain manual requirements.
	Objects to new road proposed linking Alma St and Station St in the vicinity of the existing Grandview	The new access roads enable better circulation around the centre and with the	No change recommended.

Matters of policy	Issue	Comment	Recommendation
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	Lane which would be closed. Attention must be drawn to access problems as cars use Grandview Street to get to the businesses that are situated across from the station. Any proposed new road should not frustrate the existing right of vehicular access to 53 Grandview Street.	proposed one way in Grandview Street for the top section it will be necessary to have these new access roads. This may also assist bus movements. It is not intended to impact on the access to existing properties.	
	Resident at 4 Station St concerned about proposed roadway connecting Alma Street and Station Street and also whether Council has any right to acquire their block of land.	Any acquisition to enable a new access road will be consultation with relevant property owners and if Council is required to acquire the land it will be in accordance with the Just Terms Compensations Act.	To be consulted with property owners.
	91 Grandview Street should not be zoned for a potential laneway.	This is required for access.	No change recommended.
	Existing roads are already overcrowded in peak hours especially where roads filter onto the Pacific Highway. This is compounded in streets like Everton Street and Livingstone Avenue at Pymble and PLC Pymble. Pacific Highway already has traffic lanes that are unsafely narrow.	Traffic modelling was undertaken as part of the traffic study and the proposed changes have been identified to provide mechanisms for the RTA to widen the Pacific Highway and therefore improve traffic flow.	No change recommended.
	Difficulty of turning right off the Pacific Highway when travelling south will be increased. The only direct access to the western area of Pymble is via Livingstone Ave. At busy times, the traffic banks up out of the right hand turn lane and onto the Pacific Highway. At times traffic waiting to turn onto the Highway at Livingstone Ave is queued up from Avon Rd. With hundreds more residences congestion will be impossible and amenity will be compromised.	Traffic modelling was undertaken as part of the traffic study and the proposed changes have been identified to provide mechanisms for the RTA to widen the Pacific Highway and therefore improve traffic flow. An examination of the widening of Livingstone Avenue was undertaken but it was not possible to achieve any benefit because of the close proximity of Everton Street.	No change recommended.
	Resident has difficulty leaving their property 7 Livingstone Ave at peak times and it will	An examination of the widening of Livingstone Avenue was undertaken but	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	become more dangerous and congested if the proposal is passed.	it was not possible to achieve any benefit because of the close proximity of Everton Street.	
	People will still drive to the local shops and surrounding town centres in preference to walking when carrying groceries.	This was taken into account in the traffic study and modelling.	No change recommended.
	Vehicles travelling south down the Highway and wanting to turn into Beechworth Rd are currently prevented from doing so and have to go via Livingstone Ave. A southbound turning lane should be opened up from the Highway into Beechworth Rd.	This was considered as part of the traffic study but because of the close proximity of Bobbin Head Road it was not possible to include this requirement due to design standards and the likely blocking of flow along the Pacific Highway.	No change recommended.
	Inconsistency in DCP: is it a shared bicycle/walkway or a road in Grandview Lane to Station Street?	It is intended to provide for both vehicles, pedestrians and cyclists.	No change recommended.
	Resident suggests a pedestrian crossing at Everton St from Pymble Station subway to Pymble Ave (current pedestrian crossing is on the hard-walking side of Pymble Ave).	The location of the pedestrian crossing could be reviewed at any stage. Its current location is not relevant to the town centre study.	To be looked at independently from the town centre study.
	The Pymble draft plans are deficient in their consideration of facilities for bicycling. The “potential off road shared route” between Station St and Telegraph Rd is clearly a very long term objective and will not provide any near-term solution to the problem of north-south bicycle access. The only practical north-south access through Pymble is along or closely parallel to the highway/railway.	Bicycle access routes and provisions for shared routes will be examined as part of the detailed design considerations.	To be considered in the design details for the town centre.
	Bloomsbury Ave is already burdened with traffic associated with the units on lot 2A and thirteen townhouses on lots 2 and 4. The	There are no practical ways to solve the traffic generation in Bloomsbury Avenue as it is a cul de sac but the traffic generation are considered to be low.	No change recommended.

	proposed block of units on 1A,1B,1C and 1D will add to the congestion making access to the highway unreasonably difficult.		
Parking	Commuter parking is inadequate and needs to be increased. Commuter parking currently causes problems in residential streets such as King Edward St. These streets should not allow commuter parking.	There will be no reduction in the provisions for parking in the centre and Council is not responsible for commuter parking and these matters will be referred to City Rail. Council already has parking restrictions in place where commuter parking causes impacts to residents.	No change recommended.
	The proposed underground car parks are not accepted expensive to run and inconvenient to use. The plans assume expanded vehicle traffic and therefore more parking. New parking will be inadequate.	It is proposed to provide sufficient public parking provisions and new developments will be required to include sufficient parking in accordance with the DCP.	No change recommended.
	Short-stay parking outside the shops between Alma and Station Street, Grandview St Pymble should be allowed at anytime. The bus parking area could start at the end of the shops and some form of shelter could be built.	Parking restrictions can be reviewed at any time and 1 hour parking restrictions are considered to be the minimum requirement due to policing constraints.	No change recommended.
	The few extra angle parking bays proposed for Grandview St could be relocated to basement parking in the new multi storied building that are planned for Grandview St.	The street parking provisions are for public parking and parking within developments are intended to be for businesses and resident uses. The angle parking arrangement allows for additional parking to that provided at present.	No change recommended.
Lack of other infrastructure/ services	Overdevelopment will put excessive strain on infrastructure such as water, sewer and stormwater catchment. Natural streams in shale soil areas are already eroding and suffer tree loss on the banks.	New developments incorporate water sensitive urban design requirements and therefore are designed to improve stormwater discharge by incorporating retention and detention facilities.	No change recommended.
	New South Wales Government has not invested in public transport or infrastructure to accommodate	There are future proposal for the duplication of the north shore railway line	No change recommended.



Matters of policy	Issue	Comment	Recommendation
	growth.	and bus corridors will be developed to assist with better access to railway stations.	
	Public Transport (possibly light rail) is required between Ryde/Macquarie Centre/Marsfield/North Ryde to Mona Vale through Ku-ring-gai and St Ives in particular.	This is a state government responsibility.	No change recommended.
	The proposed developments are going to create more drainage problems.	New developments incorporate water sensitive urban design requirements and therefore are designed to improve stormwater discharge by incorporating retention and detention facilities.	No change recommended.
Crime and safety	Laneways create havens for social unrest including drugs and crime and graffiti.	Noted. This issue will be addressed at the design stage and crime prevention measures such as natural surveillance will be employed. The public domain manual will also need to consider these issues.	No change recommended
	Resident has security/safety concerns (roller shutters are used on many retail shop front in Pymble)	Noted. Design requirements for shopfronts are included in Part 5 of the DCP and the design of individual shopfronts is considered at DA stage.	No change recommended
	High rise development is a safety issue for the elderly or disabled because they do not allow for lift breakdowns and possible fires.	Noted. Accessibility report will be required at the DA stage. Development will be in accordance with relevant BCA and fire safety standards.	No change recommended
	Underground car parks are unsafe (vulnerable to anti-social behaviour and illegal activity).	Matters for consideration for any DA under Section 79c of the Environmental Planning and Assessment Act include safety, security and crime prevention. Such matters must be considered in the design stage of the individual development.	
Character and amenity	Resident registers their general approval of (and	Support noted.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	support for) the plans for Pymble Town Centre. The draft plan appears a sensible approach to reviving what is, at the moment, a rather sad little local shopping centre. In particular, its focus on re-orientating the Pymble village centre towards its great and underused asset, the park, is to be commended, as is the plan's focus on pedestrian access to the village and architectural consistency of any new developments with the classic elements of the existing built environment.		
	<p>Pymble lacks strong "sense of place" and focus, due to division by highway and poor access across the road, unattractive bridge, lack of strong entry statements.</p> <p>Recommends:</p> <ul style="list-style-type: none"> <li>• improved entry statements</li> <li>• public domain improvements (signage, paving, street furniture &amp; lighting)</li> <li>• Improve shopfronts to businesses along the highway</li> <li>• Improved visual linkage and pedestrian access across highway.</li> </ul>	<ul style="list-style-type: none"> <li>• Pymble highway character to be defined by new street landscaping and greenery;</li> <li>• Public domain improvements are to be made (as outlined in 3.2 and specifically 3.2.3 of the DCP);</li> <li>• Shopfront to be guided by DCP controls (Parts 4 &amp; 5);</li> <li>• Visual improvements proposed by DCP. Pedestrian access available by tunnel and pedestrian crossing. Pedestrian tunnel upgrade appropriate and to be investigated.</li> </ul>	Future pedestrian tunnel upgrading to be incorporated as part of the strategies in part 2.2.10 of the DCP.
	Support for the proposal, in the long term and it will benefit not only the small businesses in the area but also improve access for the community to essential amenities.	Support noted.	No change recommended.
	Objects to the increase in high density living in the form of 5 storey unit developments in Pymble village.	Heights are appropriate to the scale of the centre as required under the Metropolitan Strategy and the Minister's direction, and consistent with the sites already re-zoned under LEP 194.	No change recommended.
	There is no attempt in most centres to "buffer"	There is provision for building setbacks	No change recommended.

Matters of policy      Issue      Comment      Recommendation

	retail/commercial development from residential development and worst still no buffering of proposed multi-storey residential development from existing house and garden land use. This will impact negatively on adjacent development.	(dimensions specified) and landscaping treatments in setback areas under the DCP provisions. Setbacks apply between buildings and as well as between buildings and the street, as appropriate.	
	Council cannot expect to maintain a village atmosphere when Pymble shops change from their current quiet and friendly form, to something similar to Chatswood shops or Quakers Hill. The plans will destroy the nature and character of Ku-ring-gai centres and not result in improvement or “enhancement or revitalisation” as required by the State government. We should keep the leafy suburbs.	The scale or the retail development proposed is far less than Chatswood or Quakers Hill. The DCP provides guidance for good urban design consistent with desired future character, and also includes controls including deep soil zones for residential areas and public domain plans provide for tree planting.	No change recommended.
	Council doesn’t need a plan that reflects accommodation for singles, couples and new immigrants used to living in units and not living on land with gardens and entertaining areas.	The proposal is consistent with the Minister’s directive to increase housing choice in Ku-ring-gai and meet future demand.	No change recommended.
	Ku-ring-gai has just published a book entitled ‘Under the Canopy’ which gives recognition to the fact that historically; development in Ku-ring-gai has purposefully given recognition to keeping all development below the tree height. The only building that has ever been allowed to break the treed canopy is the Seventh Day Adventist Hospital. The plan should continue to keep development below the canopy.	The proposed general height of 4 storeys in residential zones, with a smaller fifth storey setback from the building façade is designed in recognition of the typical tree canopy height in Ku-ring-gai. The DCP includes setback and deep soil provisions which will ensure sufficient space for the retention/replacement of trees to 13m high.	No change recommended.
Heritage	In order to protect the heritage listed property at 4a Park Crescent Pymble, the resident proposed that all development on the Park Cres side of Post Office Lane be zoned Residential. This will mean that setback and other protections will result in a better development, while still providing council with an increase in dwellings. (see submission No. 11)	Noted see detailed comments provided by Council’s consultant (See Heritage Consultant Advice Attachment 10). The current controls have taken into account the retention of this site. Whilst desirable there is only limited scope to provide further increased	Refer to Precinct A for recommendations.

Matters of policy	Issue	Comment	Recommendation
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	The proposed Town Centres Development Plan, whilst appearing to preserve the building has created a situation where in the future the building will probably cease to be used as a residence and will either be significantly altered or be subjected to proposals for its demolition.	setbacks, as these will impact on a range of other planning and urban design considerations. The plan caters for an adaptive re-use of this building, capitalizing on its heritage value and its garden setting, the intent of the plans is to provide a new use and life for the building within an local centre setting.	
	Apart from a few heritage items there is a total disregard in these centres for the fine 'interwar architecture' and streetscapes for which Ku-ring-gai is renowned.	In catering for the new development – commercial/retail in the town centres, Council has reviewed existing and potential heritage items to be retained in a new urban setting. This has been achieved by adaptive reuse of buildings to provide a new economic life. The majority of interwar architecture in the suburban areas is not affected by this plan. Many of the commercial streetscapes along the highway have been highly eroded and have little streetscape significance.	No change recommended.
	The dwelling at 1002 Pacific Highway should be retained as it has important heritage value. It is one of the very few remaining heritage buildings in Pymble. It is believed to pre-date the construction of the north shore railway line. It is a former police station and pre-dates the subsequent police station built in 1910 at 1116 Pacific Highway.	The houses on properties 1002, 1006, 1010 Pacific Highway are existing heritage items. Council's heritage consultant, has recommended de-listing of the items as the cottages have diminished significance due to the loss of buildings from the group, intrusive alterations and additions and compromised setting. An archival recording should be made of the properties. This could be requested at the development application stage.	No change recommended.

Matters of policy	Issue	Comment	Recommendation
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	Traffic impact means that the Pymble Hotel is no longer in a good location for a Hotel.	The controls allow for the continued use of this site for a hotel. Additional traffic management for this site would be required at the development stage.	No change recommended.
Natural resource constraints	Trees and gardens will be destroyed to accommodate the large dual or triple dwelling homes.	The new plans have been prepared to retain significant vegetation where possible and provide for new landscaping in the new areas for redevelopment. A TPO also applies in Ku-ring-gai to assess and protect existing vegetation.	No change recommended.
	We have lost all but a tiny fraction of the original Blue Gum High Forest and remnants at 1228 Pacific Highway are now all but certain to be lost. All the natural assets that we now have will be lost over time unless growth is limited.	Noted. No. 1228 Pacific Highway is not part of this plan.	No change recommended.
Economic	Additional retail space on Post Office St and surrounding the Robert Pymble Park is of concern. Council should support existing businesses with leases before new retail/businesses are encouraged to open. Pymble shouldn't have duplications of existing businesses (such as another newsagency).	The Plan is not specifying specific retail/commercial shops. The plan provides for future commercial/retail requirements consistent with Council's Retail Study to meet future demands.	No change recommended.
	Retail development depends on entrepreneurs taking risk and the ability to achieve tenants and sales with profits- results in uncertainty.	Comments noted	No change recommended.
	The time taken to complete the works is crucial as most small businesses in this area rely on income generated and cannot afford to shut down for extended periods of time. Time- delays should be minimised.	Loss of business during reconstruction will be temporary. Not all sites will be redeveloped at the same time. Any down time in business activity will be balanced against future economic benefits of development.	No change recommended.
Overdevelopment	Objects to the rezoning of the block around the	Not relevant - no rezoning proposed in	No change recommended.

Matters of policy	Issue	Comment	Recommendation
	corner from Selwyn St which has been approved for medium density housing in Bungalow Rd as it is ugly, and it will change the face of the suburb.	Bungalow Rd as part of the Town Centre LEP.	
	Council has over planned development for Pymble, there will be far more retail and residential than is required. It should be reduced so as to be consistent with the requirements of the Ku-ring-gai Retail Centres Study of July 2005 for Pymble and the Metropolitan Strategy.	The plans for Pymble combined with the overall planning for the other town centres is consistent with the Minister's direction and meets the requirements of the Sydney Metropolitan Strategy over the 30 year time frame of the plan. The changes to the retail are consistent with Council's adopted retail strategy.	No change recommended.
	Residents are astounded at the sheer bulk and height of the buildings and question why such large expansion of retail/commercial areas is required. Current shopkeepers/business owners need more customers, not more competition.	See above comment. A wider range of commercial/retail will be provided and attract a greater patronage for Pymble businesses.	No change recommended.
	Resident suggests good examples of development in Pymble should be used as a guide (eg. 6, 8 & 12 Park Cres and 55 Grandview Pde) and suggests we allow a maximum of 3 storeys.	Scale of development has been planned to be consistent with the Minister's Direction and Sydney Metropolitan Strategy.	No change recommended.
Other	Plans do not provide suitable housing choice: people want to live in town houses where they can own a dog and tend to a garden.	The Plan provides for a range of building types and height and would include townhouses. The majority of housing in Ku-ring-gai caters for people living in single residential housing. The new plans provide housing choice (e.g. apartments).	No change recommended.
	We shouldn't give in to State and Federal Planning powers which use the excessive immigration into Australia, and mostly Sydney, as an excuse for development in Ku-ring-gai. Planners are forgetting our strengths and what we already have as a community.	Council is under a Ministers direction to cater for the current and future needs of the local community – retail, commercial and residential accommodation. Ku-ring-gai Council is also part of the Sydney Metropolitan Strategy to cater for growth	No change recommended.

Matters of policy	Issue	Comment	Recommendation
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		over the next 30 year period. Federal immigration policies are not a local government planning consideration nor does Council discriminate against any community group.	
	“Pymble” Town Hall is actually the Ku-ring-gai Town Hall.	Noted	Correction to be made.

Process	Issue	Comment	Recommendation
	These plans for all the Town Centres has suffered from not having sensible input from major influencers such as Rail Corporation and the RTA as well as government agencies/businesses such as Energy Australia, Telstra and Sydney Water.	Consultation under Section 62 of the EP&A Act has been undertaken with the relevant government agencies. Their comments have been considered in the making of the plans.	Noted.
	Council is only interested in making money on the sale of current single dwelling blocks to turn them into multiple housing or high rise buildings.	Council has worked with interested residents and businesses to respond to a NSW Government directive to plan for increased medium density housing and shopping capacity near Pymble rail station and highway. In the cases where Council owns land that will be redeveloped, the funds will be used by Council to provide improved services and facilities for Pymble.	Noted.
	Information sessions held for Pymble Town Centre Development was informative.	Supportive comments noted.	Noted.
	The public meetings about the Pymble Town Plan have not produced answers to fundamental questions, despite the presence of senior Council staff. There has also been no follow up to these questions. Also the meetings have been organised	Consultations were open, balanced and inclusive, and sought answers as well as questions to issues. Many Pymble residents and business nominated for contact in their responses to the major	Noted.

Process	Issue	Comment	Recommendation
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	by naïve staff with short notice, limited and strict agendas with little time for discussion or questions and no follow up. Attempts were made to limit attendees to ensure the continued flow of the plan through the system without interruption or change as resident's "got in the way" and slowed the progress.	survey about Pymble in June 2005. Selection of 60 persons for the workshop to develop a Character for Pymble – to guide planning – was a balance of old/young, male/female /small and large households and short-/ long-term experience in Pymble. This reflects good research practice. Residents were provided notification of Pymble Community information sessions. The purpose was to provide a guide to understanding the format and content of the information on display and how the community would make a submission. The Pymble centre staffed display was open to the public on Tuesdays 10-2pm, Thursdays 10-2pm & 6-8pm and Saturdays 10-2pm. This allowed for residents/business persons – information and advice on the material on exhibition.	
	Three applications under s12 (6) of the Local Government Act (1993) have not resulted in the information requested to date (see submission No. 14).	Response to S12 (6) of the LGA (1993) sent in October.	As per comment.
	Council has spent millions of dollars of ratepayers money on plans and studies only to scrap these and start all over again because the corporate memory and experience has not been retained (No. 37). Unfamiliar replacement staff have come in from outside Ku-ring-gai and attempted the quick fix for the Minister of Planning and misrepresentation of the Minister's demands.	Reference was kindly made in recent consultations with residents, to earlier studies of transport and other planning issues for Pymble, previously carried out by Council. These references were flagged with planning staff and consultants for consideration in current plans, to promote corporate memory and planning continuity.	Noted.
	Council announcements/plans and general	Attachment 6 indicates the extensive	Noted.



Process	Issue	Comment	Recommendation
	information should be distributed in a number of different ways rather than just relying on advertisements in the North Shore times and relying on people to have computers and access to the internet. Many residents do not have access to email/internet and rely on written communication from Council. Many are unable or unwilling to attend meetings after hours or are just too busy working.	means of letting residents know of the commencement of planning for Pymble town centre – via initial major surveys in June 2005, subsequent letters to residents about a preliminary planning exhibition, and most recently formal statutory exhibition. As noted, many residents are very busy working; it is possible they have email access to keep informed, as some 600 interested Pymble residents and businesses have done since the above survey.	
	Mayor Ryan announced that she had set up the Residents' Register (without any community consultation). It has been kept secret ever since. (submission No. 37)	Resident email contact was sought in the June 2005 Pymble planning survey. It has been used very effectively since that time to keep Pymble stakeholders informed and to seek feedback via on-line survey/ formal submission to guide Council planning. Email address details are required to be kept confidential and secure.	Noted.
	Staff is not listening to the local residents and this is making them feel out of control. Council staff should walk the streets. Meet the people or understand the people's feel for place, history, character and the real awareness of daily life and local issues and problems.	Early in the process and since, planning staff have been on the ground in Pymble. This includes recent planning displays at the old Post Office, during the exhibition period. Many residents attending the displays were supportive of the plans proposed. Attachment 6 details the range of means to get and give good information for Pymble centre planning.	Noted.
	It would appear that the base studies and other data/information accumulated and on file has been	Reference has been made to earlier studies and results brought forward;	Noted.

Process	Issue	Comment	Recommendation
	left unused and ignored.	recent consultations and surveys also provided much good information and perspectives.	
	Resident questions whether the planning staff has actually read the Minutes of the Community Workshops (suburb by suburb) organised by Council 22-31 March 1999 (submission No. 37).	Reference has been made to earlier studies and results brought forward where feasible. Residents' provision of older material is much appreciated.	Noted.
	There has been insufficient explanation to the public about the proposals and its consequences. The consultation by the Council was inadequate and did not inform residents of the true extent of the plans. Council has been providing conflicting written and verbal information to the community.	Attachment 6 indicates the extensive means of letting residents know of the commencement of planning for Pymble town centre – via initial major surveys in June 2005, letters to residents about preliminary planning exhibition, and most recently formal statutory exhibition. To complement that, advertisements in the local paper, updates included with June rates notice, plus consultations, workshops, feedback surveys and statutory exhibition, displays and information sessions, reflect the range of means Council has employed to get and seek good information to guide planning.	Noted.

<b>Matters related to the standards of the DLEP</b>	<b>Issue</b>	<b>Comment</b>	<b>Recommendation</b>
Height/zoning	Seeking up zoning for 15 Livingstone Ave: <ul style="list-style-type: none"> <li>Property originally included</li> <li>Sealed underground easement links from to No. 3 to No. 15, and any alteration due to high rise</li> </ul>	15 Livingstone is outside the area of application for the Town Centres LEP. The site will be considered as part of the Ku-ring-gai Comprehensive LEP.	No amendment recommended.

DLEP Standards	Issue	Comment	Recommendation
	<p>at 3-5 or medium density at 7-11A will affect residents at No 15. Easement drains to open watercourse on No. 15.</p> <ul style="list-style-type: none"> <li>• No parking zone extends to entrance of No. 15.</li> <li>• Size of lot (1900 sq m) and availability of infrastructure supports medium density.</li> </ul>		
	<p>Seeking up zoning to R4 of 9 Telegraph Rd. Owners also own 5 Telegraph which is proposed to be R4:</p> <ul style="list-style-type: none"> <li>• The enlarged area would allow for better development, with access further from the traffic signals at the highway.</li> <li>• Minimal neighbouring impact : <ul style="list-style-type: none"> <li>▪ located opposite a church and the old Bowling Club</li> <li>▪ no residence on the “landlocked” block of land behind No. 9</li> <li>▪ No. 11 is below the level of no. 9 and away from the street.</li> </ul> </li> </ul>	<p>9 Telegraph Rd is outside the area of application for the Town Centres LEP and consideration has not been given to rezoning this site. The site will be considered as part of the Comprehensive LEP due by 2011.</p>	<p>No amendment recommended.</p>
	<p>17 Livingstone Ave seeks up-zoning. It would add value to my property and would enable it to be put to its optimum use, consistent with the urbanisation policy of the government.</p>	<p>17 Livingstone is outside the area of application for the Town Centres LEP. The site will be considered as part of the Comprehensive LEP due by 2011.</p>	<p>No amendment recommended.</p>
	<p>21 Livingstone Ave seeks up-zoning: all sites within 1 km of station should be considered. Property has an area of over 2000 sq m that could be provided for flexible housing of the local community.</p>	<p>21 Livingstone is outside the area of application for the Town Centres LEP. The site will be considered as part of the Comprehensive LEP due by 2011.</p>	<p>No amendment recommended.</p>
	<p>Generally the heights of buildings are excessive. There should be a maximum height of 3 storeys proposed in all of Ku-ring-gai’s suburbs (not just Pymble). Many of the heights of buildings that are planned</p>	<p>Heights are appropriate to the scale of the centre as required under the Metropolitan Strategy and the Minister’s direction, and consistent with the sites already re-zoned under LEP 194.</p>	<p>No amendments recommended.</p>

DLEP Standards	Issue	Comment	Recommendation
	<p>and demolition of existing structures are not necessary to achieve desired result:</p> <ul style="list-style-type: none"> <li>▪ the block of units on the corner of Grandview and Station St.</li> <li>▪ The heights at the Pacific Highway, Everton St and Livingstone Ave should have a maximum height of 3 or 4 stories not 5 stories.</li> <li>• The flats proposed up the Pymble Hill on the Pacific Highway should be limited to 4 or a maximum of 5 stories not 6.</li> </ul> <ul style="list-style-type: none"> <li>• The village centre at Grandview St should be a maximum of 3 stories.</li> <li>• Maximum heights in Business Zones on the east side of the highway should be reduced to 3 storeys to match the maximum heights on Pymble Park.</li> </ul> <ul style="list-style-type: none"> <li>• Ministers (SEPP53) sites at Pymble Ave/Avon Rd and Avon Rd/Arilla Rd should have been shown on plans so we could get the full impact of excessive forced development. 7 stories for these sites is quite ridiculous.</li> </ul> <ul style="list-style-type: none"> <li>• Interfaces with LEP 194 zonings are not shown and residents don't have the full picture as it</li> </ul>	<p>The redevelopment of any buildings will only occur when owners of those building choose.</p> <p>As required by the Minister's direction, heights and densities of residential buildings are consistent with those currently permissible under LEP 194. The 6<sup>th</sup> storey proposed for future development associated with the Ku-ring-gai Town hall is required to ensure feasibility of under grounding of public car parking and facilities upgrading.</p> <p>The heights of buildings within the core of the Pymble centre range from 3 to 5 storeys. Building envelopes have been developed through detailed urban design work taking into consideration optimum building height and density while still maintaining economic feasibility for development.</p> <p>The Department of Planning have required Council to rezone the Minister's targeted sites under the DLEP. However, the development standards and controls remain under SEPP53. As a result it is not possible to include the controls within the DLEP or DDCP.</p> <p>All existing LEP 194 sites within the Pymble centre have been included in the</p>	

DLEP Standards	Issue	Comment	Recommendation
	affects them and their community.	DLEP under the R4 zone. The extent of this zoning is identified in they Land zoning map.	
Floor Space Ratio	<p>Property owners at 53 Grandview St state the DLEP delineates a site amalgamation zone which is too rigid and inflexible. This means that should any one of the lots within the zone fail to be amalgamated the higher FSR would not be granted and the opportunity for redevelopment would be lost.</p> <p>Solution: higher FSR. Owner states that the larger the site amalgamated the higher the FSR, the FSR granted subject to a ceiling stipulation by the LEP (Submission No. 13).</p>	<p>The properties at 53 and 55-63 Grandview Street are recently constructed strata subdivided office premises. As it is not anticipated that these premises are likely to redevelop in the short to medium term, no preferred amalgamation requirements or building envelopes have been prepared for these sites. As a result, this leaves these sites the flexibility to develop individually or amalgamated.</p> <p>The LEP proposes to increase the FSR on these sites from 1:1 to 2:1 and increase the height from 2 storeys (ie 8 metres) to 4 storeys. This has doubled the long term development potential for these sites.</p> <p>It is noted that the adjoining lots in Grandview Street have an FSR of 2.5:1 including shop top housing with a 4 storey height limit. It is also noted that the lots at 53 -65 have similar depths and combined street frontage. A result there is considered to be merit in also providing similar development standards for this section of Grandview Street to ensure a consistent built outcome in the long term. As the redevelopment of 53 to 63 Grandview Street is likely to be a longer term prospect, it is not considered necessary to provide site specific building</p>	<p>The following amendments are recommended to the draft LEP:</p> <ul style="list-style-type: none"> <li>▪ In relation to 53 and 55-63 Grandview Street, include a maximum FSR of 2.5:1 , with a minimum retail/business of 0.8:1 and a maximum retail of 1:1.</li> </ul> <p>No amendments to the DCP recommended.</p>

DLEP Standards	Issue	Comment	Recommendation
		envelopes in the DCP at this stage.	
	Property owners at 53 Grandview St propose that 53-65 Grandview St have the FSR increased from 2.0:1 to 2.5:1 to be consistent across the whole mixed use zone and to be consistent with 67-81 Grandview which is allowed 2.5:1. This change will ensure that the owners of these properties are not unfairly penalised and it won't jeopardise the objective of the redevelopment.	Refer to Comments above.	No amendments recommended.
Other	<p>The directive given in Schedule 5 states "All sites included are to provide an improved yield" and "No down zoning is to occur". Council has not complied with these directions and is down zoning the LEP 194 sites in the Pymble Town Centre Draft LEP:</p> <ul style="list-style-type: none"> <li>▪ There are no non-discretionary controls</li> <li>▪ There is no additional allowance for steep sites</li> <li>▪ FSR controls are brought into the LEP</li> <li>▪ Will result in reduced yield of 6-12 apartments on a 2400 m<sup>2</sup> site. (Submission no.18)</li> </ul>	<p>The minister's section 55 direction requires development standards for multi unit housing to be consistent with LEP 194. The development standards proposed for the R4 zone satisfy this requirement.</p> <ul style="list-style-type: none"> <li>• A non-discretionary development standards clause similar to cl.25M of LEP 194 has not been included in the DLEP as there is no equivalent clause in the standard LEP template.</li> <li>• The purpose of cl. 25K in LEP 194 is to provide flexibility in building design on steeply sloping sites, not to provide a yield bonus. The application of the "building height" definition under the LEP template combined with use of clause 24 will provide a similar design flexibility as to that possible under cl.25K.</li> </ul>	No amendments recommended.

DLEP Standards	Issue	Comment	Recommendation
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		<ul style="list-style-type: none"> <li>• The standard LEP provides for FSR as a development standard and not for standards such as site coverage used in LEP 194. Significant site and design testing undertaken during the development of DCP 55 identified an FSR of 1.3:1 as the most appropriate Translation of the LEP 194 development standards controlling site yield.</li> <li>• The calculation of yields within the submission was flawed as it gave no consideration to the definition of gross floor area and the exclusions contained within it.</li> </ul>	
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Matters related to specific areas & properties	Issue	Comment	Recommendation
Community lands	The “Ku-ring-gai Town Hall” which should have never been purchased by Council it is too restricted for community use and traffic/ access is a big issue especially given the narrow, busy highway. Council should either find a use for it or sell it.	Comment noted	No change recommended.
	There are no good or compelling reasons for the reclassification of community land because: <ul style="list-style-type: none"> <li>• The use of community land is unnecessary to meet Government-imposed planning targets (Council has gone beyond State government requirements);</li> </ul>	<ul style="list-style-type: none"> <li>• Reclassification can assist in realising the development potential of other lands, which are associated with those of Council.</li> </ul>	No change recommended.

Specific properties	Issue	Comment	Recommendation
	<ul style="list-style-type: none"> <li>• The Minister's directives have not required reclassification of community land;</li> <li>• The proposed reclassification of Pymble community lands will add only minimally, in percentage terms, to the land available for redevelopment;</li> <li>• Council's own financial spreadsheets indicate there is no financial justification to sell this land.</li> <li>• Council's information on how the community lands will be used to provide benefit or improved amenity to the Pymble community is particularly vague, indeterminate and non-specific;</li> <li>• Retaining community land provides the community with flexibility of uses (open space, markets etc.);</li> <li>• The associated maintenance costs of community land to the community are minimal;</li> </ul>	<ul style="list-style-type: none"> <li>• Reclassification assists in the realisation of the Plan which in turn contributes to meeting the Minister's Direction.</li> <li>• See preceding points.</li> <li>• Land reclassification is not for the prime objective of selling land. It will provide Council with the mechanism to assist in the planning and delivery of new facilities and services for the Pymble community. This also includes allowing Council to consider long term leases, and land swaps where appropriate.</li> <li>• The proposed uses for Council lands are articulated in the Draft Plan and accompanying exhibition information.</li> <li>• There is a greater range and flexibility of land use options available to Council under operational land classification.</li> <li>• There are maintenance costs associated with all Council lands both community and operational. Maintenance costs are more specific to the nature of land use rather than</li> </ul>	No change recommended.



Specific properties	Issue	Comment	Recommendation
	Community land should be kept in public ownership and used for the benefit of the community.	<p>classification.</p> <ul style="list-style-type: none"> <li>• Comment noted. Operational land can also be retained in Council ownership for community benefit.</li> </ul>	
	<p>The following community land should be retained:</p> <ul style="list-style-type: none"> <li>• 1 &amp; 2 Alma St should be retained as “pocket parks”;</li> <li>• 65 Grandview St should remain as a pathway so as to ensure that unrestricted access for foot, bicycle, prams etc. away from hazardous vehicular traffic;</li> <li>• 1186 Pacific Highway, there is no valid reason for reclassifying the land on which heritage items are located.</li> <li>• 1192 Pacific Highway should be retained as a “pocket park”.</li> </ul> <p>In the present circumstances the reclassification of these community lands is unjustified and unnecessary and is contrary to community interest.</p>	Comments noted. Refer to specific comments in the main body of the report dealing with the reclassification off Council lands.	Refer to recommendations in the main body of the report.
Private lands			
<b>Precinct A – bounded by Post Office Street, Park Crescent, Grandview Street Grandview Lane</b>	Inconsistency in No. 91 Grandview St, in reference to 4.2.1 Mixed Use. Block A Plan at 4.2 or page 4.7 it shows 4 in a box at No. 9 where properties adjacent are shown as 5 storey (see submission No. 9).	The reference is to a horizontal dimension of a public access way rather than building height.	No change recommended
	<p>Resident of 4a Park Crescent Pymble believes the development plan will endanger the viability of the house because:</p> <p>a) Change from Residential to B2 – will result in loss of heritage significance, and ultimate</p>	Refer discussion and analysis in the body of the report under 4. Matters related to Key precincts & properties	Refer recommendations in the body of the report under 4. Matters related to Key precincts & properties

Specific properties	Issue	Comment	Recommendation
	<p>destruction of house.</p> <p>b) Loss of amenity to the occupants:</p> <ul style="list-style-type: none"> <li>• Loss of significant access to the sky from the main bedroom and almost total loss of solar access to the main bedroom.</li> <li>• Loss of privacy with potential overlooking from two sides. This includes the overlooking of the backyard and all bedrooms.</li> <li>• Post Office Road is already an alternate carpark for the hotel and bottles, cans and food scraps are dumped in the garden on the kerb over our fence. We are concerned that the new carpark will become an extension of this without the natural surveillance that the road offers and will become a location for anti-social behaviour.</li> <li>• The introduction of retail next door will increase the obtrusive light and noise if they are allowed to trade into the evening.</li> </ul> <p>c) Isolation of the building from other residential area both physically and perceived.</p> <p>d) Destruction of the appearance of the building by creating a massive structural backdrop on two sides.</p> <p>Propose that all development on Park Cres side of Post Office Lane be zoned residential. (see submission No. 11 for details)</p>		

Specific properties	Issue	Comment	Recommendation
	<p>The owners of 93 and 95-97 Grandview Street, 2 and 4 Park Crescent Pymble Object to the Draft LEP and DCP in it's current format for the following reasons:</p> <p><b>FSR</b></p> <ul style="list-style-type: none"> <li>Concerned that the planned changes to the development controls do not go far enough and do not provide any economic incentive for the current landowners, thus not providing Councils objective to revitalise Pymble Town Centre.</li> <li>Floor Space Ratio should be raised to benefit from additional height/changed amalgamation allowed by Councils resolution on the 22 August 2006 (see details in submission No. 31)</li> <li>Council has not also been consistent in applying FSR controls to this block. The eastern side has a FSR control of 2.5:1 and the western side has a FSR control of 2.3:1.</li> <li>Recommends that council adjust FSR control for this proposed amalgamation lot from 2.1:1 to 2.5:1 to accurately represent the amount of floor space that can realistically be developed within the confines of the proposed building envelope, with a bonus of 0.5:1 to encourage redevelopment (total 3:1).</li> </ul> <p><b>Building Heights inconsistency</b></p> <ul style="list-style-type: none"> <li>The building height map shows only a 3 storey height limit to development along</li> </ul>		

Specific properties	Issue	Comment	Recommendation
	<p>Park Cres.</p> <ul style="list-style-type: none"> <li>The cross section explaining the height and setback controls clearly shows a 5 storey building.</li> </ul> <p><b>Primary and Secondary Development Control Documents</b></p> <ul style="list-style-type: none"> <li>The proposed amalgamation boundary for mixed use precinct A is still incorrect and does not accord with Council's resolution of 22 August 2006. The western property (nominally 99 Grandview) within the proposed amalgamation of 2 and 4 Park Cres. and 93, and 95-97 Grandview is not to be included in the amalgamated lot.</li> </ul> <p><b>Incentive for Development</b></p> <ul style="list-style-type: none"> <li>The topography and slope of the land make it very expensive to develop and the confined nature of access also makes it difficult.</li> <li>Results from the feasibility modelling indicated that the proposed planning controls do not offer adequate financial incentive for property owners to undertake a development of the site taking into consideration the risk involved.</li> </ul> <p><b>Also seeking</b></p> <ul style="list-style-type: none"> <li>Increase the height limit to seven storeys and maintain the current building setback and depth controls. Impact would be reduced by the requirement to step the</li> </ul>		

Specific properties	Issue	Comment	Recommendation
	<p>buildings down the street due to the topography of the site.</p> <ul style="list-style-type: none"> <li>• Reduce or eliminate the proposed setbacks on Level 3 and 5 of the Grandview Street buildings and Level 2 of the Park Crescent building and increase the building depth control to 18m (check Residential Design Code)</li> <li>• Increase from 1m to 2m the amount of balcony that can extend past the main building envelope.</li> <li>• Allow larger ground floor retail floorspace.</li> </ul> <p><b>Development cost reduction</b></p> <ul style="list-style-type: none"> <li>▪ Eliminate the proposed service laneway (that stretches across 14 separate land allotments) as it is impracticable and costly if owners on either side do not jointly develop their properties so as to link the laneway to the side streets.</li> <li>• Allow through site links, rear public landscape works and footpath works to be provided as ‘works in kind’ in lieu of some Section 94 charges.</li> <li>• Reduce the carparking rate for commercial and retail on each site to 1 per 50m<sup>2</sup> or to a level set by having regard to future detailed traffic demand studies. (Submission No. 31)</li> </ul>		

Specific properties	Issue	Comment	Recommendation
	In respect of Grandview Street the household survey (2005) response indicates that most residents disagreed with the statement “Shops and services meet our needs” so the work proposed for Grandview Street makes excellent sense and can only improve the village feel of Pymble and provide improved amenities for residents.	Positive comments noted	No change recommended
	<p>The proposed maximum heights in the business zones of 5 storeys between 85 Grandview St and 1017 Pacific Highway and 4 storeys between 61 and 67 Grandview Street are excessive. Bearing in mind the topography and dominating effect of such heights in their context and setting, they should be reduced to 3 storeys so as to:</p> <ul style="list-style-type: none"> <li>• Match the maximum heights on the opposite south western side of the highway;</li> <li>• Match the maximum heights of development on Park Crescent and Grandview Lane.</li> <li>• Remain within the tree canopy.</li> </ul>	<p>Building heights of 3 storeys would not meet the requirements of the Ministers Direction</p> <p>5 storey buildings are around 15-18 metres in height which is lower than the canopy of a mature Blue Gum</p>	No change recommended
<b>Precinct B and C – between the Pacific Highway and the railway line south of the rail station</b>	No submissions were received in relation to these precincts	<p>The Draft Town Centre LEP proposes to rezone both precincts B5 – Business Development. This zone is generally intended for land where employment generating uses such as offices are to be encouraged. The zone is applied to locations that are located close to centres and which will support (and not detract from) the centres.</p> <p>The planning controls for the site allow an FSR of 1.0:1 for Precinct B and 2.6:1</p>	No change recommended

Specific properties	Issue	Comment	Recommendation
		for Precinct C and a 3 storey height limit.	
<b>Precinct D – between Park Crescent, Post Office Lane and Telegraph Road</b>	No submissions were received in relation to these precincts	The Draft Town Centre LEP proposes to rezone most of the precinct R4 High Density Residential. 10 Park Crescent is proposed to be zoned R3 – Medium Density Residential which allows townhouses and villas as well as other residential uses such as apartment buildings where appropriate. The planning controls for the precinct vary with heights from 3-4 storeys on Park Crescent up to 5 storeys on Telegraph Road. The FSR's range from 0.8 to 1.3:1.	No change recommended

Specific properties	Issue	Comment	Recommendation
<b>Precinct E – bounded by Pacific Highway, Post Office Street, Post Office Lane and 3 storey apartment building at 1035 Pacific Highway</b>	<p>999 Pacific Highway (which has a proposed FSR of 2.1:1) should be included with 995 and 997 which have FSR of 2:6 to 1 site ratio. These shops were built together in 1900's and share a party wall. Therefore future development will need to include all 3 shops to become viable.</p> <p>999, 1001, 1015 Pacific Highway should be included in the FSR of 2.6:1 or at least 2.5:1 and after that revert to ratio of 2.1:1 for the remainder of the proposed area. This would make a more attractive stepped alignment along the Pacific Highway. Also increase the depth of the residential floors from 18 to 24 metres.</p> <p>The amalgamation of 995 to 1017 would be almost impossible to achieve, with so many owners, resident suggests it be limited to 1001 to 1015 where it would be possible to make a worthwhile consolidation with only two owners concerned.</p> <p>Proposed street setback to 999 Pacific Highway should be removed. Keep the whole street with one alignment and also have the lane widened from the entrance to keep a similar uniform alignment.</p>	<p>The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail and business premises. The planning controls for the site allow an FSR of 2.1:1 to 2.6:1 (with minimum and maximum retail/commercial requirements) and a 5 storey height limit.</p> <p>Two submissions were received from land owners in the precinct representing the properties 999, 1001 and 1015 Pacific Highway.</p> <p>The submissions raise a relevant issue related to the amalgamation. Site investigation has confirmed that 999 Pacific Highway and 995 Pacific Highway are currently one building with a party wall and would require redevelopment at the same time. Therefore it is appropriate to adjust the amalgamation line in the Draft DCP.</p> <p>In terms of increased FSR it is not considered appropriate to increase height within this precinct. It is also not possible to increase the depth of the residential buildings as requested in the submission, to 24 metres. Council's approach to building depth has been to comply with SEPP 65 building depth requirements, which recommends 18 metres as a maximum. This principle is applied in all</p>	<p>Recommend following amendments:</p> <p>Draft LEP (Precinct E):</p> <ul style="list-style-type: none"> <li>• Increase FSR to 2.5:1 for site E1 (1001 – 1017 Pacific Highway)</li> <li>• Allow building height in metres to allow first floor commercial</li> </ul> <p>Draft DCP (Precinct E):</p> <ul style="list-style-type: none"> <li>• Adjust front setbacks to require 2 metre setback on the highway on all sites in precinct E</li> <li>• adjust amalgamation to include 999 Pacific Highway within E2 (987 – 999 Pacific Highway)</li> </ul>



Specific properties	Issue	Comment	Recommendation
		<p>the town centres.</p> <p>The only potential to increase FSR is to modify the front setback requirement and allow first floor commercial at the same FSR as that of the ground floor.</p> <p>The setbacks to the Pacific Highway have been provided to allow for tree planting to improve the residential amenity of the highway frontage. The setback to rear lane, allows for a landscape setback to the lane. There is potential due to the change in level for residential uses to provide a frontage to the lane at the lower level</p> <p>Therefore it is not considered appropriate to completely remove the setback requirements for the site however it may be possible to reduce the setbacks if required.</p> <p>The comment regarding allowing for widening of Post Office Lane is noted however widening of the lane is not proposed as part of the plan.</p> <p>It is noted that the submissions provide no financial data to support the case for an increase in FSR. Sphere have been requested to assess the requests within the submission to test there validity.</p> <p>SPC modeling shows that a higher FSR is</p>	

Specific properties	Issue	Comment	Recommendation
		<p>required to that provided in the Draft LEP to make the project viable and even then, amalgamation is likely to prove difficult because of the number of land owners and the very high values that have been achieved through the sale of individual shops.</p> <p>Council could consider allowing additional FSR if it wanted to encourage amalgamations in the short to medium term.</p> <p>An increase in FSR from 2.1:1 to 2.5:1 would result in approximately 1500sqm of commercial office of additional floor space. Council's traffic consultant provides the following comments in relation to such a change:</p> <ul style="list-style-type: none"> <li>The changes would result in an additional 30 vehicle trips in both the AM and PM peak hour. The FSR increase is unlikely to have a significant traffic impact.</li> </ul> <p>In response to the submissions with regard to precinct E the following amendments are recommended:</p> <ul style="list-style-type: none"> <li>Adjust the proposed site amalgamation pattern to more accurately reflect current ownership.</li> <li>Decrease the Pacific Highway setback to 2m on site E.1</li> </ul>	

Specific properties	Issue	Comment	Recommendation
		<ul style="list-style-type: none"> <li>• Increase the setback to the Pacific Highway on Site E.2 to 2m (This site has an increased frontage to the highway due to the change in site amalgamation proposed, a setback will allow for street tree planting to increase the amenity on the Highway frontage.</li> <li>• Provide for commercial uses on Level 2 across both sites.</li> <li>• Setback to rear lane, allows for a landscape setback to the lane. There is potential due to the change in level for Residential uses to provide a frontage to the lane at the lower level.</li> </ul>	
<b>Precinct H – Kuring-gai Town Hall and adjoining properties</b>	<p>Owners of property 1190 Pacific Highway express there support for the rezoning plans for Pymble, Precinct H for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed rezoning would have the effect of removing the present heritage listing on 1190 Pacific Highway, and permitting it to be demolished and redeveloped as a multistorey 5 floor building, with the addition of a small strip of “Secret Garden”.</li> <li>• The heritage aspect of the house on 1190 Pacific highway has lost its significance overtime.</li> <li>• The secret garden is unused and inaccessible and due for change, utilising a small strip of land from the unused Secret Garden will be worthwhile without impacting adversely on any</li> </ul>	<p>The Draft Town Centre LEP proposes to rezone the site R4 - High Density Residential allowing apartment buildings. The planning controls for the site allow an FSR of between 0.6:1 and 0.8:1 with a 5-6 storey height limit.</p> <p>One submission was received from the owners of 1190 Pacific Highway in support of the proposed controls within the Draft LEP and DCP.</p>	No change recommended

Specific properties	Issue	Comment	Recommendation
	<p>adjoining properties or detracting from recreational public facilities.</p> <ul style="list-style-type: none"> <li>Rezoning and amalgamating the property known as 1190A and 1190 will likewise have no apparent adverse impact on this property or any neighbouring properties.</li> </ul>		
<b>Precinct J – Interface zone between Livingstone Avenue and Pymble Avenue</b>	<p>Seeking upzoning of 8 Pymble Avenue from R3 to R4 and increase of FSR from 0.8:1 to 1.3:1 and allowance for 5 storeys. :</p> <ul style="list-style-type: none"> <li>The site is currently limited due to a riparian zone, requiring a 20m setback. The riparian zone doesn't exist (see submission No. 14 for photos), it is just a buried 375mm (15") stormwater pipe.</li> <li>It is within 100m of the railway station</li> <li>This would meet the NSW Government's objectives to increasing housing developments within a 600m radius of public transport</li> <li>Neighbour's properties have a higher FSR of 1.3 and 1.76. The Council has used spurious economic feasibility to justify the low FSR. Despite no identifiable commercial reason, the council refuses to release the assumptions used.</li> <li>Floor space ratio is economically unfeasible (see submission No. 14)</li> <li>Other sites in neighbouring properties, including those that directly adjoin this property, have been approved for seven storey residential development (flats) with two levels of car parking despite the zoning being 5 storeys. Neighbours across the road have also</li> </ul>	<p>Refer discussion and analysis in the body of the report:</p> <p>4. Matters related to KEY precincts &amp; properties</p>	<p>Refer recommendations in the body of the report:</p> <p>4. Matters related to KEY precincts &amp; properties</p>

Specific properties	Issue	Comment	Recommendation
	<p>been approved for seven storey residential flats. By limiting this site to 3 storey townhouses the draft plan renders the site sterile for development.</p> <ul style="list-style-type: none"> <li>• Council should double the minimum setbacks to single dwellings, so we are not shifting the issue along the street.</li> <li>• Council should eliminate the imaginary riparian zone in the plans and the associated restrictions.</li> </ul> <p>Seeks a higher density zoning in Precinct J. It has all the features for a well planned high density development; it is potentially a large piece of land; it is very close to the station and enjoys frontages to 3 streets. The discussions about a “Riparian Zone” have been misleading; there is no watercourse on these land in question, only a pipe.</p> <p>Resident supports draft proposal for Precinct J, commends the planners and councillors on limiting the extent to which the development rolls down Livingstone and Pymble Avenues. Residents in the area highly value: tree canopy, bushland, village feel, low density, gardens and wildlife and avoid overshadowing developments and too much commercial property. A development beyond that proposed by the LEP would be difficult to support.</p> <p>The valley will be ruined by the development in Everton St. The size and height of the building will destroy the amenity of this place.</p>		
<b>Precinct K – Livingstone Avenue, Orinoco Street and Pacific Highway</b>	No submissions were received in relation to this precinct.	The Draft Town Centre LEP proposes to rezone the precinct Residential R4 - High Density Residential allowing apartment buildings with an FSR of 1.3:1 with a 5 storey height limit.	No change recommended

Specific properties	Issue	Comment	Recommendation
<b>Precinct L – Pacific Highway and Bloomsbury Avenue</b>	<p>Resident accepts amalgamation of lots 1A, 1B, 1C and 1D Bloomsbury Avenue. Cannot accept the amalgamation postulated in the draft DCP of the combined lots 1022 and 1012 Pacific Highway with 1 and 3 Bloomsbury Ave.</p> <p>The homes on these sites (1 and 3 Bloomsbury Ave) harmonise in character, landscaping and quality with the surrounding properties. Resident suggests a more substantial four storey development could be built at 1022 and 1012 Pacific Highway and 1 and 3 Bloomsbury retained as they are. See submission 44.</p>	<p>The precinct is currently zoned Residential 2(e) allowing townhouses up to 2 storeys with an FSR of 0.5:1 and Residential 2(c1) allowing single residential dwellings. The precinct is partly built out at the northern end with strata title apartment buildings up to 3 storeys. Three properties (1002, 1006 and 1010 Pacific Highway) within Precinct L are currently listed as heritage items under the KPSO.</p> <p>The Draft Town Centre LEP proposes to rezone the precinct Residential R4 - High Density Residential allowing apartment buildings. The planning controls for the site allow an FSR of 0.9:1 with a 4 storey height limit. The Draft Town Centres LEP does not include the three properties noted above as heritage items.</p> <p>Staff note the following issues in relation to the Draft DCP built form controls:</p> <ol style="list-style-type: none"> <li>1. The presence of a strip of land running along the back of 1028 to 1012 Pacific Highway it is understood this easement is Council owned and classified community. This put a significant constraint on the proposed building envelopes within the DCP</li> <li>2. The presence of strata title flat</li> </ol>	<p>The following amendments are recommended.</p> <p>Draft LEP (Precinct L)</p> <ul style="list-style-type: none"> <li>• Retain existing 2(c1) zone on 1 and 3 Bloomsbury Avenue</li> </ul> <p>Draft DCP (Precinct L)</p> <ul style="list-style-type: none"> <li>• Amend building envelope for 1028, 1022 and 1012 Pacific Highway to reflect height and densities with LEP</li> <li>• Adjust amalgamation to separate 1 and 3 Bloomsbury Avenue and 1028-1012 Pacific Highway</li> <li>• Note Council owned easement behind 1012 Pacific Highway</li> </ul>

Specific properties	Issue	Comment	Recommendation
		<p>buildings at 1028 and 1012 Pacific Highway with an isolated dwelling in between. Will constrain redevelopment in the north of the precinct</p> <p>1 and 3 Bloomsbury Avenue are required to be a separate site as a result of the Council owned easement behind 1012 Pacific Highway.</p> <p>Envelope tests have been undertaken for 1 and 3 Bloomsbury Avenue (not amalgamated site with 1012 Pacific Highway because of the Council owned easement and strata title units).</p> <p>The result is that it does not appear to be possible to achieve viable FSR with appropriate built form. Therefore there is an urban design case for not rezoning 1 and 3 Bloomsbury to maintain a consistent streetscape and scale. They are currently zoned 2(c2) and do not fall within the Ministers Direction. The loss of dwellings is minor</p>	

Specific properties	Issue	Comment	Recommendation
Rezoning	<p>It is requested that the properties currently known as 1a, 1b and 1c Orinoco Street (which are under control of the same clients) Pymble be included within the Draft LEP and be rezoned to Residential R4. The key factors in support for this request are:</p> <ul style="list-style-type: none"> <li>• The applicants in addition to controlling 1a,1b and 1c Orinoco St also control 1070-1072 and 1074 Pacific Highway, Pymble. These two sites adjoin the subject properties to their north.</li> <li>• The combined sites have a total area of 7285m2.</li> <li>• The sites are currently adjoining on two sides by land proposed to be zoned R4 and on the third by public open space.</li> <li>• The site is located within 300m of the Pymble Railway Station.</li> </ul> <p>It is understood that Council has previously declined to include part or all of the subject sites within the Draft LEP for reasons relating to interface issues. (see submission No. 41 for more detail)</p> <p>Resident requests 10 Pymble Ave be included within the land to be rezoned R3 – Medium Density Residential. The key reasons are:</p> <ul style="list-style-type: none"> <li>• It would diminish the value of the property as it will have R4 in front and R3 at the back and north.</li> </ul> <p>There will be no adverse effect on the adjoining heritage property should any medium density development take place (advice sought from a</p>	<p>These sites are not contained within the area to which the Town Centres LEP applies. Zonings additional to those resolved by Council are not supported unless they can be looked at in a strategic context and have had adequate opportunity for community consultation. They will be considered in the planning for the Comprehensive LEP due by 2011.</p>	No change recommended



Specific properties	Issue	Comment	Recommendation
	<p>Heritage Consultant) Submission 32.</p> <p>A number of submissions, which are currently outside Precinct J, seek incorporation within Precinct J and rezoning of their properties to higher densities these include:</p> <ul style="list-style-type: none"> <li>• 10 Pymble Avenue</li> <li>• 15 Livingstone Avenue</li> <li>• 17 Livingstone Avenue</li> <li>• 21 Livingstone Avenue</li> </ul>		
	One submission received in relation 9 Telegraph Road seeking incorporation within Precinct D and rezoning to R4 - High Density Residential this has been dealt with separately in this report	9 Telegraph Road was assessed as part of the Interface Study undertaken by Council in 2005. The study recommended that 9 Telegraph Road not be rezoned	No change recommended
Other	“Warwick Court” units (47 Grandview) should not be included in the plan for higher density housing. The extra units would only exacerbate the present overstretched traffic, water and other infrastructure and environmental problems facing Ku-ring-gai Council area.	The rezoning is consistent with the Minister’s direction to upgrade existing 2(d) sites within the town centre to R4. It is unlikely the site would be redeveloped in the short term.	No change recommended.

Draft Development Control Plan	Issue	Comment	Recommendation
Public domain controls			
Public open space	There is insufficient open space in the plan for children, or for passive activities.	The plans provide adequate passive activities within the Robert Pymble Park.	No change recommended.
Objectives and Strategies			
Heritage (2.2.7)	Ku-ring-gai Town Hall and Presbytery is of local heritage significance and had been there since 1863. Any proposals for the site should consider reinforcing both the building and the landscape which is also of Spanish Mission style and character. (submission No. 40) The whole section refers only to built elements “colours or building materials” being of importance for heritage, but should also include curtilage and landscape finishes and materials.	For development within the curtilage of the Town Hall and where elements of the buildings will be viewed, this may be appropriate. The DCP outlines that the applicant’s Statement of Environmental Effects should consider impacts on heritage items. Landscape elements within the new public domain could seek to reinforce the existing character.	Add further point to 3.1.4 – to consider the value of maintaining current planting there on site.
Public Open Space (3.1)	The path shown around the perimeter of Robert Pymble Park, that is meant to be for pedestrians and cyclists is supported in principal but the location shown along the steep embankment to the western edge of the tennis courts will be impractical to build due to the steep cross fall of 45 degrees and the restriction with both ends being road width and tennis courts. The path location should be shown in a position where it is practically feasible to build a pathway, as pedestrian paths/cycleways are normally 2-3m wide. (submission No. 40)	The design is a concept plan, and the final location of the path would be subject to detailed design and consultation, and will include considerations such as the final road width, and future assessment of existing vegetation.	No change recommended; comments and further input will be required at the design stage.
	The proposed playground that exists should be retained and expanded to cater for a large range of children and to service the expected increase in	The plan already outlines retention of the existing playground area. There is current Section 94 funding for development of the	No change recommended; Council will continue to review and refine the

Draft DCP	Issue	Comment	Recommendation
	demand due to the increasing housing densities. (submission No. 40) The park entry point (1) is shown down a very steep embankment and may not be practical, especially for accessible use. The existing park entry at the end of Post Office Street should be maintained. (submission No. 40)	playground. The new entry proposed to the park is most likely by stair, with level access from Alma Street enhanced within the plan. Existing entries can be retained.	landscape design.
	The row of trees shown on the plan between the tennis courts is not supported. Tennis Court maintenance costs will increase significantly at this site from tree root damage to court surfaces. (submission No. 40)	Final design will need to consider tree selection and planting methods. The aim is to soften the hardscape area and improve amenity, particularly for casual use.	No change recommended.
Post Office Street Precinct (3.1.2)	The use of deciduous trees is supported; however proposed use of <i>Plantanus x hybrida</i> is not supported. Plane trees are too large for most public domain applications in paving and footpaths. <i>Plantanus cuneata/digita</i> is similar in character but smaller and more suitable for urban sites. The existing trees in Pymble- <i>pistachio chinensis</i> - should also be used for their small size and seasonal colour. (submission No. 40)	<i>Plantanus x hybrida</i> is one of the highest pollution depleting and oxygen producing plants. They are routinely being planted within restricted urban landscapes. Some concerns have been outlined, surrounding allergen reaction to pollen from these trees.	No change recommended; however, detailed design is to consider this further.
	The use of <i>Eucalyptus maculata</i> is not supported as a species as it has been identified and listed in Council documents as an environmental weed due to its potential to cross pollinate with Sydney Bluegum. These trees are not common in Ku-ring-gai and Pymble. (submission No. 40)	<i>Eucalyptus maculata</i> has been utilised within Ku-ring-gai designed and implemented public domain areas. The tree is locally occurring within the Hornsby LGA.	
Grandview Lane (3.1.3)	The proposed pocket park (6) is problematic in that grass around the proposed stone maze will die with use for sitting and play. This area will need to be in a hard surface. If the stone maze is to be used as a playground, it will have to comply with the current Australian Standard for Playground Equipment which will limit the blocks in height and require softfall zones and freefall zones. (submission No.	Grass in intensively-used areas often wears away, for instance grass areas within recent playground areas constructed by Council. Despite its shortcomings, it does provide a pleasing and softer alternative to hard surfaces wherever possible. Detailed design can consider the most appropriate surface.	No change recommended.

Draft DCP	Issue	Comment	Recommendation
	40) It is also important that tall canopy tree species are not Blue gums when used over pedestrian and play areas.		
Ku-ring-gai Town Hall (3.1.4)	The plan shows that vehicles exiting from the site will have very poor sightlines should the proposed planting at (4) be implemented. (submission No. 40)	The design is a concept plan, and the location of planting would be subject to further detailed design. Appropriately spaced and located canopy trees will have minimal impact on sightlines.	No change recommended; however, detailed design will consider this further.
	The use of blue gums at (9) is also not supported as they will grow to block the city views which have been nominated for enhancement. It is recommended that this area remain open and at least 3 trees in the immediate view corridor not be planted.	Appropriately spaced and located open canopy trees such as Blue Gum may well assist in the framing of views, through to the Sydney Basin.	No change recommended
Cresswell O'Reilly Lookout (3.1.4)	The reserve should be named "Cresswell O'Reilly Lookout". The proposal to upgrade the reserve is supported; however its proximity to the edge of the fire prone buffer zone (2.2.14) may preclude private property adjacent being supportive of planting Blue Gum High Forest Plant Species. The bushfire zone may also influence the density and type of vegetation proposed for the reserve. The plan also shows large street trees planted on the Pacific Highway verge. The nature of increasing traffic densities suggest trees be planted with root barriers from the beginning. (submission No. 40)	Incorrect naming in DCP should be corrected.  The site is not located on Bushfire Prone land. Planting of Blue Gum High Forest Species and the density and type of vegetation are all matters that will be considered later on in the design stage.  Appropriate planting and protection methods to be considered.	Amend DCP to include correct name (Section 3.1.4). No further change recommended; however, detailed design is to consider this further. Review detailed design
Streets and Public Access (3.2)	The use of Blue gums as street trees is not supported, particularly in high vehicle and pedestrian traffic areas, and areas with restricted root zones. The risk associated with blue gums as street trees plus high maintenance costs will be likely to increase Council's liability in the event of a	Blue Gums are planted in Council streets, road reserves, and parks in numbers of many thousands per year, including within high vehicular and pedestrian-use areas. Careful consideration should always be given to the location of every canopy tree to ensure	No change recommended.

Draft DCP	Issue	Comment	Recommendation
	tree failure or motor vehicle accident. (submission No. 40)	adequate root area is available to accommodate this or any tree.	
General development controls			
Signage & advertising, telecommunications	Signage is overdue. Signage needs to be available on the Pacific Highway north-bound, clearly and largely showing access to Pymble Village via Station Street and also on the top of Grandview St south-bound where Grandview St forks off the Pacific Highway.	The type of directional signage referred to in the submission is a matter that will need to be addressed as part of the future development of a detailed public domain master plan and manual.	No change recommended.
Other	<p>A number of general development controls fail to respond to Pymble's architectural values and neighbourhood character. The proposed controls are generic and unsympathetic to their intended context and setting.</p> <ul style="list-style-type: none"> <li>• Building façades are crude and vulgar.</li> <li>• Ground floor shopfronts and building entries are unattractive and fail to respond to the heritage and character of the Pymble village.</li> <li>• Materials and finishes exhibit poor design quality.</li> </ul>	Building design in the Pymble centre will be required to respond to general detailed development controls contained in Part 5 of the DCP in conjunction with the site specific controls contained in Part 4 and the objectives and strategies contained in Part 2. The issues addressed by the Part 2 objectives include built form, street character and heritage.	No change recommended.

**Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)  
Amendment No 2**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*.

Minister for Planning

## **Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.2**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Amendment No.2*.

### **2 Aims of plan**

The aim of this plan is to make local environmental planning provisions for land in Gordon and Pymble in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

### **3 Land to which plan applies**

This plan applies to the land identified on the map marked “Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2 Land Application Map” deposited in the office of Ku-ring-gai Council.

### **4 Amendment of Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)**

*Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 7 Maps

Insert the following after point (v) in the note at the end of clause 7(3):

- xi) 'Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Land Application Map
- xii) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Land Zoning Map
- xiii) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Lot Size Map
- xiv) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Height of Buildings Map
- xv) Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 Floor Space Ratio Map '

### [2] Clause 10 Land use zones

Insert the following additional zones following the zone "B2 Local centre":

"Zone B4 Mixed Use"

"Zone B5 Business Development"

### [3] Land Use Table

In the 'Land Use' table insert the following additional zones after 'Zone B2 Local Centre':

#### **"Zone B4 Mixed Use**

##### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the integrity and viability of adjoining local centres by providing for a range of 'out-of-centre' retail uses such as bulky goods premises and compatible business activities.
- To ensure that development contributes to efficient traffic and transport network.



- To provide a vibrant and pleasant environment for residents.

**2 Permitted without consent**

Exempt development

**3 Permitted with consent**

Advertising structures; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; [Boarding houses](#); Bulky goods premises; Business premises; Car parks; [Child care centres](#); [Community facilities](#); Demolition of building or works; Drainage; Earthworks; [Educational establishments](#); [Entertainment facilities](#); Environmental facilities; Environmental protection works; Filming; [Function centres](#); Group homes; Home-based child care or family day care home; Home businesses; Hospitals; [Hotel accommodation](#); [Information and education facilities](#); Light industries; Medical centres; Mixed use development; [Multi dwelling housing](#); Neighbourhood shops; [Office premises](#); [Passenger transport facilities](#); Places of public worship; Pub; Public administration buildings; Public hall; Public utility undertakings; Recreation areas; [Recreation facilities \(indoor\)](#); [Registered clubs](#); Residential care facilities; [Residential flat buildings](#); Restaurants; [Retail premises](#); Roads; [Seniors housing](#); Serviced apartment; Service stations; Sex service premises; Shop top housing; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Vehicle body repair workshops; Vehicle showrooms; Vehicle repair stations; Veterinary hospitals; warehouse and distribution centres

**4 Prohibited**

Any use not otherwise permitted with or without consent.'

**Zone B5 Business Development**

**1 Objectives of zone**

- To enable a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres.
- To provide a range of community facilities, recreation and services industries to meet the needs and demands of employees within centres.

**2 Permitted without consent**

Exempt development

### 3 Permitted with consent

Advertising structures; Business premises; Car parks; [Child care centres](#); Community facilities; Demolition of building or works; Drainage; Earthworks; Educational establishments; Entertainment facilities; Filming; Function centres; Hospitals; Hotel accommodation; Information and education facilities; Light industry; Medical centres; [Office premises](#); [Passenger transport facilities](#); Places of public worship; Pub; Public administration buildings; Public hall; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Registered clubs; [Retail premises](#); Roads; Service stations; Sex service premises; Signage; Spa pools; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; [Warehouse or distribution centres](#)

### 4 Prohibited

Any use not otherwise permitted with or without consent.”

#### [4] Schedule 1 Additional permitted uses

Insert in the table under Schedule 1 the following:

Lot Description	Address	Additional Permitted Uses
Lot B DP 945897 Lot 1 DP 940309 Lot 1 DP 178704 Lot 8 DP 15724	30, 32, 34, 36 Henry Street, Gordon	Business premises; Office premises.
Lot 3 DP 655549	1047 Pacific Highway, Pymble	Office premises and Restaurants to a maximum 1:1 FSR
Lot 12 DP 706021, SP 22387	1051 Pacific Highway, Pymble	Business premises and Retail to a maximum 1:1 FSR
Lot A DP 101723 , Lot C DP 101724 , SP 11535	1083 Pacific Highway, Pymble	Business Premises and Retail to a maximum 1:1 FSR
Pt. Lot 1 DP 3085	1116 Pacific Highway, Pymble	Business Premises to a maximum 1:1 FSR
Lot 1 DP 86583	1186 Pacific Highway, Pymble	Business Premises; Entertainment facility, Function centre, Office premises; Retail

Lot DP 951518	4 Station Street, Pymble	Car park
Lot A and B DP359335, Lot C and D DP391729, Lot 1 and 2 DP540437	6, 8 Pymble Avenue, 7, 9, 11, 11A Livingston Avenue, Pymble	Residential flat building

**[5] Schedule 5 Environmental Heritage**

Insert in the table under Schedule 5 the following:

Suburb	Item Name	Address	Property Description	Significance
Gordon	'Tulkiyan'	707 Pacific Highway,	Lot 3 Sec 1 DP 3267	State
Gordon	Dwelling-house	738 Pacific Highway,	Lot A DP337904	Local
Gordon	Former Gordon Post Office	741 Pacific highway,	Lot 1 DP120856	Local
Gordon	Commonwealth Bank	747 Pacific Highway,	Lot 1 DP 668842 , Lot 4 DP 222415	Local
Gordon		748 Pacific Highway,	Lot A DP 350224	Local
Gordon	St Johns Church and Cemetery	750-754 Pacific Highway	Lot 3 DP 449441 , Lot 2 DP 449441 , Lot 1 DP 449441 , Lot 853 DP 752031	Local
Gordon	Old Gordon Primary School	799 Pacific Highway,	Lot 5 DP 825602 , Lot 4 DP 825602 , Lot SP 49925 , Lot 3 DP 825602	Local
Gordon	Ku-ring-gai Council Chamber	818 Pacific Highway,	Lot 2 DP 786550	Local
Gordon	Westward-Ho	36 Henry Street,	Lot 8 DP 15724	Local
Gordon		2A Park Avenue;	Lot 12 DP 852087	Local
Gordon		8 Pearson Avenue,	Lot A DP 316799	Local
Pymble		1 Clydesdale (also 1202 Pacific Highway)	Lot 1 DP 30236	Local
Pymble	Uniting Church	1 Livingstone Ave	Lot 100 DP 1003889	Local
Pymble	Former Police Station	1116 Pacific Highway	Pt. Lot 1 DP 3085	Local
Pymble	Ku-ring-gai Town Hall	1186-1188 Pacific Highway	Lot 1 DP 86583	Local
Pymble	Pymble Hotel	1134 Pacific Highway	Pt. Lot 8 DP 83967	Local

Suburb	Item Name	Address	Property Description	Significance
Pymble	Grandview	1178 Pacific Highway	Lot 101 DP 1075407	Local
Pymble		4a Park Crescent	Lot 22 DP 7427 , Lot 21 DP 7427	Local



NORTH



SCALE:1:5000

A horizontal number line with tick marks at 0, 50, 100, 150, 200, and 250. The word "Metres" is written below the line.

## LOCALITY - PYMBLE



Land to which this plan applies

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

CERTIFICATE ISSUED  
UNDER SEC.65 E.P.A.ACT

DATE \_\_\_\_\_

GOVT. GAZETTE NO.

DATE

## ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

**KU-RING-GAI COUNCIL**

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

## AMENDMENT NO.2

## Land Application Map (clause 3)

**SHEET 4**

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

Amends Ku-ring-gai Local Environmental Plan 2006 - (Town Centres)

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE 24 November 2006

Zone Description

Residential Zones

Zone R3 - Medium Density Residential

Zone R4 - High Density Residential

Business Zones

Zone B2 - Local Centre

Zone B5 - Business Development

Recreation Zones

RE1 - Public Recreation

Item

Heritage Item

North

SCALE:1:5000

0

50

100

150

200

250

Metres

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT

DATE

GOVT. GAZETTE NO.

DATE

The map displays the Pymble locality with various land zones. Residential zones (R3 and R4) are shown in pink, business zones (B2 and B5) in blue, and recreation zones (RE1) in green. Heritage items are indicated by a cross-hatched pattern. The map includes a legend, a scale bar (0 to 250 metres), and a north arrow. The locality is labeled 'LOCALITY - PYMBLE'.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.2

Land Zone Map (clause 11)

SHEET 4

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

Amends Ku-ring-gai Local Environmental Plan 2006 - (Town Centres)

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE 24 November 2006





Residential only

6 storeys residential  
(6 x 3m) + 2m (lift over run) + 1m (parking\*) = 21m

5 storeys residential  
(5 x 3m) + 2m (lift over run) + 1m (parking\*) = 18m

4 storeys residential  
(4 x 3m) + 2m (lift over run) + 1m (parking\*) = 15m

3 storeys residential  
(3 x 3m) + 2m (lift over run) + 1m (parking\*) = 12m

2 storeys residential  
(2 x 3m) + 2m (lift over run) + 1m (parking\*) = 9m

Business/Retail only

4 storeys business/retail  
(4 x 3.6m) + 2m (lift over run) + 1m (parking\*) = 17.4m

3 storeys business/retail  
(3 x 3.6m) + 2m (lift over run) + 1m (parking\*) = 13.8m

2 storeys business/retail + 3 storeys residential  
(2 x 3.6m) + (3 x 3m) + 2m (lift over run) + 1m (parking\*) = 19.2m

2 storeys business/retail + 2 storeys residential  
(2 x 3.6m) + (2 x 3m) + 2m (lift over run) + 1m (parking\*) = 16.2m

\* plus 1m for potential basement parking projecting out of the ground

North

SCALE:1:5000

0

50

100

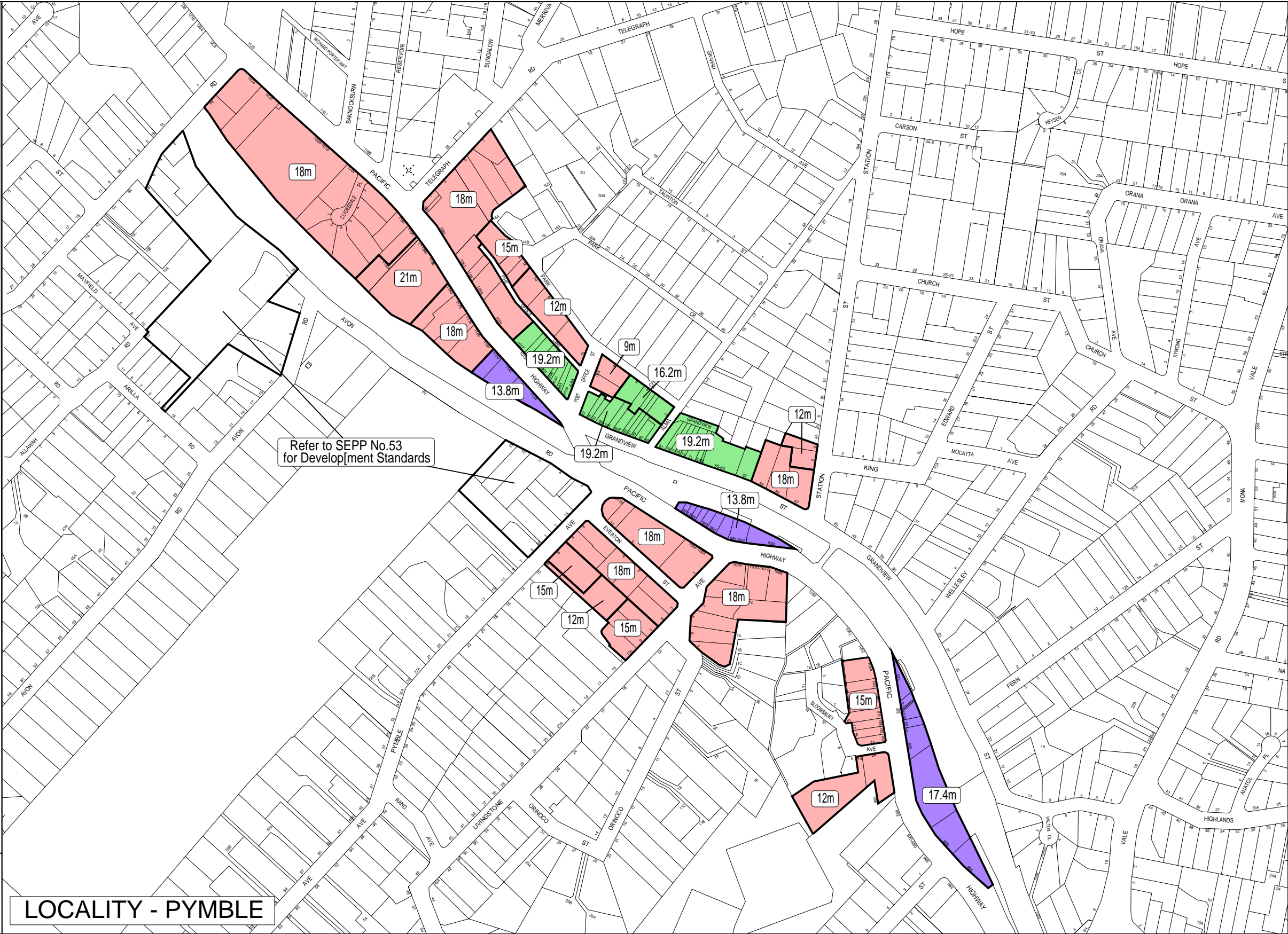
150

200

250

Metres

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION	
PLANNING OFFICER : ANTONY FABBRO	
COUNCIL FILE NO.	
DEPT. FILE NO.	
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ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.2

Height of Buildings Map (clause 21)

SHEET 4

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

Amends Ku-ring-gai Local Environmental Plan 2006 - (Town Centres)

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER      DATE 24 November 2006





- 1.1 Name of this DCP
- 1.2 Commencement Date
- 1.3 Land affected by this DCP
- 1.4 Purpose of this DCP
- 1.5 General Aims of the DCP
- 1.6 Relationship to Ku-ring-gai LEP 2006 (Town Centres)
- 1.7 Relationship to SEPP 65 and NSW Residential Flat Design Code
- 1.8 Repeal of Existing DCPs
- 1.9 How to use this

Note: All photographs and diagrams in this document are the property of Ku-ring-gai Council unless otherwise indicated.

## **1.1 NAME OF THIS DCP**

This Development Control Plan (DCP) is the Ku-ring-gai Town Centres Development Control Plan.

## **1.2 COMMENCEMENT DATE**

This Development Control Plan was adopted by Council on ..... and came into effect on ..... and may be subject to amendments.

## **1.3 LAND AFFECTED BY THIS DCP**

This Development Control Plan applies to all land to which Ku-ring-gai Local Environmental Plan 2006 (Town Centres) applies.

## **1.4 PURPOSE OF THIS DCP**

This has been prepared in accordance with Section 74C of the Environmental Planning and Assessment Act 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000.

This DCP provides more detailed provisions with respect to development to achieve the stated aims and purpose of Ku-ring-gai Local Environmental Plan 2006 (Town Centres). This DCP provides a framework for future development in the Ku-ring-gai's town centres by specifying a series of urban strategies to help achieve the community's vision for each respective centre.

The planning framework contained in this DCP adopts a place-based planning approach by defining appropriate building types and developing place-specific building envelopes, supported by detailed design and environmental controls aimed at achieving a high quality built environment, landscape setting and community spaces.

## **1.5 GENERAL AIMS OF THE DCP**

The general aims of this DCP are as follows:

- Established vision and urban strategies for the long term re-development of Ku-ring-gai's town centres.
- The provision of public spaces and streets as a basis for the creation of a high quality public domain in terms of design and the environmental amenity of the locality.
- The provision of a range of building types which provide for increased housing choice, diversity of employment opportunities, access to retail and commercial services and other activities that contribute to a sustainable vibrant community.
- High quality urban design and architectural design of buildings that have a good relationship with neighbouring developments, the public domain and landscape qualities of the locality.
- The heritage significance of heritage items and their setting is recognised in future development.
- The promotion of the principles of ecologically sustainable development including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of building materials.
- A high level of residential amenity in building design for the occupants of the building through daylight access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.
- Buildings and landscaping that are designed for all age groups and degrees of mobility.
- Traffic control measures and outcomes that manage and improve local traffic impacts and promote pedestrian safety.
- Increased use of public transport, walking and cycling.

## 1.6 RELATIONSHIP TO KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 (TOWN CENTRES)

This DCP conforms to the provisions of the Ku-ring-gai Local Environmental Plan (LEP) 2006 (Town Centres) and is to be used in conjunction with that document for the assessment of all development applications. If there is any inconsistency between this DCP and the LEP, the LEP will prevail.

Compliance with the provisions of this DCP does not necessarily guarantee that consent to a Development Application (DA) will be granted. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 79C of the EP&A Act and any other policies adopted by Council.

Consistent application of the provisions of this DCP will be given high priority by Council.

## **1.7 RELATIONSHIP TO SEPP 65 AND NSW RESIDENTIAL FLAT DESIGN CODE**

This DCP has been prepared in accordance with State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) and has been formulated to respond to the design quality principles of SEPP 65.

The preparation of this DCP has had regard to the publication NSW Residential Flat Design Code 2002 (RFDC). Where there is any inconsistency between this DCP and the RFDC, the provisions of this DCP will prevail. However, the principles and controls contained in the RFDC are to apply to design issues not specifically covered within the DCP.

## **1.8 REPEAL OF EXISTING DCPS**

All Development Control Plans applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

## **1.9 HOW TO USE THIS DCP**

The overall structure of the DCP is as follows:

### **Part 1A: Preliminary**

This part contains general statutory information about the DCP to give an understanding of its purpose and general aims, and its relationship to the Town Centres LEP and other planning and design documents.

### **Part 1B: Definitions**

This part includes a series of definitions to clarify terms used in this DCP. It does not include definitions for terms listed in the dictionary of the LEP which will also apply to this DCP.

### **Part 2: Vision, Objectives and Strategies**

This part contains the vision for each town centre developed in consultation with the community. It also presents a series of objectives and strategies guiding future character, form and function to help achieve the vision. This part sets out a framework for the proposed controls and guidelines in the later parts by providing an understanding of the development context.

### **Part 3: Public Domain Controls**

This part includes a set of controls/ guidelines to guide the public domain improvements in conjunction with the development of private land. It provides a strategic guidance for the desired future character of the public open space (existing and proposed) and streets within each town centre.

The public domain controls for each key street within the town centres include controls/guidelines for street definition, parking, paving, street tree planting, street furniture, lighting, powerlines and fencing, whilst taking into consideration the potential of adjoining properties and public spaces.

## Part 4: Primary Development Controls

Part 4 of the DCP contains the provisions of a detailed master plan developed for each town centre. The development standards contained in the LEP are consistent with the master plan provisions and facilitate the enforcement of the master plan.

This part includes site specific building envelope controls for the key sites within each town centre area. These controls specifically respond to the objectives and strategies set out in Part 2 that define the future urban structure for each town centre. This place-based planning approach has been adopted to ensure acceptable built form outcomes and clarity about the standard of design excellence expected.

The primary development controls in Part 4 must be read in conjunction with the general development controls contained in Part 5. In the case of any inconsistency between the controls in Part 4 and those in Part 5, the Part 4 controls will prevail to the extent of that inconsistency.

### *Building Envelope Controls*

The site specific controls are in the form of building envelopes which establish the allowable bulk, height and the position of development on each site. The primary development controls include controls for building use and ground floor activities, street frontages, site amalgamation, building height, building depth and separation, building setback, deep soil zone and vehicle access. These controls are important for determining and controlling the desired urban form in town centres.

The building envelopes are designed in response to issues including existing lot sizes, relationship to adjoining buildings, the desired future character of the centre and street pattern and width, all of which vary throughout the centre. It is intended that this urban form methodology provides a greater certainty of outcome for Council, community and site owners.

The building envelope controls are expressed through a combination of drawings (plans and sections) and text. Three-dimensional diagrams are also used to assist in the interpretation of the development guidelines and controls. It is important to note that *"a building envelope is not a building, but a three dimensional zone that limits the extent of a building in any direction. It defines the extent of the overall building zone in plan and section within which a future building can be located."* (Residential Flat Design Code, p22)

## Part 5: General Development Controls

Part 5 includes the general development controls that apply to all development covered by the DCP. This part sets broad parameters within which good design of buildings can occur by illustrating the use of development controls and consistent guidelines. It outlines design objectives and controls that guide the detailed resolution of buildings. These are an additional layer of controls to those outlined in Part 4 and are applicable across a range of sites and across different types, forms and densities of development.

### *Design Objectives*

The design objectives outline the outcomes that proposed developments are required to achieve. In order to gain Council's approval, developments need to demonstrate that they have fulfilled the relevant objectives for each topic.

### *Design Controls*

The design controls demonstrate ways in which the objectives must be achieved for improving site and building design, which focus on building performance/functionality, form, layout, sustainability and residential amenity.

These controls and guidelines directly relate to the primary development controls outlined in Part 4. They primarily focus on two types of development including mixed use and residential development of 3 dwellings or more. There are controls grouped under '*GENERAL*' which apply to all developments covered by this DCP. There are also additional controls grouped under '*MIXED USE*' and '*RESIDENTIAL*' that are applicable to each specific building type.

Precedent images and diagrams have been included to assist in communicating the design objectives and controls.

## **Part 6: Water Management Controls**

This part is designed to ensure that the water management techniques employed for any given development are appropriate to both the site and the works. It therefore applies different controls to different situations and must be followed from the start of the design process.

For all developments to which this DCP applies, the first requirement is an analysis of the site and the surrounds as described in Council's DA Guide. The information obtained in the analysis of the site should be used to work through Section 6.1. The outcomes of decisions made in working through this section determine the way in which the remainder of Part 6 is used.

### *Relationship to BASIX*

The water management controls have been developed so as to be consistent with the web-based assessment tool, Building Sustainability Index (BASIX), which has been developed by the State Government's Department of Planning. BASIX facilitates assessment of the sustainability of a development proposal in the context of a number of themes including water and stormwater. This part of the DCP is intended as a complementary document to BASIX.

## **Part 7: Tree Preservation Controls**

This section contains requirements for the preservation of trees and vegetation on land covered by the DCP. This section should be read in conjunction with Clause 32 of the Draft LEP.

## **Part 8: Professional Suite Controls**

Part 8 includes specific provisions for the development and operation of professional suites in residential flat buildings. The high density residential zone requires building design with a flexible ground floor for possible future professional suite use. Refer to Parts 4 and 5 to identify which sites these requirements apply to.

### Part 9: Child Care Centre Controls

This Part contains the provisions for the development of Child Care Centres.

### Part 10: Notification Controls

Part 10 explains Council's requirements and processes for the involvement of stakeholders in the consideration of applications for development consent made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

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	In this DCP the following definitions apply:
acoustic privacy	a measure of sound insulation between apartments, between apartments and communal areas, and between external and internal spaces.
accessible car parking	car parking that is designed and built in accordance with the provisions in AS2890.1 to accommodate the needs of occupants with mobility impairment.
adaptable housing	housing that is designed and built to accommodate future changes to suit occupants with mobility impairment or life cycle needs (Australian Standard 4299: Adaptable Housing). See Appendix 3 for details.
adjoining land	land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.
advertising	means written notice of a proposed development including a notice from a newspaper.
advertising panel	any other advertising structure which is non-illuminated, including a hoarding or bulletin board.
afflux	the rise in water level in a stream, channel or flow path caused by a constriction or impediment downstream.
amenity	the 'liveability' or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in both the public and private domain and includes the enjoyment of sunlight, views, privacy and quiet.
ancillary	in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway or tennis court.
aquatic habitat	the natural home of marine or freshwater animals, plants or organisms.
articulation zone	the area of three dimensional modelling at the periphery of the building, including any changes in façade alignment, balconies, bay windows and sun shading devices.
at-grade	on ground level (not on a building structure).
average recurrence interval	means the long term average number of years between floods which will equal or exceed the selected event.
back-up facility	a facility that assists in the operation of the child care centre including cot rooms, child-accessible toilet areas, nappy change areas and bottle preparation areas.
backwater	that part of a stream, channel or flowpath where the water is kept back due to some controlling influence or obstruction downstream.
balcony	any unenclosed platform (with balustrades) located at the height of 0.3 metres or more above adjacent finished ground level either cantilevered or supported over open space, which is attached to a dwelling and used for the exclusive enjoyment of the occupants.
bank	the primary bank of a waterbody.
barrier free access	Approach and entry of a facility which is accessible by persons with disabilities (eg. grade level entry).
bay window	a large window or series of windows projecting from the outer wall of a building and forming a recess within.

bedroom	any habitable room, which in the opinion of Council, is capable of being used as a bedroom.
blank wall	a wall that has more than 20% of solid area.
Building sustainability index (BASIX)	State Environmental Planning Policy (Building Sustainability Index: BASIX 2004).
building zone	the area within which a building can be built, usually represented in plan and section.
built-upon area	impervious area generating runoff and is defined as the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace or pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.
bushland	land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and flora of the natural vegetation.
catchment	an area of land from which all runoff water flows to the same low point in a waterbody or drainage depression (creek, river, harbour, etc) and always relates to a specific location.
class	the classification of a building as determined by the BCA.
co-located Child Care Centre	child care centre and another independent use located on a single site.
common open space	a common outdoor open space for recreation and relaxation of residents of a housing development.
core	component of building for vertical circulation (eg. lift, stairs).
clinical waste	any waste having the potential to cause infection and that has been generated by medical, nursing, dental, veterinary, pharmaceutical or other related activities, includes infectious substances, pathogenic substances, pharmaceutical's and pharmaceutical residues, cytotoxic substances and wastes from the production and preparation of pharmaceutical products.
commercial waste	refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, contaminated waste, green waste or recyclable waste.
community land development	means community land development within the meaning of the Community Land Development Act 1989.
complying development	means a minor type of work or activity listed in Part 3 of the Ku-ring-gai Local Environment Plan 2006 (Town Centres).
compost	vegetative material capable of being converted to humus by a biological decay process.
conservation	the use, management and protection of resources so that they are not degraded, depleted or wasted and are available on a sustainable basis for present and future generations.
contaminated waste	waste which has the potential to cause injury, infection or offence. Sources include medical, nursing, dental veterinary, pharmaceutical and similar facilities engaged in treatment, investigation, teaching or research. Domestic sources include sharps and associated medical waste generated as a result of home based treatment of a medical condition (such as those associated with a diabetes sufferer or dialysis patient).

cornice	a decorative horizontal moulding at the top of a building which 'crowns' or finishes the external façade.
coved	to make in an inward curving form. A concave surface forming a junction between a ceiling and a wall.
cross-through apartment	apartment on one level with two opposite aspects.
curtain wall	a non-bearing wall, often of glass and steel, fixed to the outside of a building and serving especially as cladding.
dangerous goods	has the same meaning as in the Dangerous Goods Act 1975.
datum or datum line	a significant point or line in space established by the existing or desired context, often defined as an Australian Height Datum.
deck	an external platform, usually elevated, located alongside and accessible from an interior space and often made of timber.
deep soil landscaping	a part of a site area that: <ul style="list-style-type: none"> <li>(a) is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1.2 metres wide), and</li> <li>(b) is not used for car parking.</li> </ul>
designated development	has the same meaning set down in the Environmental Planning and Assessment Act 1979.
development	has the same meaning as in the Environmental Planning and Assessment Act 1979.
development application	has the same meaning set down in the Environmental Planning and Assessment Act 1979.
development assessment officer	means the Council officer with primary responsibility for assessing the development application.
development assessment team leader	means a Council officer with responsibility for a group of development assessment officers.
drainage easements	the legal rights attached to land whereby another parcel of land has the right to use part or all of the land for the purpose of draining water.
drainage reserves	the lands vested in Council for drainage purposes.
dripline of a tree	the horizontal extent of the canopy of the tree.
dual aspect apartment	apartments which have at least two major external walls facing in different directions, including corner, cross over and cross through apartments.
erosion control devices	measures to assist in minimising erosion and downstream sedimentation.
exempt development	means a minor type of work listed in Part 3 of the Ku-ring-gai Local Environment Plan 2006 (Town Centres).
external collection point	usual (or agreed) point on the footpath/roadway, where waste and recyclables are loaded onto vehicles. The waste and recycling containers are placed on the footpath, by the occupant of the property, just prior to the collection day and removed after the waste is picked up by Council's contractors. Applicable to residential development where the number of units is less than 6.
façade	the external face of a building.
finished ceiling level (FCL)	the level of the lower surface of the relevant ceiling.

finished floor level (FFL)	the level of the upper surface of the relevant floor.
fire egress	a path or opening for going out (ie. an exit) in a fire or emergency situation.
first flush	the first rainfall after a dry period.
flood	a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or overland runoff before entering a waterbody.
flood standard conveyance zone	the zone in a plan view of the 1:100 year flow through the property.
french (or juliet) balcony	a small projecting balcony, generally ornamental or only large enough for one person standing.
furnishing	the furniture, appliances, and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.
green waste	organic garden waste. This includes any waste material that in its raw form comprises vegetation (such as grass, leaves, mulch, plants, branches, twigs and tree loppings). Green waste does not refer to wood wastes such as tree stumps or kitchen vegetable scraps.
greywater	household wastewater that has not come into contact with toilet waste.
gross pollutant	litter and debris that is transported by urban runoff and that is not less than 5mm in diameter and/or is retained by a 5mm mesh screen.
gross pollutant trap (GPT)	a structure that acts as a water pollution control measure by intercepting and retaining gross pollutants (coarse sediment, trash and debris).
habitable room	any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room and play room - but excludes bathrooms, separate toilets and laundries.
hazardous waste	any waste that because of its physical, biological or chemical properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment, and/or is, or contains a substance described in the Protection of the Environment Operations Act 1997 e.g. can include dangerous goods, poisons, liquids and other waste containing hazardous components. If in doubt contact the NSW Environment Protection Authority or Council.
holding berm	a small bank for retaining water.
hopper	a fitting into which waste is placed and from which it passes into a chute or directly into a waste container. It consists of a fixed frame and hood unit (the frame) and a hinged or pivoted combined door and receiving unit.
hydraulics	the study of flow of fluid. In civil engineering, this concerns mainly flow of water in waterways - in particular, the changes in flow parameters such as water level and velocity.
hydrology	the study of water as it relates to rainfall and the runoff process - in particular, catchment behaviour, flow rates and volumes.
illuminated sign	any sign that is internally illuminated.
impervious	land or material that is not readily penetrable by water.

internal collection point	a designated hard stand area suitable in size for the number and type of containers utilised by the development. Waste and recyclable materials are placed at the collection point, by the occupant, for collection of the day of service and are then returned to the designated waste storage area. Applicable to residential development where the number of units is SIX or more and for commercial and industrial development.
invert	the lowest point of a channel or gutter, or the internal base of a pipe.
light shelf	a horizontal element attached to a window that reflects sunlight up onto a ceiling surface.
light spill	light that escapes from the area requiring to be lit and lights up adjoining areas.
lightwell	a shaft for air or light, enclosed on all sides or which has the potential to be enclosed by future adjoining development, and either open to the sky or glazed.
living room	shall be one room of either sunroom, lounge room or open plan living areas including eat-in kitchen areas; and it shall not include bedrooms, bathrooms, storage areas, laundries or separate toilets.
local development	has the same meaning set down in the Environmental Planning and Assessment Act 1979.
local road	a street with a prime function to provide access to adjacent land uses.
L90 background level	the noise levels (in dBA) that are exceeded 90% of the time during the measurement period (in the absence of the proposed development).
maisonette	a two-storey apartment, where the storeys are vertically stacked.
major road	a road that is declared to be a main road by an order in force under section 46 of the Roads Act 1993.
major roadway	any roadway listed in Appendix 5 of this DCP.
mobile care service	a child care service that visits specific premises at specific times. The age of children cared for depends on the type of service provided.
mobile phone base station	a device used for the transmission of signals through the mobile (or cellular) telephone network by way of Radio Frequency Electromagnetic Radiation (RF EME).
neighbouring land	means any land, other than adjoining land, within the Ku-ring-gai local government area, the enjoyment of which the assessment team leader considers may be detrimentally affected by the development proposal.
non-habitable room	spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.
north facing	between 30 degrees east and 20 degrees west of true solar north.
notification	means written information provided to potential stakeholders by the Council in the form of a letter, e-mail, information on Council's website or a sign that may be viewed from a public place.
nutrients	substances that provide nourishment to another organism. In the context of stormwater, they consist primarily of Total Phosphorus

	(filterable phosphorus and particulate phosphorus) and Total Nitrogen (nitrates, nitrites, ammonium compounds and organically bound nitrogen compounds).
obvert	the internal top of the pipe or other enclosed drainage system.
occupier	means a person who lives on the land.
on-site detention	a device used to control the rate of stormwater runoff in order to reduce peak discharges during storm events.
on-site retention	a device that controls the rate and volume of stormwater runoff to reduce peak and total volume discharges during and after storm events by ensuring that water is reused on the site.
open plan	dwelling layouts where spaces are not divided into discrete rooms, but are open and connected to allow flexibility of use (typically living, dining, kitchen and study areas).
operable wall	an internal wall which can be moved, for example by sliding, folding, or pivoting, to allow for different room configurations.
operable window	window or door which can open to the outside at least 45% of the window or door dimensions.
orifice	a narrow opening into a pipe or cavity.
out of school hours care	service that provides care for school aged children under 12 years old, usually before or after school hours, on pupil-free days or during school holidays. Centres are usually located on school grounds or in community halls.
overshadowing	shadows caused by a proposed structure, together with any existing structures to be retained, but not including shadows cast by trees, vegetation or boundary fences.
owner	has the same meaning as in the Environmental Planning and Assessment Act 1979.
parapet	a horizontal low wall or barrier at the edge of a balcony or roof. Often taken to refer to the decorative element which establishes the street wall height of heritage buildings (see also Cornice).
peak discharge	the maximum discharge occurring during a flood event.
permitted site discharge	the controlled rate of runoff allowed from a site.
pervious	land or material that is penetrable by water.
Planning for Bushfire Protection	the publication produced by the NSW Rural Fire Service and PlanningNSW to provide guidance to Councils, planners, fire authorities, developers and home owners with regard to bushfire protection strategies.
pole (or pylon) sign	a sign that is erected on a pole or pylon independent of any building or other structure.
pollutant	a substance that adversely affects the physical, chemical or biological properties of the environment.
portico	a porch or walkway with a roof supported by columns, often leading to the entrance of a building.
potable	drinkable.
potentially contaminated land	land which may have been associated with potentially contaminating activities, as described in Council's Contaminated Land Policy.
primary street frontage	Building facade consisting of majority tenancies that has an interface with the main street.



private courtyard	private open space which may be on a structure (eg. podium, parking deck) or at ground level.
professional suite	small scale office premises for professional practices within a residential flat building in close proximity to a retail centre. A professional suite may include consultation rooms for health care professionals.
public exhibition	is where a development application is made available for inspection, by any person, at the office of Council, and such other places to be determined by Council for a period not less than fourteen (14) calendar days.
public street	<p>(a) any road that is opened or dedicated as a public road, whether under the Roads Act 1993 or any other Act or law, and</p> <p>(b) any road that is declared to be a public road for the purposes of the Roads Act 1993.</p>
putrescible waste system	food or animal matter (including dead animal parts) or unstable or untreated biosolids.
recognised public drainage	a common stormwater drainage system that conveys public stormwater and that generally includes one or more of the following: street drainage comprising surface systems (formed and unformed kerb and gutter, earth channels); underground systems (pipes, road pits, headwalls, inlets and outlets); natural and constructed open channels.
recyclable	material capable of being reprocessed into useable material and includes any item collected by Council's Recycling Service (e.g. plastic, vegetation, paper etc).
runoff	rainfall that ends up as stormwater.
Section 96(1) modifications	are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations in accordance with Section 96(1) of the Environmental Planning and Assessment Act 1979.
Section 96(1A) modifications	are modifications by Council to consents that involve minimal environmental impact in accordance with Section 96(1A) of the Environmental Planning and Assessment Act 1979.
Section 96(2) modifications	are other modifications by Council to consents that may have an environmental impact in accordance with Section 96(2) of the Environmental Planning and Assessment Act 1979.
Section 96AA modifications	are modifications made by consent authorities to consents granted by the Land and Environment Court, in accordance with Section 96(AA) of the Environmental Planning and Assessment Act 1979.
sediment	solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, wind, water or gravity.
sewerage	the arrangement of pipes that transports sewage.
shopfront	the front side of a store facing the street; usually contains display windows.
sill height	the vertical height of a window sill above the finished floor level which it serves.
skylight	an overhead window, as in a roof, admitting daylight.
soffit	the underside of a part of a building (such as an arch, overhang, staircase, cornice or beam etc).
soft landscaping	the area planted with gardens, trees, lawns and includes remnants

	of the natural landscape.
staff / parent accessible area	any area of a child care centre that restricts unsupervised access by children or is not intended for use by children.
stormwater	untreated rain water that runs off the land onto which it falls.
strata title building	means a strata title building within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold) Development Act 1986.
streetscape	the character of the locality (whether it be a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.
string course	a shallow moulding continued across a whole facade which may be defined by its position.
sustainable waste management	managing and controlling the generation of waste so that the needs of the current generation are met without limiting the options and capacity of future generations to meet their own needs.
Sydney Water	Sydney Water Corporation or any organization that replaces it.
terrace (outdoor area)	an unroofed and usually paved area connected to an dwelling and accessible from at least one room. May be on-grade or on a structure (podium).
terrestrial habitat	the natural habitat of organisms that live on land.
top hamper sign	a sign that is attached to the transom of a doorway or display window of a building.
total suspended solids	are the inorganic and organic particles suspended in the water column. They can be defined as the filterable residue retained on a 2.0 µm pore size filter dried at 105°C.
transmitter	see 'mobile phone base station'
trunk drainage	the stormwater drainage system that links property, interallotment and street drainage with the receiving waters.
under awning sign	a sign that is attached to underside of an awning (other than the fascia or return end).
unencumbered indoor play space	useable play space that excludes items such as passage ways or thoroughfares, door swing areas, cot rooms, toilets or shower areas located in the building or any other facility, such as cupboards, that inhibits opportunity for play.
unencumbered outdoor play space	useable play space that excludes items such as car parking areas, storage sheds and other fixed items that prevent children from using the space or that obstruct the view of staff supervising children in the space.
visitable	a place that is to be visitable by people who use wheelchairs, in that there must be at least one wheelchair accessible entry and path of travel to the living area and to a toilet that is either accessible or visitable.
volume reduction equipment	devices which reduce the volume of waste or recyclable material, including compressing devices such as compactors, balers and shredding, pulverising or crushing devices.
waste	as defined by the Protection of the Environment Operations Act 1997 (POEO Act) includes: <ol style="list-style-type: none"> <li>any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such</li> </ol>

	<p>volume, constituency or manner as to cause an alteration in the environment, or</p> <p>b. any discarded, rejected, unwanted, surplus or abandoned substance, or</p> <p>c. any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or</p> <p>d. any substance prescribed by the regulations to be waste for the purposes of this Act.</p> <p>a substance is not precluded from being waste for the purposes of the POEO Act merely because it can be reprocessed, re-used or recycled.</p>
waste and recycling room	a designated room or a combination of designated rooms upon the site (can be located inside or outside) of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the buildings' occupants.
waste cupboard	a temporary storage area that is designed to hold at least a single days waste. The waste cupboard is typically located in the kitchen. It should be designed to enable some separation of recyclables and non-recyclables.
waste service room	a room located on each floor of a building for interim storage of recyclables with access to a hopper and providing a fire rated compartment around garbage chute hoppers.
wastewater	sewage, greywater or water that is contaminated by human or commercial processes, and includes water from a domestic pool.
written submission	means a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.

## List of Abbreviations

ACA	Australian Communications Authority
ACIF	Australian Communications Industry Forum
AHD	Australian Height Datum
ARI	Average Recurrence Interval
ARPANSA	Australian Radiation Protection and Nuclear Safety Agency
BASIX	Building Sustainability Index
BCA	Building Code of Australia
DA	Development Application
DCP	Development Control Plan
EMF	Electromagnetic Field Exposure
EMR	Electromagnetic Radiation
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
ICNIRP	International Commission on Non-ionising Radio Protection
L	Litre(s)
LAP	Local Approvals Policy
LEP	Local Environmental Plan
m	Metre(s)
MGB	Mobile Garbage Bin
NSWDoCS	NSW Department of Community Services
NSW EPA	NSW Environment Protection Authority
PoEO Act 1997	Protection of the Environment Operations Act 1997
WMP	Waste Management Plan

**Summary of Surveys, Consultations, Displays, emails & Mailouts**

• Pymble Residents' survey mail-out <i>sent:</i>	<b>4700</b>	3 June 2005
• Friends of Pymble - Pymble consultation	<b>8</b>	7 July
• Northaven Pymble – retirement village consult	<b>14</b>	13 July
• Pymble Action Group for the Environment	12	18 August
• Email update to StIves Turra Gordon & Pymble	2500	10 Feb 2006
• Pymble Planning Consultative workshop	60	3 April
• Email update to Pymble Stakeholders	600	28 July
• Ku-ring-gai Business Forum	70	28 August
• Email update to Pymble Stakeholders	600	21 September
• Email update on Town centre planning	800	6 Oct 2006

**Pymble Planning Exhibition – staffed displays – September / October 2006:**

- Tue 26 Sept 10am - 2pm
- Public Info Sessions - Wed 27 Sept 2.30-3.30pm & 7-8.30pm
- Thu 28 10am-2pm
- Thu 28 6pm-8pm
- Sat 30 Sept 10am-2pm
- Tue 3 Oct 10am-2pm
- Thu 5 Oct 10am-2pm
- Thu 5 Oct 6pm-8pm
- Sat 7 Oct 10am-2pm
- Tue 10 Oct 10am-2pm
- Thu 12 Oct 10am-2pm
- Thu 12 Oct 6pm-8pm
- Sat 14 Oct 10am-2pm
- Tue 17 Oct 10am-2pm
- Thu 19 Oct 10am-2pm
- Thu 19 Oct 6pm-8pm
- Sat 21 Oct 10am-2pm

## Mailouts

- Initial advice on town centre planning was included with some 32,000 survey instruments sent to all householders in each of the 6 town centres above seeking their experience and ideas on future local planning.
- Some 32,000 colour brochures were included in all above towns' rate notices from July 2006, providing an update on progress for 6 town centres, and inviting email or phone contact with Council on their planning.
- DLEP DDGP exhibition Sept06 Pymble - **6,362**
- Planning for Pymble Centre re RTC Jul06 - 798
- Planning for Pymble - landowners - 181
- Pymble Centre land use plan May06 - 43
- Pymble centre recommended draft land use plan Apr06 - 716
- Total letters issued on town centre planning, as above ... **some 46,500**
- In October / November, some further 5000 letters will have been sent about planning for the 6 town centres.

# Report on Public Hearing

Draft Ku-ring-gai Local Environmental  
Plan 2006 (Town Centres)  
Amendment No.2

Reclassification of Community Land  
As Operational Land

PYMBLE CENTRE

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November 2006

A06047-1.TPR

## Table of Contents

<b>1.0</b>	<b>Introduction</b>	<b>1</b>
<b>2.0</b>	<b>Background</b>	<b>3</b>
<b>3.0</b>	<b>Public Hearing Details</b>	<b>6</b>
<b>4.0</b>	<b>Context of Considerations</b>	<b>7</b>
<b>5.0</b>	<b>Land Proposed for Reclassification</b>	<b>9</b>
5.1	Site 1: 1 Alma Street	9
5.2	Site 2: 2 Alma Street	10
5.3	Site 4: 65 Grandview Street	11
5.4	Site 5: Part of Post Office Lane	12
5.5	Site 6: 1186-1188 Pacific Highway	13
5.6	Site 7: 1192 Pacific Highway	14
<b>6.0</b>	<b>Submissions to Public Hearing</b>	<b>15</b>
6.1	Overview	15
6.2	Extent of Development in the Centre	15
6.3	Need for the Reclassification of Land	19
6.4	Effects of Reclassification	21
6.5	Lack of Information and Consultation	23
6.6	Financial Issues Relating to Reclassifications	24
6.7	Inappropriate Classifications	26
<b>7.0</b>	<b>Recommendation</b>	<b>30</b>



## 1.0 Introduction

This report reviews the proposal contained in draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Amendment No.2 (draft LEP)* to reclassify the following six (6) parcels of land in the Pymble Centre from “community land” to “operational land” under the terms of the *Local Government Act 1993 (LGA 1993)*:

- Site 1 - 1 Alma Street
- Site 2 - 2 Alma Street
- Site 4 - 65 Grandview Street
- Site 5 - Part of Post Office Lane
- Site 6 - 1186-1188 Pacific Highway
- Site 7 - 1192 Pacific Highway

The draft *LEP* was prepared in response to a Direction that was made to Council by the *Minister for Planning* on 27 May 2004, under the terms of Section 55(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway within specified residential and business zones.

The Direction required the draft *LEP* to address principles relating to:

- the broadening of housing choice, by facilitating multi-unit housing and “shop-top” housing;
- the more efficient use of existing infrastructure and services; and
- the revitalisation of existing retail/commercial areas.

All of the sites are currently classified as “community land” under the terms of the *LGA 1993*.

*LGA 1993* requires public land to be classified as either “community land” or “operational land” and makes specific provision for its reclassification from “community land” to “operational land” to enable Councils to rationalise the use of their land resources to best meet the needs of their community.

The draft *LEP* prepared by Council comprised the following two (2) basic elements:

- the rezoning of land within the Pymble Centre to satisfy the requirements of the *Minister's* Direction; and
- the reclassification of Council-owned land as “operational land” to facilitate its incorporation into the restructuring and redevelopment of the Centre.

The draft *LEP* was certified, under Section 65 of the *EP&A Act*, on 22 September 2006 by Council's Manager Urban Planning to enable its public exhibition in accordance with Section 66 of the *Act*.

Council also prepared draft *Ku-ring-gai Town Centres Development Control Plan 2006 (Pymble Centre)*, (draft *DCP*), to provide:

- more detailed provisions than those contained in the draft *LEP*; and
- a planning framework for the future development of the Centre.

The draft *DCP* conceptualises the future structure and form of the Centre and enables an assessment to be made of whether the development facilitated by the draft *LEP* would meet the outcomes sought by the *Minister's* Direction.

The draft *DCP* was exhibited in conjunction with the draft *LEP*.

The existing zoning designation of the sites to be reclassified, which predominantly permits residential or retail/commercial development, is to remain unaltered, with the exception that:

- Site 1 is to be rezoned from Residential "D3" to Business Zone B2 - Local Centre;
- Site 6 is to be rezoned from Special Uses "A" (Municipal Purposes) to Residential R4 - High Density Residential; and
- Site 7 is to be rezoned from Residential "C" to Residential R4 - High Density Residential.

The draft *LEP* and draft *DCP* were publicly exhibited between 25 September and 24 October 2006.

Ten (10) written submissions were received concerning the proposed reclassification of Council's land, together with a petition containing 982 signatures opposing its reclassification.

Council is required, under the terms of Section 29 of the *LGA 1993*, to hold a public hearing concerning any proposal to reclassify land in the manner proposed.

The holding of the public hearing was notified in the *North Shore Times* on 22 September 2006.

I have been commissioned to conduct the hearing independently of Council and to make recommendations to Council as to the course of action to be taken concerning the reclassification of the land as proposed in the draft *LEP*.

I have inspected the sites.

## 2.0 Background

The concept of the classification of Council-owned land was introduced with the making of the *LGA 1993* on 1 July 1993.

There was no precedent for public land classification or how land should be classified in NSW prior to 1993.

Section 25 of the *LGA 1993* requires all land owned by Council to be classified as either "*community land*" or "*operational land*".

The purpose of classifying land is to clearly identify land which should be kept for community use.

"*Community land*" represents land which needs to be kept for community use because of its use or special features and is land that:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over it for more than twenty-one (21) years; and
- must have a plan of management prepared for it.

On the other hand, "*operational land*" is land to which no special restrictions apply and which may be sold by Council.

Clause 6(2) of Schedule 7 of the *LGA 1993* provided that the following categories of land were required to be classified as "*community land*" when the *Act* commenced operation in 1993:

- public reserves;
- land held in trust for a public purpose;
- land dedicated as a condition of development consent under Section 94 of the *EP&A Act*;
- land designated in an environmental planning instrument as open space;
- land vested in the Department of Planning (*DoP*) and controlled by Council.

All of the sites are currently classified as "*community land*" under the terms of the *LGA 1993*.

Section 27 of the *LGA 1993* provides for the reclassification of public land by the preparation of a local environmental plan.

This only applies to the reclassification of "*community land*" to "*operational land*", as public land can be reclassified from "*operational land*" to "*community land*" by a resolution of the Council under the terms of Section 33 of the *Act*.

The draft *LEP* prepared to reclassify the sites as "*operational land*" was certified under Section 65 of the *EP&A Act* on 22 September 2006 by Council's Manager Urban Planning to enable its public exhibition in accordance with Section 66 of the *Act*.

The reclassification of “community land” and the plan making process require the community consultation process specified in the *Environmental Planning and Assessment Regulation 2000 (Regulations)* to be carried out and for a public hearing, under the terms of Section 29 of the *LGA 1993*, to be held.

Clause 12 of the *Regulations* requires public notice to be published of the exhibition of a draft plan no later than the start of the exhibition.

The public notice of the exhibition the draft *LEP* was published in the *North Shore Times* on 22 September 2006.

In addition, Council notified the exhibition of the draft *LEP* to:

- all owners of land within the Pymble post code, by letter dated 21 September 2006;
- all owners of land within the Centre whose land was affected by the draft *LEP*, by letter dated 21 September 2006;
- all of the businesses that Council was able to identify that operated in the Centre; and
- some six hundred (600) people who had registered an interest on Council's website concerning the planning of the Centre.

Details of the exhibition were also available on Council's website.

Clause 13 of the *Regulations* requires a draft plan to be publicly exhibited for at least twenty-eight (28) days.

The draft *LEP* was publicly exhibited between 25 September and 24 October 2006.

Ten (10) written submissions were received concerning the proposed reclassification of Council's land.

In addition, a petition containing 982 signatures was submitted which:

- opposed the proposed reclassifications;
- indicated that all of the land proposed to be reclassified should be retained in public ownership, used to provide open space and used to enhance the areas for past, present and future generations; and
- indicated that people had been inadequately informed of Council's intention to reclassify the land and the ramifications of reclassification.

Council is required, under the terms of Section 29 of the *LGA 1993*, to hold a public hearing concerning any proposal to reclassify land in the manner proposed.

Section 47G(2) of the *LGA 1993* provides that the person presiding at the public hearing must not be:

- a Councillor or an employee of the Council holding the public hearing; or
- a person who has been a Councillor or an employee of that Council at any time during the 5 years before the date of appointment.

In accordance with this provision, I have been commissioned by Council to conduct the public hearing relating to the reclassification of land proposed in the draft *LEP*.

The purpose of the hearing is to provide an opportunity for people to make submissions concerning the proposed reclassifications and/or to elaborate on any written submission that was made to Council following the exhibition of the draft *LEP*.

It is my role to assess the submissions and matters raised at the public hearing and, independently of Council, to make recommendations as to the course of action to be followed.

Notice of the public hearing was published in the *North Shore Times* on 22 September 2006.

The notification requested people seeking to address the hearing to advise Council by 18 October 2006.

I have reviewed the Council's records and I am satisfied that the appropriate steps have been taken to give notice of:

- the draft *LEP*; and
- the public hearing.

Prior to the hearing, I inspected the lands to be reclassified.

### **3.0 Public Hearing Details**

The venue of the public hearing was advertised in the *North Shore Times* on 22 September 2006 as being the Council Chambers, Level 3, 818 Pacific Highway, Gordon.

The hearing was conducted on Thursday, 26 October 2006.

The hearing opened at 7.00pm.

The hearing opened with an explanatory overview of the proposed reclassifications by Council's Director Open Space & Planning, Steven Head.

Following this, the following people addressed the hearing:

- Mr. Giles Tabuteau, 1 Wellesley Road, Pymble - Convenor of the Friends of Pymble;
- Mrs. Laura Bennett, 4 Rawson Crescent, Pymble;
- Mrs. Ann Carroll, 36 Karranga Avenue, Killara;
- Mrs. Janine Kitson, 18 Mount Ida Street, Gordon;
- Mrs. Janet Farlie-Cunninghame, 29a Orinoco Road, Pymble;
- Mr. Paul Cooper, 21 Avon Road, Pymble, representing the Pymble Action Group for the Environment;
- Mr. Peter Chorley, 51 Dumaresq Street, Gordon;
- Mrs. Janet Harwood, 8 Timaru Street, Pymble; and
- Mr. Alan Parr, 42 Water Street, Wahroonga - President of Friends of Turramurra Inc.

The hearing closed at 10.30pm.

## 4.0 Context of Considerations

The draft *LEP* was prepared in response to a Direction that was made to Council by the *Minister for Planning* on 27 May 2004 to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway within specified residential and business zones.

The Direction required the draft *LEP* to address principles relating to:

- the broadening of housing choice, by facilitating multi-unit housing and “shop-top” housing;
- the more efficient use of existing infrastructure and services; and
- the revitalisation of existing retail/commercial areas.

The exhibited draft *LEP* comprised the following two (2) basic elements:

- the rezoning of land within the Centre to satisfy the requirements of the *Minister’s* Direction; and
- the reclassification of Council-owned land as “operational land” to facilitate its incorporation into the restructuring and redevelopment of the Centre.

The draft *DCP*, which was exhibited in conjunction with the draft *LEP*, provided more detailed provisions to those contained in the draft *LEP* and a planning framework for the future development of the Centre.

The draft *DCP* conceptualises the future structure and form of the Centre and enables an assessment to be made of whether the development facilitated by the draft *LEP* would meet the outcomes sought by the *Minister’s* Direction.

The basic elements of the draft *DCP* are:

- a vision statement of the desired future character of the Centre;
- objectives and strategies that address issues such as land use, open space and links, built form, street character and heritage;
- public domain controls that identify public open spaces to be established and physical form and character of streets;
- primary development controls relating to:
  - site amalgamations;
  - building lines;
  - awnings;
  - active street frontages; and
  - site specific built form controls for a number of distinct precincts within the Centre, including height and building envelope controls; and

- a suite of general development controls.

The purpose of this public hearing is not to examine the appropriateness or otherwise of the zonings proposed in the draft *LEP* nor to assess the nature and form of development fostered and promoted by the draft *DCP*.

These documents do, however, provide a context for the future structure within which future development is expected to occur in the Centre.

The rationalisation and effective management of a Council's land resources are consistent with contemporary government management and practice.

The reclassification of land from "*community land*" to "*operational land*" is specifically provided for in Section 27 of the *LGA 1993* so as to enable a Council, subject to appropriate checks and balances provided by a community consultation process, to undertake such a rationalisation.

The community consultation process is important in assisting with the making of decisions concerning the reclassification of the land.

The underlying purposes of the reclassifications are:

- to enable Council's land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council and to achieve the benefits to the community that flow from that action; and
- to achieve a residential form consistent with the nature of development permissible on surrounding properties and provide additional housing opportunities.

In this regard, the reclassification of Sites 1, 2, 4 and 5 are to be used in the context of the restructure and redevelopment of the Centre, while the reclassification of Sites 6 and 7 is aimed at making more efficient use of the available land resources.



## 5.0 Land Proposed for Reclassification

### 5.1 Site 1: 1 Alma Street

<b>Parcel Address:</b>	1 Alma Street, Pymble		
<b>Parcel Description:</b>	Lot 19, DP 5528 and Lot 4, DP 307623		
<b>Area of Land:</b>	1,409m <sup>2</sup>	<b>Date of Acquisition:</b>	1995
<b>Method of Acquisition:</b>	Private treaty using Car Parking Fund and Section 94 Contributions		
<b>Purpose of Acquisition:</b>	Car Parking		

#### Classification Details:

<b>Current:</b>	Community Land	<b>Proposed:</b>	Operational Land
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#### Zoning Details:

<b>Ku-ring-gai Planning Scheme:</b>	Residential "D3"
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<b>Proposed Change under this Plan:</b>	Business B2 - Local Centre
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#### Improvements on Parcel:

The land is undeveloped.

There is landscaping and a pathway through it which provides access from the car park to the east of it to Alma Street.

Surrounding development involves:

- a dwelling house setback significantly from the common boundary to the north;
- a public car park (Site 3) to the east;
- Grandview Lane and the rearward section of retail/commercial properties fronting Grandview Street to the south;
- a car park (Site 2), Park Crescent and Robert Pymble Park to the west on the opposite side of Alma Street.

## 5.2 Site 2: 2 Alma Street

**Parcel Address:** 2 Alma Street, Pymble

**Parcel Description:** Lot A, DP 302332

**Area of Land:** 622m<sup>2</sup> **Date of Acquisition:** 1981

**Method of Acquisition:** Acquired by private treaty using Car Parking Fund

**Purpose of Acquisition:** Car Parking

### **Classification Details:**

**Current:** Community Land

**Proposed:** Operational Land

### **Zoning Details:**

**Ku-ring-gai Planning Scheme:** Business 3(a) - A2 Retail Services

**Proposed Change under this Plan:** Business B2 - Local Centre

### **Improvements on Parcel:**

The land contains a bitumen paved car park accommodating fourteen (14) cars and landscaping.

Surrounding development involves:

- the rearward section of the retail/commercial property on 89 Grandview Street to the west;
- the rearward section of retail/commercial properties on 85-87 Grandview Street to the south;
- Robert Pymble Park to the north on the opposite side of Park Crescent; and
- retail/commercial property on 81 Grandview Street, Grandview Lane and the vacant land comprising Site 1 to the east on the opposite side of Alma Street.

The primary role of the land is to provide car parking associated with the Centre.

### 5.3 Site 4: 65 Grandview Street

**Parcel Address:** 65 Grandview Street, Pymble  
**Parcel Description:** Lot 23, DP 791208  
**Area of Land:** 104m<sup>2</sup> **Date of Acquisition:** 1968  
**Method of Acquisition:** Transferred to Council as a condition of Development Consent  
**Purpose of Acquisition:** Public Pathway

**Classification Details:**

**Current:** Community Land **Proposed:** Operational Land

**Zoning Details:**

**Ku-ring-gai Planning Scheme:** Business 3(a) - A2 Retail Services

**Proposed Change under this Plan:** Business B2 - Local Centre

**Improvements on Parcel:**

The land is used to provide a concrete pathway from Grandview Street to Grandview Lane.

The pathway is some 2m wide and includes a number of steps at its southern end adjacent to Grandview Street.

Development to the east and west of the pathway comprises retail/commercial developments front Grandview Street.

The primary role of the land is to provide public access from Grandview Street to Grandview Lane.

## 5.4 Site 5: Part of Post Office Lane

**Parcel Address:** Part of Post Office Lane

**Parcel Description:** Lot 2, DP 582963

**Area of Land:** 63.6m<sup>2</sup> **Date of Acquisition:** 1976

**Method of Acquisition:** Not known

**Purpose of Acquisition:** Not known

### **Classification Details:**

**Current:** Community Land

**Proposed:** Operational Land

### **Zoning Details:**

**Ku-ring-gai Planning Scheme:** Business 3(a) - A2 Retail Services

**Proposed Change under this Plan:** Business B2 - Local Centre

### **Improvements on Parcel:**

The land is used to provide access to the rear of 103 and 105 Grandview Street from Post Office Lane.

Physically the land appears to be subsumed into those properties.

Surrounding development involves:

- a heritage-listed dwelling house on 4A Park Crescent to the north;
- the rearward section of retail/commercial properties on 101-105 Grandview Street to the south and east; and
- Post Office Lane to the west.

The primary role of the land is to provide access to the rear of 103 and 105 Grandview Street.

## 5.5 Site 6: 1186-1188 Pacific Highway

**Parcel Address:** 1186-1188 Pacific Highway, Pymble

**Parcel Description:** Lot 1, DP 86583

**Area of Land:** 5,456m<sup>2</sup> **Date of Acquisition:** 1989

**Method of Acquisition:** Private treaty using General Revenue

**Purpose of Acquisition:** Community Purposes

### **Classification Details:**

**Current:** Community Land

**Proposed:** Operational Land

### **Zoning Details:**

**Ku-ring-gai Planning Scheme:** Special Uses "A" (Municipal Purposes)

**Proposed Change under this Plan:** Residential R4 - High Density Residential

### **Improvements on Parcel:**

The land contains two (2) buildings listed as "*heritage items*" in Part 2 of Schedule 7 of the *Ku-ring-gai Planning Scheme*.

The buildings comprise:

- a one (1)/part two (2) storey building comprising the Ku-ring-gai Town Hall; and
- a two (2) storey brick building occupied as the Pymble Presbytery Arts Administration Centre.

There is an at-grade bitumen paved car park in the rear setback area adjacent to the North Shore Railway Line.

Surrounding development involves:

- dwelling houses on 1190-1190A Pacific Highway to the west;
- a multi dwelling housing complex to the east;
- the North Shore Railway Line to the south; and
- retail/commercial properties and a multi dwelling housing complex to the north on the opposite side of the Pacific Highway.

The primary role of the land is to provide community facilities.

## 5.6 Site 7: 1192 Pacific Highway

**Parcel Address:** 1192 Pacific Highway, Pymble  
**Parcel Description:** Lot 8, DP 30236  
**Area of Land:** 973.8m<sup>2</sup> **Date of Acquisition:** 1979  
**Method of Acquisition:** Private treaty using Trust Funds - Open Space Contributions  
**Purpose of Acquisition:** Open Space

### Classification Details:

**Current:** Community Land **Proposed:** Operational Land

### Zoning Details:

**Ku-ring-gai Planning Scheme:** Residential "D3"  
**Proposed Change under this Plan:** Residential R4 - High Density Residential

### Improvements on Parcel:

The land is largely vacant.

There is an elevated structure adjacent to the land's Pacific Highway boundary that appears to be the remains of a garage.

Surrounding development involves:

- housing in the form of dwelling houses fronting Clydesdale Place to the west;
- dwelling houses on 1190-1190A Pacific Highway to the east;
- the North Shore Railway Line to the south; and
- Telegraph Road and retail/commercial development fronting the Pacific Highway to the north on the opposite side of the Highway.

The land is not readily accessible, however, its primary role is to provide open space.

## 6.0 Submissions to Public Hearing

### 6.1 Overview

The written and oral submissions to the public hearing have raised the following broad issues concerning the proposed reclassifications:

- the extent of development to be permitted in the Centre as a result of Council's plans;
- the lack of need for the land to be reclassified;
- the effects of the proposed reclassifications;
- the lack of adequate information that was made available and the lack of a satisfactory community consultation process;
- financial issues relating to the proposed reclassifications; and
- the inappropriateness of the proposed reclassifications.

A more detailed summary of the submissions that were made is as follows.

### 6.2 Extent of Development in the Centre

The following issues have been raised concerning the redevelopment contemplated by the draft *DCP*:

- the extent, nature and physical form of redevelopment promoted by the draft *LEP* and draft *DCP*;
- the intensity of redevelopment in the Centre is excessive;
- the proposed reclassifications aid and abet the overdevelopment of the Centre;
- the extent of development facilitated by Council's plans far exceeded the requirements of the State Government as expressed in the Minister's Direction and represented an overdevelopment of the Centre;
- the retention of the land proposed to be reclassified as "*community land*" would have little impact on the overall density of development in the Centre; and
- State Government development policies are having a detrimental effect on the character of Ku-ring-gai in terms of its natural and man-made environments.

**Consideration of Submissions/Comment:**

**Role of the Draft LEP**

The context for the future redevelopment of the Centre is created by the Minister's Direction issued on 27 May 2004.

The draft *LEP* represents an amendment to draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* to reflect development in the Pymble and Gordon Centres.

The aims of draft *Ku-ring-gai Local Environmental Plan 2006 (Town Centres)* are:

- (a) a unique village character for each town centre;
- (b) high quality and environmentally sustainable urban and architectural design;
- (c) retention and enhancement of Ku-ring-gai's landscape character;
- (d) protection of Ku-ring-gai's built heritage;
- (e) town centres that enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community;
- (f) housing choice within Ku-ring-gai's town centres;
- (g) an accessible and efficient traffic, transport and parking system;
- (h) safety and access for pedestrians, cyclists and public transport users;
- (i) a network of high quality parks and urban spaces that cater for a range of community needs; and
- (j) community facilities that cater to the needs of a diverse population.

Relevantly, the draft *LEP*:

- addresses desired future land use by zoning land to achieve the outcomes sought by the Minister's Direction; and
- proposes the reclassification of Sites 1, 2 and 4 to 7 from "*community land*" to "*operational land*".

The draft *LEP* involves the following rezonings of the land to be reclassified:

- Site 1 is to be rezoned from Residential "D3" to Business Zone B2 - Local Centre;
- Sites 2, 4 and 5 are to be rezoned from Business 3(a) - A2 Retail Services to Business Zone B2 - Local Centre;
- Site 6 is to be rezoned from Special Uses "A" (Municipal Purposes) to Residential R4 - High Density Residential; and
- Site 7 is to be rezoned from Residential "C" to Residential R4 - High Density Residential.



The objectives of the Business B2 - Local Centre zone to be applied to Sites 1, 2, 4 and 5 are:

- to provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area;
- to encourage employment opportunities in accessible locations;
- to maximise public transport patronage and encourage walking and cycling;
- to integrate residential development with retail and commercial development that is compatible with the village character of the centre;
- to provide community facilities that service the needs of the local community and are accessible by residents; and
- to provide a vibrant and pleasant public domain.

Development for a wide range of uses is permissible with Council's consent in this zone, including car parks, business premises, community facilities, entertainment facilities, mixed use development, multi dwelling housing, office premises, retail premises and shop top housing.

The objectives of the Residential R4 - High Density Residential zone to be applied to Sites 6 and 7 are:

- to provide for the housing needs of the community within a high density residential environment;
- to provide a variety of housing types within a high density residential environment;
- to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- to provide housing that is compatible with the existing environmental character of Ku-ring-gai and the desired future character of the locality;
- to provide buildings within a landscape setting;
- to provide a comfortable living environment for residents; and
- to appropriately integrate commercial land uses into residential areas adjacent to town centres.

Development for the following purposes is permissible with Council's consent in this zone:

- Residential : bed and breakfast accommodation, boarding houses, home industries, home occupations, multi dwelling housing, residential flat buildings and shop top housing
- Community: community facilities, educational establishments, hospitals, places of public worship, recreation areas, schools and telecommunications facilities
- Non Residential: child care centres, medical centres and neighbourhood shops.

The explanatory notes accompanying the exhibition of the draft *LEP* indicate that this land use framework has been established to “*guide and direct incremental change over the next 30 years*”.

### **Role of the Draft DCP**

The detailed planning controls relating to the redevelopment of the Centre are contained in the draft *DCP*.

The vision statement for the Centre expressed in the draft *DCP* envisages:

- the Centre being a small village centre serving the needs of local residents, offering a viable mix of uses including shop top housing, small offices, a supermarket and a variety of retail outlets complemented by local community and medical services;
- the enhancement of Robert Pymble Park and its use as the focus for community life;
- the concentration of the village between Post Office and Alma Streets; with cafés and restaurants facing the Park;
- better and safer links from Grandview Street to the Park;
- the enhancement of the public domain in the Centre and its accessibility;
- improved and increased parking; and
- higher density housing in close proximity to the rail and road corridor.

To achieve these outcomes, the draft *DCP* provides for a restructure of the retail/commercial precincts of the Centre based on proposed site amalgamations, the establishment of a new access network and building envelope controls.

It is not the role of this hearing to determine the appropriateness, or otherwise, of the extent, nature and form of the redevelopment contemplated by the draft *DCP*.

It is, however, appropriate to consider the role of Council-owned land in the context of the restructuring and redevelopment of the Centre, in whatever form it might take.

### 6.3 Need for Reclassification of Land

The following issues have been raised concerning the lack of need for the proposed reclassifications:

- the onus rests with Council to justify the reclassifications and alienation of “community land” and no reasons have been given for the proposed reclassifications;
- an “operation land” classification should only be applied where the need for such a classification has been clearly demonstrated;
- the cumulative effect of the reclassification of Council-owned land in all of the Town Centres should have been addressed by Council on a wholistic basis rather than on a centre by centre approach;
- the Minister’s Direction did not mandate the reclassification of the land to achieve the development outcomes of the directive;
- the reclassifications are not required to meet the State Government’s development targets;
- development that is to take place as a result of Council’s plans will increase the demand for community facilities and the land to be reclassified is required to satisfy future community needs;
- the land should be kept for use by future generations and to ensure inter-generational equity;
- Council has not demonstrated that the sale of the land is required to provide new community facilities;
- Council does not have any concrete plans for the range of community facilities to be established in the Centre;
- the amount of “community land” available should comply with the standards elsewhere in NSW;
- the “community land” classification provides a special status to the land;
- “community land” should not be sold off because there is too little of it;
- there is social and economic importance for the retention of “community land” for open space purposes;
- the land to be reclassified is ideally placed to provide community facilities within the Centre; and
- there is no community benefit or support for the proposed reclassifications.

**Consideration of Submissions/Comment:**

The land to be reclassified falls into the following two (2) distinct categories:

- land involved in the restructure and redevelopment of the retail/commercial precincts in the Centre, namely Sites 1, 2, 4 and 5; and
- land outside the retail/commercial precincts on which Council's plans seek to increase residential densities in a manner consistent with surrounding properties, namely Sites 6 and 7.

The information contained in the *Best Practice Guideline Information for Council Land - Overview* exhibited by Council indicated that:

- the *"Plan will provide a framework for development over 20 years or more"*;
- the draft *LEP* would facilitate the future redevelopment of the Centre and *"Council's sites are well located within the centre and its surrounds to be utilised in this process"*; and
- *"Council's lands can be utilised in this process in association with private land holdings"* and *"allow the future development to proceed efficiently"*.

Consequently, the underlying purpose of the reclassifications of Sites 1, 2, 4 and 5 is to enable Council's land to be used as a catalyst for the restructure and redevelopment of the Centre in the form that is ultimately decided by Council to be appropriate and to achieve the benefits to the community that flow from that action.

The planning framework designed to facilitate this redevelopment is extensive and is contained in the draft *LEP* and the draft *DCP*.

Council's plans rely heavily on site amalgamations to achieve the restructure and redevelopment of the Centre in the manner contemplated by the draft *DCP*.

For example, Site 2 needs to be consolidated with surrounding properties fronting Grandview Street to facilitate the construction of the laneway proposed to connect Post Office Street to Alma Street and the subsequent redevelopment of the land as envisaged by the draft *DCP*.

The use and rationalisation of Council's land resources to facilitate this restructuring and redevelopment of the Centre is implicit in the proposed planning regime and is justified on this basis.

The need to reclassify Sites 6 and 7 appears to relate more to the achievement of a residential form consistent with the nature of development permissible on surrounding properties rather than being significant to the overall structure of the Centre.

These sites form part of the community and open space infrastructure in this locality and, at this stage, I do not believe that the need for their reclassification has been adequately justified.

This issue will be addressed in Section 6.7 of this report in relation to the appropriate classification of the sites.

I have not been able to find any evidence that indicates that information has been provided that the reclassifications were proposed to comply with the *Minister's* Direction.

The assertions that the reclassification of the land was not required by the Minister's Direction and that the reclassification is not required to meet the State Government's development targets are valid.

However, the Minister's Direction does require a more intense development form in the Centre and the draft *DCP* provides the structural reforms required in the Centre to satisfactorily accommodate this redevelopment.

I believe that it is appropriate for Council to consider the use of its land resources and classifications on a centre by centre basis.

The amount of "*community land*" available in any town centre is not important and there are no generally accepted standards for the level of "*community land*" to be attained.

What is important is that community needs are satisfied and appropriately located and adequate land is available to satisfy these needs.

In this regard, Council should adopt specific car parking and community facilities policies for the Centre, prior to proceeding with the proposed reclassifications, which ensure that existing public car parking capacity is to be at least maintained at current levels and to ensure that community facilities are provided to meet community's needs and standards in the restructured Centre.

Sites 1, 2, 4 and 5 are either used or earmarked for use for car parking and access.

The land on which these facilities are provided has no unique or special characteristics that make it more suitable than other land or facilities that could provide the same level of utility to the community.

In conclusion, the reclassification of Sites 1, 2, 4 and 5 can be justified.

## **6.4 Effects of Reclassification**

The following issues have been raised concerning the effects of the proposed reclassifications:

- reclassifications and sale of the land will result in the loss of future opportunities for it to be used for community purposes;
- the reclassifications would result in all strategically located land in the centre being sold off;
- Council has adopted a blanket policy that will see all of the publicly-owned land reclassified and alienated from public use;
- the reclassifications would lead to a loss of open space;
- the land should not be reclassified until other land is acquired by Council to replace it and the proposal should not result in any net loss in the amount of "*community land*" that is available;

- the proposed reclassifications represent a significant loss of “community land” in the Centre for little benefit in terms of increased development outcomes;
- community control and its ability to influence development outcomes would be lost if the land was reclassified and private ownership of the sites would result in destruction of the natural environment;
- the reclassification of land will reduce the security of tenure of the land and remove the guarantee that it will remain in public ownership and available for use for community purposes; and
- the reclassification will remove safeguards which will allow the land to be sold off without any further community scrutiny.

**Consideration of Submissions/Comment:**

The dimension and location of Sites 1, 2, 4 and 5 is such that they would have limited utility in their own right to facilitate community uses and the sites have no unique or special characteristics that make them more suitable than other land for facilities that could provide the same level of utility to the community elsewhere in the Centre.

The controls for development in Precinct A, contained in Section 4.2.1 in the draft *DCP*, indicate the establishment of community facilities in the area on the south-western corner of Alma Road and Park Crescent.

These facilities are to be largely located on Site 2, however, the nature of these facilities is yet to be defined.

As I have indicated in the preceding section, Council should adopt specific car parking and community facilities policies for the Centre, prior to proceeding with the proposed reclassifications, which ensure that existing public car parking capacity is to be at least maintained at current levels and to ensure that community facilities are provided to meet community's needs and standards in the restructured Centre.

Issues relating to the amount of “community land” available in the Centre have also been addressed in the preceding section of this report.

The reclassifications will enable Council's land to be sold, however, the reclassification does not, of itself, oblige Council to sell off the land for redevelopment.

It is expected Council would use its standing as owner of the land to negotiate the inclusion of its land into an amalgamated site for redevelopment on the basis of achieving the best outcome for the local community and in the best interests of the community.

Should Council ultimately find that there is no public benefit in incorporating its land into the redevelopment of the Centre or decide that the public interest is best served by retaining the land for community use, Section 33 of the *LGA 1993* enables Council to resolve that public land classified as “operational land” can be reclassified as “community land”.

The reclassification of Sites 1, 2, 4 and 5 will not have any adverse effect on Council's ability to control or influence redevelopment in the Centre.

It is, in fact, more likely to enhance its ability to do so.

## **6.5 Lack of Information and Consultation**

The following issues have been raised concerning the lack of information and community consultation regarding the proposed reclassifications:

- the exhibition of the proposed reclassifications and the notice of the public hearing occurred during a school holiday period;
- there was a lack of notification of the public hearing;
- not all information associated with the draft *LEP* and the draft *DCP* was available on Council's website;
- there was a lack of information given to the community concerning the development outcomes resulting from the proposed reclassifications;
- information relating to the proposed reclassifications was difficult to access;
- the only detail that was provided in the notifications was that information could be accessed via the Internet, which was not available to everyone;
- Council's misuse of confidentiality provisions to prevent material being publicly available until the latest possible time, as issues relating to the reclassifications and sale of land have been discussed by Council since February 2005; and
- the process has lacked transparency.

### ***Consideration of Submissions/Comment:***

The draft *LEP* and draft *DCP* provide an extensive matrix of controls to guide the future redevelopment of the Centre.

Council has attempted to provide as much information as it considered necessary to facilitate a satisfactory community consultation process.

There can always be some shortcomings in the extent and breadth of information provided, particularly when plans are as extensive and comprehensive as those proposed in this case.

I have reviewed the information that was provided and, while some improvements could have been made, the extent of material that was provided was reasonable to enable effective community input.

This is to some extent evidenced by the quality of the submissions that have been received concerning the reclassification proposals.

The details of Council's notification of the draft *LEP* and the convening of the public hearing have been outlined in Sections 2 and 3 of this report.

It is not uncommon for planning policies to go through continual iterations and revisions before a Council adopts policies it wishes to put before the local community for its consideration.

It is also not uncommon for information and options considered prior to the adoption of those policies not to be made available during the community consultation process associated with the adopted policy.

It would be reasonable to say that the extent to which Council has attempted to engage the community far exceeds its minimum statutory obligations.

In my opinion, sufficient information was available to enable scrutiny of Council's proposal and Council made adequate attempts to engage the local community on the issues raised in relation to the proposed reclassifications.

## **6.6 Financial Issues Relating to Reclassifications**

The following financial issues have been raised in respect of the proposed reclassifications:

- there are funding mechanisms, other than land sale, that could be used to facilitate the establishment of new community facilities;
- the underlying purpose of the proposed reclassification was to finance the construction of new community facilities;
- Council has not provided any financial analysis of the benefits to the community arising from the proposed reclassifications;
- Council has denied its intention to sell off the land to be reclassified; and
- the concept of the future reclassification of some of the sites as "*community land*" upon the completion of redevelopment has never been considered by Council.

### **Consideration of Submissions/Comment:**

The information contained in the *Best Practice Guideline Information for Council Land - Overview* exhibited by Council indicated that:

- the draft *LEP* would facilitate the future redevelopment of the Centre and "*Council's sites are well located within the centre and its surrounds to be utilised in this process*"; and
- "*Council's lands can be utilised in this process in association with private land holdings*" and "*allow the future development to proceed efficiently*".

It is evident from this material that Council's land is to be used to facilitate the redevelopment of the Centre "*in association with private land holdings*" and to allow for future redevelopment to proceed efficiently.

Council's plans rely heavily on site amalgamations to achieve the restructure and redevelopment of the Centre as contemplated by the draft *DCP*.

It is expected Council would use its standing as owner of the land to negotiate the inclusion of its land into amalgamated sites for redevelopment on the basis of achieving the best outcome for the local community.



A detailed cost/benefit analysis will need to be prepared as a basis for negotiation if and when Council proposes to include its land in a redevelopment scheme and the specific nature of such a scheme is determined so as to ensure that the inclusion of the land in the scheme provides appropriate community benefits.

It is, therefore, reasonable to assume that Council may, at some future time, divest itself of the land to achieve an appropriate outcome for the local community.

However, there is no evidence to suggest that Council intends to sell the land upon reclassification solely for the purpose of obtaining funds to establish new parking and community facilities.

It is appropriate for Council to rationalise the use of its land resources to facilitate a structural reform of the Centre.

If a satisfactory community benefit is not achieved, Council is not obliged to divest itself of its land assets because of the reclassifications proposed.

Should Council ultimately find that there is no public benefit in incorporating its land into the redevelopment of the Centre or decide that the public interest is best served by retaining the land for community use, Section 33 of the *LGA 1993* enables Council to resolve that public land classified as “*operational land*” can be reclassified as “*community land*”.

The consideration of any future reclassification of the land as “*community land*” should not influence whether or not the land should be reclassified as “*operational land*” at this point in time.

## 6.7 Inappropriate Classifications

The following issues have been raised concerning the inappropriateness of the reclassifications proposed:

### Site 1:

- the land is more appropriate for residential use;
- the land should be added to Robert Pymble Park as a “pocket” park; and
- if the land is to be used for parking, as indicated on Council’s plans, there is no need for it to be reclassified.

### **Consideration of Submissions/Comment:**

The land was acquired by in 1995 for car parking purposes.

The draft *DCP* envisages the realignment of Grandview Lane to improve the intersection of the Lane with Alma Street and Park Crescent and the provision of at-grade parking on the land.

The use of the land in conjunction with Robert Pymble Park is problematical in the context of its dimensions and its separation from the Park by Alma Street.

It would not be inappropriate to assign either a “*community land*” or an “*operation land*” classification to land used for car parking purposes.

As Council intends to maintain a “*community land*” classification on the adjoining at-grade parking area to the east on Site 3, it would be logical for Site 2 to be classified in a similar manner.

### Site 2:

- the land should be added to Robert Pymble Park as a “pocket” park;
- the use of the land as a park would open up the vista to Robert Pymble Park and provide a gateway to it;
- the land provides vital parking for the strip shopping facilities offered in the Centre;
- there is no guarantee of the future replacement of the parking in the proposed new laneway and Grandview Street; and
- the site represents the only site which could be used for the provision of new community facilities.

**Consideration of Submissions/Comment:**

The use of the land in conjunction with Robert Pymble Park is problematical in the context of its dimensions and its separation from the Park by Park Crescent.

The land has more of a relationship with development on surrounding land in the block bounded by Park Crescent, Alma Street, Grandview Street and Post Office Street than with the Park.

The one-way traffic restriction in Alma Road, north of Park Crescent, limits any significant community benefit arising from an increased vista of the Park from Alma Street.

The construction of the laneway proposed between Post Office Street and Alma Street and the redevelopment of the land in conjunction with surrounding properties to establish a more interesting streetscape in Park Crescent would appear to provide greater benefits.

The plans in Section 4.2.1 of the draft *DCP* indicate that community facilities are to be included in the redevelopment involving Site 2.

As indicated earlier, Council should adopt specific car parking and community facilities policies for the Centre, prior to proceeding with the proposed reclassifications, which ensure that existing public car parking capacity is to be at least maintained at current levels and to ensure that community facilities are provided to meet community's needs and standards in the restructured Centre.

The reclassification of the land as "*operational land*" is satisfactory subject to the adoption of such policies.

**Site 4:**

- the land should be maintained as a public pathway; and
- if the land is reclassified, there would be no guarantee that public access would be provided between Grandview Street and Grandview Lane.

**Consideration of Submissions/Comment:**

The dimensions and slope of this land make it unsuitable for public access complying with current standards for access by people with a disability.

The existing pathway is some 2m wide and contains stairs at its southern end adjacent to Grandview Street to overcome its slope.

The pedestrian access and circulation controls proposed in Section 2.2.10 of the draft *DCP* identify the need for a public access through this area.

It would be desirable for an improved access to be established.

This would require the use of the land in conjunction with the redevelopment of land to the west of the existing pathway.

The reclassification would enable Council to negotiate with the adjoining owners to achieve this outcome.

In this regard, the reclassification of this land as "*operational land*" is satisfactory.

**Site 5:**

- the land should be retained as “*community land*” to provide a separation between commercial development in Grandview Street and the heritage-listed house situated on 4A Park Crescent; and
- if the land is to be used to provide a new laneway it should be kept as “*community land*”.

***Consideration of Submissions/Comment:***

The plans in Section 4.2.1 of the draft *DCP* indicate that Site 5 is to be amalgamated with the adjoining properties to the south at 99-107 Grandview Street to enable the creation of a laneway linking Post Office Street to Alma Street and the creation of parking off the laneway.

Development in accordance with the draft *DCP* would, therefore, not affect the juxtaposition of the heritage-listed house on 4A Park Crescent and commercial development fronting Grandview Street.

In fact, the inclusion of Site 5 into an amalgamated site would enhance Council's ability to influence the desired development outcome.

In this regard, the reclassification of this land as “*operational land*” is satisfactory.

**Sites 6 and 7:**

**Site 6:**

- the land contains two (2) important heritage-listed buildings and there is no merit in reclassifying this land;
- a suitable curtilage needs to be maintained to retain the heritage significance of the buildings on the land;
- the reclassification of the land would take away opportunities to expand community facilities on the site;
- there is a great degree of historical significance attaching to the land;
- the land provides for an outstanding public vista to the Blue Mountains;
- the land is inappropriate for the construction of six (6) storey buildings, the highest building to be permitted in the Centre;
- it is vital for adequate and convenient car parking on the land to be maintained for use in connection with the use of the public buildings on it; and
- the land is not integral to the operation of the Centre.

**Site 7:**

- the land was acquired by Council in 1979 for the open space purposes and for the establishment of a Sydney Blue Gum High Forest on it; and
- the use of the land for open space purposes would provide visual relief for the more intense development planned by Council in this locality.

***Consideration of Submissions/Comment:***

The plans in Section 4.2.8 of the draft *DCP* indicate that Sites 6 and 7 are to be amalgamated with the adjoining properties to the west at 1190-1190A Pacific Highway to enable the construction of a multi dwelling housing complex of a similar nature to those permitted on land to the east and west of them.

The heritage-listed buildings on Site 6 and the intended use of Site 7 for open space purposes give the sites a special significance which needs to be addressed with some sensitivity in any development that may occur on them.

In particular, an adequate curtilage would need to be maintained for the heritage-listed buildings.

In these circumstances, a greater level of certainty is required of the form of future development to ensure that the heritage values of the buildings are retained and the open space facilities are designed to achieve an optimum outcome for development in this locality.

Consequently, the proposal to reclassify the land as “*operation land*” could not, at this stage, be supported.

This should not be construed as precluding some future reclassification or redevelopment of the land for a satisfactorily designed development which adequately addresses the heritage and open spaces issues.

## 7.0 Recommendation

The reclassification of Sites 2, 4 and 5 from “community land” to “operational land” under the terms of the *Local Government Act 1993* is appropriate provided that before the land is reclassified Council adopts a car parking policy and a community facilities policy for the Pymble Centre which clearly and unambiguously specifies:

- the manner in which any public car parking which is to be eliminated due to the restructuring of the Centre is to be replaced and managed to compensate for any parking which may be lost by the reclassification of those sites; and
- the nature, range and location of community facilities to be provided in the Centre.

The reclassification of Sites 1, 6 and 7 is not supported on the grounds that:

- Site 1 should be classified in the same manner as the adjoining public car park to the east of it on Site 3; and
- the design of future development on Sites 6 and 7 needs to be refined to a degree that ensures the heritage values of the buildings and land comprising Site 6 and the benefits of the open space area on Site 7 are satisfactorily retained.

A copy of this report should be made available for public inspection as required by Section 47G of the *Local Government Act 1993*.

People who made submissions concerning the proposed reclassifications should be advised accordingly.

**Andy Ludvik**  
**Ludvik & Associates Pty Ltd**

*Date:* 15 November 2006

<b>Project:</b>	Pymble Town Centre LEP and DCP
<b>To:</b>	Ku-Ring-Gai Municipal Council
<b>Attention:</b>	Bill Royal
<b>From:</b>	Ben Pechey
<b>Date:</b>	13 November 2006
<b>Pages including this one:</b>	2

## **RESPONSE TO SUBMISSION FROM THE EXHIBITION OF THE DRAFT LEP AND DCP**

### **4a Park Crescent, Pymble**

This is a response to the submission prepared by the owners of 4a Park Crescent, Pymble dated 15 October 2006.

In regard to heritage conservation the submission raised the following matters:

1. reclassification [rezoning]
2. loss of amenity
3. isolation from residential areas
4. intrusive visual impact from surrounding development

It is accepted that the potential to redevelop nearby sites in accordance with the LEP and DCP would have some adverse impact on the use of the place as a residence. However the zoning allows for the adaptive reuse of the place that is commensurate with the desired future character for this precinct. It is considered that the rezoning of the place does not directly correlate with adverse impact to the significance of the place. It is very common for the original use of heritage items to become obsolete as society, culture and the urban context change. Heritage conservation is generally the attempt to manage the cultural values of a place in the light of such change. It is considered unreasonable to imagine that the dwelling would be conserved in its original state even if the residential use was maintained. In fact the dwelling is likely to be perceived as small and in need of improvement having regard to current living ideals and the value of the land. Expansion of this house to accommodate a family would quite likely have some impact on the form of the dwelling and the garden. Conversely a commercial use could be viable with less change to the fabric and setting.

Council has sufficient statutory controls to assess the potential impact upon the significance of the place that may result from its adaptive reuse for commercial purposes.

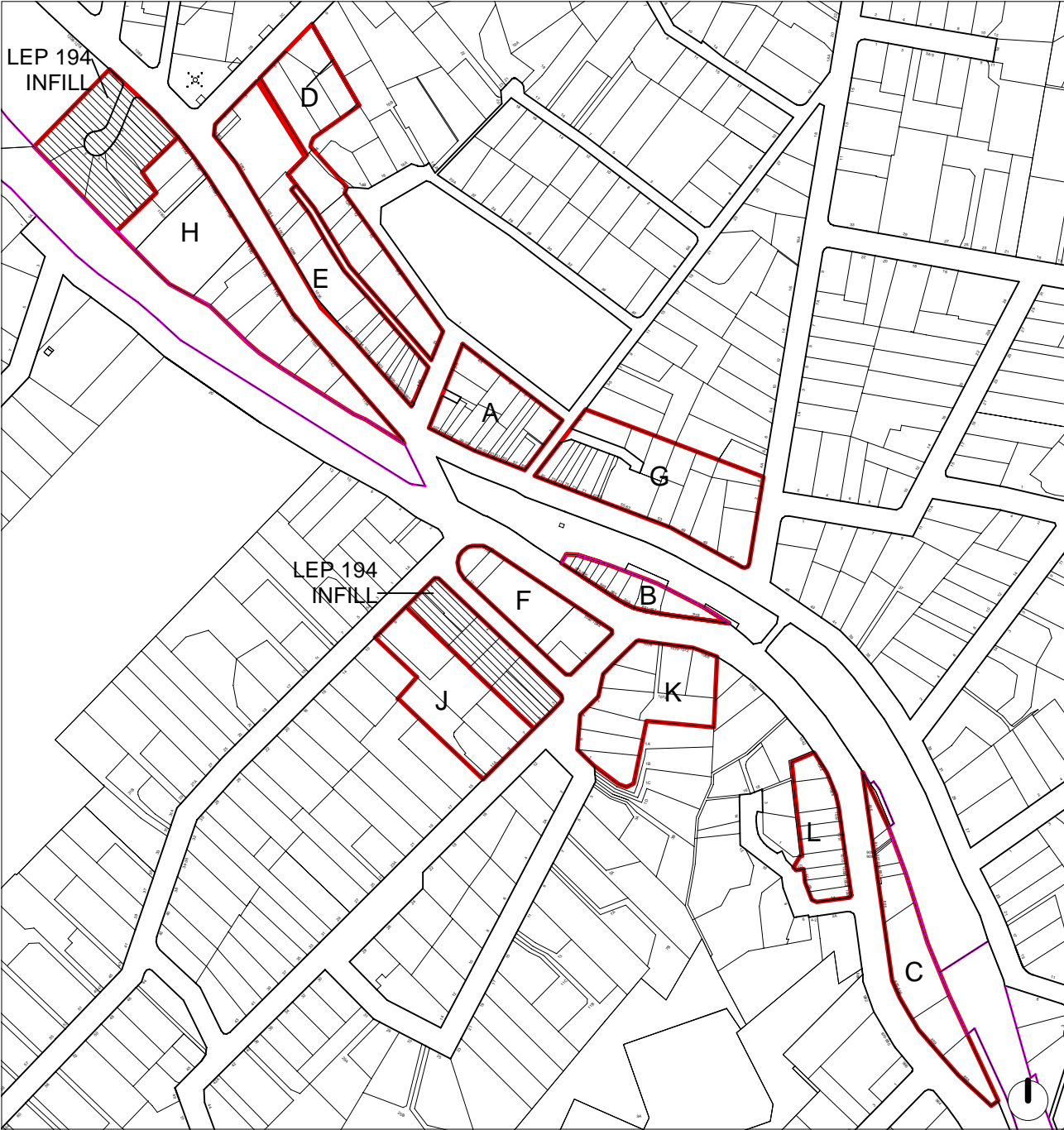
The impacts to the amenity of the heritage item from the bulk, scale and siting of the adjacent development are considered less crucial if the place is used for a commercial use. Nevertheless the bulk, scale and siting of the adjacent development could have an adverse impact on the setting of the place. The proposed two storey forms fronting Park Crescent are likely to have an impact on views to and from the main elevation of the heritage item. Increasing the setback from Park Crescent and the Heritage Item at the northern corner of the adjacent development would aid in the retention of those views.

The bulk and scale of the adjacent three storey residential block is also likely to have a visual impact on the setting of the place due to its scale, particularly as the building will be sited at a higher level than the heritage item. An increased setback from the side boundary would increase the distance between the built forms and allow for plantings through the public open space to buffer the side elevation of the new building thereby mitigating some of this impact. Development Controls should also encourage the setback of the top level from the north western side elevation as well as from the main north eastern and south western elevations.

Benjamin Pechey  
Senior Heritage Consultant  
City Plan Heritage



**PYMBLE CENTRE - ESTIMATED YIELD  
PRECINCT MAP**



**PYMBLE CENTRE - ESTIMATED YIELD TABLE**

Updated 28.11.06

Precinct	EXISTING				FULL DEVELOPMENT SCENARIO			
	2006				Full development under Town Centres LEP and LEP 194/200			
	Dwellings	Population	Business GFA(m <sup>2</sup> )	Retail GFA(m <sup>2</sup> )	Dwellings	Population	Business GFA(m <sup>2</sup> )	Retail GFA(m <sup>2</sup> )
<b>A:</b> Grandview Street and Park Crescent	3	9	2241	1175	68	122	1738	3990
<b>B:</b> Pacific Highway/Livingstone Avenue	0	0	0	2042	0	0	1400	1400
<b>C:</b> Pacific Highway/Bridge Street	0	0	8031	0	0	0	21060	0
<b>D:</b> Telegraph Road and Park Crescent (including LEP 194)	18	39	0	0	93	167	0	0
<b>E:</b> Pacific Highway/ Post Office Lane	60	108	1162	2353	118	212	2546	3432
<b>F:</b> Everton Street	38	68	250	0	38	68	465	0
<b>G:</b> Grandview/Alma/Station Streets	28	52	5461	1283	57	103	5956	1979
<b>H:</b> Pacific Highway (Town Hall)	92	177	1156	0	160	288	1156	0
<b>I, J:</b> Interface zone between Livingstone Avenue and Pymble Avenue	6	17	0	0	62	112	0	0
<b>K:</b> Pacific Highway, Livingstone Avenue and Orinoco Street (including LEP 194)	27	55	0	0	78	140	0	0
<b>L:</b> Pacific Highway and Bloomsbury Avenue	15	42	0	0	47	85	0	0
<b>LEP 194/200</b> Pymble infill	13	38	0	0	149	268	0	0
<b>Minister's Site:</b> Avon Road and Beechworth Road	9	26	0	0	250	450	0	0
<b>Minister's Site:</b> Pymble Avenue and Avon Road	10	29	0	0	103	185	0	0
<b>Totals</b>	<b>319</b>	<b>660</b>	<b>18301</b>	<b>6853</b>	<b>1223</b>	<b>2201</b>	<b>34321</b>	<b>10801</b>
<b>Net Letable Floor Area (NLFA)</b>			<b>16471</b>	<b>6168</b>			<b>30889</b>	<b>9721</b>
<b>Total dwellings (Stage 2)</b>					<b>398</b>			
<b>Total dwellings (Stage 1 and Stage 2) (Excluding existing)</b>					<b>804</b>			

► All the numbers in the Dwellings column under Full Development Scenario are calculated on the basis of an average of 110sqm per dwelling.

★ Net Letable Floor Area (NLFA) is 80% of the gross floor area (GFA)

♦ All the numbers in the Population column are calculated on the basis of an average:

For Existing = 2.9 person/single dwelling, 1.8 person/dwelling unit; For Full Development Scenario = 1.8 person/dwelling.

NB: Effort has been made to ensure the accuracy and completeness of this information. Council takes no responsibility for errors or omission nor any loss or damage that may have resulted from the use of this information.

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<b>Pages including this one:</b>	2

## **RESPONSE TO SUBMISSION FROM THE EXHIBITION OF THE DRAFT LEP AND DCP**

### **4a Park Crescent, Pymble**

This is a response to the submission prepared by the owners of 4a Park Crescent, Pymble dated 15 October 2006.

In regard to heritage conservation the submission raised the following matters:

1. reclassification [rezoning]
2. loss of amenity
3. isolation from residential areas
4. intrusive visual impact from surrounding development

It is accepted that the potential to redevelop nearby sites in accordance with the LEP and DCP would have some adverse impact on the use of the place as a residence. However the zoning allows for the adaptive reuse of the place that is commensurate with the desired future character for this precinct. It is considered that the rezoning of the place does not directly correlate with adverse impact to the significance of the place. It is very common for the original use of heritage items to become obsolete as society, culture and the urban context change. Heritage conservation is generally the attempt to manage the cultural values of a place in the light of such change. It is considered unreasonable to imagine that the dwelling would be conserved in its original state even if the residential use was maintained. In fact the dwelling is likely to be perceived as small and in need of improvement having regard to current living ideals and the value of the land. Expansion of this house to accommodate a family would quite likely have some impact on the form of the dwelling and the garden. Conversely a commercial use could be viable with less change to the fabric and setting.

Council has sufficient statutory controls to assess the potential impact upon the significance of the place that may result from its adaptive reuse for commercial purposes.

The impacts to the amenity of the heritage item from the bulk, scale and siting of the adjacent development are considered less crucial if the place is used for a commercial use. Nevertheless the bulk, scale and siting of the adjacent development could have an adverse impact on the setting of the place. The proposed two storey forms fronting Park Crescent are likely to have an impact on views to and from the main elevation of the heritage item. Increasing the setback from Park Crescent and the Heritage Item at the northern corner of the adjacent development would aid in the retention of those views.

The bulk and scale of the adjacent three storey residential block is also likely to have a visual impact on the setting of the place due to its scale, particularly as the building will be sited at a higher level than the heritage item. An increased setback from the side boundary would increase the distance between the built forms and allow for plantings through the public open space to buffer the side elevation of the new building thereby mitigating some of this impact. Development Controls should also encourage the setback of the top level from the north western side elevation as well as from the main north eastern and south western elevations.

Benjamin Pechey  
Senior Heritage Consultant  
City Plan Heritage



NSW GOVERNMENT  
**Department of Planning**

Mr Steven Head  
Director, Open Space and Planning  
Ku-ring-gai Council  
PO Box 1056  
PYMBLE NSW 2073

Our ref: S06/00584, 9043170

Dear Steven,

**Subject: Gordon and Pymble draft Town Centres Plan**

Thank you for providing the exhibited Gordon and Pymble sections of the Ku-ring-gai Town Centres draft Local Environmental Plan. I apologise for the delay in responding.

The main areas for consideration are included in the attachment to this letter. As previously, the Department is happy to meet to clarify any matters you wish to discuss.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Goth'.

Peter Goth  
Regional Director, Sydney North West Region

16-11-06

**Response on draft Ku-ring-gai Local Environmental Plan – Gordon & Pymble**

**1. Relevance of matters in Attachment 1 for the St Ives & Turramurra Centres**

These matters are relevant for the Gordon and Pymble and the other centres and need to be addressed accordingly; in particular, yield, downzoning and ensuring controls are consistent with the Standard Instrument and do not unnecessarily hinder development.

**Summary Requirement:** Council is to ensure the matters identified in the *Responses on draft Ku-ring-gai Local Environmental Plan – St Ives and Turramurra* are addressed in the other centres.

**2. Section 62 consultation**

It is unclear whether Council has received a response to its s62 consultation from the Roads and Traffic Authority and the NSW Heritage Office.

**Summary Requirement:** Council is requested to inform the Department regarding the results, if any, of this consultation when it has been received.

**3. Use of additional business zones**

Council introduced two additional zones B4 Zone – Mixed Use and the B5 Zone - Business Development in the Gordon/Pymble dLEP amendment. The uses Council has inserted into these zones are largely those identified in the B2 - Local Centre zone already inserted in to the dLEP. The distinction between the three zones is largely lost through the insertions.

**Summary Requirement:** The Department requests that Council:

- (a) ensures zones maintain their distinctive uses and that only those zones required are added; and
- (b) ensures the uses specified in the new business/retail zone are carried over from the KPSO.

**4. Avoidance of reducing commercial and retail space through changes to zones**

(a) Table 1 outlines a number of sites which have changed from business to mixed use. With mixed use there is potential that total business space will be reduced. Also a number of B2 sites exist where the proposed maximum retail or commercial space is less than the existing space available through the KPSO.

**Summary Requirement:** Council should ensure all zones provide sufficient space for expansion to support commercial and retail uses.

(b) For residential development in the town centres, the rezoning should provide for, at a minimum, the opportunity to achieve FSRs that are available for residential flat building etc under the existing controls. There are a number of sites where this does not seem to have occurred e.g. 2&4 Station Street, 12-14 Park Crescent and 1186-1192 & 1000-1028 Pacific Highway (with land fronting Bloomsbury Avenue), Pymble, block containing 23-35 William Street and 738-748 Pacific Highway, Gordon where in each case, topography does not appear to be the limiting factor.

**Summary Requirement:** Council needs to ensure the FSR is no less than that already provided and, where appropriate, the FSR should encourage future development on the sites.

**5. Schedule 5 Environmental Heritage**

The proposed heritage schedule should reflect the items either currently on the KPSO list or those that are subject to new zonings as part of this amendment.

**6. Summary Requirement:** Council needs to provide the documentation supporting the additions proposed.

**7. Height of Buildings**

The allotments between Moree Street and St John's Avenue, Gordon included in the Plan are proposed for zone B2. No justification for this proposed rezoning of LEP 194 residential 2(c1) to B2 appears to have been given. This B2 area will be at a distance and not visible from the Pacific Highway. The properties facing St John's Avenue are located along a relatively narrow access street.

A better outcome may be achieved through rezoning properties in the vicinity of the Pacific Highway for business uses, then providing for R4 residential flat buildings along the block to the same depth from the Pacific Highway as on the blocks to the north.

**Summary Requirement:** Council needs to consider R4 zone opportunities on the block between Moree Street and St John's Avenue, Gordon similar to those available on blocks immediately to the north.

**8. Commuter Car Parking**

Rail Corp, the RTA and the Department of Transport have identified a number of issues including potential loss of commuter parking, access and circulation in the town centres.

**Summary Requirement:** Council needs to ensure that these issues are addressed including: the need to maintain publicly available commuter car parking (to at least at current levels) and the need for adequate circulation of public transport.

**9. Schedule 1 inclusions**

Inclusion of Nos 30, 32, 34 & 36 Henry Street, Gordon is not necessary as these properties are already in B2 and business premises and office premises are permitted uses. This item in the table under Schedule 1 is redundant.

**Summary Requirement:** Council should remove this item from Schedule 1.

**10. Land Zoned RE1**

The Department had previously raised the appropriateness of zoning the land marked RE1 in the dLEP (north of the train line at Gordon) and indicated that zone R4 is preferred on that site. If Council wishes to provide active open space on that property, Council needs to provide for the Department's estimate of R4 yield from this site on another property additional to the yield currently present on the replacement site.

**Summary Requirement:** Council needs to address this issue.

TABLE 1.

**GORDON**

Sites	Council's exhibited proposed FSR	Comment
<b>Block including 854-924 Pacific Highway, Gordon (previously site "B")</b>		
<b>1. Sub-block including 3-25 Merriwa St, Gordon</b>		
Currently: 3(b)-(B1) Business (Commercial Services) Proposed: B4 Mixed Uses	Total proposed 1.8:1	Currently zoned 3(b)-(B1) with business FSR 1:1. A number of uses will be lost with this change including brothels, bulk stores, bus stations, clubs, commercial centres, light industries, motor showrooms, open space, public buildings and so on. <b>Also as there is no specified commercial floor space, there is potential for the loss of this from this area.</b>
<b>2. 71 Ridge Street, Gordon</b>		
Currently: 3(b)-(B1) Business (Commercial Services) Proposed: B4 Mixed Uses	Total proposed 1.8:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	0.36:1	<b>This is a reduction from the 1:1 currently available for commercial purposes.</b>
<b>3. 2-8 Ridge Road, Gordon</b>		
Currently: 3(b)-(B1) Business (Commercial Services) Proposed: B4 Mixed Uses	Total proposed 2.5:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	0.8:1	<b>This is a reduction from the 1:1 currently available for commercial purposes.</b>
<b>4. 900-916 Pacific Highway, Gordon</b>		
Currently: 3(b)-(B1) Business (Commercial Services) Proposed: B4 Mixed Uses	Total proposed 3.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	0.6:1	<b>This is a reduction from the 1:1 currently available for commercial purposes.</b>
<b>5. 880-898 Pacific Highway, Gordon</b>		
Currently: 3(b)-(B1) Business (Commercial Services) Proposed: B4 Mixed Uses	Total proposed 3.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	1.2:1	<b>This is a likely reduction from the 1:1 currently available for commercial purposes as it now includes a commercial/retail mix.</b>
<b>6. 854-870 Pacific Highway, Gordon</b>		
Currently: 3(b)-(B1)	Total	Currently zoned 3(b)-(B1) with business FSR



# ATTACHMENT 1

Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	proposed 2.5:1	1:1.
Proposed minimum commercial/retail	0.9:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>
<b>Block including 854-924 Pacific Highway, Gordon (previously site C'')</b>		
<b>7. 850 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local Centre	Total proposed 2.1:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	0.34:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>
<b>8. 842-846 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local Centre	Total proposed 2.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	0.8:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>
<b>9. 836 Pacific Highway &amp; 1 McIntyre Street, Gordon</b>		
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local Centre	Total proposed 2.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Proposed minimum commercial/retail	0.45:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>
<b>Block including 810-828 Pacific Highway, Gordon (previously site "E")</b>		
<b>10. 828 &amp; 810 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed 2.3:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.
Retail	unspecified	<b>There is potential for downzoning as no minimum retail is specified equal to or greater than 2.0:1.</b> Also, most uses are permitted except those listed in the KPSO (e.g. car repair stations, dwelling houses, industries other than light industries, panel beating, warehouses).
<b>11. 818 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local	Total proposed 2.3:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.

# ATTACHMENT 1

Centre		
Community	Min 1.5:1	
Retail	unspecified	<b>Of the remaining FSR once the minimum community FSR of 1.8:1 has been taken out, this is a reduction in FSR available for retail uses.</b> Also, proposed permitted uses listed in the KPSO which do not appear to have been carried over to the new zone at present are car repair stations, dwelling houses, industries other than light industries, panel beating, warehouses).
<b>12 Block including 784-802 Pacific Highway, Gordon (previously site "F")</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed 3.4:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.
Retail	Max 1.7:1 Minimum 1.5:1	<b>This is a reduction from the existing.</b>
<b>Block including 756-780 Pacific Highway, Gordon (previously site "H")</b>		
<b>13. 756-780 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed 3.4:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.
Retail	Max retail 1.5:1 Minimum retail 1.3:1	<b>This is a reduction from the existing.</b>
<b>14. 2-12 Moree Street and 21-29 St Johns Avenue, Pacific Highway, Gordon</b>		
<u>Currently:</u> Part residential 2(c2), part 3(a)-(A1) retail. <u>Proposed:</u> B2 Local Centre	Total proposed 2.5:1	The area zoned 3(a)-(A1) has a retail FSR 2.0:1. <b>The other part is residential. It is unlikely that this area would support retail down the block away from the Pacific Highway.</b>
Retail	Minimum 1.45:1 Maximum 1.6:1	<b>This is a reduction from that available under the current 3(a)-(A1) zone.</b>
<b>Narrow block including 799-813 Pacific Highway, Gordon (unnamed, ?previously northern end of "G")</b>		
<b>15. 807-813 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 1:1	Currently part zoned 3(b)-(B1) with commercial FSR 1:1.
Commercial	Not given	<b>There is the potential for downzoning commercial uses.</b>
<b>16. 803-805 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local	Total proposed FSR 1.3:1	Currently part zoned 3(b)-(B1) with commercial FSR 1:1.

# ATTACHMENT 1

Centre		
Commercial	Not given	<b>There is the potential for downzoning commercial uses.</b>
<b>17. 799 Pacific Highway &amp; 2 Park Ave, Gordon</b>		
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 2.0:1	Currently part zoned 3(b)-(B1) with commercial FSR 1:1.
Commercial	Not given	<b>There is the potential for downzoning commercial uses.</b>
<b>Narrow block including 725-795 Pacific Highway, Gordon (previously site "G")</b>		
<b>18. 755-795 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 2.8:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1
Retail	Proposed Max 1.0:1, minimum 0.8:1	<b>This is a reduction in retail uses.</b>
<b>19. 747-751 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1
Retail	Proposed Max 0.7:1, minimum 0.5:1	<b>This is a reduction in retail uses.</b>
<b>20. 737-741 Pacific Highway, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1
Retail	Min 0.8:1	<b>This is a reduction in retail uses.</b>
<b>21. 725-735 Pacific Highway, 1-15A &amp; 2-20 St Johns Ave, Gordon</b>		
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1
Retail	Min 0.8:1	<b>This is a reduction in retail uses.</b>
<b>22. Part block including 30-36 Henry St, Gordon (previously site "J")</b>		
<u>Currently:</u> residential 2(d) (residential flat building etc) <u>Proposed:</u> R4 residential	Total proposed FSR 1.5:1	
Commercial	Minimum 0.25:1	<b>Unlikely to be realised as residential development provides greater returns</b>

# ATTACHMENT 1

## PYMBLE

Sites	Council's exhibited proposed FSR	Comment
<b>Block including 1134-1224 Pacific Highway, Pymble (previously part site "H")</b>		
<b>1. 1935-1051 Pacific Highway, Pymble</b>		
Currently 3(a)-(A2) Business (Retail Services) <u>Proposed:</u> R4	Existing FSR 1:1	
Retail	None	Area lost from the retail centre under the rezoning.
<b>2. 1 Alma/Grandview Lane, 2,4,6 Park Crescent and heritage sites on Post Office St, Pymble</b>		
<u>Currently</u> various residential zones <u>Proposed:</u> B2	Min 0.8:1	Heritage proposed to have an FSR 0.5:1, The other sites have an FSR for minimum retail/commercial of 0.9:1 and a maximum retail/commercial of 0.9:1 and 1.1:1 (depending on the site). It is unlikely that these minima will encourage any provision of retail or commercial on these sites.
<b>3. Remaining properties in Pymble currently 3(a)-(A2)</b>		
Currently 3(a)-(A2) Business (Retail Services) <u>Proposed:</u> Either B2 or B5	Existing FSR 2:1	
Retail	Either unspecified or is <b>mixed retail/commercial</b> varying from a minimum of 0.5/0.8:1:1 to a maximum of 0.7/1.2:1	<b>This is a reduction in retail uses.</b>
<b>4. Remaining properties in Pymble currently 3(b)-(B1)</b>		
<u>Currently</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> Either B2 or B5	Existing FSR 1:1	Currently zoned 3(b)-(B1) with business FSR 1:1.
Total FSR	Part 2.0:1, part 2.6:1	Part of that land has been removed. The commercial component is unspecified so it is unclear to what degree commercial uses would be retained.

## ATTACHMENT 1

### Response on draft Ku-ring-gai Local Environmental Plan – Gordon & Pymble

The following information contains the original matter raised by the department of planning on 16 November 2006 and the Council's response.

#### 1. Relevance of matters in Attachment 1 for the St Ives & Turramurra Centres

These matters are relevant for the Gordon and Pymble and the other centres and need to be addressed accordingly; in particular, yield, downzoning and ensuring controls are consistent with the Standard Instrument and do not unnecessarily hinder development.

**Summary Requirement:** Council is to ensure the matters identified in the *Responses on draft Ku-ring-gai Local Environmental Plan – St Ives and Turramurra* are addressed in the other centres.

#### Council response

The matters raised in your previous correspondence on the Draft Ku-ring-gai Local Environmental Plan – St Ives and Turramurra are being addressed in the remaining centres. The proposed centre Gordon and Pymble plans zones and subsequent yields are consistent with the Section 55 Direction, Section 54(4) notification and Ku-ring-gai's contribution to the metropolitan strategy and the Sydney North Sub-regional plan (10,000 dwellings over the life of the plan). The plans provide for an appropriate level of development over the life of the plan and do not hinder development. Independent economic feasibility testing has been conducted by Sphere Property Corporation. In addition the plans have been drafted to be consistent with the Standard Instrument. No down zoning is occurring under the Gordon/Pymble plans.

The retail planning for Ku-ring-gai is based on the Hill PDA 2005 Ku-ring-gai retail Strategy and the subsequent independent review by SGS Economics for the Gordon Centre. The amounts of retail and commercial floor space and the location of development has been consistent with the following planning principles for Gordon.

- Place based planning capitalising on the existing retail/commercial precinct and providing shop top housing.
- Concentration of core retail uses around the station and within a 600 metre focus of the Gordon station.
- Overview of redundant zones and allocation of new land zones and uses and accompanying development standards consistent with the Standard Instrument.
- Zoning and planning for land at the fringe of the Gordon Centre for peripheral non core retail and commercial activities that support the centres role and do not detract for the viability of the main retail core.

#### 2. Section 62 consultation

It is unclear whether Council has received a response to its s62 consultation from the Roads and Traffic Authority and the NSW Heritage Office.

**Summary Requirement:** Council is requested to inform the Department regarding the results, if any, of this consultation when it has been received.

Council response

## ATTACHMENT 1

Council received advice from the NSW RTA for Gordon and Pymble on 6 October and have been previously provided to your Department. Copies of Gordon & Pymble RTA advice is attached.

The NSW Heritage Office were advised in writing by Council of the Gordon /Pymble Plans on the following dates:

- 02 August 2006
- 29 September 2006
- 23 October 2006

On 16 November 2006 the NSW Heritage Office were contacted and they advised council verbally they had received the Section 62 information and were going to make a reply shortly. To date no reply has been received.

### 3. Use of additional business zones

Council introduced two additional zones B4 Zone – Mixed Use and the B5 Zone - Business Development in the Gordon/Pymble dLEP amendment. The uses Council has inserted into these zones are largely those identified in the B2 - Local Centre zone already inserted in to the dLEP. The distinction between the three zones is largely lost through the insertions.

**Summary Requirement:** The Department requests that Council:

- (a) ensures zones maintain their distinctive uses and that only those zones required are added; and
- (b) ensures the uses specified in the new business/retail zone are carried over from the KPSO.

### Council Response

There is a clear distinction between the objectives and functions B4 and B5 zones as outlined below.

The **B4 zone** is intended to integrate a mixture of suitable uses such as business, office, residential, bulky good and other car based retail, which supports and not detracts from the retail functions and viability of the core of the Gordon centre. This zone applies to land currently zoned 3(b) (B1) bounded by Merriwa Street, Vale Street, Pacific Highway and Mona Vale Road, which is on the fringe of the commercial centre being less accessible to the railway station and subject to greater access by car.

The need for areas for out of 'centre retailing', such as bulky goods, was identified in the Ku-ring-gai retail centres study, which also stated that such uses should not detract from the viability of the retail core of the centres. The B4 zone has been used to clearly distinguish the strategic function of this land from the core function of the centres which fall under the B2 zone.

Following the exhibition of the DLEP Amendment 2, there are recommended amendments to the B4 zone, including an amended objective to reinforce the out of centre retail function of the zone and including additional land uses to make it consistent with the existing 3(b) (B1) zone.

The purpose of the **B5 zone** is to provide for primarily office and business development on locations which are close to, and which support the viability of centres. This purpose

## ATTACHMENT 1

is supported by objectives of this zone and permissible land uses. Permitted uses in this zone include retail premises, business uses and warehouse facilities as well as existing uses in the 3(b) (B1) zone under the KPSO. Extensive retail uses in the zone is not desirable and would be discouraged. However, retail has been included in the land use table as it is a mandated use under the LEP template. The zone does not permit residential uses as land in the zone is unsuitable for residential and it would also limit the provision of business uses in the zone.

#### 4. Avoidance of reducing commercial and retail space through changes to zones

(a) Table 1 outlines a number of sites which have changed from business to mixed use. With mixed use there is potential that total business space will be reduced. Also a number of B2 sites exist where the proposed maximum retail or commercial space is less than the existing space available through the KPSO.

**Summary Requirement:** Council should ensure all zones provide sufficient space for expansion to support commercial and retail uses.

All sites in Gordon the existing Business (3(a)-(A1)) zone have had the **maximum** permissible FSR increased from the current 2:1 to maximums ranging from 2.3:1 to 3.4:1. All sites can be developed for business uses up to the **maximum** FSR.

It is acknowledged that the maximum retail FSR on sites currently zoned (3(a)-(A1)) are capped at below the existing 2:1 potential. The reason for the capping of retail on these sites is to ensure that the overall future retail provision in Gordon is consistent with Council's adopted retail strategy and Gordon's role as a Town Centre under the Metropolitan Strategy. The Draft LEP provides for a retail yield of about 47,000sqm (NLFA) which is an increase of just over 29,000sqm of retail from the existing 17,760sqm.

All sites in Gordon in the existing Business (3(b) – (B1)) zone have had the maximum FSR increased from the existing 1:1 to maximums ranging from 1.3:1 to 3.0:1. All sites can develop for business uses up to the maximum FSR.

The Draft LEP does propose the rezoning of a number of sites in Pymble which are currently zoned Business 3(a) to residential R4 zone. These sites included:

- 1035 to 1083 Pacific Highway
- 1116 Pacific Highway
- 9 and 11 Everton Street

The majority of these sites have been developed for medium density housing over the last 3 to 10 years. The proposed R4 zone in the DLEP is intended to reflect these existing uses. The sites being rezoned to R4 which still retain business or retail uses included 1047, 1051, 1083 and 1116 Pacific Highway. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity requirements under the Direction, it is proposed to retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under Schedule 1.

The contraction of the area zoned for business and retail purposes in Pymble and also intend to concentrate the uses closer to the station to reinforce the centre function as a small village under the Metropolitan Strategy.

## ATTACHMENT 1

Sites in Pymble retaining a business zoning in the existing Business (3(a)-(A2)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 2.1:1 to 2.5:1. All sites can be developed for business uses up to the maximum FSR, while Retail FSR is capped at the existing 1:1 maximum.

All sites in Pymble in the existing Business (3(b) – (B1)) zone have either retained the existing maximum FSR of 1:1 or have an increased maximum ranging from 2.5:1 to 2.6:1. All sites can develop for business uses up to the maximum FSR.

(b) For residential development in the town centres, the rezoning should provide for, at a minimum, the opportunity to achieve FSRs that are available for residential flat building etc under the existing controls. There are a number of sites where this does not seem to have occurred e.g. 2&4 Station Street, 12-14 Park Crescent and 1186-1192 & 1000-1028 Pacific Highway (with land fronting Bloomsbury Avenue), Pymble, block containing 23-35 William Street and 738-748 Pacific Highway, Gordon where in each case, topography does not appear to be the limiting factor.

### 2&4 Station Street

- KPSO 2(d) FSR 0.85:1 and 2(c2)
- Draft LEP R4 1.0:1.
- 4 storeys
- Limiting factor transition from 5 storeys to single dwellings.

### 12-14 Park Crescent

- KPSO 2(d3) : Site area would limit development to 4 storeys at 1:1 FSR
- Draft LEP R4 1.0:1 4 storeys
- lot size and depth is the limiting factor (under 2(d3) 3 storeys)

### 1186-1192 Pacific Highway

- KPSO Special purposes-Municipal purposes, 2(c). 2(d3)
- Draft LEP R4 FSR 0.8:1 and 0.6:1.
- FSR lower due to large sites remaining mostly Council owned with a portion allowing 5-6 storey apartment buildings giving overall low FSR.

### 1000-1028 Pacific Highway (with land fronting Bloomsbury Avenue)

- KPSO 2(e) 0.5:1 with 3 heritage items
- Draft LEP - R4 0.9:1 4 storeys and delisting of heritage items.
- Limiting factor existing strata title buildings and shallow lots

### Block containing 23-35 Mt William Street, Gordon

- KPSO 2(c2) residential
- Draft LEP R4
- 5 storeys FSR 1.0:1
- Limiting factor heritage item at 21 Mt William Street

### 738-748 Pacific Highway

- KPSO 2(d) 0.85: and 2(c2)
- Draft LEP R4
- 5 storeys FSR of 1.0:1
- Heritage items on Pacific highway limiting factor.



## ATTACHMENT 1

**Summary Requirement:** Council needs to ensure the FSR is no less than that already provided and, where appropriate, the FSR should encourage future development on the sites.

### Council Response

For residential development in the town centres, the proposed rezoning within the Draft LEP provide for an increase in FSR which allows viable development. All these sites have limiting factors such as lot depth and size, heritage, interface that limits the FSR achievable. Economic advice suggests an FSR of 1.0:1 is acceptable.

## 5. Schedule 5 Environmental Heritage

The proposed heritage schedule should reflect the items either currently on the KPSO list or those that are subject to new zonings as part of this amendment.

**Summary Requirement:** Council needs to provide the documentation supporting the additions proposed.

### Council Response

The heritage planning for the Centres has been based on a review of existing items listed under the KPSO, a review potential additional items for listing and/or removal resulting from the urban design and the independent heritage research work for the Gordon Centre and Pymble centres. The following sites are the additional listings within the Gordon Centre and Pymble centre:

1. 36 Henry Street, Gordon – 36 Henry Street
2. 2A Park Street Council owned federation dwelling building occupied by a Pre-school
3. Pymble Heritage uniting Church 1082 Pacific Highway

The documentation to support the proposed additions will be provided to the Department.

## 6. Height of Buildings

The allotments between Moree Street and St John's Avenue, Gordon included in the Plan are proposed for zone B2. No justification for this proposed rezoning of LEP 194 residential 2(c1) to B2 appears to have been given. This B2 area will be at a distance and not visible from the Pacific Highway. The properties facing St John's Avenue are located along a relatively narrow access street.

A better outcome may be achieved through rezoning properties in the vicinity of the Pacific Highway for business uses, then providing for R4 residential flat buildings along the block to the same depth from the Pacific Highway as on the blocks to the north.

### Council Response

This point has been reviewed in detail from an urban design, economic, traffic and planning perspective and cannot be supported for the following reasons:

- Council has adopted a recommendation that Gordon will be a Town Centre with an increase in retail from current 17,000sqm retail to 46,000sqm of retail. This resolution is supported and based on the Ku-ring-gai Retail Study prepared by Hill PDA and an independent review prepared by SGS Economics and Planning.

## ATTACHMENT 1

- This represents a threefold increase in retail floor space and it is not possible to achieve the target within the existing commercially zoned lands within 600 metres of the rail station. A further limiting factor is that 3 storeys of retail are not considered economically viable in a centre such as Gordon.
- Extensive justification has been provided for the rezoning of precinct H in past Council reports on 20 April, 2006 and 26 July 2006.
- The extent and location of Precinct H is supported by SGS Planning who were involved in the retail planning for the Gordon centre. Appropriate building envelopes were developed by Olsson and Associates and were found to be economically feasible by Sphere Property Corporation.
- Precinct H is necessary to provide the required retail floor space and the opportunity for a second supermarket or a small discount department store both of which are appropriate within a town centre
- Precinct H provides around 12,000sqm of retail for which there is no other alternative location in Gordon.
- If Precinct H is not identified for retail uses then there will be a significant shortfall in retail space within Gordon for which an alternative location would need to be identified, presumably in another centre.
- If Gordon has a lower retail floor space it will affect the retail hierarchy which currently identifies Gordon as the town centre located on the North shore rail line with 46,000sqm. It will make Gordon lower than St Ives (Car based centre) as the secondary centre with 38,000sqm of retail floorspace.

The second comment regarding residential R4 uses on St Johns Avenue cannot be supported for the following reasons:

- This would result in the loss of retail floor space which as noted above cannot be supported.
- Precinct H provides for additional high density residential as it incorporates 6 storey residential buildings over the retail uses with approximately 130 dwellings.
- Providing R4 residential to the same depth from the Pacific Highway as on the blocks to the north would require rezoning an additional 18 lots down to 30 Moree Street and 45 St Johns Avenue, this is a substantial and significant change from what was planned for and exhibited.
- Exhibition of the draft Plans generated significant community concern regarding the extent of precinct H the extent proposed in the Departments comments would more than double the extent of rezoning.
- This extent is arbitrary and takes no account of the landscape and heritage significance of St Johns Avenue and would severely impact on the street character and heritage of the remaining area.
- The commercial component of Precinct H has been designed to finish at a specific point which is equal to the end of the St Johns Church cemetery. The proposed zone is based on close analysis to determine the extent of the potential rezoning with

## ATTACHMENT 1

minimal impacts on the heritage significance of St Johns Avenue. This approach has been supported in a report by City Plan Heritage (refer Attachment) and by an independent urban design review (refer Attachment).

**Summary Requirement:** Council needs to consider R4 zone opportunities on the block between Moree Street and St John's Avenue, Gordon similar to those available on blocks immediately to the north.

### **Council Response**

Disagree. Recommend B2 zone to extent shown in exhibited plans with R3 zone as interface (see comments above).

## **7. Commuter Car Parking**

Rail Corp, the RTA and the Department of Transport have identified a number of issues including potential loss of commuter parking, access and circulation in the town centres.

**Summary Requirement:** Council needs to ensure that these issues are addressed including: the need to maintain publicly available commuter car parking (to at least at current levels) and the need for adequate circulation of public transport.

### **Council Response**

Council has consulted and worked closely with the state agencies in preparing the plans for Gordon and Pymble centres and it is aware of the need to cater for existing and future commuter parking requirements and draft plans have been prepared taking this into account. Council has adopted a policy position that commits council to ensuring that there will be no loss of numbers within each centre of existing publicly owned car parking as a result of town centre planning.

## **8. Schedule 1 inclusions**

Inclusion of Nos 30, 32, 34 & 36 Henry Street, Gordon is not necessary as these properties are already in B2 and business premises and office premises are permitted uses. This item in the table under Schedule 1 is redundant.

**Summary Requirement:** Council should remove this item from Schedule 1.

### **Council Response**

Nos 30, 32, 34 & 36 Henry Street, Gordon are to be zoned R4 under the DLEP. They are currently 2(d) under the KPSO. It is intended to allow ground floor office uses on this land, similar to certain R4 sites in St Ives. Therefore, the listing of this item in the table under Schedule 1 is necessary.

## **9. Land Zoned RE1**

The Department had previously raised the appropriateness of zoning the land marked RE1 in the dLEP (north of the train line at Gordon) and indicated that zone R4 is preferred on that site. If Council wishes to provide active open space on that property, Council needs to provide for the Department's estimate of R4 yield from this site on another property additional to the yield currently present on the replacement site.

## ATTACHMENT 1

**Summary Requirement:** Council needs to address this issue.

The sites at 2A and 4 Park Avenue is currently zoned 2(d3) and is occupied by a preschool, (2A) and Council's former Library (4), currently accommodate a Lifeline centre. Both sites are owned by Council and are classified as community land under the Local Government Act. There is no resolution of Council to reclassify this land. The DLEP seeks to list 2A Park Avenue as a heritage item under schedule 5. The likelihood of these sites being developed for residential development by 2031 (planning horizon of metro strategy) is highly unlikely.

The potential yield of this site under 2(d3) would be approximately 52 dwellings. This potential yield is more than offset through the inclusion in the DLEP of land in Precinct L (ie block bounded by Mt William/Pearson/Burgoyne) which is being rezoned from 2(c2) to R4 with an FSR of 1:1. The potential increase in yield from this rezoning is approximately 116 dwellings.

## ATTACHMENT 1

### GORDON

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
<b>Block including 854-924 Pacific Highway, Gordon (previously site "B")</b>				
<b>1. Sub-block including 3-25 Merriwa St, Gordon</b>				
Currently: 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	Total proposed 1.8:1	Currently zoned 3(b)-(B1) with business FSR 1:1. A number of uses will be lost with this change including brothels, bulk stores, bus stations, clubs, commercial centres, light industries, motor showrooms, open space, public buildings and so on.  <b>Also as there is no specified commercial floor space, there is potential for the loss of this from this area.</b>	The following uses have been brought into the B4 zone under the new standard LEP land use classifications (listed in brackets) : bus stations, (passenger transport facilities), clubs (registered clubs), commercial premises (business premises), open space (recreation areas), public buildings (public administration buildings)  It is inevitable there will be a loss when changing to a mixed use zone as this allows residential. The commercial office market is no longer viable and the new zone provides flexibility for land owners. The requirement for a minimum business equivalent to the existing maximum FSR would make development unfeasible.  It should be noted that there are a number of substantial office buildings in this area which are unlikely to change.	Sex services premises, vehicle showrooms, warehouse and distribution centres and light industries be added to the permissible uses in the B4 zone.
<b>2. 71 Ridge Street, Gordon</b>				
Currently: 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	Total proposed 1.8:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	As per above	
Proposed minimum commercial/re tail	0.36:1	This is a <b>reduction from the 1:1 currently available for commercial purposes.</b>	Allows for ground floor commercial or retail uses as a minimum Potential business FSR has been increased to 1.8:1	No change recommended.

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
<b>3. 2-8 Ridge Road, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	Total proposed 2.5:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	This building is a recently constructed strata title office building and is unlikely to change.	
Proposed minimum commercial/re tail	0.8:1	<b>This is a reduction from the 1:1 currently available for commercial purposes.</b>	Potential business FSR has been increased to 2.5:1. Maximum reduction (should full residential take up occur) is 0.2:1, which is negligible  Allows for ground floor business or retail uses as a minimum.	No change recommended.
<b>4. 900-916 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B4 Mixed Uses	Total proposed 3.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	Substantial existing office buildings which are unlikely to change.  Smaller buildings have retail uses	
Proposed minimum commercial/re tail	0.6:1	<b>This is a reduction from the 1:1 currently available for commercial purposes.</b>	Potential business FSR has been increased to 3.0:1. Maximum reduction (should full residential take up occur) is 0.4:1  Allows for ground floor commercial or retail uses as a minimum	No change recommended.
<b>5. 880-898 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial)	Total proposed 3.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	Currently there are no business uses in the area, there is a large car yard and small retail uses occupying this area	

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
Services) <u>Proposed:</u> B4 Mixed Uses				
<u>Proposed</u> minimum commercial/re tail	1.2:1	<b>This is a likely reduction from the 1:1 currently available for commercial purposes as it now includes a commercial/retail mix.</b>	The LEP template has a mandatory requirement for retail in the B2 zone. Potential business FSR has been increased to 3.0:1. Allows for ground floor commercial or retail uses as a minimum	No change recommended.
<b>6. 854-870 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services)	Total proposed 2.5:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	The area is currently fully occupied by retail uses	
<u>Proposed:</u> B4 Mixed Uses				
<u>Proposed</u> minimum commercial/re tail	0.9:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>	The LEP template has a mandatory requirement for retail in the B4 zone  Potential business FSR has been increased to 2.5:1. Maximum reduction (should full residential take up occur) is 0.1:1, which is negligible.  Allows for ground floor commercial or retail uses as a minimum	No change recommended.
<b>Block including 854-924 Pacific Highway, Gordon (previously site C")</b>				
<b>7. 850 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial	Total proposed 2.1:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	Minimal commercial uses currently within this zone. Currently occupied by a funeral parlour	

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
Services) <u>Proposed:</u> B2 Local Centre				
Proposed minimum commercial/re tail	0.34:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>	The LEP template has a mandatory requirement for retail in the B4 zone Allows for ground floor commercial or retail uses as a minimum. Potential business FSR has been increased to 2.1:1.	No change recommended.
<b>8. 842-846 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services)	Total proposed 2.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.		
<u>Proposed:</u> B2 Local Centre				
Proposed minimum commercial/re tail	0.8:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>	The LEP template has a mandatory requirement for retail in the B4 zone Allows for ground floor commercial or retail uses as a minimum Potential business FSR has been increased to 2.0:1. Maximum reduction (should full residential take up occur) is 0.2:1, which is negligible.	No change recommended.
<b>9. 836 Pacific Highway &amp; 1 McIntyre Street, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services)	Total proposed 2.0:1	Currently zoned 3(b)-(B1) with business FSR 1:1.	Currently occupied by car yards with limited or no commercial uses	
<u>Proposed:</u> B2 Local Centre				



## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
Proposed minimum commercial/retail	0.45:1	<b>This is a reduction from the 1:1 currently available for commercial purposes. Also, it now includes a commercial/retail mix.</b>	The LEP template has a mandatory requirement for retail in the B4 zone  Allows for ground floor commercial or retail uses as a minimum	No change recommended.
<b>Block including 810-828 Pacific Highway, Gordon (previously site "E")</b>				
<b>10. 828 &amp; 810 Pacific Highway, Gordon</b>				
Currently: 3(a)-(A1) Business (Retail Services) Proposed: B2 Local Centre	Total proposed 2.3:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.  <b>There is potential for downzoning as no minimum retail is specified equal to or greater than 2.0:1.</b>	It is acknowledged that there is no minimum retail FSR in the DLEP. However, there is an increase in the commercial (including retail) permissible FSR under the DLEP: 3(a)-(A1) has a maximum commercial FSR of 2:1, (Clauses 30B (2) of the KPSO) which may consist of retail, community or business uses in accordance with the objectives of Clause 29. A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for residential purposes. (Clause 30B (3)). The 2.3:1 permissible in the B2 zone under the DLEP allows up to 2.3:1 of a variety of uses, including retail premises. This will increase the maximum retail FSR permissible. Both sites currently support only commercial existing uses with no retail component.	No change recommended.
Retail	unspecified			
		Also, most uses are permitted except those listed in the KPSO (e.g. car repair stations, dwelling houses, industries other than light industries, panel beating, warehouses).	Both the KPSO and the DLEP prohibit these uses consistent with the objectives of the zone.	No change recommended.
<b>11. 818 Pacific Highway, Gordon</b>				
Currently: 3(a)-(A1) Business	Total proposed 2.3:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.	The retail floor space in Gordon is proposed to be increased from 17,000sqm to 47,000sqm (NLFA), which is a three fold increase. During the planning process some areas were identified as not	

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
(Retail Services) <u>Proposed: B2</u> Local Centre			suitable for retail uses, this site is one of those not suitable. 818, 828 and 810 Pacific Highway were identified as unsuitable because they are currently occupied by large commercial office buildings which are unlikely to change.	
Community	Min 1.5:1			
Retail	unspecified	Of the remaining FSR once the minimum community FSR of 1.8:1 has been taken out, <b>this is a reduction in FSR available for retail uses.</b>	<p>It is acknowledged that the retail FSR available under the DLEP will be a maximum of 0.8:1.</p> <p>3(a)-(A1) has a maximum commercial FSR of 2:1 (Clause 30B (2) of the KPSO), which may consist of retail, community or business uses in accordance with the objectives of cl 29.</p> <p>A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for residential purposes. (cl. 30B (3) of the KPSO). Therefore, were the site fully developed and including some commercial uses, the minimum retail under the KPSO would be 1:1.</p> <p>The site is Council owned land and currently supports the Council Chambers and associated parking. A major portion of the building is heritage listed. The site does not include any existing retail uses. The minimum requirement for 1.5:1 for community uses is required to allow for the provision of community facilities within the new town centre.</p> <p>It is more appropriate that the main retail uses be provided closer to the station and on privately owned land.</p> <p>The uses listed are prohibited under both the KPSO and the DLEP. This is consistent with the objectives of the zone.</p>	No change recommended.
		Also, proposed permitted uses listed in the KPSO which do not appear to have been carried over to the new zone at present are car repair stations, dwelling houses, industries other than light industries, panel beating, and warehouses).		No change recommended.

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
<b>12 Block including 784-802 Pacific Highway, Gordon (previously site "F")</b>				
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed 3.4:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.	A retail FSR of 2.0:1 is not achievable in Gordon as this will require up to 3 levels of retail which based on economic and retail advice is not viable.	
Retail	Max 1.7:1 Minimum 1.5:1	<b>This is a reduction from the existing.</b>	In real terms the FSR in Draft LEP at a minimum maintains the current retail allowance. Potential business FSR has been increased to 3.4:1. Maximum reduction (should full residential take up occur) is 0.3:1, which is negligible	No change recommended.
<b>Block including 756-780 Pacific Highway, Gordon (previously site "H")</b>				
<b>13. 756-780 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed 3.4:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1.	The KPSO is being used as reference point to compare the Draft LEP. The KPSO zoning controls are blanket FSR which do not stand up to testing on a site by site basis.  A retail FSR of 2.0:1 is not achievable in Gordon as this will require up to 3 levels of retail which based on economic and retail advice is not viable.  This area has two storey strip shops with ground floor retail and second floor commercial a retail FSR of 2.0:1 does not provide sufficient economic incentive to redevelop.	
Retail	Max retail 1.5:1 Minimum retail	<b>This is a reduction from the existing.</b>	No, in real terms it represents an increase	No change recommended.

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
	1.3:1			
<b>14. 2-12 Moree Street and 21-29 St Johns Avenue, Pacific Highway, Gordon</b>				
<u>Currently:</u> Part residential 2(c2), part 3(a)-(A1) retail. <u>Proposed:</u> B2 Local Centre	Total proposed 2.5:1	The area zoned 3(a)-(A1) has a retail FSR 2.0:1. The other part is residential. It is unlikely that this area would support retail down the block away from the Pacific Highway.	There is no evidence to support the suggestion that retail in Gordon must have a Pacific Highway primary frontage.	
Retail	Minimum 1.45:1 Maximum 1.6:1	<b>This is a reduction from that available under the current 3(a)-(A1) zone.</b>	No this represents a potential increase of over 10,000sqm of retail uses	No change recommended.
<b>Narrow block including 799-813 Pacific Highway, Gordon (unnamed. ?previously northern end of "G")</b>				
<b>15. 807-813 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 1:1	Currently part zoned 3(b)-(B1) with commercial FSR 1:1.	This area is mainly on Rail Corp land and is currently occupied by car sales yards. The area is a narrow wedge of land between the highway and the rail way as has very few potential uses.  It is unlikely that Rail Corp would approve any building elements on their land	
Commercial	Not given	<b>There is the potential for downzoning commercial uses.</b>	The existing development standards for this site have been retained. There is no potential for down zoning in real terms	No change recommended.
<b>16. 803-805 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services)	Total proposed FSR 1.3:1	Currently part zoned 3(b)-(B1) with commercial FSR 1:1.	The only commercial use in this area is a portion of a car yard. The remainder of the area is built out with 3 storey strata title apartment buildings about 10 years old.	

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
<u>Proposed:</u> B2 Local Centre Commercial				
	Not given	<b>There is the potential for downzoning commercial uses.</b>	There is no potential for down zoning in real terms	No change recommended.
<b>17. 799 Pacific Highway &amp; 2 Park Ave, Gordon</b>				
<u>Currently:</u> 3(b)-(B1) Business (Commercial Services)	Total proposed FSR 2.0:1	Currently part zoned 3(b)-(B1) with commercial FSR 1:1.	This area is fully occupied with council owned community facilities including the Gordon library	
<u>Proposed:</u> B2 Local Centre Commercial				
	Not given	<b>There is the potential for downzoning commercial uses.</b>	There is no potential loss of commercial uses	No change recommended.
Narrow block including 725-795 Pacific Highway, Gordon (previously site "G")				
<b>18. 755-795 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(a)-(A1) Business (Retail Services)	Total proposed FSR 2.8:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1	A retail FSR of 2.0:1 is not achievable in Gordon as this will require up to 3 levels of retail which based on economic and retail advice is not viable.	
<u>Proposed:</u> B2 Local Centre Retail			This area generally has two storey strip shops with ground floor retail and second floor commercial uses. A retail FSR of 2.0:1 no longer provides sufficient economic incentive to redevelop	
	Proposed Max 1.0:1, minimum 0.8:1	<b>This is a reduction in retail uses.</b>	It is acknowledged that the retail FSR available under the DLEP will allow a range from 0.8:1 to 1.1 for the retail FSR. 3(a)-(A1) has a maximum commercial FSR of 2:1, (Clauses 30B (2) of the KPSO) which may consist of retail, community or business uses in accordance with the objectives of Clause 29. A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for	Increase retail FSR: 1:1 minimum retail FSR 1.6:1 maximum retail FSR

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
			<p>residential purposes. (Clause 30B (3) of the KPSO). Therefore, were the site fully developed and including some commercial uses, the minimum retail under the KPSO would be 1:1. This is the same as the maximum allowed under the DLEP.</p> <p>Given that the overall FSR on the site is proposed at 2.8:1, increasing the overall yield on the site, and that the total retail FSR proposed within Gordon is increased, this minor difference in the minimum retail FSR requirement is acceptable.</p> <p>Following further review of this site and to ensure active frontages on both Pacific Highway and Wade Lane it is proposed to increase the minimum retail FSR to 1:1. The maximum retail FSR is being increased to 1.6:1, which will cater for a full two levels of retail.</p>	
<b>19. 747-751 Pacific Highway, Gordon</b>				
Currently: 3(a)-(A1) Business (Retail Services) Proposed: B2 Local Centre	Total proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1	<p>A retail FSR of 2.0:1 is not achievable in Gordon as this will require up to 3 levels of retail, which based on economic and retail advice is not viable.</p> <p>This area generally has two storey strip shops with ground floor retail and second floor commercial uses. A retail FSR of 2.0:1 no longer provides sufficient economic incentive to redevelop</p> <p>The owners of these properties made a submission on the Draft LEP. The submission did not request an increase in retail FSR</p> <p>Refer to comments above</p>	1:1 minimum retail FSR 1.6:1 maximum retail FSR

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
<b>20. 737-741 Pacific Highway, Gordon</b>				
<u>Currently:</u> 3(a)-(A1) Business (Retail Services) <u>Proposed:</u> B2 Local Centre	Total proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1	<p>The redevelopment of the Gordon Post Office site now under construction has achieved an FSR of 2.09:1 over 3 levels the first two levels are retail and the 2<sup>nd</sup> level is commercial. The retail FSR achieved is approximately 1.25:1 under the KPSO, This translates to approximately 1.6:1 under the standard LEP definition.</p> <p>A retail FSR of 2.0:1 is not achievable in Gordon as this will require up to 3 levels of retail which based on economic and retail advice is not viable.</p>	
Retail	Min 0.8:1	<b>This is a reduction in retail uses.</b>	<p>3(a)-(A1) has a maximum commercial FSR of 2:1, (Clauses 30B (2) of the KPSO) which may consist of retail, community or business uses in accordance with the objectives of Clause 29.</p> <p>A minimum of 50% of the total floor space in the development is required for retail uses unless the site is developed purely for residential purposes. (Clause 30B (3) of the KPSO). Therefore, were the site fully developed and including some commercial uses, the minimum retail under the KPSO would be 1:1.</p> <p>The minimum retail FSR on these sites under the DLEP is 0.8:1 and the maximum is 2.5:1.</p> <p>The minimum retail under the DLEP is therefore slightly less than required if the site is fully developed under the KPSO, but the maximum retail FSR under the DLEP is increased.</p> <p>Overall yields are increased from 2:1 to 2.5:1.</p>	No change recommended.
<b>21. 725-735 Pacific Highway, 1-15A &amp; 2-20 St Johns Ave, Gordon</b>				
<u>Currently:</u> 3(a)-(A1) Business (Retail	Total proposed FSR 2.5:1	Currently zoned 3(a)-(A1) with retail FSR 2.0:1	As above	

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	Comment	Council Response	Council Recommendation
Services) Proposed: B2 Local Centre				
Retail	Min 0.8:1	<b>This is a reduction in retail uses.</b>	As above	No change recommended.
<b>22. Part block including 30-36 Henry St, Gordon (previously site "J")</b>				
Currently: residential 2(d) (residential flat building etc) Proposed: R4 residential	Total proposed FSR 1.5:1		The commercial requirement is linked with the requirement to adaptively re-use a heritage item as part of the site redevelopment. The minimum commercial requirement is recommended to be decreased to 0.15:1 in response to a submission from the landowners	
Commercial	Minimum 0.25:1	Unlikely to be realised as residential development provides greater returns		



## ATTACHMENT 1

### PYMBLE

Sites	Council's exhibited proposed FSR	DOP Comment	Council Comment	Recommendation
<b>Block including 1134-1224 Pacific Highway, Pymble (previously part site "H")</b>				
<b>1. 1035-1051 Pacific Highway, Pymble</b>				
<u>Currently</u> 3(a)-(A2) Business (Retail Services) <u>Proposed:</u> R4	Existing FSR 1:1		This area is currently more than 50% built out with residential flat buildings the remainder is a mix of marginal retail uses and commercial uses. The KPSO zone is no longer applicable  The planning approach has been to contract retail in this area and to encourage expansion in the core retail area between Park Crescent and Grandview Street	
Retail	None	Area lost from the retail centre under the rezoning.	Noted. This is the planning intent	No change recommended.
<b>2. 1 Alma/Grandview Lane, 2,4,6 Park Crescent and heritage sites on Post Office St, Pymble</b>				
<u>Currently</u> various residential zones <u>Proposed:</u> B2	Min 0.8:1	Heritage proposed to have an FSR 0.5:1, The other sites have an FSR for minimum retail/commercial of 0.9:1 and a maximum retail/commercial of 0.9:1 and 1.1:1 (depending on the site). It is unlikely that these minima will encourage any provision of retail or commercial on these sites.	The comments do not acknowledge that the retail zone has been expanded in this area. There is a planned for increase in retail in this area of about 2,000sqm.  The retail FSR's are calculated from building footprints and allow ground floor uses throughout the precinct. Disagree. It is not possible nor desirable to provide residential on the ground floor of Grandview Street with nil setback for example	
<b>3. Remaining properties in Pymble currently 3(a)-(A2)</b>				
<u>Currently</u> 3(a)-(A2) Business (Retail Services) <u>Proposed:</u>	Existing FSR 2:1		The existing FSR for this zone is 1.0:1	

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	DOP Comment	Council Comment	Recommendation
Either B2 or B5				
Retail	Either unspecified or is mixed retail/commercial varying from a minimum of 0.5/0.8:1:1 to a maximum of 0.7/1.2:1	This is a reduction in retail uses.	<p>The calculations are based on building envelopes which allow for ground floor retail</p> <p>An FSR of 1.0:1 is not achievable in the strip shop context as there is a requirement for parking and service, therefore typically it may be possible to achieve 0.8:1. If however the building is two storeys with commercial on the first floor then an FSR of 0.5:1 is typical</p>	No change recommended.
<b>4. Remaining properties in Pymble currently 3(b)-(B1)</b>				
Currently 3(b)-(B1) Business (Commercial Services) Proposed: Either B2 or B5	Existing FSR 1:1	Currently zoned 3(b)-(B1) with business FSR 1:1.		
Total FSR	Part 2.0:1, part 2.6:1	<p>Part of that land has been removed.</p> <p>The commercial component is unspecified so it is unclear to what degree commercial uses would be retained.</p>	<p>No part of the land has been removed.</p> <p>The portion on the opposite side of the Pacific Highway is part of a large business area which will be examined as part of the Comprehensive LEP</p>	No change recommended.

## ATTACHMENT 1

Sites	Council's exhibited proposed FSR	DOP Comment	Council Comment	Recommendation
			The zone is B5 which is specifically for business uses. The FSR has been more than doubled	

### Summary of Council Responses

1. There is a misconception that a minimum retail FSR of 1.0:1 represents a downsizing. This is not the case

An FSR of 1.0:1 is not achievable in the strip shop context as there is also requirements for parking and service, therefore typically it may be possible to achieve 0.8:1 of retail over one storey. If however the building is two storeys with commercial on the first floor then an FSR of 0.5:1 is likely to be the maximum achievable.

2. The comments note where there is a perceived loss of retail or business uses but do not acknowledge where there has been an increase in other areas

In all centres a key planning principle is to consolidate retail uses within a core are close to the stations. Many areas have marginal retail areas and these are proposed for a change in use but with an equivalent or greater increase in the core area

3. In many cases the existing land uses prohibit or severely limit achieving the zoning in the KPSO

4. The KPSO is being used as reference point to compare the Draft LEP. The KPSO zoning controls are blanket FSR which do not stand up to testing on a site by site basis.

A retail FSR of 2.0:1 is not achievable in Gordon as this will require up to 3 levels of retail which based on economic and retail advice is not viable.

The redevelopment of the Gordon Post Office site now under construction has achieved an FSR of 2.09:1 over 3 levels the first two levels are retail and the 2<sup>nd</sup> level is commercial. The retail FSR achieved is approximately 1.25:1 under the KPSO, This translates to approximately 1.6:1 under the standard LEP definition.

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## 2005 TO 2006 ANNUAL REPORT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present to Council the Statutory Annual Report for 2005/2006 in accordance with Section 428 of the Local Government Act 1993.

**BACKGROUND:**

Section 428 of the Local Government Act 1993 requires Council to furnish a report to the Minister for Local Government on its achievements with respect to the objectives and performance targets set out in the Management Plan for the year.

**COMMENTS:**

The Report for the period 1 July 2005 to 30 June 2006 is now tabled for Council's information and is available for public perusal at Council's Office and Libraries.

**RECOMMENDATION:**

That the Annual Report for the period, 1 July 2005 to 30 June 2006, be received and noted.

## PURPOSE OF REPORT

To present to Council the Statutory Annual Report for 2005/2006 in accordance with Section 428 of the Local Government Act 1993.

## BACKGROUND

Section 428 of the Local Government Act 1993 requires Council to prepare a report on its achievements with respect to the objectives and performance targets set out in the Management Plan for the year.

The report is to be prepared within 5 months of the close of the year (ie by 30 November) and the information required in Section 428(2) of the Act represents Council's statutory reporting responsibilities.

A copy of the Report is required to be sent to the Minister for Local Government.

## COMMENTS

In previous years, Council's Annual Report has complied with the statutory requirements as prescribed by the Local Government Act.

This year, staff have enhanced the Report by commencing to incorporate the principles of Global Reporting Initiative Standards.

This initiative has been undertaken to endeavour to make the Report more "readable, measurable and transparent" to the target audience; namely the community at large and relevant Government agencies.

Whilst it is important to reflect on outcomes/results for the reporting period, it is equally critical to identify areas where further improvement is warranted in future years.

It is stressed that this Annual Report represents a starting point for integrating the principles of Global Reporting Initiative Standards. It is proposed that Council continues to build on this work in future Reports.

The Report for the period 1 July 2005 to 30 June 2006 is now tabled for Council's information and is available for public perusal at Council's Office and Libraries. (Report circulated separately)

## CONSULTATION

Not applicable.

## **FINANCIAL CONSIDERATIONS**

Not applicable.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

All Departments have provided input into the Report.

## **SUMMARY**

Not applicable.

## **RECOMMENDATION**

That the Annual Report for the period, 1 July 2005 to 30 June 2006, be received and noted.

Geoff O'Rourke  
**Senior Governance Officer**

John Clark  
**Acting Director Finance &  
Business**

John McKee  
**General Manager**

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## **BUDGET 2006/2007 1ST QUARTER REVIEW AS AT END SEPTEMBER 2006**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To present to Council the quarterly financial review for the 1st quarter ended 30 September 2006.
<b>BACKGROUND:</b>	This is a statutory requirement under the Local Government (Financial Management) Regulation Part 2 paragraph 7.
<b>COMMENTS:</b>	This review analyses the financial performance of the Council for the 1 <sup>st</sup> quarter of the 2006/2007 budget, comparing actual expenditure and revenue for the quarter against the budget.
<b>RECOMMENDATION:</b>	That Council approve the budget transfers as outlined in this report.

## PURPOSE OF REPORT

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2006.

## BACKGROUND

This is a statutory requirement under the Local Government Financial Management Regulation 1999, Part 2 Clause 7 and it is an essential aspect of Council's financial management.

At the Council meeting held on 13 June 2006, Council adopted the 2006-2010 Management Plan, which incorporated the annual budget for Council for 2006/2007. The resolution adopting this Management Plan was under Minute 210.

## COMMENTS

### General Budgetary Position

This review analyses the financial performance of the Council for the 1st quarter of 2006/2007 comparing actual expenditure and revenue for the quarter against budget. Council's budgetary position for the quarter ended 30 September is well within expectations. The organisation's year to date net expenditure shows a surplus of \$5,364,799 compared to a budget surplus of \$1,713,621, a positive variance of \$3,651,178.

It should be noted, however, that Domestic Waste is \$227,748 under budget, Sec 94 Contributions are \$2,541,456 over budget and Interest earnings on Sec 94 Contributions are also over budget by \$96,580. As these amounts are externally restricted, it is appropriate that they are removed from the general budgetary surplus. This results in a positive cash variance of \$785,506.

The financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

This total variance is broken down as follows:

	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Variance</b>
Expenditure	\$19,512,282	\$18,232,703	\$1,279,579
Income	\$21,225,903	\$23,597,502	\$2,371,599
<b>Sub Total</b>	<b>\$1,713,621</b>	<b>\$5,364,799</b>	<b>\$3,651,178</b>
<b>Less External Restrictions</b>			<b>(\$2,865,672)</b>
<b>Net Result</b>			<b>\$785,506</b>



## Item 3

S04708  
10 November 2006

DEPARTMENTS	September YTD (Net)			Year
	\$ Actual	\$ Budget	\$ Variance	\$ Budget
Civic Management	658,819	633,768	(25,051)	2,535,100
Community Services	1,671,246	1,885,245	213,999	7,451,600
Development & Regulation	482,141	686,226	204,085	2,744,900
Finance & Business	(12,779,073)	(9,957,480)	2,821,593	(43,058,200)
Open Space	1,926,678	2,103,719	177,041	8,346,400
Planning & Environment	259,541	187,550	(71,991)	750,200
Technical Services	2,745,219	2,821,085	75,866	10,018,300
Waste Management	(329,370)	(73,734)	255,636	(295,000)
<b>Net Expenditure / (Revenue)</b>	<b>(5,364,799)</b>	<b>(1,713,621)</b>	<b>3,651,178</b>	<b>(11,506,700)</b>

**Restricted Income**

**Section 94** - As at 30 September 2006, Council has received \$3,722,955 in Section 94 Contributions. Of this amount \$260,303 relates to the 2000/2003 Residential Plan, \$48,473 relates to the new SEPP 5 Plan and \$3,414,178 relates to the 2004/2009 Residential Plan. An additional \$360,405 of interest has been added to Section 94 funds for the quarter.

**Internally Restricted Reserves**

At the beginning of the 2005/2006 financial year, balances available in internally restricted reserves totalled \$12,463,675.

<b>Total Restricted Assets</b>	<b>\$</b>
Opening Balance	40,143,807
Add: Income as at 30 September	3,722,955
Add: Interest	360,405
Add : Transfers In	4,749,941
<b>Closing Balance</b>	<b>48,977,108</b>

A further breakdown of these contributions is shown in **Appendix B**.

## Item 3

S04708  
10 November 2006Summary of requested budget adjustments

DEPARTMENT		
	Additional Expense	Additional Revenue
	\$	\$
<b>COMMUNITY SERVICES</b>		
- operational	(2,000)	0
- capital projects	98,400	98,400
<b>Sub Total</b>	<b>96,400</b>	<b>98,400</b>
<b>OPEN SPACE</b>		
- operational	0	0
- capital projects	(83,000)	(83,000)
<b>Sub Total</b>	<b>(83,000)</b>	<b>(83,000)</b>
<b>PLANNING &amp; ENVIRONMENT</b>		
- operational	0	0
- capital projects	0	0
<b>Sub Total</b>	<b>0</b>	<b>0</b>
<b>TECHNICAL SERVICES</b>		
- operational	0	0
- capital projects	0	0
<b>Sub Total</b>	<b>0</b>	<b>0</b>
<b>CIVIC MANAGEMENT</b>		
- operational	33,000	15,000
- capital projects	0	0
<b>Sub Total</b>	<b>33,000</b>	<b>15,000</b>
<b>FINANCE &amp; BUSINESS</b>		
- operational	51,000	0
- capital projects	0	0
<b>Sub Total</b>	<b>51,000</b>	<b>0</b>
<b>DEVELOPMENT &amp; REGULATION</b>		
- operational	(60,000)	0
- capital projects	0	0
<b>Sub Total</b>	<b>(60,000)</b>	<b>0</b>
<b>WASTE MANAGEMENT</b>		
- operational	(7,000)	0
- capital projects	9,900	9,900
<b>Sub Total</b>	<b>2,900</b>	<b>9,900</b>
<b>Total Council Budget Adjustments</b>	<b>40,300</b>	<b>40,300</b>
<b>NET EXPENDITURE</b>	<b>0</b>	

Community Services

Community Services provided a net saving of \$2,000 for the quarter. This is made up from additional expenditure of \$20,000 required for the Aboriginal Heritage program and reductions in salaries due to staff vacancies totaling \$22,000.

Open Space

The net budget result for Open Space is nil. However, a reduction of \$93,600 from the Catchment Analysis Project is required to partly fund the Carried Forward report as per Council meeting 17 October 2006

### **Planning & Environment**

There are no budget adjustments in Planning & Environment for the September quarter. However, it is anticipated that there will be substantial over expenditure in relation to costs associated with the town centre planning projects. At this stage it is too early to make an accurate projection of total costs, therefore no budgets have been adjusted as part of this review. Revised budgets and appropriate funding strategies will be developed as part of the December review.

### **Technical Services**

There are no budget adjustments in Technical services for the September quarter.

### **Civic Management**

Civic Management require additional net funds of \$18,000. The most significant variation is an additional \$15,000 required for increased Occupation Health & Safety training across Council.

### **Finance & Business**

Finance and Business require additional net funds of \$51,000. This is mainly due to the need to keep the AS400 operational for longer than anticipated.

### **Development and Regulation**

The net budget result for Development and Regulation is a positive variance of \$60,000. There were several variations within the department, the most significant being a decrease in legal expenses of \$50,000 and legal consultants of \$20,000.

(Details of variations for each department are outlined in **Appendix A.**)

## Item 3

S04708  
10 November 2006

Net totals for each department are as follows:

<b>Department</b>	<b>Amount \$</b>
Community Services	(2,000)
Open Space	0
Planning & Environment	0
Technical Services	(7,000)
Civic Management	18,000
Finance and Business	51,000
Development and Regulation	(60,000)
<b>Net Expenditure</b>	<b>0</b>

An overall summary of 2006/2007 budget adjustments are shown in the table below:

<b>2006/2007 Budget Summary</b>	<b>Original Budget</b>	<b>Carry Forwards</b>	<b>Sept Review</b>	<b>Council Resolutions</b>	<b>Revised Budget</b>
	\$	\$	\$	\$	\$
<b>Operating Budget</b>					
<b>Total Cash In</b>	80,556,900	74,500	8,400	175,400	80,815,200
<b>Total Cash Out</b>	62,409,400	28,200	15,000	0	62,452,600
<b>Headline Budget Surplus/(Deficit)</b>	<b>18,147,500</b>	<b>46,300</b>	<b>(6,600)</b>	<b>175,400</b>	<b>18,362,600</b>
<b>Funds To Restricted Assets</b>	11,401,400	0	0		11,401,400
<b>Operating Surplus/(Deficit)</b>	<b>6,746,100</b>	<b>46,300</b>	<b>(6,600)</b>	<b>175,400</b>	<b>6,961,200</b>
<b>Capital Works Program</b>					
<b>Projects</b>	<b>25,174,600</b>	<b>3,020,100</b>	<b>25,300</b>	<b>175,400</b>	<b>28,395,400</b>
<b>Funded By</b>					
<b>Operating Surplus</b>	1,874,100	46,300	(6,600)	175,400	2,089,200
<b>Infrastructure Levy</b>	1,914,000	0	0		1,914,000
<b>Environmental Levy</b>	1,958,000	0	0		1,958,000
<b>Loans</b>	1,000,000	0	0		1,000,000
<b>Sub Total</b>	<b>6,746,100</b>	<b>46,300</b>	<b>(6,600)</b>	<b>175,400</b>	<b>6,961,200</b>
<b>Section 94</b>	3,358,100	75,000	22,000		3,455,100
<b>Other Restricted Assets</b>	15,070,400	2,562,000	9,900		17,642,300
<b>Working Funds</b>	0	243,200	93,600		336,800
<b>Total Funding</b>	<b>25,174,600</b>	<b>2,926,500</b>	<b>118,900</b>	<b>175,400</b>	<b>28,395,400</b>
<b>Net Surplus/(Deficit)</b>	<b>0</b>	<b>(93,600)</b>	<b>93,600</b>	<b>0</b>	<b>0</b>

## Item 3

S04708  
10 November 2006**Working Funds**

The following table provides a summary of working funds adjustments during 2006/2007.

<b>Projected Working Funds Position as at 30 June 2005</b>	
Working Funds 1 July 2006	\$243,200
Less	
Carried Forward Works from 2005/2006	(\$336,800)
Plus Variations September 2005 Review	\$93,600
<b>Projected Unrestricted Working Funds 30 June 2007</b>	<b>\$0</b>
Council's unrestricted working funds reflect the short-term ability of the Council to fund unplanned expenditure.	

**Capital Works & Projects**

<b>DEPARTMENTS</b>	<b>September YTD Actual</b>	<b>Full Year Budget</b>	<b>Funds to be Spent</b>
Community Services	\$1,250	\$93,500	\$92,250
Finance & Business	\$2,459	\$196,600	\$194,141
Open Space	\$753,114	\$8,124,500	\$7,371,386
Planning & Environment	\$260,971	\$417,200	\$156,229
Technical Services	\$1,392,158	\$19,538,300	\$18,146,142
	<b>\$2,409,952</b>	<b>\$28,370,100</b>	<b>\$25,960,148</b>

Gross expenditure for capital works & projects for the period ended 30 September 2006 is \$2,409,952 against a full year budget of \$28,370,100 (this includes Depot Relocation , Operational and Passenger Fleet ).

**CONSULTATION**

Not Applicable

## **FINANCIAL CONSIDERATIONS**

Should Council adopt the recommendations of this report, Council's working fund balance will remain unchanged.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Finance and Business staff have worked closely with the General Manager and Directors of each department in reviewing their budgets to provide this quarterly review.

## **SUMMARY**

The net result of the September Review if adopted will not change Council's current working fund balance.

## **RECOMMENDATION**

That Council adopt the variations contained in this report.

Michael Lopez  
Management Accountant

John Clark  
Acting Director Finance & Business

**Attachments:**      **Appendix A: Summary Review - 696924**  
                         **Appendix B: Restricted Assets - 696915**  
                         **Appendix C: September Financial Reports - 696902**

## Appendix A: Summary Review

Summary by Department of net expense or revenue requests

AREA	NON-DISCRETIONARY ITEMS		DISCRETIONARY ITEMS	
	Additional Expense	Additional Revenue	Additional Expense	Additional Revenue
	\$	\$	\$	\$
<b>COMMUNITY SERVICES</b>				
- operational	(2,000)	0	0	0
- capital projects	98,400	98,400	0	0
<b>Sub Total</b>	<b>96,400</b>	<b>98,400</b>	<b>0</b>	<b>0</b>
<b>OPEN SPACE</b>				
- operational	0	0	0	0
- capital projects	(83,000)	(83,000)	0	0
<b>Sub Total</b>	<b>(83,000)</b>	<b>(83,000)</b>	<b>0</b>	<b>0</b>
<b>PLANNING &amp; ENVIRONMENT</b>				
- operational	0	0	0	0
- capital projects	0	0	0	0
<b>Sub Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TECHNICAL SERVICES</b>				
- operational	0	0	0	0
- capital projects	0	0	0	0
<b>Sub Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CIVIC MANAGEMENT</b>				
- operational	33,000	15,000	0	0
- capital projects	0	0	0	0
<b>Sub Total</b>	<b>33,000</b>	<b>15,000</b>	<b>0</b>	<b>0</b>
<b>FINANCE &amp; BUSINESS</b>				
- operational	51,000	0	0	0
- capital projects	0	0	0	0
<b>Sub Total</b>	<b>51,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DEVELOPMENT &amp; REGULATION</b>				
- operational	(60,000)	0	0	0
- capital projects	0	0	0	0
<b>Sub Total</b>	<b>(60,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>WASTE MANAGEMENT</b>				
- operational	(7,000)	0	0	0
- capital projects	9,900	9,900	0	0
<b>Sub Total</b>	<b>2,900</b>	<b>9,900</b>	<b>0</b>	<b>0</b>
<b>Total Council Budget Adjustments</b>	<b>40,300</b>	<b>40,300</b>	<b>0</b>	<b>0</b>
<b>NET EXPENDITURE</b>	<b>0</b>		<b>0</b>	

Adjustment - ( ) decrease in Expenditure or Income

**Department: COUNCIL - Budget Transfers**

	CC	RES	Original Budget	Revised Budget	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
GL	1303	1260	\$72,200	\$102,200	\$30,000		Twilight Concerts in the Park budget being transferred from Management Support in Community Services.
GL	1150	1176	\$80,000	\$50,000	(\$30,000)		Budget being transferred to Community Functions for Twilight Concerts in the Park.
GL	1150	1117	\$0	\$10,000	\$10,000		Consultants budget being transferred from Community Facilities Unit.
GL	1250	1000	\$85,700	\$75,700	(\$10,000)		Salaries budget being transferred to Community Services Management Support.
GL	1303	2350	\$13,000	\$25,000	\$12,000		Grants budget being transferred from Cultural Development.
GL	1302	2350	\$12,000	\$0	(\$12,000)		Grants budget being transferred to Community Functions.
GL	2406	1000	\$47,400	\$66,400	\$19,000		Salaries budget being transferred from casual salaries budget within Community Bushcare.
GL	2406	1002	\$16,900	\$24,900	\$8,000		Salaries on costs budget being transferred from casual salaries budget within Community Bushcare.
GL	2406	1024	\$57,000	\$30,000	(\$27,000)		Casual salaries budget being transferred to Salaries and on costs budget within Bushcare.
GL	1550	1161	\$130,000	\$120,000	(\$10,000)		Postage budget being transferred to IT for postage software.
GL	2151	1161	\$45,000	\$40,000	(\$5,000)		Postage budget being transferred to IT for postage software.
GL	2325	1252	\$415,000	\$430,000	\$15,000		Computer licence budget being transferred from Records Management and Rates & Debtors.
GL	1900	1000	\$171,800	\$156,800	(\$15,000)		Salaries budget being transferred to consultants budget within Management Support Finance & Business.
GL	1900	1117	\$0	\$15,000	\$15,000		Consultants budget being transferred from salaries budget within Management Support Finance & Business.
GL	2000	1136	\$55,500	\$63,500	\$8,000		Property insurance budget being transferred from public & professional insurance budget within Insurance & Risk.
GL	2000	1137	\$577,500	\$569,500	(\$8,000)		Public & professional insurance budget being transferred to property insurance budget within Insurance & Risk.
GL	1651	1000	\$186,100	\$235,100	\$49,000		Salaries budget being transferred from contractors budget within Building Unit.
GL	1651	1002	\$66,400	\$83,900	\$17,500		Salaries on costs budget being transferred from contractors budget within Building Unit.
GL	1651	1260	\$78,000	\$11,500	(\$66,500)		Contractors budget being transferred to salaries and on costs budget within Building Unit.
GL	1700	1145	\$70,000	\$40,000	(\$30,000)		Legal fees budget being transferred to Public Health Services.



Department: COUNCIL - Budget Transfers

	CC	RES	Original Budget	Revised Budget	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
GL	1702	1145	\$1,500	\$31,500	\$30,000		Legal fees budget being transferred from Development Compliance
Total Department Adjustment Requested					\$0	\$0	
NET ADJUSTMENT TO DEPARTMENT BUDGET						\$0	

# Department: COMMUNITY SERVICES

	CC	RES	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
<b>NON-DISCRETIONARY ITEMS</b>							
GL	1203	1260	\$0	\$20,000	\$20,000		Increase contractors budget for Aboriginal Heritage Program.
GL	1450	1000	\$652,400	\$635,400	(\$17,000)		Decrease salaries budget due to staff vacancies.
GL	1450	1002	\$232,900	\$227,900	(\$5,000)		Decrease salaries on costs budget due to vacancies.
<b>SUB TOTAL</b>					<b>(\$2,000)</b>	<b>\$0</b>	
<b>DISCRETIONARY ITEMS</b>							
<b>SUB TOTAL</b>					<b>\$0</b>	<b>\$0</b>	
<b>Total Department Adjustment Requested</b>					<b>(\$2,000)</b>	<b>\$0</b>	
<b>NET ADJUSTMENT TO DEPARTMENT BUDGET</b>						<b>(\$2,000)</b>	

**Department: CIVIC MANAGEMENT**

	CC	RES	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
<b>NON-DISCRETIONARY ITEMS</b>							
GL	1000	1022	\$0	\$6,000	\$6,000		Increase temporary salaries budget in Councillor Support.
GL	1000	1170	\$1,000	\$3,000	\$2,000		Increase sundry expenses budget in Councillor Support.
GL	1000	1250	\$0	\$6,000	\$6,000		Increase materials budget in Councillor Support.
GL	1102	1045	\$15,000	\$30,000	\$15,000		Increase OH&S training budget in Staff Training & Development.
GL	1102	1113	\$4,000	\$8,000	\$4,000		Increase Finance & Business conferences budget in Staff Training & Development.
GL	1102	2159	\$0	\$15,000		\$15,000	Increase training income budget in Staff Training & Development.
<b>SUB TOTAL</b>					<b>\$33,000</b>	<b>\$15,000</b>	
<b>DISCRETIONARY ITEMS</b>							
<b>SUB TOTAL</b>					<b>\$0</b>	<b>\$0</b>	
<b>Total Department Adjustment Requested</b>					<b>\$33,000</b>	<b>\$15,000</b>	
<b>NET ADJUSTMENT TO DEPARTMENT BUDGET</b>						<b>\$18,000</b>	

# Department: FINANCE & BUSINESS

	CC	RES	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
<b>NON-DISCRETIONARY ITEMS</b>							
GL	1900	1000	\$171,800	\$167,800	(\$4,000)		Decrease salaries budget in Management Support Finance & Business.
GL	2151	1172	\$120,000	\$115,000	(\$5,000)		Decrease valuation fees budget in Rates & Debtors.
GL	2325	1252	\$415,000	\$475,000	\$60,000		Increase computer licence budget in Information Technology.
<b>SUB TOTAL</b>					<b>\$51,000</b>	<b>\$0</b>	
<b>DISCRETIONARY ITEMS</b>							
<b>SUB TOTAL</b>					<b>\$0</b>	<b>\$0</b>	
<b>Total Department Adjustment Requested</b>					<b>\$51,000</b>	<b>\$0</b>	
<b>NET ADJUSTMENT TO DEPARTMENT BUDGET</b>						<b>\$51,000</b>	

**Department: DEVELOPMENT & REGULATION**

	CC	RES	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
<b>NON-DISCRETIONARY ITEMS</b>							
GL	1700	2140	\$110,000	\$90,000		(\$20,000)	Decrease other fines income budget in Development and Compliance.
GL	1801	2137	\$600,000	\$620,000		\$20,000	Increase parking fines income budget in Parking & Traffic.
GL	1601	1185	\$0	\$3,600	\$3,600		Increase storage budget in Administration.
GL	1601	1256	\$0	\$30,000	\$30,000		Increase archiving contractors budget in Administration.
GL	1750	1145	\$1,150,000	\$1,120,000	(\$30,000)		Decrease legal fees budget in Development Assessments.
GL	1750	1178	\$450,000	\$400,000	(\$50,000)		Decrease legal consultants budget in Development Assessments.
GL	1750	1258	\$100,000	\$80,000	(\$20,000)		Decrease DA contractors budget in in Development Assessments.
GL	1801	1008	\$1,000	\$7,400	\$6,400		Increase overtime budget in Parking & Traffic.
<b>SUB TOTAL</b>					<b>(\$60,000)</b>	<b>\$0</b>	
<b>DISCRETIONARY ITEMS</b>							
<b>SUB TOTAL</b>					<b>\$0</b>	<b>\$0</b>	
<b>Total Department Adjustment Requested</b>					<b>(\$60,000)</b>	<b>\$0</b>	
<b>NET ADJUSTMENT TO DEPARTMENT BUDGET</b>						<b>(\$60,000)</b>	

**Department: WASTE MANAGEMENT**

	CC	RES	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
<b>NON-DISCRETIONARY ITEMS</b>							
GL	3400	1270	\$400,000	\$393,000	(\$7,000)		Decrease waste disposal budget.
<b>SUB TOTAL</b>					<b>(\$7,000)</b>	<b>\$0</b>	
<b>DISCRETIONARY ITEMS</b>							
<b>SUB TOTAL</b>					<b>\$0</b>	<b>\$0</b>	
<b>Total Department Adjustment Requested</b>					<b>(\$7,000)</b>	<b>\$0</b>	
<b>NET ADJUSTMENT TO DEPARTMENT BUDGET</b>						<b>(\$7,000)</b>	

**Department: CAPITAL WORKS**

	PN	RC	Task	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
<b>NON-DISCRETIONARY ITEMS</b>								
PJ	100564	126000	00	\$0	\$76,400	\$76,400		Increase contractors budget for Ezone to reflect grants received.
PJ	100564	235000	00	\$0	\$76,400		\$76,400	Increase grants budget for Ezone to reflect funds received.
PJ	100589	125000	00	\$0	\$9,000	\$9,000		Increase materials budget for Community Languages Collection to reflect funds being transferred from S94.
PJ	100589	462300	00	\$0	\$9,000		\$9,000	Increase S94 income budget for Community Languages Collection to reflect funds being transferred.
PJ	100592	126000	00	\$0	\$13,000	\$13,000		Increase contractors budget to fund Tutorial Australasia.
PJ	100592	462300	00	\$0	\$13,000		\$13,000	Increase S94 income budget to fund Tutorial Australasia.
PJ	100503	126000	00	\$102,700	\$9,100	(\$93,600)		Decrease contractors budget for Catchment Analysis as reported to Council on 17 October 2006.
PJ	100503	461500	00	\$102,700	\$9,100		(\$93,600)	Decrease funding budget for Catchment Analysis as reported to Council on 17 October 2006.
PJ	100571	126000	00	\$0	\$10,600	\$10,600		Increase contractors budget for Cameron Park & Playground to reflect grants received.
PJ	100571	235000	00	\$0	\$10,600		\$10,600	Increase grants budget for Cameron Park & Playground to reflect funds received.
PJ	100563	1260	00	\$0	\$9,900	\$9,900		Increase contractors budget for Bradfield Road Subdivision Gross Pollution Trap to reflect contribution to works funds received.
PJ	100563	4632	00	\$0	\$9,900		\$9,900	Increase contribution to works income budget for Bradfield Road Subdivision Gross Pollution Trap to reflect money received.
<b>SUB TOTAL</b>						<b>\$25,300</b>	<b>\$25,300</b>	
<b>DISCRETIONARY ITEMS</b>								
<b>SUB TOTAL</b>						<b>\$0</b>	<b>\$0</b>	

**Department: CAPITAL WORKS**

	PN	RC	Task	Revised Budget	Revised Budget After Adjs.	EXPENDITURE Budget Adjustment: Inc/(Dec)	INCOME Budget Adjustment: Inc/(Dec)	Justification
NON-DISCRETIONARY ITEMS								
Total Adjustment Requested						\$25,300	\$25,300	
NET ADJUSTMENT TO DEPARTMENTS BUDGET							\$0	



# Ku-Ring-Gai Council

30-Sep-06

Externally Restricted Assets	Opening Balance	Income	Transfers In	Interest	Transfers Out	Closing Balance
Community Facilities	(72,159)	-		(1,102)		(73,261)
Open Space	(21,964)			(336)	-	(22,300)
Car Parking	(1,044,016)			(15,950)		(1,059,966)
Children's Services	(16,231)			(248)		(16,479)
Underground Electricity	(1,494)			(23)		(1,517)
<b>Total - Pre 1993 Plan</b>	<b>(1,155,864)</b>	<b>-</b>	<b>-</b>	<b>(17,658)</b>	<b>-</b>	<b>(1,173,523)</b>

## Section 94 Funds - 1993 Plan

Car Parking St Ives	(400,215)	-		(6,114)		(406,329)
Car Parking Alma Street	(59,637)			(911)		(60,548)
Car Parking Larkin Lane	(139,876)			(2,137)		(142,012)
Car Parking West Lindfield	(29,611)			(452)		(30,064)
Car Parking Wahroonga	(340,750)			(5,206)		(345,956)
Gordon Car Parking						-
KWFG Master Plan	(2,271)	-		(35)		(2,306)
St Ives Showground	(1,106)	-		(17)		(1,123)
Walking Track Embellishment	(6,744)	-		(103)		(6,847)
Bicentennial Park Amenities	(2,594)	-		(40)		(2,634)
Central Library	(4,302)	-		(66)		(4,368)
Child Care facilities	(170,681)	-		(2,608)		(173,288)
Contributions Plan	(29,657)	-		(453)		(30,110)
Curagul Roundabout	(811)			(12)		(823)
Hillcrest Traffic Lights						-
Curagul Stormwater Drainage						-
Street Trees	(357)			(5)		(362)
Bobbin Head Rd Murrumbidgee	(197)			(3)		(200)
<b>Total - 1993 Plan</b>	<b>(1,188,808)</b>	<b>-</b>	<b>-</b>	<b>(18,162)</b>	<b>-</b>	<b>(1,206,970)</b>

## 2000/2003 Residential Plan

Open Space Roseville	(78,182)	-		(1,194)		(79,377)
Open Space Lindfield	(2,949,399)	(54,957)		(45,477)		(3,049,833)
Open Space Killara	(346,497)	-		(5,293)		(351,790)
Open Space Gordon	(152,215)	-		(2,325)		(154,540)
Open Space St Ives	(1,596,777)	(55,130)		(24,954)		(1,676,861)
Open Space Pymble	(449,906)	(6,881)		(6,943)		(463,731)
Open Space Turramurra/Warrawee	(838,631)	(13,762)		(12,917)		(865,309)
Open Space Wahroonga	(1,127,602)	(47,873)		(17,713)		(1,193,188)
<b>Sub Total Open Space Acquisition</b>	<b>(7,539,209)</b>	<b>(178,603)</b>	<b>-</b>	<b>(116,817)</b>	<b>-</b>	<b>(7,834,629)</b>
Koola Park Upgrade	(236,305)	(4,507)		(3,651)		(244,463)
Nth T'murra Sportsfield Development	(1,538,674)	(31,084)		(23,787)		(1,593,545)
Child Care Centre Acquisition	(409,337)	(7,077)		(6,316)		(422,730)
Acron Rd Childrens Serv. Ctr Upgrade	(4,569)	(933)		(79)		(5,581)
Purchase Library Bookstock	(29,430)	(604)		(455)		(30,489)
New Residents Kit	(9,902)	(307)		(154)		(10,363)
New Residents Survey	(16,413)	(319)		(254)		(16,986)
Public Art	(5,727)	(92)		(88)		(5,908)
Study & Interim Plan	44,506	(1,382)		-		43,124
Section 94 Officer	(133,327)	(35,395)		(2,392)		(171,114)
<b>Total - 2002/2003 Residential Plan</b>	<b>(9,878,387)</b>	<b>(260,303)</b>	<b>-</b>	<b>(153,994)</b>	<b>-</b>	<b>(10,292,684)</b>

## Ku-Ring-Gai SEPP 5 Plan

Pymble	(201,178)	-		(3,073)		(204,252)
St Ives	(24,996)	-		(382)		(25,377)
Lindfield	(132,709)	(48,473)		(2,520)		(183,702)
<b>Total - Ku-Ring-Gai SEPP 5 Plan</b>	<b>(358,883)</b>	<b>(48,473)</b>	<b>-</b>	<b>(5,975)</b>	<b>-</b>	<b>(413,331)</b>

<b>Open Space</b>	<b>(358,883)</b>	<b>(48,473)</b>	<b>-</b>	<b>(5,975)</b>	<b>-</b>	<b>(413,331)</b>
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<b>2004/2009 Residential Plan</b>	<b>Opening Balance</b>	<b>Income</b>	<b>Transfers In</b>	<b>Interest</b>	<b>Transfers Out</b>	<b>Closing Balance</b>
Child Care Facilities	(579,613)	(211,909)	-	(10,834)	-	(802,356)
Park Upgrade	(738,542)	(230,654)	-	(13,437)	-	(982,634)
Nth T'murra Sportsfield Development	(450,463)	(165,224)	-	(8,425)	-	(624,112)
Purchase Library Bookstock	(48,465)	(17,753)	-	(906)	-	(67,124)
Study & Interim Plan	(24,093)	(6,781)	-	(432)	-	(31,306)
Section 94 Officer	(66,698)	(24,032)	-	(1,243)	-	(91,973)
Public Art	(16,474)	(6,039)	-	(308)	-	(22,821)
Youth Facilities	(23,653)	(8,675)	-	(442)	-	(32,770)
Senior Facilities	(16,382)	(5,236)	-	(299)	-	(21,916)
Information Services	(10,851)	(3,904)	-	(202)	-	(14,957)
MultiCentre	(164,638)	(69,342)	-	(3,163)	-	(237,143)
Art Centre Upgrade	(32,764)	(12,017)	-	(613)	-	(45,395)
Open Space Roseville	(29,052)	-	-	(444)	-	(29,495)
Open Space Lindfield	(51,225)	(1,219,293)	-	(13,169)	-	(1,283,687)
Open Space Killara	(1,221,724)	(258,883)	-	(20,074)	-	(1,500,681)
Open Space Gordon	(667,303)	(28,617)	-	(10,339)	-	(706,259)
Open Space St Ives	(595,116)	(19,283)	-	(9,288)	-	(623,687)
Open Space Pymble	(95,491)	(752,969)	-	(8,963)	-	(857,422)
Open Space Wahroonga	(2,728,938)	(19,283)	-	(41,886)	-	(2,790,108)
Park Acquisition Planning	(133,751)	(30,440)	-	(2,328)	-	(166,519)
Southern Area Embellishment	(112,296)	(75,171)	-	(2,396)	-	(189,863)
Northern Area Embellishment	(284,218)	(77,101)	-	(5,118)	-	(366,438)
LGA Embellishment	(323,563)	(118,664)	-	(6,051)	-	(448,278)
West Pymble Pool	(24,920)	(8,354)	-	(459)	-	(33,733)
Traffic Management Road Safety	(16,774)	(1,468)	-	(270)	-	(18,511)
Pedestrian Works	(12,903)	(4,754)	-	(242)	-	(17,898)
Cycleways	(5,763)	(2,114)	-	(108)	-	(7,985)
Public Domain	(152,508)	(25,884)	-	(2,573)	-	(180,965)
Traffic Studies	(33,290)	(10,333)	-	(604)	-	(44,226)
<b>Total - 2004/2009 Residential Plan</b>	<b>(8,661,468)</b>	<b>(3,414,178)</b>	<b>-</b>	<b>(164,616)</b>	<b>-</b>	<b>(12,240,262)</b>

<b>Total Section 94 Funds</b>	<b>(21,243,410)</b>	<b>(3,722,955)</b>	<b>-</b>	<b>(360,405)</b>	<b>-</b>	<b>(25,326,770)</b>
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Domestic Waste	(4,482,905)		-			(4,482,905)
Unexpended Loans			-			-
Unexpended Infrastructure Levy			-			-
Environmental Levy	(851,992)		-			(851,992)
Unexpended Grants	(1,101,825)		-			(1,101,825)

<b>Total Externally Restricted Assets</b>	<b>(27,680,133)</b>	<b>(3,722,955)</b>	<b>-</b>	<b>(360,405)</b>	<b>-</b>	<b>(31,763,492)</b>
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# Ku-Ring-Gai Council

## Internally Restricted Assets

Actual Balances 2006/2007

	Opening Balance	Income	Transfers In	Interest	Transfers Out	Closing Balance
Employee Leave Entitlements	(1,024,950)		(20,000)			(1,044,950)
Election	(19,577)		(50,000)			(69,577)
Kindergarten	(7,000)					(7,000)
Garbage	(480,820)					(480,820)
Plant Replacement	(283,779)		(350,000)			(633,779)
Library	(9,000)					(9,000)
Property	-					-
Gordon Parking Fund	(225,578)					(225,578)
Wahroonga Parking Fund	(168,239)					(168,239)
Ryde Road Parking Fund	(300,000)					(300,000)
Roseville Parking Fund	(44,786)					(44,786)
Lindfield Parking Fund	(26,709)					(26,709)
Insurance	(55,200)					(55,200)
Information Technology	28,065					28,065
Depreciation Reserve	-					-
Road Rehabilitation	-		-			-
Drainage	(130,838)		(205,500)			(336,338)
Building Replacement Reserve	-		-			-
Footpath	(562,028)		(205,500)			(767,528)
Contribution To Works	(237,299)		-			(237,299)
Golf Course Levy	(835,453)		(256,875)			(1,092,328)
Golf Course Upgrade	(35,000)					(35,000)
Infrastructure Restoration	(429,057)		(350,000)			(779,057)
Sportsfield Improvement	(59,564)		(210,638)			(270,202)
Playground	(50,642)					(50,642)
Tree Planting	(35,000)					(35,000)
Natural Environment Reserve	(32,500)					(32,500)
Swimming Pool Reserve	(30,000)					(30,000)
Parks	(25,000)					(25,000)
Loan Reduction	(269,986)		(1,981,848)			(2,251,834)
Superannuation Reserve	(1,000,000)					(1,000,000)
DA Reserve	-					-
Bond	(200,000)		(125,000)			(325,000)
Contingency	(326,339)		(41,896)			(368,235)
St Ives Showground (Environmental Remediation)	(9,025)		-			(9,025)
St Ives Showground PRM Fund	-		(150,000)			(150,000)
Telco	(8,750)		-			(8,750)
Facilities Reserve	(4,885,404)		(802,684)			(5,688,088)
Bus Shelter Reserve	(663,696)					(663,696)
Revolving Energy Fund	(20,519)					(20,519)
<b>Total Internally Restricted Assets</b>	<b>(12,463,675)</b>	<b>-</b>	<b>(4,749,941)</b>	<b>-</b>	<b>-</b>	<b>(17,213,616)</b>
<b>TOTAL RESTRICTED ASSETS</b>	<b>(40,143,807)</b>	<b>(3,722,955)</b>	<b>(4,749,941)</b>	<b>(360,405)</b>	<b>-</b>	<b>(48,977,108)</b>

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## INVESTMENT & LOAN LIABILITY AS AT 31 OCTOBER 2006

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present to Council investment allocations, returns on investments and details of loan liabilities for October 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 18 July 2006 (Minute No.254).

**COMMENTS:**

The Reserve Bank of Australia (RBA) increased the official cash rate from 6.00% to 6.25% subsequent to this reporting period.

**RECOMMENDATION:**

That the summary of investments and loan liabilities for October 2006 be received and noted.

## PURPOSE OF REPORT

To present to Council investment allocations, returns on investments and details of loan liabilities for October 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 18 July 2006 (Minute No. 254).

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

## COMMENTS

During the month of October, Council had a net cash outflow of \$525,900 and gross interest and capital appreciation on Council's investments was \$232,500.

Council's total investment portfolio at the end of October 2006 is \$45,294,000. This compares to an opening balance of \$36,366,900 as at 1 July 2006.

Council's interest on investments for October year to date is \$866,100. This is less than the year to date budget of \$920,000. Council is achieving higher than the budgeted rate of return, however the below budget result is due to funds from the sale of Council's Depot not being received as anticipated.

Council's total debt as at 30 October 2006 is reduced to \$10,895,400. There were two debt repayments during the month of October.

## PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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

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

Item 4

S02722  
7 November 2006

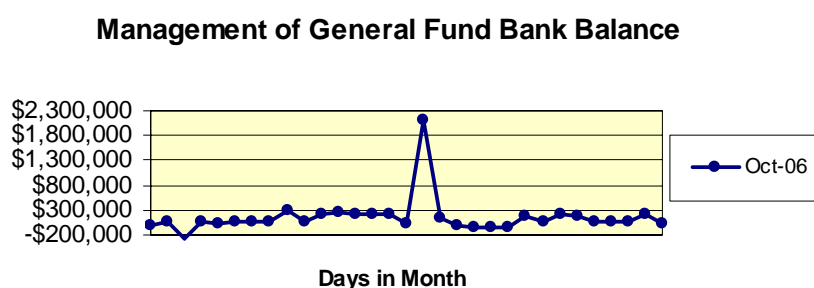
▪ **Allocation of Surplus Funds**

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

Council's Investment Policy requires that not more than 35% of funds are to be with any one Fund Manager. All funds are kept below this required level of 35%.

**Management of General Fund Bank Balance**

During October, Council had an outflow of funds of \$525,000.



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

The weighted average return for the total portfolio year to date was 6.54% compared to the benchmark of the UBS Bank Bill Index of 6.17%.

Issuer	Investment Name	Investment Rating	Invested at 31-Oct-06 \$000's	Period Return (%)	YTD Return (%)	% of Total Invested
Macquarie Bank	Macquarie Income Plus	A	11,435	6.75	6.34	25.23
Select Access Investments	Titanium AAA	AAA	2,000	7.20	7.03	4.41
Deutsche Bank	Deutsche Income	A	11,588	7.02	6.36	25.57
Perpetual	Perpetual Credit Income	A	3,197	7.42	6.38	7.05
Bankers Trust	BT IMC	AAA	315	11.76	6.23	0.70
Bendigo Bank	Turramurra Community Bank	BBB	559	6.23	5.88	1.23
Adelaide Bank	AAA SAVER	AAA	7,200	6.32	6.37	15.89
CBA/Helix Capital Jersey	Oasis Portfolio Note	AAA	2,000	7.02	7.40	4.41
Longreach/Rabobank	Longreach CPWF	AAA	3,000	2.02	2.02	6.62
ABN AMRO/Rembrandt Australia	SURF CPDO	AAA	2,016	8.16	8.16	4.45
NSW Treasury Corp	KRGC Tcorp MTGF	UNRATED	2,009	12.54	12.54	4.43
<b>TOTALS/WEIGHTED AVERAGES</b>			<b>45,319</b>	<b>6.89</b>	<b>6.57</b>	<b>100</b>

**Matured/Traded Investments - Weighted YTD Average Return (%)**

**5.81**

**Weighted Average Overall Return Year To Date (%)**

**6.54**

**Benchmark Return: UBSWA Bank Bill Index(%)**

**6.17**

**Variance From Benchmark (%)**

**0.37**

Item 4

S02722  
7 November 2006

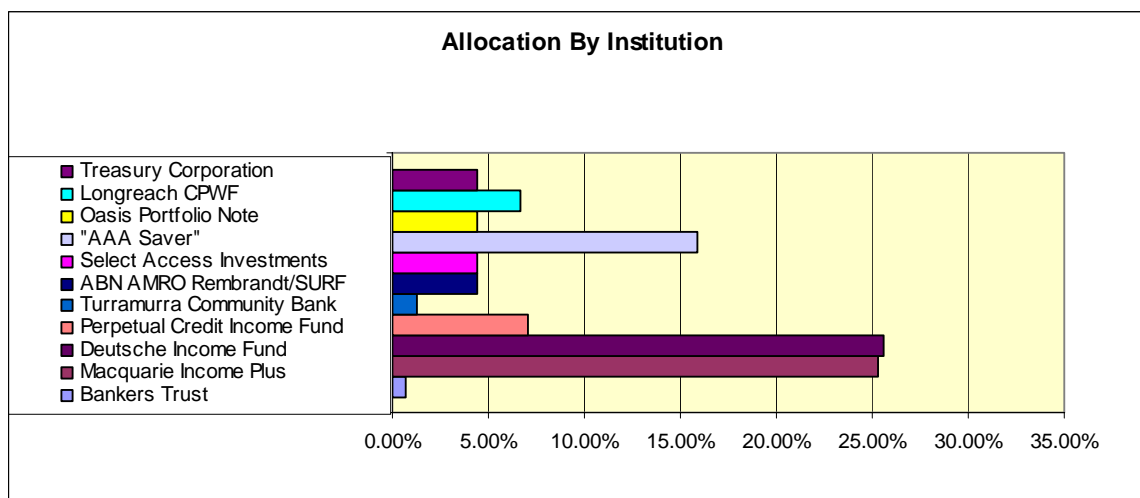
**Comment on Individual Investment Performance**

Longreach/Rabobank: This investment is in property, Infrastructure and Utilities. The investment was made on 29 September and has reported 11% annualised positive price growth during October. After investment, units commenced trading at 0.982 per \$1 unit reflecting the fees and other costs in launching the investment. Whilst the unit price improved by 0.89% (11% annualised) during October, it is not yet at breakeven so the investment return remains reported at the guaranteed rate of 2%.

Treasury Corporation: The medium term growth fund is a new investment in October. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 12.5%, international shares 12.5% and Bonds and cash 75%. Shares performed very well in October driving the good result of 12.5% annualised on this investment.

ABN AMRO/SURF: The SURF Notes are also new in October. This is an investment based on corporate bonds issued by major companies in the iTraxx Europe and DJ CDX five year indices. The investment has a AAA rating from S & P and pays 190 basis points above Bank Bill.

Council's funds during October were allocated as follows:-

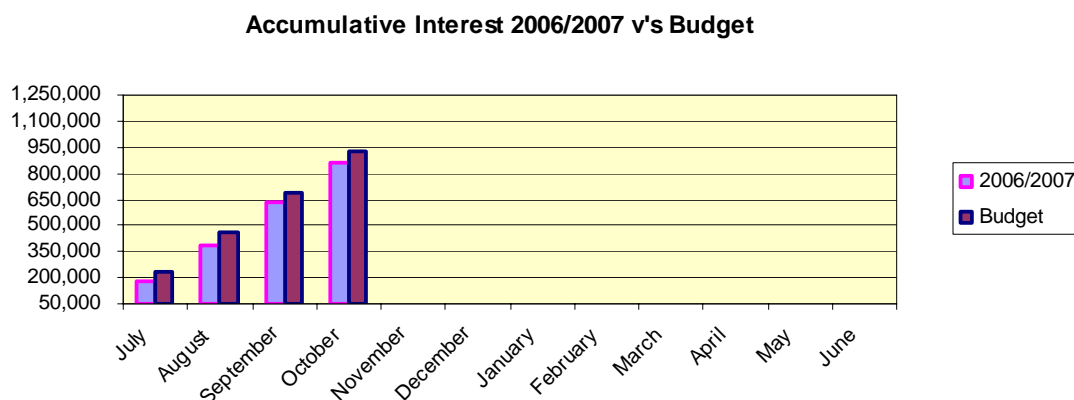


Item 4

S02722  
7 November 2006

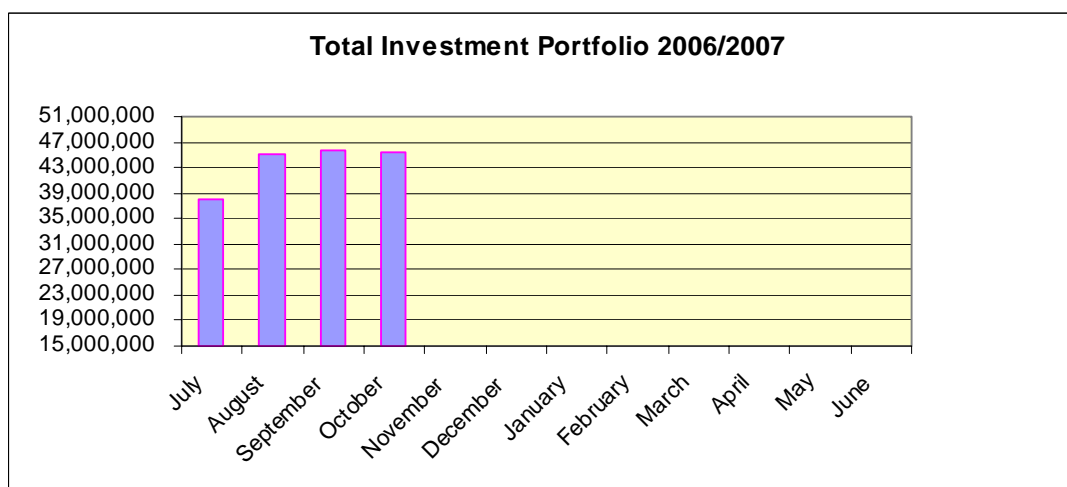
### Accumulative Interest

The following chart compares the interest earned on an accumulative monthly basis against the budgeted year to date forecast. At the end of October, year to date interest earnings totalled \$866,100 against a budget of \$920,000, a negative variance of \$53,900.



### Total Investment Portfolio

The following chart tracks the year to date investment portfolio balances for 2006/2007.



During October 2006 Council's investment portfolio decreased by \$525,000.

Council's closing investment portfolio after interest and fees of \$45,294,000 in October 2006 is \$8,927,100 higher than the July 2006 opening balance of \$36,366,900. This is due to income from the first quarter rates instalment and Section 94 contributions.



Item 4

S02722  
7 November 2006

# Summary of Borrowings

There were two loan repayments made in October reducing total debt to \$10,895,400.

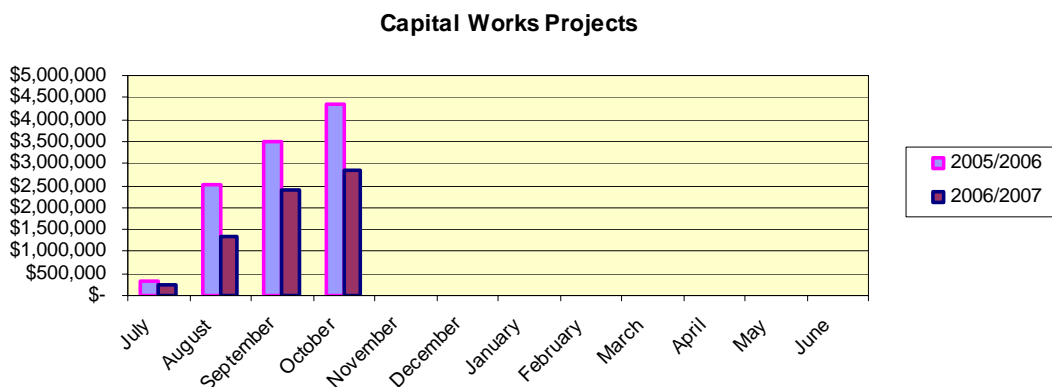
Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$747,409	\$252,591	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,950,000	\$650,000	5.87%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,690,000	\$910,000	5.87%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$1,099,393	\$1,500,607	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$835,742	\$1,764,258	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$467,466	\$1,414,534	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$276,017	\$1,523,983	6.36%	23-Jun-04	23-Jun-14
Westpac	134	\$1,600,000	\$120,575	\$1,479,425	6.05%	29-Jun-05	30-Jun-15
NAB	135	\$1,400,000		\$1,400,000	6.48%	30-Jun-06	29-Jun-16
<b>TOTAL</b>		<b>\$18,082,000</b>	<b>\$7,186,602</b>	<b>\$10,895,398</b>			

# Capital Works Projects

During October 2006, Council expended \$440,100 on capital works, which compares to \$846,300 during October 2005, a decrease of \$406,200.

Council's 2006/2007 total revised budget for capital works is \$25,174,600, which leaves funds of \$22,324,800 unexpended at the end of October.

The following graph compares the gross accumulative monthly expenditure totals for capital works for financial years 2005/2006 and 2006/2007.



## CONSULTATION

Not applicable

## FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) increased the official cash rate from 6.00% to 6.25% subsequent to this reporting period.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

As at 30 October 2006:

- Council's total investment portfolio is \$45,294,000. This compares to an opening balance of \$36,366,900 as at 1 July 2006, an increase of \$8,927,100.
- Council's interest on investments totals \$866,100. This compares to the year to date budget of \$920,000.
- Council's total debt is reduced to \$10,895,400.

## RECOMMENDATION

That the summary of investments and loan liabilities for October 2006 be received and noted.

## CERTIFICATE OF THE ACTING DIRECTOR FINANCE & BUSINESS

I certify that as at the date of this report the investments listed have been made and are held in compliance with Council's Investment Policy and appropriate legislation.

John Clark  
**Acting Director Finance & Business**  
**Responsible Accounting Officer**

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## 2006 TO 2010 MANAGEMENT PLAN, 1ST QUARTER REVIEW AS AT 30 SEPTEMBER 2006

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2006-2010 Management Plan.

**BACKGROUND:**

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

**COMMENTS:**

A progress report for all Objectives, Actions and Key Performance Indicators contained in the 2006-2010 Management Plan is **attached**.

**RECOMMENDATION:**

That the 1st quarter Management Plan review 2006-2010 be received and noted.

## PURPOSE OF REPORT

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2006-2010 Management Plan.

## BACKGROUND

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

The 2006-2010 Management Plan was adopted by Council on 13 June 2006.

The Management Plan contains seven principal activities, namely:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment
- Built Environment
- Financial Sustainability
- Council's Corporate Services

Each of the principal activities contain a series of Objectives, Actions and Key Performance Indicators which provide detail on how Council plans to achieve desired outcomes and how performance will be measured.

## COMMENTS

The requirements set out in Council's Management Plan provide the foundation for measuring the performance of the organisation at a given point in time.

To ensure that the reporting of performance is both accurate and meaningful the attached report tracks progress using a status code and comments as to the current status of all Key Performance Indicators. The options available under the heading 'status code' details are as follows:

Status Code	Definition
Completed	KPI has been carried out in accordance with the Management Plan.
Achieved to Date	Work has been undertaken in accordance with the project plan to ensure that the task will be fully complete by the final due date.
Not Yet Due	Timeframe for commencement of the KPI has not been reached.
Deferred	KPI has been placed on hold.
Not Achieved	KPI has not been completed as required in the Management Plan.

Item 5

S04708  
31 October 2006

All Key Performance Indicators are categorised by one of the above five status codes to indicate current performance against the Management Plan

In assessing performance at year end, it is not considered appropriate to use status codes “achieved to date” or “not yet due”. In a circumstance where a KPI is ongoing, an assessment has been made as to whether actions undertaken during the 12 month period were sufficient to satisfy reasonable expectations of the relevant KPI. If this was the case, the KPI was marked as “completed”. If sufficient actions were not undertaken, it has been marked as “not achieved”.

### Analysis of Results

Council’s 2006-2010 Management Plan contains 95 KPIs. The following table shows Council’s overall KPI achievement results as at the end of September 2006.

Status	Achievement	Percentage
Completed	11/95	11.6
Achieved to Date	28/95	29.5
Not Yet Due	48/95	50.5
Not Achieved	8/95	8.4

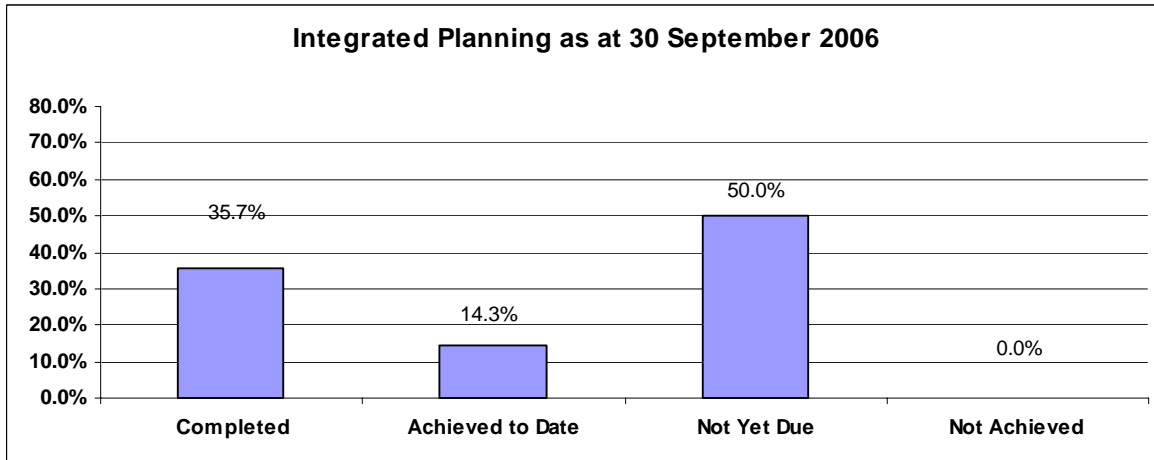
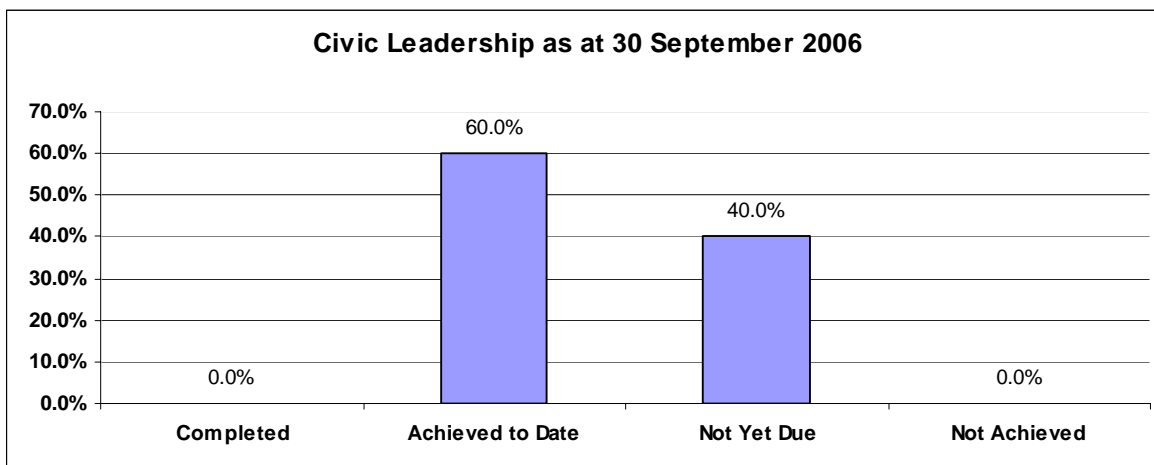
The following table provides an analysis by Principal Activity as at 30 September 2006.

Principal Activity	No of KPIs	Completed	Achieved to Date	Not Yet Due	Not Achieved
Civic Leadership	5	0.0%	60.0%	40.0%	0.0%
Integrated Planning	14	35.7%	14.3%	50.0%	0.0%
Community Development	21	4.8%	19.0%	71.4%	4.8%
Natural Environment	9	0.0%	77.8%	22.2%	0.0%
Built Environment	19	21.1%	21.1%	42.1%	15.8%
Financial Sustainability	14	7.1%	21.4%	57.1%	14.3%
Council’s Corporate Services	13	0.0%	38.5%	46.2%	15.4%
<b>Total</b>	<b>95</b>	<b>11.6%</b>	<b>29.5%</b>	<b>50.5%</b>	<b>8.4%</b>

Item 5

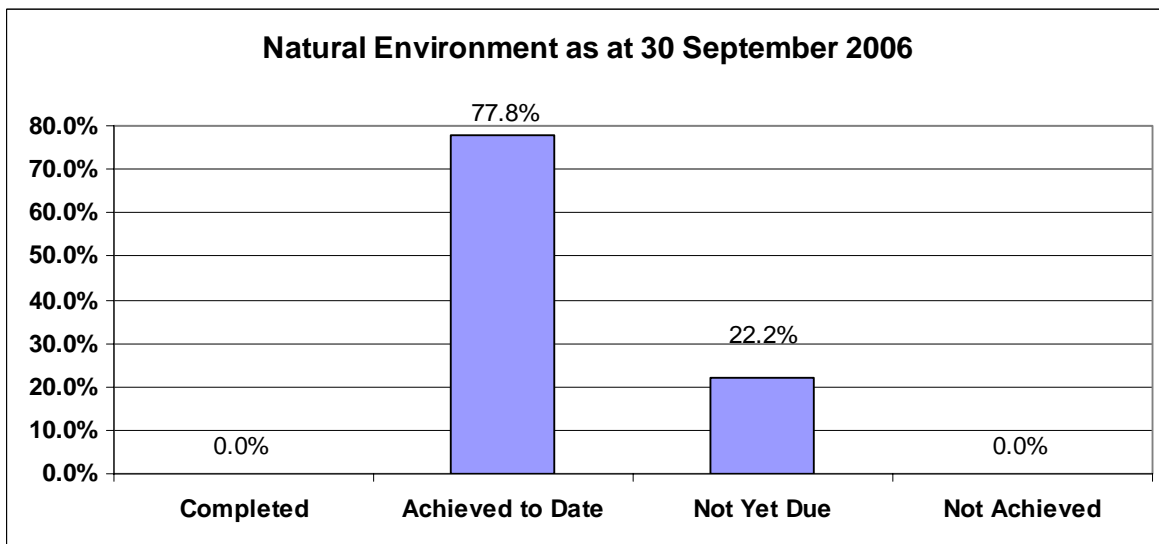
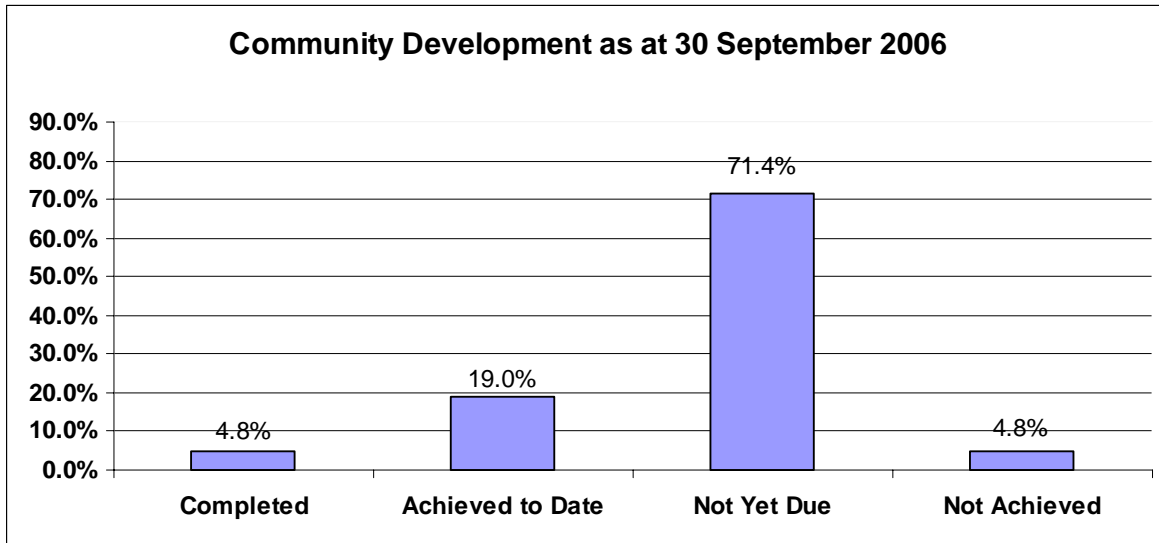
S04708  
31 October 2006

This is represented graphically below:



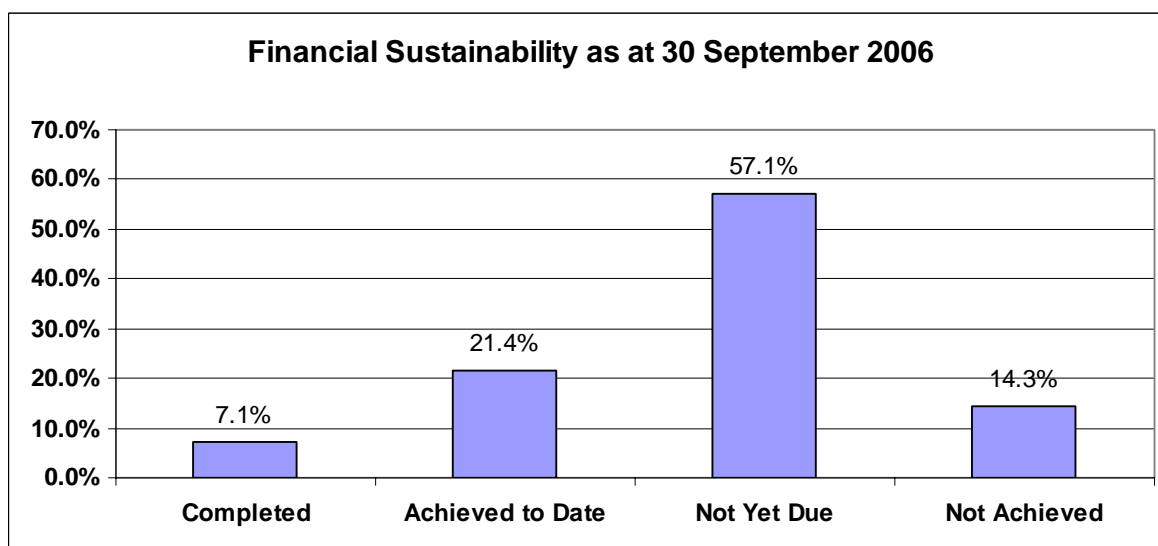
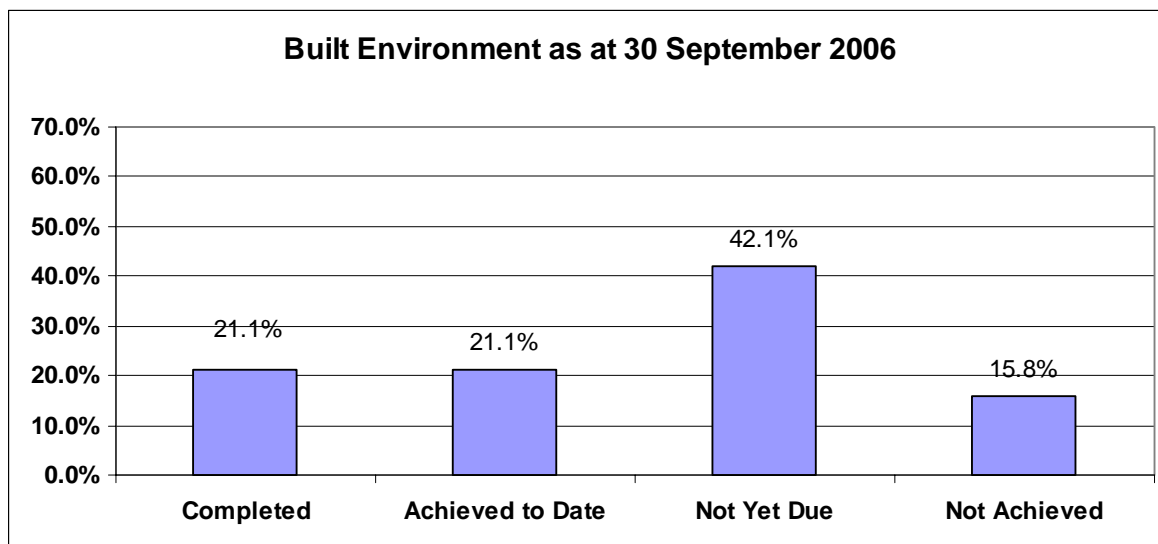
Item 5

S04708  
31 October 2006



Item 5

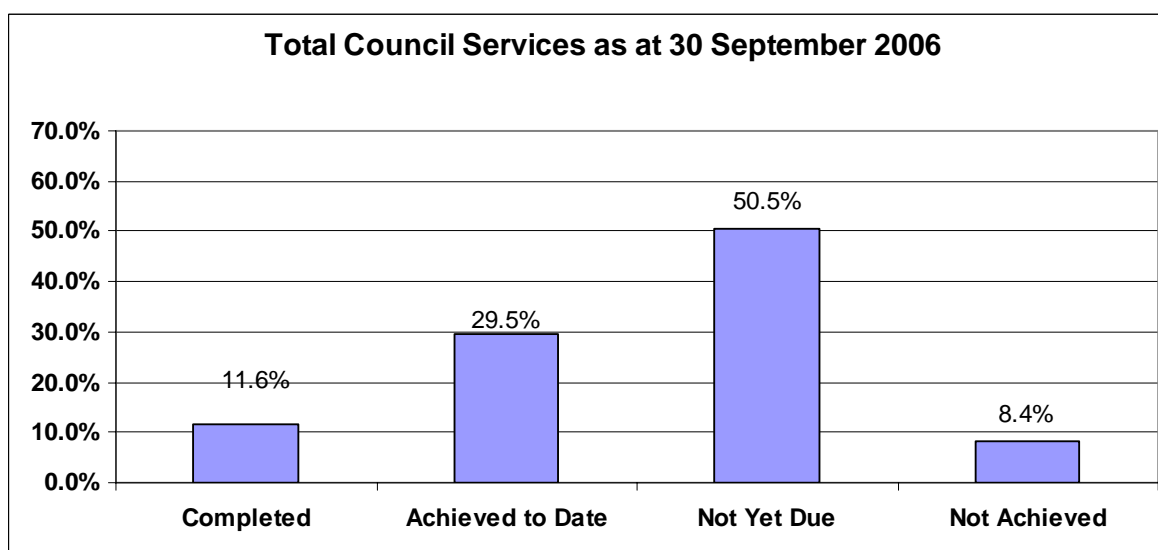
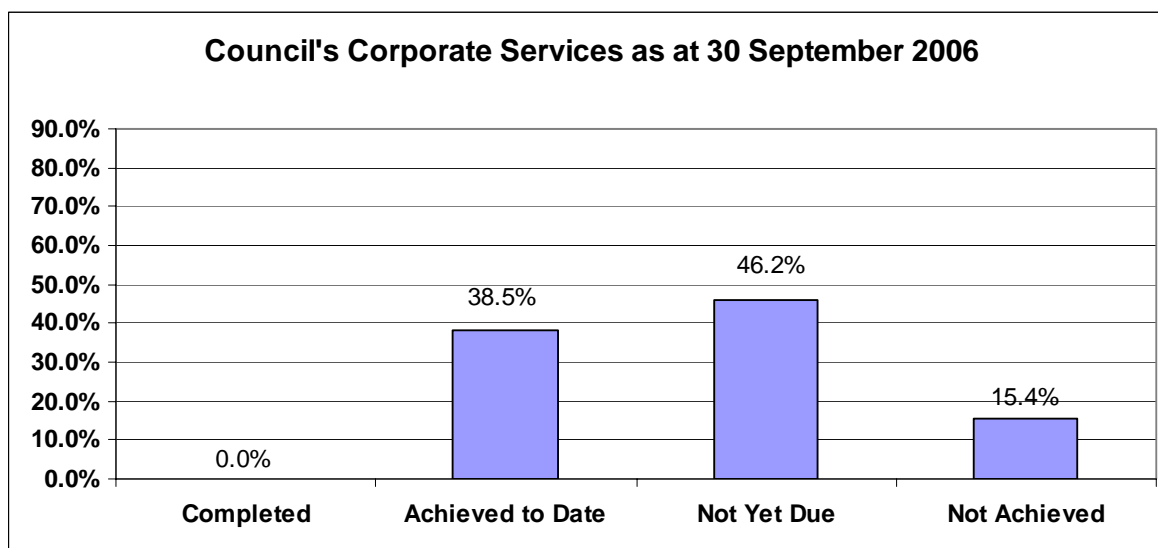
S04708  
31 October 2006





Item 5

S04708  
31 October 2006



The following comments are provided for each principle activity on some of the most significant indicators for the period ended 30 September 2006.

➤ Civic Leadership

- *Report to Council on initiatives to enhance Council's Corporate Identity.* A number of initiatives have been undertaken including an organisational climate survey which sought employee's views on a range of factors effecting the organisation and services delivery of Council. The feedback from the survey has been analysed and a number of actions developed to improve the performance of Council.
- Other initiatives that are currently underway include the proposed replacement of Council's PABX (report on 5 December), redevelopment of Council's website (go

Item 5

S04708  
31 October 2006

live in February 2007) and establishment of a group to improve customer services across Council (discussion paper to Policy Committee on 4 December).

- *Continue to implement organisation wide customer services training programs.* A number of programs have been initiated to provide Council wide customer service training. These include:
  - Leadership training programs for all Managers and team leaders across Council.
  - Refinement of Council's induction program and introduction of 're-induction' for existing staff members.
  - Establishment of the "I Provide Quality Customer Service" working group to improve the delivery of customer services across Council.

➤ Integrated Planning

- All draft town centre LEPs have been adopted by Council and placed on exhibition. Council has adopted the LEP and DCP for St Ives and Turramurra and these have been referred to the Department of Planning for their consideration. The remaining town centre LEP and DCPs will be considered by Council by mid-December 2006.

➤ Community Development

- Council's annual Festival on the Green took on a Centenary flavour this year featuring heritage entertainment, a special Citizenship Ceremony and a local history tent which was staffed by the Ku-ring-gai Historical Society. The Festival was very successful, attracting larger numbers than previous years.
- The Centenary Concert in the Park, which was held in Wahroonga Park, was attended by over 3,000 people, and featured Monica Trapaga and John Morrison's Big Band.
- Council also provided \$10,000 to community groups to contribute to Centenary projects, in the Centenary Grants Program. Approximately 40 community groups applied for funding for a range of projects including a gala Centenary concert, public art projects and historical tours.
- The Art Centre program has been revised following a survey of students. A number of new classes have now been introduced to the program. Classes now include painting (oil, watercolour, acrylic), drawing, sculpture, ceramics, glass slumping, glass bead making, guitar – beginners, intermediate, advanced, creative writing, photography, printmaking, miniatures, mixed media, mosaics, botanical art, fabrics and felt making. Weekend workshops have also been included in each term with a program which includes fabrics, painting, jewellery, mosaics and printmaking. The survey also indicated that classes being run at the Art Centre are relevant and interesting.

Item 5

**S04708**  
**31 October 2006**

- The Library Non-User Survey has been finalised. This initiative was a result of the Library's 2002 Review, and was funded by a Library Development Grant from the State Library of NSW. The survey contacted over 400 non-users in Ku-ring-gai in order to determine why more people did not use library facilities. About 55% of residents are currently registered as borrowers. Most libraries have a proportion around 45-55%. The findings indicated that the library services are well regarded, however, they need to be marketed more effectively.
- Council's Financial Assistance to Community Groups Program was successfully completed with a funding increase of \$25,000 on the previous year, bringing the total to \$111,300. Applications this year, however, totalled approximately \$160,000. They were received from 73 community groups.
- The Fitz Youth Centre in St Ives was attended by over 460 young people in the July-September period. Events held included Aerosol Art Workshop, Heavy Metal Band Night, DJ and MC workshops, Hip Hop Night, Cricket in the Park, Night Skate and Band Competition heats.

➤ Natural Environment

- Council has been involved in the development of the regional state of environment report with NSROC. Consideration is being given to how this can be linked to the Global Reporting Initiative.
- Ongoing bushland regeneration has been carried out including weed control at 29 sites.

➤ Built Environment

- Reports were presented to Council for adoption on the roadworks, new footpaths, traffic facilities and the building maintenance program. These works are currently in progress and due for completion between March and June 2007. The report on the drainage program is currently being prepared due to a review of the current program against projects covered under the Environmental Levy. A combined report on these program items is scheduled for a Council meeting in December 2006.
- The Management Plan indicated that tenders would be called for the new Depot to be constructed at Suakin Street. Council approved the DA for the new Depot at its meeting of 24 October 2006 and the designing architects are now currently preparing the construction certificate plans and tender documents with a view to calling tenders in March/April 2007. This work could not commence until the DA was approved. Also, further investigation is being carried out on the sale conditions associated with the existing Depot site. A remediation action plan has been prepared and arrangements are now in hand to obtain an estimate of cost for this work to be done. A valuation has also been prepared and it is expected that all the relevant information will be available so that the matter can be reported to Council by 12 December 2006.

Item 5

S04708  
31 October 2006

- *Maintain outstanding DA numbers below 550.* As at September 2006, the number of outstanding applications (DA's, S96 and S82A reviews) had reduced to 371 which is significantly (32%) below the desired threshold of 550 applications. This is a very pleasing result and is paralleled by a continuing overall reduction in median processing times for all application types.
- *Case reporting on L&E Court appeal outcomes undertaken, including assessment of legal firms performance.* Regular case reporting on appeal outcomes, by Council's solicitors and Corporate Lawyer has been in place since June 2005. This indicates a relatively sound success rate for Council in Class One appeals over the course of 2005/06. The number of appeals continued to reduce over the first quarter of 2006/07, whilst legal costs also continued to reduce during this quarter, to \$193,000 or some \$207,000 below the quarterly budget.
- The Legal Panel Review process is underway, with expressions of interest from 17 legal firms being submitted for consideration.

➤ Financial Sustainability

- *Council's investment returns to meet or exceed the benchmark rate.* During the first quarter many different types of direct investments have been investigated and analysed. Making these direct investments allows Council to diversify its portfolio as they allow Council's returns to be linked to property and equity markets. Continued analysis of investments is occurring to ensure Council's funds are secure and achieving maximum returns within the relevant legislation, policies and guidelines. In October an Expression of Interest was called for investment advisory services and details will be reported to Council when assessment of the submissions has been completed.
- *Firs Estate Cottage Lease to be Executed.* Expressions of interest closed in August. A selection panel was established, that included representation from across most areas of Council, to review the submissions. It is anticipated that a report will be presented to Council this year regarding the potential leasing of the building.

➤ Council's Corporate Services

- The upgrade of Council's financial management system has commenced with an anticipated go-live date of 18 December 2006. Once this has been completed, integration of other systems can begin.
- The implementation of a new Payroll/HR system was scheduled for the first quarter this year but is reliant on the upgrade of the financial system before it can proceed and has therefore been deferred until the completion of the upgrade to the financials.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

The requirements outlined in the Management Plan 2006-2010 are funded in Council's budget.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have provided the status and comments on the progress of Key Performance Indicators in the **attached** report.

## SUMMARY

Comments on the status of the first quarter report on the Management Plan have been included in the attached document. This also includes comments on the status on key performance indicators that are currently in progress and not yet due.

## RECOMMENDATION

That the report on the progress of the Key Performance Indicators contained in the 2006-2010 Management Plan for the 1<sup>st</sup> quarter of the Plan, be received and noted.

John McKee  
General Manager

John Clark  
Acting Director Finance & Business

**Attachments:      Principal Activity progress report for the quarter ended 30 September  
2006 - 697258**

# Management Plan Progress Report 2006-2010

## Civic Leadership

*Ku-ring-gai Council will work to ensure that its affairs are conducted in an open and transparent manner.*

*Council will effectively consult with the community to ensure that it provides quality services which reflect the expectations of ratepayers and represent best value.*

*Ku-ring-gai will aspire to be recognised as a model Council in NSW.*

Budget 2006/2007:	
Expenditure	\$597,400
Revenue	-\$1,500
<b>General (Net) Funding</b>	<b>\$595,900</b>

### Objective 1

Mgt Plan related Yes

To provide community leadership that is:

- Efficient.
- Effective.
- Transparent.
- Participative.
- Accountable.

### Actions

- 01 Continue to assess the level & mix of services provided to the community.
- 02 Analyse initiatives to enhance Council's corporate identity.

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Through the Management Plan process, review the implementation of Council's principal activities	Each Quarter <i>Relates to Action</i>	- General Manager
<b>ACHIEVED TO DATE</b> <i>1st quarter report to be considered by Council on 28 November.</i>			
02	Establish the resource allocation and financial framework for Council's operations.	2nd Quarter <i>Relates to Action</i>	- General Manager
<b>NOT YET DUE</b>			
03	Report to Council on results of outcomes of community consultation methods, including resident's feedback register and vision workshop.	4th Quarter <i>Relates to Action</i>	- General Manager
<b>NOT YET DUE</b> <i>Initial planning for visioning workshop has commenced.</i>			

# Management Plan Progress Report 2006-2010

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## Civic Leadership

- |    |   |   |                   |
|----|---|---|-------------------|
| 04 | Report to Council on initiatives to enhance Council's corporate identity. | As required<br><i>Relates to Action</i> | - General Manager |
|----|---|---|-------------------|
- 

### **ACHIEVED TO DATE**

*A number of initiatives already undertaken including organisational climate survey, seeking employees' views on a range of functions effecting the operations & service delivery of Council. Feedback has been analysed & a number of actions developed to improve the performance of Council. A number of other initiatives have been undertaken including proposed replacement of Council's PABX (report on 5 December), redevelopment of Council's website (go live in February) and establishment of group to improve customer service across Council (discussion paper to Policy Committee on 4 December). The entry signs are currently being manufactured and are scheduled for installation by mid December 2006.*

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- |    |   |   |                   |
|----|---|---|-------------------|
| 05 | Continue to implement organisation wide customer service training programs. | As required<br><i>Relates to Action</i> | - General Manager |
|----|---|---|-------------------|
- 

### **ACHIEVED TO DATE**

*A number of programs have been initiated to provide Council wide customer service training. These include:*

- leadership training programs for all Managers & team leaders across Council.*
- refinement of Council's induction program & introduction of "re-induction" for existing staff members.*
- establishment of the "I provide quality customer service" working group to improve the delivery of customer service across Council.*

---

# Management Plan Progress Report 2006-2010

## Integrated Planning

*Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage.*

*Integration of Council's planning will improve the liveability and vitality of local communities and the sustainability of the area.*

*Council must respond to State Government and Community demands for additional housing, greater housing choice and associated facilities.*

Budget 2006/2007:	
Expenditure	\$1,482,400
Revenue	\$369,400
<b>General (Net) Funding</b>	<b>\$1,113,000</b>

### Objective 1

Mgt Plan related Yes

Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
11	Continue to review potential Heritage items (including pre war and inter war), develop heritage inventory sheets and report as required.  <b>NOT YET DUE</b> <i>Draft Heritage data sheets finalised for non-statutory exhibition in November/December 2006. Exhibition has been advertised &amp; notified.</i>	4th Quarter <i>Relates to Action</i>	- Director Planning and Environment

### Objective 2

Mgt Plan related Yes

Housing, transport, open space and community facilities will meet the needs of a changing community while protecting heritage and the natural environment.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Finalise integrated plan for St Ives.  <b>COMPLETED</b> <i>LEP has been adopted by Council and been forwarded to the Department of Planning for their consideration.</i>	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment



# Management Plan Progress Report 2006-2010

## Integrated Planning

02	Finalise integrated plan for Turrumurra.	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment
<hr/>			
<b>COMPLETED</b> <i>LEP/DCP has been adopted by Council and forwarded to the Department of Planning for their consideration.</i>			
<hr/>			
03	Finalise integrated plan for Gordon.	2nd Quarter <i>Relates to Action</i>	- Director Planning and Environment
<b>COMPLETED</b> <i>Report seeking adoption of LEP/DCP has been released &amp; will be considered by Council on 30 November 2006.</i>			
<hr/>			
04	Finalise integrated plan for Pymble.	2nd Quarter <i>Relates to Action</i>	- Director Planning and Environment
<hr/>			
<b>COMPLETED</b> <i>Report seeking adoption of LEP/DCP will be considered on 28 November 2006.</i>			
<hr/>			
05	Finalise integrated plan for Roseville.	2nd Quarter <i>Relates to Action</i>	- Director Planning and Environment
<b>NOT YET DUE</b> <i>Report for Council 18 December 2006 will seek adoption of LEP/DCP..</i>			
<hr/>			
06	Finalise integrated plan for Lindfield.	2nd Quarter <i>Relates to Action</i>	- Director Planning and Environment
<hr/>			
<b>NOT YET DUE</b> <i>Report for Council 19 December 2006 will seek adoption of LEP/DCP.</i>			
<hr/>			
07	Development of comprehensive LEP and DCP as per Council's program.	Ongoing <i>Relates to Action</i>	- Director Planning and Environment
<b>NOT YET DUE</b> <i>February Planning Committee will discuss work program for development of comprehensive LEP.</i>			
<hr/>			
08	Complete drafting of plans of Management as per Council's adopted program.	Ongoing <i>Relates to Action</i>	- Director Open Space
<hr/>			
<b>NOT YET DUE</b> <i>Revisions to sportsground &amp; tennis court plans of management currently being prepared.</i>			

# Management Plan Progress Report 2006-2010

## Integrated Planning

09	Report to Council on initiatives undertaken to progress infrastructure and intersection upgrades to Gordon, Pymble, Lindfield and Roseville town centres.	2nd Quarter <i>Relates to Action</i>	- Director Technical Services
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### COMPLETED

The traffic study for Gordon was presented to Council in June 2006. RTA have provided comments under the Section 62 notification. Further investigation has been finalised on an option to widen the Pacific Highway and will be reported to Council on 30 November 2006. All other traffic studies have been adopted by Council.

10	Commence implementation of priority actions of the Open Space Acquisition Strategy.	3rd Quarter <i>Relates to Action</i>	- Director Open Space
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### NOT YET DUE

Acquisition strategy will be reported to Council in December.

11	Public domain manual completed and reported to Council.	2nd Quarter <i>Relates to Action</i>	- Director Community Services - Director Open Space - Director Planning and Environment - Director Technical Services
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### NOT YET DUE

Town Centres plans to be completed by 31 December 2006. Public domain plans underway as part of the Town Centres program and Section 94 Strategy.

## Objective 3

Mgt Plan related Yes

Stakeholders including residents, community groups, government agencies and the development sector will be actively engaged in the planning process.

## Actions

## Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	All planning documents referred to Council for consideration to include accessibility criteria.	Ongoing <i>Relates to Action</i>	- Director Planning and Environment

### ACHIEVED TO DATE

Accessibility criteria included in town centre draft DCP's considered by Council.

# Management Plan Progress Report 2006-2010

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## Integrated Planning

02	Bushfire prone land map to be reported to Council.	4th Quarter	- Director Open Space
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*Relates to Action*

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**ACHIEVED TO DATE**

*Field validation and mapping completed. Report to Council recommending the exhibition of the draft map being prepared. Briefing for Councillors will be undertaken prior to reporting to Council in December.*

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# Management Plan Progress Report 2006-2010

## Community Development

*Ku-ring-gai is characterised by a socially and culturally diverse community that values a safe and healthy environment. Council provides services and programs that respond to the specific needs of the Ku-ring-gai community.*

Budget 2006/2007:	
Expenditure	\$14,210,500
Revenue	\$4,914,400
General (Net) Funding	\$9,296,100

### Objective 1

Mgt Plan related Yes

To contribute to a sustainable, safe, healthy and vibrant community through the provision of integrated services and programs.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Continue to implement the 'Sports in Ku-ring-gai' strategy and report progress to Council.  <b>NOT YET DUE</b> <i>Work is progressing on all operational indicators.</i>	3rd Quarter <i>Relates to Action</i>	- Director Open Space
02	Community Services programs revised and report to Community Development Committee.  <b>NOT YET DUE</b> <i>Community Development and Cultural Services program reports regularly provided to Community Development Committee.</i>	Ongoing <i>Relates to Action</i>	- Director Community Services
03	Continue to implement recommendations in Community Plan and report quarterly to Community Development Committee.  <b>NOT YET DUE</b> <i>Community Plan updates are provided at each Community Development Committee meeting. Topics covered include aged services transport needs, social isolation, youth drug and alcohol forum, youth entertainment program, childcare needs.</i>	Ongoing <i>Relates to Action</i>	- Director Community Services
05	Develop concept plan for multi-purpose children's facility.  <b>NOT YET DUE</b> <i>Feasibility study completed. Draft to be reported to Facilities Committee.</i>	4th Quarter <i>Relates to Action</i>	- Director Community Services

# Management Plan Progress Report 2006-2010

## Community Development

### Objective 2

*Mgt Plan related Yes*

To provide a library service that addresses the information, cultural and recreation needs of the community.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Establish a volunteers' program to enhance the library services.	4th Quarter <i>Relates to Action</i>	- Director Community Services
<hr/> <b>NOT YET DUE</b>			
02	Develop a marketing plan for the Library including the development of an e-newsletter.	2nd Quarter <i>Relates to Action</i>	- Director Community Services
<hr/> <b>NOT YET DUE</b> <i>Planning for a library e-newsletter has commenced. Library marketing plan completed.</i>			
03	Introduce an art exhibition in the Library program.	3rd Quarter <i>Relates to Action</i>	- Director Community Services
<hr/> <b>NOT YET DUE</b>			
04	Review technology access services provided by the Library	1st Quarter <i>Relates to Action</i>	- Director Community Services
<hr/> <b>COMPLETED</b> <i>Technology services reviewed by Library and IT staff. Recommendations include the establishment of the E-zone Project which has been funded by State Library of NSW.</i>			

# Management Plan Progress Report 2006-2010

## Community Development

### Objective 4

Mgt Plan related Yes

To provide programs that represent value for money and are financially sustainable.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Deliver the program for Centenary of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Community Services
<hr/> <b>NOT YET DUE</b> <i>Festival on The Green featured heritage entertainment, special citizenship ceremony &amp; local history tent. The Centenary Concert in the Park, which was held in Wahroonga Park, was attended by over 3,000 people and featured Monica Trapaga and John Morrison's Big Band. Council also provided \$10,000 to community groups to contribute to centenary projects, in the Centenary Grants Program. Approximately 40 community groups applied for funding for a range of projects including a gala centenary concert, public art projects and historical tours.</i>			
02	Investigate alternative methods and programs for the removal of graffiti.	2nd Quarter <i>Relates to Action</i>	- Director Community Services - Director Technical Services
<hr/> <b>NOT YET DUE</b>			

### Objective 5

Mgt Plan related Yes

To develop community pride and identity through cultural planning, community celebrations and cultural awareness programs.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Community Festival held.	4th Quarter <i>Relates to Action</i>	- Director Community Services - Director Community Services
<hr/> <b>NOT YET DUE</b>			

# Management Plan Progress Report 2006-2010

## Community Development

02	Proposal for a cultural entertainment program to be established and report and advise on progress to Community Development Committee.	2nd Quarter <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Community Services</li><li>- Director Community Services</li></ul>
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**NOT YET DUE**

03	Continue to implement recommendations in Cultural Plan and report quarterly to Community Services Committee.	Ongoing <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Community Services</li><li>- Director Community Services</li></ul>
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**ACHIEVED TO DATE**

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### Objective 6

*Mgt Plan related Yes*

To provide quality open space, sufficient to meet the needs of the community.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Continue to develop and implement master plans for District Parks.	Ongoing <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Open Space</li></ul>
<b>ACHIEVED TO DATE</b> <i>Community consultation held for Sir David Martin Reserve - draft master plan is being developed.</i>			
02	Construction timetable and tender for Stage 1 of North Turramurra Recreation Area reported to Council.	3rd Quarter <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Open Space</li></ul>
<b>NOT YET DUE</b>			
03	Planned improvements to West Pymble Pool reported to Council.	2nd Quarter <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Open Space</li></ul>
<b>NOT YET DUE</b> <i>Stage 5 tender works for improvements currently being prepared for a report to Council.</i>			

# Management Plan Progress Report 2006-2010

## Community Development

04	Funding strategy and timetable for indoor pool/leisure centre reported to Council.	1st Quarter <i>Relates to Action</i>	- Director Open Space
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### NOT ACHIEVED

Consultant is currently reviewing comments from the period of public exhibition for reporting to Council.

## Objective 7

Mgt Plan related Yes

Increase awareness of, and participation in cultural, sporting, recreational and neighbourhood activities.

## Actions

## Key Performance Indicators

No	Details	DueDate	Responsible Officer
01	Continue to communicate quarterly on Open Space programs and plans.	Ongoing <i>Relates to Action</i>	- Director Open Space

### ACHIEVED TO DATE

Out in the Open Spring edition published September and was awarded RH Doherty Award.

02	Continue to increase participation in Council's environmentally based community programs.	4th Quarter <i>Relates to Action</i>	- Director Open Space
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### NOT YET DUE

Final analysis will be provided at year end. To date strong growth is being achieved within most program areas, resourced by funding from the Environmental Levy. Funding has provided the ability to resource growth in bushcare, Backyard Buddies, street and parkcare groups and tree nurturers.

03	Further develop the "Active Ku-ring-gai" program.	Ongoing <i>Relates to Action</i>	- Director Open Space
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### ACHIEVED TO DATE

Continued development of night and social tennis competitions, centenary walkathon, pilates in the park and vacation programs.

04	Report on volunteer hours worked by bushcare groups.	4th Quarter <i>Relates to Action</i>	- Director Open Space
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### NOT YET DUE



# Management Plan Progress Report 2006-2010

## Natural Environment

*The identity of Ku-ring-gai comes from the relationship between natural bushland, creeks, street trees and our urban area.*

*Urban development and human interaction occur within our community and our natural resources and impact on the sustainability of the area.*

*Ku-ring-gai recognises the value of integrated natural resource management.*

Budget 2006/2007:	
Expenditure	\$18,868,500
Revenue	\$10,375,000
<b>General (Net) Funding</b>	<b>\$8,493,500</b>

### Objective 1

Mgt Plan related Yes

To understand and manage our natural environment to ensure that it is preserved and enhanced for current and future generations.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Supplementary State of the Environment Report prepared.	1st Quarter <i>Relates to Action</i>	- Director Planning and Environment

#### **ACHIEVED TO DATE**

Council staff have been involved in the development of a regional Supplementary State of the Environment Report with NSROC. The regional report contains specific data on Ku-ring-gai as well as regional information. The report has been completed and will be considered by Council in conjunction with the 2005/06 annual report on 28 November 2006..

02	State of Environment Plan linked to Management Plan.	3rd Quarter <i>Relates to Action</i>	- Director Planning and Environment
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#### **ACHIEVED TO DATE**

To improve the accountability and transparency of how Council prioritises and implements its environmental programs, staff are investigating the use of the Global Reporting Initiative (GRI) as a tool to standardise sustainability reporting. Further details will be provided in a report to Council on the implementation of the Sustainability Plan.

# Management Plan Progress Report 2006-2010

## Natural Environment

### Objective 2

Mgt Plan related Yes

The community and Council have access to information to guide evidenced based decisions to sustainably manage our environment.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Annual report prepared on implementation of projects funded by the environmental levy.	4th Quarter <i>Relates to Action</i>	- Director Open Space
<hr/> <b>NOT YET DUE</b>			
02	Report on implementation of biodiversity strategy.	3rd Quarter <i>Relates to Action</i>	- Director Open Space
<hr/> <b>ACHIEVED TO DATE</b> <i>There are 16 Actions set to be carried out for year one of the strategy. Three of the 5 new actions set out in the Biodiversity Strategy are complete, or are well under way. Two new actions have not yet been implemented.</i>  <i>Several strategies and actions scheduled for action in year 2 and 3 of the strategy have also commenced.</i>			

### Objective 3

Mgt Plan related Yes

To apply Council's resources in the most effective and efficient manner to contribute to protecting and managing our natural environment.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Reduce the percentage of bushland that is degraded by weeds (by 1%)	4th Quarter <i>Relates to Action</i>	- Director Open Space
<hr/> <b>ACHIEVED TO DATE</b> <i>Staff have been carrying out ongoing and new bush regeneration / weed control works at 29 sites in bushland reserves. This includes 17 reserves containing threatened ecological communities and four threatened species sites. Contract regeneration works have been carried out at three other bushland reserves including Paddy Pallin Reserve which is funded by donations from Paddy Pallin Corp (Wombin &amp; Flying-Fox Reserve).</i> <i>To monitor progress and biodiversity outcomes for all these projects, weed mapping and biodiversity sampling is being carried out at a number of locations.</i>			

# Management Plan Progress Report 2006-2010

## Natural Environment

- |    |  |             |                       |
|----|--|-------------|-----------------------|
| 02 | Report on extensions to fire breaks at the urban/bushland interface. | 4th Quarter | - Director Open Space |
|----|--|-------------|-----------------------|

*Relates to Action*

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### ACHIEVED TO DATE

*The fire break within Blackbutt Creek Reserve, extending 1.6 km from Wyuna Road to Kiparra Street is now complete. Construction of this break commenced during the last quarterly reporting period. Funding for this break has been provided through the Environmental Levy. A new fire break that extends 430 m from Highfield Road to Lady Game Drive has commenced.*

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- |    |  |             |                       |
|----|--|-------------|-----------------------|
| 03 | The number of projects undertaken that improve riparian condition. | 4th Quarter | - Director Open Space |
|----|--|-------------|-----------------------|

*Relates to Action*

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### ACHIEVED TO DATE

*There are 15 environmental levy funded projects at various stages that will contribute to the improvement of riparian systems. Projects include creek stabilisation, water harvesting and re-use, stormwater outlet protection and gross pollutant removal.*

*Other projects contributing to the improvement of riparian condition in our area include:*

- 1. Inclusion of riparian zones and guidelines consistent with Council's Riparian Policy into two Town Centres DCP's.*
- 2. Ongoing review of Development Applications retention of existing riparian zones and inclusion of conditions consistent with the Riparian Policy.*
- 3. Bush regeneration works in riparian zones as per KPI 1 above at least 17 sites*

- |    |  |             |                                     |
|----|--|-------------|-------------------------------------|
| 04 | Report on energy and water conservation initiatives. | 3rd Quarter | - Director Planning and Environment |
|----|--|-------------|-------------------------------------|

*Relates to Action*

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### ACHIEVED TO DATE

*Expressions of Interest were sought in July 2006 to undertake an Energy and Water Performance Contract for Council facilities and to implement Council's Energy and Water Savings Action Plan. Two organisations have been invited to submit a tender for this contract. Responses are due in October 2006.*

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- |    |   |             |                                     |
|----|---|-------------|-------------------------------------|
| 05 | Implement prioritised program of riparian restoration and improvements. | 1st Quarter | - Director Planning and Environment |
|----|---|-------------|-------------------------------------|

*Relates to Action*

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### NOT YET DUE

*Council utilised the rapid riparian assessment created by Macquarie uni students as a thesis project. We identified the top ten riparian reaches which would be suitable to restore with long term beneficial results. Environmental levy also funds riparian restoration on high profile sites where additional funds have been allocated. The glade is in planning stages to improve Coupes creek bed and bank condition. A highly eroded riparian site through Blue Gum High Forest with dangerous deep channelling and bank undercuts.*

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# Management Plan Progress Report 2006-2010

## Built Environment

*Ku-ring-gai has an ageing infrastructure that requires significant funding to be sustainable and meet the needs of the community.*

*Pressure is being placed on the built environment by increased development and the need for Council to manage appropriate forms of development that are sympathetic to the area.*

*There is an ongoing need to ensure a reliable, consistent, effective and efficient development assessment and regulation service.*

Budget 2006/2007:	
Expenditure	\$20,203,300
Revenue	\$11,297,900
<b>General (Net) Funding</b>	<b>\$8,905,400</b>

### Objective 1

Mgt Plan related Yes

Management of our assets (roads, drains, footpaths, buildings, open space) that meet current and future uses and needs within resources available.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	An adopted five year rolling program for roads and footpaths.  <b>COMPLETED</b> <i>Report to Council in August 2006 and adopted by Council.</i>	1st Quarter <i>Relates to Action</i>	- Director Technical Services
02	Complete road and footpath program within 10% of time and cost estimates.  <b>NOT YET DUE</b> <i>Works likely to be completed in March/April 2006.</i>	4th Quarter <i>Relates to Action</i>	- Director Technical Services
03	An adopted five year building maintenance program for all major Council buildings.  <b>COMPLETED</b> <i>Reported to Council on 12 September 2006 and adopted by Council.</i>	1st Quarter <i>Relates to Action</i>	- Director Technical Services

# Management Plan Progress Report 2006-2010

## Built Environment

04	An adopted program for upgrading Open Space assets and implementing the environmental levy.	1st Quarter <i>Relates to Action</i>	- Director Open Space
<b>COMPLETED</b> <i>Open Space capital works programs for all asset classes have been adopted by Council including sportsfields, playgrounds, tennis courts, parks and golf courses and environmental projects. The environmental levy has an adopted program to improve a range of environmental assets. Projects include: * three walking tracks (AGAL site Pymble - completed and Rofo Park in progress &amp; Howson Turramurra in planning stage) * water harvesting ((Lindfield Soldiers Memorial Oval, The Glade, Edenborough Oval, Comenarra Playing Fields and Swain Gardens. * Street gardens (incorporating stormwater biofiltration systems which filters storm water prior to entering the stormwater system and ultimately into the bush). * Stormwater outlet (construction work has commenced to reduce erosion within bushland reserves and protect our endangered ecological communities in bushland. Bush regeneration will continued at these sites to maintain optimal regeneration of native species).</i>			
05	Complete annual program for design & upgrading of open space assets within 10% of cost and time estimates.	4th Quarter <i>Relates to Action</i>	- Director Open Space
<b>NOT YET DUE</b>			
06	An adopted program for improvements to the drainage system in all catchments.	1st Quarter <i>Relates to Action</i>	- Director Technical Services
<b>NOT ACHIEVED</b> <i>Currently gathering data on sustainability requirements for proposed works to ensure the drainage program is consistent with the projects covered under the environmental levy. Proposed to be reported to Council in February 2006.</i>			
07	Report on Infrastructure Levy projects and implementation. (subject to approval of levy).	1st Quarter <i>Relates to Action</i>	- Director Technical Services
<b>COMPLETED</b> <i>Infrastructure Levy approved in late June 2006 and program adopted by Council in July 2006. All infrastructure levy projects expected to be completed by March 2007.</i>			
08	Call and let tenders for new depot site at Suakin Street.	1st Quarter <i>Relates to Action</i>	- Director Technical Services
<b>NOT ACHIEVED</b> <i>Tenders could not be called until DA was approved. DA approved by Council on 24 October 2006. Preparation of CC and tender documents can now be prepared. Also, awaiting outcome of sale of existing depot so that funds from sale can fund construct new depot.</i>			
09	Report on the implementation of the recommendations contained in the Lane Cove Catchment & Combined Works Program report.	4th Quarter <i>Relates to Action</i>	- Director Technical Services
<b>NOT YET DUE</b>			

# Management Plan Progress Report 2006-2010

## Built Environment

### Objective 2

*Mgt Plan related Yes*

To ensure development assessment is consistent with Council's policies and codes and provides an efficient and effective service.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Conduct public education regarding the role of Council Compliance Officers, Private Certifiers and Principal Certifying Authorities.  <b>NOT YET DUE</b> <i>Education Brochures have been prepared and will be distributed through all customer contact points and on the website.</i>	Ongoing <i>Relates to Action</i>	- Director Development and Regulation
02	Implement the Compliance Policy.  <b>NOT ACHIEVED</b> <i>Compliance Policy completed and to be put to Planning Committee in December 2006.</i>	1st Quarter <i>Relates to Action</i>	- Director Development and Regulation
03	Audit and report on development compliance for completed development sites.  <b>NOT YET DUE</b> <i>Sites for auditing are being selected. Audits to be undertaken in January and February 2007.</i>	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
04	Maintain outstanding DA numbers below 550.  <b>ACHIEVED TO DATE</b> <i>Outstanding DAs, S96 and S82A applications reduced to 371 as at end of 1st quarter.</i>	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
05	Continue case reporting on L&E Court appeal outcomes.  <b>ACHIEVED TO DATE</b> <i>Reported to Council on 14 November 2006.</i>	Ongoing <i>Relates to Action</i>	- Director Development and Regulation

# Management Plan Progress Report 2006-2010

## Built Environment

06	Introduce electronic DA lodgement service.	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
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### NOT YET DUE

*Working party has been established to review/evaluate electronic DA lodgement systems at other Councils.*

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07	Establish electronic DA tracking facility for customers.	4th Quarter <i>Relates to Action</i>	- Director Development and Regulation
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### NOT YET DUE

*E-Proclaim has DA tracking capabilities and this will be deployed with Proclaim implementation.*

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## Objective 3

*Mgt Plan related Yes*

To provide multi purpose accessible facilities for community use.

## Actions

## Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Lease and licence agreements finalised and executed as they fall due.	4th Quarter <i>Relates to Action</i>	- Director Community Services
<hr/>			
<b>ACHIEVED TO DATE</b>			
<i>Ammendments to generic Scout lease have been made and accepted by Scouts Australia (NSW) Waiting on advice from Open Space regarding specific conditions in relation to Bushland sites.</i>			
<hr/>			
02	Monitor usage of Council's facilities and report.	2nd Quarter <i>Relates to Action</i>	- Director Community Services
<hr/>			
<b>NOT YET DUE</b>			
<i>Statistics recorded on a weekly basis</i>			

# Management Plan Progress Report 2006-2010

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## Built Environment

03	Report on new/improved facilities in major town centres and associated funding options.	Ongoing <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Community Services</li><li>- Director Development and Regulation</li><li>- Director Finance and Business</li><li>- Director Open Space</li><li>- Director Planning and Environment</li><li>- Director Technical Services</li></ul>
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**ACHIEVED TO DATE**

*Information presented to the last facilities committee and new priorities to be developed by the Facilities Committee. Criteria was established by the Committee.*

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# Management Plan Progress Report 2006-2010

## Financial Sustainability

*Ku-ring-gai has an ageing infrastructure and a heavy reliance on rating revenue as a proportion of total income.*

*Council has an annual budget of \$87.5 million, of which \$25.2 million is committed to capital and project works.*

Budget 2006/2007:	
Expenditure	\$4,389,100
Revenue	\$4,452,300
General (Net) Funding	-\$63,200

*Council's financial strategies are governed by a 10 year financial model which is reviewed by Council each year. The aim of the model is to increase Council's commitment to asset renewal while simultaneously reducing debt.*

### Objective 1

Mgt Plan related Yes

To ensure the financial sustainability of Council which allows for efficient service delivery and the effective management of Council's assets, now and in future years.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	10 year Financial Model reviewed and adopted by Council.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
<hr/>			
	<b>NOT YET DUE</b> <i>Model to be referred to the Finance Committee on 4 December 2006.</i>		
02	Requirements contained in Council's 10 year financial model are implemented.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
03	Council's investment returns to meet or exceed the benchmark rate.	Ongoing <i>Relates to Action</i>	- Director Finance and Business
<hr/>			
	<b>ACHIEVED TO DATE</b> <i>Benchmark exceeded for the first three months of the year. Council's portfolio has been expanded over the first quarter of the year to include additional direct investments in an effort to improve returns.</i>		

# Management Plan Progress Report 2006-2010

## Financial Sustainability

04	Balanced budget developed for public exhibition.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
<hr/> <b>NOT YET DUE</b> <hr/>			
05	Annual Financial Statements adopted and submitted to the Department of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>COMPLETED</b> <i>Statements were submitted to the Department of Local Government in early October and were presented to Council along with the auditor's report on 10 October 2006.</i>			
06	Investment performance reported to Council on a monthly basis.	Monthly <i>Relates to Action</i>	- Director Finance and Business
<hr/> <b>ACHIEVED TO DATE</b> <i>Reports submitted for first three months with returns exceeding benchmark.</i>			
07	Council's Budget review reported to Council within two months of the end of each financial quarter.	Each Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>ACHIEVED TO DATE</b> <i>First quarter report being considered by Council on 28 November 2006.</i>			
08	Notional rate return audited and submitted to Department of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
<hr/> <b>NOT YET DUE</b> <hr/>			
09	Council's debt reduced to \$10.5 million.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>NOT YET DUE</b> <i>Debt repayments being made during the year as they fall due.</i>			
10	\$1,981,800 committed to works of 'direct community benefit'.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
<hr/> <b>NOT YET DUE</b> <i>Works totalling \$1,981,800 form part of Council's adopted budget for 2006/07.</i>			

# Management Plan Progress Report 2006-2010

## Financial Sustainability

11	Report to Council on the review of Council's methodology to maintain Council's assets at a satisfactory standard.	3rd Quarter <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Finance and Business</li><li>- Director Open Space</li><li>- Director Technical Services</li></ul>
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### NOT YET DUE

*Discussion paper on a proposal for allocation of funding between assets is to be presented at the Finance Committee on 4 December 2006.*

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## Objective 2

*Mgt Plan related Yes*

To continuously explore opportunities to maximise the financial return and community benefit from Council's commercial property holdings.

## Actions

## Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Analyse and report to Council on alternative options and financial viability of Marian Street Theatre.	1st Quarter <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Finance and Business</li></ul>
<b>NOT ACHIEVED</b> <i>A condition assessment of the building needed to be undertaken before proceeding with analysing options for the future use of Marian Street. The report on the assessment has now been finalised and will be considered by Council in December 2006 to determine which works should be completed and the future use of the building.</i>			
02	Firs Estate Cottage Lease to be executed.	1st Quarter <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Finance and Business</li></ul>
<b>NOT ACHIEVED</b> <i>Expressions of Interest closed in August. A selection panel is reviewing the submissions with a report to Council anticipated in December 2006.</i>			
03	Potential funding opportunities identified and reported to Council as part of the Town Centre redevelopment, including assessment of surplus landholdings outside the town centres.	Ongoing <i>Relates to Action</i>	<ul style="list-style-type: none"><li>- Director Finance and Business</li></ul>
<b>NOT YET DUE</b>			

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# Management Plan Progress Report 2006-2010

## Council's Corporate Services

*Provision of a range of services which act as a focal point for the delivery of information and Customer Services.*

*Provision of internal services to support the organisation.*

Budget 2006/2007:	
Expenditure	\$7,001,900
Revenue	\$47,581,800
General (Net) Funding	-\$40,579,900

### Objective 1

*Mgt Plan related Yes*

To improve services to the community through the provision of timely and accurate information.

### Actions

### Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Annual Report adopted and submitted to the Department of Local Government.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
<hr/>			
<b>ACHIEVED TO DATE</b>			
<i>Report to be considered by Council on 28 November 2006.</i>			
<hr/>			
02	Management Plan adopted.	4th Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>NOT YET DUE</b>			
<hr/>			
03	Council's Land and Environment Court Costs reported to Council on a quarterly basis.	Each Quarter <i>Relates to Action</i>	- Director Finance and Business
<hr/>			
<b>ACHIEVED TO DATE</b>			
<i>1st quarter report was considered by Council on 14 November 2006.</i>			
<hr/>			
04	Management Plan progress reported to Council within two months of the end of each financial quarter.	Each Quarter <i>Relates to Action</i>	- General Manager
<hr/>			
<b>ACHIEVED TO DATE</b>			
<i>1st quarter report to be considered by Council on 28 November 2006.</i>			
<hr/>			

# Management Plan Progress Report 2006-2010

## Council's Corporate Services

05	Report and analysis of NSW Department of Local Government Comparative data presented to Council.	2nd Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>NOT YET DUE</b> <i>Report will not be completed in 2nd quarter as Department of Local Government is yet to publish the comparative information.</i>			
06	Report quarterly to Council on resolutions which have not been implemented with accompanying explanations.	Each Quarter <i>Relates to Action</i>	- General Manager
<b>NOT ACHIEVED</b> <i>Report to be presented to Council in February 2007 on any resolutions still outstanding or requiring additional work, funding or resources.</i>			
07	Database of Council resolutions is kept up to date with responsible officers clearly nominated.	Each Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>ACHIEVED TO DATE</b> <i>Database is being maintained.</i>			
08	New bookings software system for Council services implemented.	3rd Quarter <i>Relates to Action</i>	- Director Community Services - Director Finance and Business - Director Open Space
<b>NOT YET DUE</b> <i>Upgrades to existing booking systems are occurring, which have significantly improved functionality and will more than likely eliminate the need for a new system.</i>			

## Objective 2

*Mgt Plan related Yes*

To ensure that Council's information is protected, developed and maintained effectively and efficiently.

## Actions

## Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Implement new payroll system to fully integrate with Finance 1.	1st Quarter <i>Relates to Action</i>	- Director Finance and Business
<b>NOT ACHIEVED</b> <i>Implementation of this system is dependent on an upgrade to Council's existing financial management software. This upgrade is currently underway with a planned go-live date of 18 December 2006. It is anticipated that the implementation of the new payroll/HR system will occur in the third quarter.</i>			

# Management Plan Progress Report 2006-2010

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## Council's Corporate Services

02	Upgrade Finance 1 to allow integration of other systems.	3rd Quarter <i>Relates to Action</i>	- Director Finance and Business
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### NOT YET DUE

Upgrade currently underway with a planned go live date of 18 December 2006.

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03	Council's web based functionality improved.	2nd Quarter <i>Relates to Action</i>	- Director Community Services - Director Finance and Business
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### NOT YET DUE

Preferred software supplier appointed under tender process. Redesign commenced.

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## Objective 3

*Mgt Plan related Yes*

To expand the provision of Customer Service.

## Actions

## Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Implement organisational customer service procedure	2nd Quarter <i>Relates to Action</i>	- Director Community Services

### ACHIEVED TO DATE

Recommendations of Customer Service Action Group to be considered by Policy Committee on 4 December 2006. Sub groups have been formed to further progress recommendations. Reports will be provided to Managers meetings and Policy committee where appropriate.

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# Management Plan Progress Report 2006-2010

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## Council's Corporate Services

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Objective    5 *Mgt Plan related   Yes*

Provide communication services that support the dissemination and exchange of information within Council and the community.

Actions

Key Performance Indicators

<u>No</u>	<u>Details</u>	<u>DueDate</u>	<u>Responsible Officer</u>
01	Corporate Communications Strategy implemented.	4th Quarter <i>Relates to Action</i>	- Director Community Services
<i>NOT YET DUE</i>			

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## NOTICE OF MOTION

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### BERT OLDFIELD OVAL

**Notice of Motion from Councillor A Ryan dated 13 November 2006.**

I move:

- "i. That Council resolve to remove, following finalisation of Part (ii) below, Bert Oldfield Oval at Killara Park from Council's register of Leash Free Areas.
- ii. I further move that Council undertake a study into alternative and more appropriate locations for a Leash Free Area within the immediate catchment".

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Adrienne Ryan  
Councillor for Gordon Ward