



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 7 FEBRUARY 2006 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 13 December 2005

Minutes numbered 538 to 574

Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 15 December 2005

Minutes numbered EMC1 to EMC6

MINUTES FROM THE MAYOR

MM.1 Graeme Innes

1

File: S02024

It was a sad night for me as Mayor when I was told that Councillor Graeme Innes was to resign his role as a Councillor

I would like to acknowledge the valuable contribution Graeme made to Council and, on behalf of all Ku-ring-gai Councillors and staff, wish him the best in his new role as Australia's Human Rights and Acting Disability Discrimination Commissioner.

We have been fortunate to have had Graeme as a Councillor for the past two years. As a highly qualified lawyer, advocate and mediator, he has brought a wealth of skills and experience to Council.

Graeme has vast experience as a chair or member of a wide range of organisations and tribunals.

He has been Deputy Disability Discrimination Commissioner since 1999 and has also been a member of the NSW Administrative Decisions Tribunal, the NSW Consumer, Trader and Tenancy Tribunal and the Social Security Appeals Tribunal.

Graeme has worked tirelessly in the field of disability issues. He played a major role in forming the Commonwealth Disability Discrimination Act and is a member of the Australian delegation to the United Nations developing a Convention on the Rights of People with Disabilities.

Graeme was also the first blind President of the Royal Blind Society of NSW and the first chair of Vision Australia.

In 1995, he was admitted as a Member of the Order of Australia for his contribution to developing disability discrimination legislation.

Since being elected in March 2004, Graeme has brought all this experience to his role at Council. He is an articulate debater in meetings, well known for his good humour and wit. Graeme was a role model for us in the way he showed respect to all his fellow Councillors and for their differing views. I was lucky enough to sit next to Graeme in Council meetings and I have really enjoyed his company as well as working with him on Local Government matters.

On behalf of all Ku-ring-gai Councillors and Staff, I would like to publicly thank Commissioner Graeme Innes for his contribution to Council and wish him all the best in his new role. I would also like to invite Graeme to visit us during some of our Year 2006 Centenary events.

"The Cowan Road Residents' Action Group and residents of Cowan Road petition against the scale and character of the St Ives Village Shopping Complex."

Recommendation:

Approval

GB.2 **347 Mona Vale Road, St Ives** **84**

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File: DA0565/05

Ward: St Ives

To refer the application back to Council following a site meeting and seek Council's determination of the development application.

Recommendation:

That the additional information noted and the application be approved.

GB.3 **25A, 27 & 29 Lorne Avenue, Killara** **148**

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File: DA0425/05

Ward: Gordon

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

Recommendation:

Approval.

GB.4 **5 Munderah Street, Wahroonga - Demolition of an Existing Dwelling, Construction of Two Residential Flat Buildings Containing 34 Units, Basement Car Parking & Landscaping.** **275**

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File: DA0956/05

Ward: Comenarra

Applicant: Gelder Architects

Owner: Gennaro & Maria Abbignano

To determine Development Application No 956/05 which seeks consent for demolition and the construction of a residential development comprising underground parking for 77 cars and 2 residential flat buildings containing 34 dwellings.

Recommendation:

Approval

GB.5 **Minutes of Companion Animals Committee - Meeting held 27 October 2005** 352

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File: S03449

To submit Minutes of the Companion Animals Advisory Committee held on 27 October 2005 for the information of Council.

Recommendation:

That the Minutes of the Companion Animals Advisory Committee meeting held on 27 October 2005 be received and noted and that Council host the next Pets' Day Out on Sunday, 28 May 2006 at St Ives Showground. Also, that future meetings of the Committee be held on Wednesday evenings, with the exception of the 4th Wednesday of the month, commencing no earlier than 6.30pm.

GB.6 **Representation on Northern Sydney Regional Organisation of Councils (NSROC)** 358

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File: S02342

For Council to make an appointment for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

Recommendation:

That Council make the required appointment to the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2006.

GB.7 **Ku-ring-gai Access Advisory Committee - Meeting OF 15 December 2005** 361

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005 be received and noted.

GB.8 Investment Cash Flow & Loan Liability as at 30 November 2005 369

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File: S02722

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

Recommendation:

That the summary of investments, daily cash flows and loan liability for November 2005 be received and noted.

GB.9 Investment Cash Flow & Loan Liability as at 31 December 2005 378

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File: S02722

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

Recommendation:

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

GB.10 Draft Sport In Ku-ring-gai 387

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File: S04032

To seek Council's endorsement of the Draft Sport in Ku-ring-gai Strategy.

Recommendation:

That the Draft Sport in Ku-ring-gai Strategy be publicly exhibited and a further report brought back to Council addressing the outcomes of the consultation.

GB.11 Tree Preservation Order 432

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File: S02052

To advise Council of the status of the Tree Preservation Order (TPO) Review, including the proposed draft order, and guidelines for tree assessment and tree replenishment, and make recommendations concerning the exhibition of the draft order.

Recommendation:

That Council endorse the exhibition of the draft order and tree assessment and replenishment guidelines as outlined in this report, and that the draft TPO be included in the Town Centres DCP when on exhibition, and that the draft TPO be included in the Town Centres DCP when on exhibition.

GB.12 NSROC Sub-Regional Planning Strategy

456

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File: S02342

To advise Council of NSROC's draft Northern Sydney Sub-Regional Planning Strategy and to seek Council's endorsement for exhibition of the document.

Recommendation:

That Council advises the Northern Sydney Regional Organisation of Councils of its endorsement of the draft Northern Sydney Sub-Regional Planning Strategy for public exhibition in early 2006 by the NSROC Councils. That a further report be brought to Council following the exhibition of the draft NSROC Strategy.

GB.13 Town Centres Planning Work Programme

463

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File: S04151

To provide for Council a programme for completion of the Town Centres Planning, taking into account feedback from the Department of Planning and required tasks.

Recommendation:

That Council adopts the timeframe and processes for the Town Centres and that an extraordinary meeting of Council be held on 27 March 2006 to consider the proposals for Turrumurra Town Centre LEP.

GB.14 Draft Amendments to Development Control Plan No 28 - Advertising Signs

473

.
File: S02367

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

Recommendation:

That Council exhibit draft Development Control Plan No 28 - Advertising Signs for a period of 28 days and that a report be brought to Council following the exhibition.

GB.15 **17 to 19 Newhaven Place St Ives - Alter Terms of Existing Council's Drainage Easement** **502**

File: P53867

Ward: St Ives

To consider a request by the owner of 17-19 Newhaven Place, St Ives to alter the terms of the Council's drainage easement over the downstream property to permit discharge into a Council pipeline.

Recommendation:

That the proposal be approved subject to the conditions under recommendation A to D of this report.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 **Turrumurra Town Centre Preferred Land Use Options** **508**

File: S04038

Notice of Rescission from Councillors N Ebbeck, A Andrew, T Hall, A Ryan & M Lane dated 27 January 2006.

We move:

"That Parts A, L & P of Council's resolution for Turrumurra Town Centre (6 December 2005) be rescinded (Vide Minute No. 522)."

We further move:

"A. Turrumurra will be a local Centre with a total of approximately 21,500sqm NFA of retail including shop front commercial.

- Two main retail centres, one on the south of Pacific Highway and the other on the eastern side around the Gilroy Lane and Turrumurra Avenue area; small retail and shop front commercial in the Ray Street precinct.
- Community facilities are located around the Ray Street precinct to create a community hub.
- Two expanded supermarkets with a combined total of 4,500sqm.
- Future consideration given by Council of a leisure centre.
- Strip shops are retained fronting onto Pacific Highway with commercial and retail uses.
- New cafes restaurants and specialist shop at the rear of the centre facing north onto new public spaces.

- Total of 5000sqm NFA commercial (located on the upper floors rather than ground floor) to cater for small local businesses, professional services, medical service and the like.
 - Residential shop top housing in all retail areas.
- L. That a best case traffic plan be prepared for Option E, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.
- That creation of new roads generally as indicated on the map in attachment H be further considered by Council prior to inclusion in the Draft LEP and Draft DCP.
- P. That the Aquatic Study come to Council at the earliest opportunity with recommendations for an indoor pool/leisure centre."

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

** ** *

Environmental Planning & Assessment Act 1979 (as amended) Section 79C

1. Matters for consideration - general

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

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

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

MAYORAL MINUTE

GRAEME INNES

It was a sad night for me as Mayor when I was told that Councillor Graeme Innes was to resign his role as a Councillor

I would like to acknowledge the valuable contribution Graeme made to Council and, on behalf of all Ku-ring-gai Councillors and staff, wish him the best in his new role as Australia's Human Rights and Acting Disability Discrimination Commissioner.

We have been fortunate to have had Graeme as a Councillor for the past two years. As a highly qualified lawyer, advocate and mediator, he has brought a wealth of skills and experience to Council.

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While I'm sorry he has resigned his Councillor duties, his new role was simply an opportunity too good to refuse and I for one am very proud of Graeme's success. It is an influential and prestigious position which will allow Graeme to use all his experience and skills in the human rights and equal opportunity fields and I am sure he will achieve more using his unique talents in his new role than as a Councillor.

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S02024
30 January 2006

On behalf of all Ku-ring-gai Councillors and Staff, I would like to publicly thank Commissioner Graeme Innes for his contribution to Council and wish him all the best in his new role. I would also like to invite Graeme to visit us during some of our Year 2006 Centenary events.

RECOMMENDATION

That the Mayoral Minute be received and noted.

Elaine Malicki
Mayor

PETITION

OBJECTION TO SCALE AND CHARACTER OF ST IVES VILLAGE SHOPPING COMPLEX - (NINETY-SIX [96] SIGNATURES)

"The Cowan Road Residents' Action Group and residents of Cowan Road petition against the scale and character of the St Ives Village Shopping Complex."

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	9 TO 23 BRUCE AVENUE, KILLARA - DEMOLITION OF 7 SINGLE DWELLINGS AND CONSTRUCTION OF 3 X 5 STOREY BUILDINGS CONTAINING 59 UNITS, ASSOCIATED BASEMENT CAR PARKING AND STRATA SUBDIVISION
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	983/05
SUBJECT LAND:	9 to 23 Bruce Avenue, Killara
APPLICANT:	Drew Dickson
OWNERS:	Lai Fing Cheng & William Wai Nin So - 9 Bruce Avenue, Killara, Tak Ping Yeung & Sylvia Siu Yee Chow - 11 Bruce Avenue, Killara, Lun Yu Chung & Viola Chi Fong Lee - 15 Bruce Avenue, Killara, Cho Yau Chan - 17 Bruce Avenue, Killara, Brian Joseph Fagan & Eileen Celine Fagan - 19 Bruce Avenue, Killara, Maria Stergiotis - 21 Bruce Avenue, Killara, Stanley Sheung Chi Chen & Lister Po Wah Chen - 23 Bruce Avenue, Killara
DESIGNER:	Drew Dickson Architects Pty Ltd
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	KPSO – LEP 194
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP 55 - Multi-Unit Housing, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	6 September 2005 - Amended plans: 7 October 2005, 5 December 2005, 13 December 2005
40 DAY PERIOD EXPIRED:	16 October 2005
PROPOSAL:	Demolition of 7 single dwellings and construction of 3 x 5 storey buildings containing 59 units, associated basement car parking and strata subdivision
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 983/05
PREMISES: 9-23 BRUCE AVENUE, KILLARA
PROPOSAL: DEMOLITION OF 7 SINGLE DWELLINGS
AND CONSTRUCTION OF 3 X 5 STOREY
BUILDINGS CONTAINING 59 UNITS,
ASSOCIATED BASEMENT CAR PARKING
AND STRATA SUBDIVISION
APPLICANT: DREW DICKSON
OWNER: LAI FING CHENG & WILLIAM WAI NIN SO -
9 BRUCE AVENUE, KILLARA, TAK PING
YEUNG & SYLVIA SIU YEE CHOW - 11
BRUCE AVENUE, KILLARA, LUN YU
CHUNG & VIOLA CHI FONG LEE - 15
BRUCE AVENUE, KILLARA, CHO YAU
CHAN - 17 BRUCE AVENUE, KILLARA,
BRIAN JOSEPH FAGAN & EILEEN
CELINE FAGAN - 19 BRUCE AVENUE,
KILLARA, MARIA STERGIOTIS - 21 BRUCE
AVENUE, KILLARA, STANLEY SHEUNG
CHI CHEN & LISTER PO WAH CHEN - 23
BRUCE AVENUE, KILLARA
DESIGNER DREW DICKSON ARCHITECTS PTY LTD

PURPOSE FOR REPORT

To determine development application No 983/05 which seeks consent for the demolition of 7 single dwellings and the construction of 3 x 5 storey residential flat buildings containing 59 units and associated basement car parking.

EXECUTIVE SUMMARY

Issues:	Access and privacy
Pre DA:	Yes
Submissions:	8 submissions (original scheme) 4 submissions (amended plans)
Land & Environment Court Appeal:	No appeal lodged.
Recommendation:	Approval

HISTORY

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Site history:

The site has been used for residential development. There is no site history relevant to the proposal.

Development application history:

DA 983/05

22 June 2005	Pre DA meeting. Issues identified included Bruce Avenue setback to Building B, communal open space in front setback, accessibility, location of pool, calculations.
6 September 2005	DA lodged.
14 September 2005	Amended photo montage submitted.
16 September 2005	"Stop the clock" letter sent, in relation to landscaping/tree issues.
7 October 2005	Arborist's report and amended landscape plan submitted.
17 November 2005	Correspondence from applicant re issues raised.
5 December 2005	Amended plans - Variations to address concerns regarding vehicular access, privacy and amenity, solar access, mix of units, courtyards.
13 December 2005	Site plan amended to retain <i>Angophora costata</i> .
13 December 2005	Correspondence to applicant regarding Norfolk Island Pine.
14 December 2005	Correspondence from applicant regarding potential alternate driveway design to retain Norfolk Island Pine.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Lot Number:	11, 12, 13, 14, & 4, 5, 6
DP Number:	4362 & 13657
Heritage Affected:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	Yes

The subject site is located on the southern side of Bruce Avenue, between Greengate Lane and Bruce Avenue. The site has a frontage of 106.685 metres to Bruce Avenue and 106.715 metres to Greengate Lane, with a total area of 6,724.3m². The site has a depth of 61.75 to 64.305 metres. The site is located 80 metres to the railway line. The site is approximately 122 metres from Pacific Highway, 80 metres from the railway line and 700 metres from Killara Railway Station.

The site is generally rectangular in shape, comprising seven individual properties, each containing a detached dwelling (Refer **Appendix 1**). The site slopes gently towards the east, with a fall of approximately 6 metres from the north-western corner on the Bruce Avenue frontage.

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The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn areas. The site is dominated by a mature *Angophora costata* (Sydney Redgum) located at the rear of the site.

Both Bruce Avenue and Greengate Lane are two-way sealed roads, however, Greengate Lane is very narrow without any formalised kerbs.

Surrounding development:

The subject site is surrounded by residential development, consisting predominantly of one and two storey dwellings, located within heavily landscaped surroundings. Landscaping obscures the view of many dwellings in the locality.

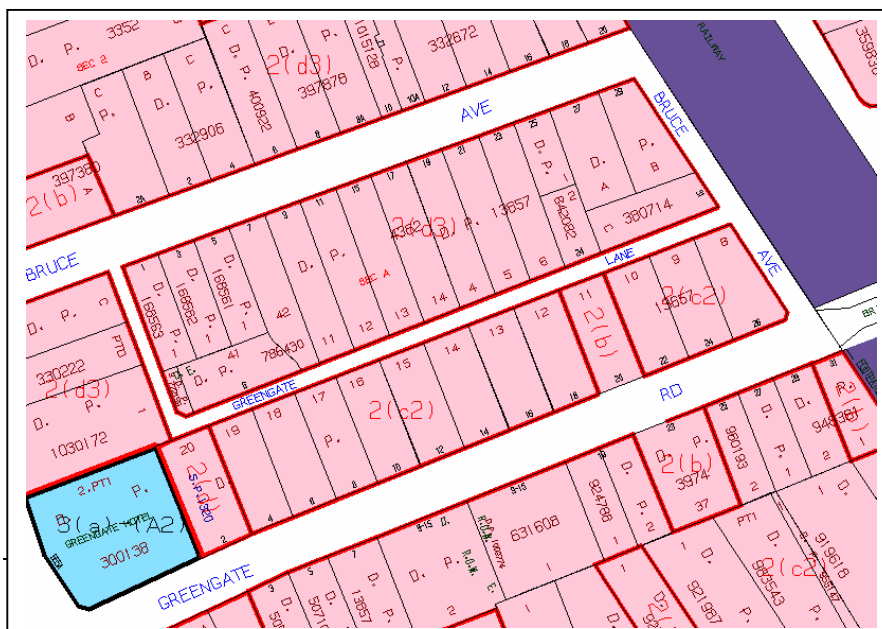
Adjacent to the west of the subject site, No. 7 Bruce Avenue, is a dual occupancy development. A residential flat building to 5 storeys has recently been approved for this site and adjacent sites to its west. To the east of the subject site are two single dwellings. No. 25 Bruce Avenue is a contemporary "Federation" style dwelling to two storeys (Refer **Appendix 1**).

No. 24 Greengate Lane is a contemporary style dwelling. These sites are also zoned 2(d3). No application for redevelopment of these sites has yet been lodged.

No. 20 Greengate Road, opposite the south-eastern corner of the subject site, is a heritage listed property, zoned 2(b). This site contains a single storey, Georgian Revival style, house. Also to the south of Greengate Lane are the rear yards of properties zoned 2(c2), which each contain single dwelling houses, set back 14 to 27 metres from Greengate Lane. The rear yards are characterised by landscaping with lawns and a number of mature trees.

The Greengate Hotel, a heritage listed property, is located approximately 80 metres to the east of the subject site and has views across the subject site.

On the northern side of Bruce Avenue, are single residential dwellings to 2 storeys on land zoned 2(d3). This area is likely to be re-developed for residential flat buildings to 5 storeys in height.



Zoning extract

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THE PROPOSAL

The proposal involves the demolition of the existing structures, amalgamation of the seven lots, the construction of three residential flat buildings, containing 59 units, associated car parking and strata subdivision.

The proposal consists of three buildings to five storeys in height. Buildings A and C are set back 13m -15.6m from Bruce Avenue, Building B is set back 13m-13.3m from Bruce Avenue. The minimum setback to Greengate Lane is 10.44m.

The main components of the proposal are as follows:

- A total of 59 units, comprising 47 x 3 bedroom (some with studies) and 12 x 2 bedroom with study. All units have ground level open space or balconies, varying in size from 111.5m² to 147.7m². Buildings A and C contain 21 units each and Building B contains 17 units;
- 2 lifts are provided to each building;
- A total of 123 car parking spaces, comprising 108 resident spaces and 15 visitor spaces. The basement also includes a car wash bay, bicycle parking, waste and storage areas and WC;
- A communal area of open space including a swimming pool and barbeque area on the southern side. An energy substation is located in the south-western corner of the site;
- Pedestrian entry to both Bruce Avenue (main entries) and Greengate Lane;
- On-site stormwater detention/retention.

Amended plans dated 5 December 2005

- Vehicular access changed to Bruce Avenue. Changes to basement to suit;
- Mix of units changed to incorporate smaller 2 bedroom units with studies to 97.7m². Buildings to contain 36 x 3 bedroom, 9 x 3 bedroom with study, 2 x 3 bedroom with study, 12 x 2 bedroom with study;
- More detailed solar access diagrams;
- Reduced front and side courtyards;
- Variations to window design and privacy screening to improve privacy outcomes;
- Reduction in height of courtyard fencing to Bruce Avenue from 2 metres to 1.6 metres.

Amended plans dated 13 December 2005

- Site plan amended to show retention of *Angophora costata* (Sydney Redgum) near the southern boundary.

CONSULTATION - COMMUNITY

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

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Original scheme dated 15 May 2005

1. *Daphne Beumont, 25 Bruce Avenue Killara*
2. *Celia and David Ascroft, 24 Greengate Lane Killara*
3. *Terence Smith, Colonial State Properties, PO Box 29 Horsley Park*
4. *Stewart and Patricia Cooper, 4 Greengate Road Killara*
5. *Marian and Janet O'Donnell, 16 Greengate Road Killara*
6. *T G Howard and M S O'Dea, 26 Greengate Road Killara*
7. *Anna and George Weiss, 18 Bruce Avenue Killara*
8. *Vicky Steer, Principal, Ravenswood School, Cecil St Gordon*

The submissions raised the following issues:

Overshadowing of 25 Bruce Avenue

A minimum of 3 hours of direct solar access is maintained to 25 Bruce Avenue as required by DCP 55.

Visual privacy and visual bulk impacts to 25 Bruce Avenue and 24 Greengate Lane

Screen planting, setbacks, tall tree planting and retention, as well as the design and location of private open spaces, including the use of planter boxes and privacy screens, will ensure that a reasonable level of amenity for the residents of the existing dwellings at No. 25 Bruce Avenue and No. 24 Greengate Lane is maintained.

Object to construction of residential flat buildings where single residential development already exists

Five storey multi-unit development is permissible under the zoning and is therefore anticipated development within the area. The development complies with the prescribed controls of LEP 194 and is consistent with the objectives of the relevant DCPs.

Additional traffic will be generated in Henry and Cecil Streets adjacent to Ravenswood School

Five storey multi-unit development is permissible under the zoning and therefore additional traffic is anticipated within the area. Council's Development Engineer does not anticipate any unacceptable safety impacts on Henry or Cecil Streets from the additional traffic. A condition is recommended which requires a construction management plan, showing heavy vehicle routes, to be submitted (**Condition No 121**). This must be endorsed by Council's engineers prior to any works commencing.

Increased flooding to 24 Greengate Lane

The existing developments do not include stormwater detention systems, which results in uncontrolled runoff to either overland or through pipes to Greengate Lane. The proposal includes the retention and detention of stormwater on the site, which will control the amount of stormwater

Item 1

leaving the site and will substantially reduce the volume and intensity of water that now discharges from the property during heavy rain.

The design is consistent with style of the area

It is agreed that the development is of a suitable design reflective of the aims and objectives of LEP 194.

Isolation of 25 Bruce Avenue and 24 Greengate Lane as narrow lots between 5 storey unit developments

If Nos. 27-31 Bruce Avenue are developed for multi-unit housing without the inclusion of 25 Bruce Avenue and 24 Greengate Lane, the latter two lots would then become “isolated sites” under DCP 55 and could potentially be surrounded by 5 storey unit developments. However, no DA has been lodged for 27 -31 Bruce Avenue, and therefore the proposed development does not result in these sites becoming “isolated sites”.

Greengate Lane is too narrow to cater for the development and would lose its character

Amended plans provide for vehicular access via Bruce Avenue. Pedestrian access to Greengate Lane is provided. The applicant is prepared to provide a footpath along Greengate Lane and a condition is recommended to this effect (**Condition No. 102**).

Congestion and safety from cumulative traffic impact of developments on Greengate Road bridge leading to Werona Ave and use of the narrow section of Bruce Avenue

The intent of rezoning for multi-unit development is to establish medium density living in proximity to transport nodes, educational and health facilities and local business centres. The rezoning of this site under LEP 194 to permit medium density development confers a development potential pursuant to the development standards and controls set out in LEP 194 and DCP 55. The proposal is consistent with the objectives of SEPP 65, the Residential Flat Design Code, LEP 194 and DCP 55. Council’s Traffic Engineer is satisfied that the proposal will not result in a cumulative impact beyond that which is provided for under the zoning and associated controls that apply to the site.

Proposal should be referred to the RTA

The RTA has advised residents that, as the Council is both the consent authority for the subject development and the roads authority for the local roads, SEPP 11 does not apply to the proposal, and no referral is required. The RTA has suggested that the proposal be referred to the Local Traffic Committee to determine cumulative impacts and any necessary localised road improvements. It is noted that a traffic study is currently underway to determine any improvements required to the local road network due to the rezoning of sites in the locality.

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Construction traffic impacts on 26 Greengate Lane and Ravenswood School

A traffic management plan will be required for the construction period via a recommended condition of consent (**Condition No. 121**).

The Section 94 plan needs to include capital works for required road changes

The Section 94 plan currently in place includes roadworks identified as being required as a result of rezoning within the LGA. Additional road works adjacent to the site are required as a condition of consent (**Condition No. 102**)

Request for traffic noise impact assessment in relation to 26 Greengate Road

No separate assessment is required. The additional traffic noise is anticipated in the zoning and is compatible with the urban environment.

Design could be improved by the use of flat roofs, greater differentiation between the buildings and the use of only two buildings

The pitched roof is consistent with the style of dwellings across the lane. Due to the setback of the top floor, the additional bulk will have little impact on the streetscape. Council's Urban Design Consultant has considered the application and has no concerns regarding the differentiation between the buildings.

The building configuration is satisfactory when considered against the relevant State and Council plans and policies.

Amended plans dated 5 December 2005

The amended plans were notified. Submissions were received from the following:

1. *Daphne Beumont, 25 Bruce Avenue Killara*
2. *Stewart and Patricia Cooper, 4 Greengate Road Killara*
3. *Vicky Steer, 16 Bruce Avenue Killara*
4. *Marian, Edward and Janet O'Donnell, 16 Greengate Road Killara*

The submissions raised the following additional issues:

Noise impacts from relocated driveway on 25 Bruce Avenue

This location is preferred as it will allow for the retention of the large Norfolk Island Pine which provides significant local amenity and contributes to the maintenance of the landscaped character of the street.

The driveway, as conditioned, enters the site close to the boundary with 25 Bruce Avenue and then curves away from the boundary. The existing screen planting will be retained and supplemented if

Item 1

it is possible to run the stormwater pipes around them. If this is not possible, advanced replacement plantings will be provided which will reduce the noise impacts to some extent. Conditions are recommended in this regard (**Schedule A Condition No. 1 and Condition No. 87**).

This portion of the site is relatively level, providing the best point of access from Bruce Avenue to the basement carpark. This reduces the need for acceleration up the ramp to exit the site and accordingly minimizes the noise to the adjacent site. The expected noise levels at the driveway are acceptable within the urban area.

Support for access via Bruce Avenue, even if this includes the loss of the Norfolk Island Pine on the nature strip

It is possible to both retain the pine and provide access via Bruce Avenue. **Condition No. 92** is recommended in this regard.

Potential safety impacts of location of driveway relatively close to the 90 degrees bend in Bruce Avenue and substandard road surface in Bruce Avenue.

The driveway will be located at a distance exceeding the requirements of AS2890.1 "Off Street Car Parking". Sight distance in each direction is adequate.

Privacy impacts on 24 Greengate Lane from penthouse balconies

A combination of 300mm to 1.5m planter boxes and a privacy screen to the terrace areas of the penthouse apartment, Unit 59, ensure a reasonable level of privacy is maintained to the open space areas of No. 24 Greengate Lane. This will be further enhanced with the growth of the 6 trees proposed in the setback directly adjacent to No. 24.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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

"Design Review

Principle 1: Context

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

The built form context is comprised of:

- *A 2 storey detached house west of the site, on the northern corner of Bruce Avenue and the Pacific Highway. This is a heritage item;*
- *A detached house and Electricity Substation on the eastern side of Greengate Lane.*

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- *The house lot is zoned Residential 2(d3);*
- *Northern Railway Line approximately 100m east of the site;*
- *The 2 storey Greengate Hotel south-west of the site at the corner of Bruce Avenue and the Pacific Highway. This is a heritage item.*

The Residential 2(d3) zoning of this site and adjoining sites establishes the future scale of development on these sites as being 5 storeys maximum. This zoning establishes a future difference in height and bulk in relation to the existing two storey heritage items to the west and south-west of the site.

Greengate Lane serves primarily service functions and is approximately 6m to 7m wide. Sites to the south of Greengate Lane are zoned 2(c2).

DAs have been submitted for adjoining sites to the west, at No's. 657-661 Pacific Highway and 1-7 Bruce Avenue, Killara. LEP 194 and DCP 55 apply to all these sites.

Principle 2: Scale

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

*The scale of development is acceptable, as it complies with the 2(d3) controls.
The scale of the proposed buildings will not detract from the view from the rear of the Greengate Hotel.*

Principle 3: Built form

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

*The buildings comply with the maximum building length of 36m in DCP 55.
The SEPP 65 Residential Flat Design Code recommends a minimum distance of 12m between windows to habitable rooms. The proposed buildings have windows which are separated by 11.2 to 11.3m, however translucent glazing is proposed to windows in Building B within the 12m separation distance, which resolves this issue.*

Principle 4: Density

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

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The site coverage is 34.7% of the site. The top floor of Building A and C occupies 46% of the floor area of the lower floors. The top floor of Building B occupies 34% of the floor area of the lower floors. The FSR is 1.25:1. The density is acceptable.

Principle 5: Resource, energy and water efficiency

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

More than 70% of living rooms/balconies in apartments will receive greater than 2 hours sunlight between 9am and 3pm in mid-winter. There are no south facing apartments. 100% of apartments are proposed to be cross ventilated, however the proposed cross ventilation of six apartments (apartments 9, 14, 19, 47, 52 and 57) through light wells, raises a potential problem of sound transmission and viewing through openable windows between apartments. It is recommended that windows to the void in apartments 1, 4, 5, 8, 10, 13, 15, 18, 39, 42, 44, 46, 48, 51, 53 and 56 are non-openable glass brick, to avoid potential sound transmission and viewing problems between apartments.

Principle 6: Landscape

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

Comment:

The graphic representation of trees on the landscape plan is misleading, as trees of different species and sizes are drawn the same size and are too small.

The proposed pedestrian access on the eastern and western ends of the site may provide security issues, as there are no security gates shown. This space should be made secure. The site benefits from having Greengate Lane to the south, which, in principle, should provide car access to underground carparking. This would allow the frontage to Bruce Avenue to have uninterrupted landscaping. Council planners have advised us that if Greengate Lane was to remain a two way lane then there would be excessive traffic volumes from this site into the lane. In urban design terms it is preferable that car access be maintained from the lane, however, traffic considerations may take precedence.

Principle 7: Amenity

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

Comment:

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As noted in Principle 5 above, it is recommended that windows to the void in apartments 1, 4, 5, 8, 10, 13, 15, 18, 39, 42, 43, 46, 48, 51, 53 and 56 are non-openable glass brick, to avoid potential sound transmission and viewing problems between apartments. The voids in these light wells are to be left open to the sky. It is recommended that a roof plan of the top level roof, showing the void and the adjacent roofing material, be submitted.

The studies in apartments 5, 8, 47, 10, 13, 52, 15, 18 and 57 have the potential to be used as bedrooms, and as such would be sub-standard accommodation, with a minimum dimension of 2090 mm (recommended minimum of 3000mm), with a window opening onto a 2.3m wide void. To ensure that this area is used as a study nook, and not an enclosed bedroom, it is recommended that the wall and door between the study and dining room is deleted in all instances, so that the area is a study nook off the dining room.

The studies in apartments 9, 14 and 19 are unacceptable, as they are enclosed habitable rooms with a minimum dimension of 1800mm, which have the potential to be used as a bedroom. The minimum dimension of a bedroom is 3000m. It is recommended that these rooms are deleted from the plan, that the lift lobby is widened and that the kitchen is extended.

Principle 8: Safety and security

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

The common open space along the eastern and western boundaries is open to Bruce Avenue, reducing the security of the apartments along these boundaries and to the common open spaces. It is recommended that security is improved to these spaces.

Planter boxes on the fourth floor between units in Building A and B reduce security between apartments in each building. Screening is to be provided to ensure that the planter boxes between apartments in both buildings will not reduce security.

Principle 9: Social dimensions

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

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

The mix of apartments is acceptable.

Principle 10: Aesthetics

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

Conclusion and recommendations

It is recommended that:

- *Windows in Apartments 1, 4, 5, 8, 10, 13, 15, 18, 39, 42, 43, 46, 48, 51, 53 and 56 are non-openable glass brick, to avoid potential sound transmission and viewing problems between apartments (**Refer Condition No. 96**);*
- *The voids in the light wells are left open to the sky;*
- *The wall and door between the study and dining room is deleted in Apartments 5, 8, 47, 10, 13, 52, 15, 18 and 57 so that the area is a study nook off the dining room (**Refer Condition No. 97**);*
- *The studies in Apartments 9, 14 and 19 are deleted from the plan, that the lift lobby is widened and that the kitchen is extended (**Refer Condition No. 98**);*
- *Security gates are provided to both ends of the common open spaces along the eastern and western boundaries, to improve security (**Refer Condition No. 99**);*
- *Screening is provided between the planter boxes on the fourth floor between Units in Building A and B to improve security between apartments in each building (**Refer Condition No. 95**).*

Comment:

The roof plan and sections show that the void is not covered by a roof area. The lightwells will therefore receive adequate light. All other recommendations are addressed by recommended conditions.

Heritage

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

"Demolition of existing buildings 9-23 Bruce Avenue

The existing houses have no identified heritage significance and were not identified as contributory to the Killara Urban Conservation Area. I have no objections to demolition of the existing houses provided archival recording of the houses to be demolished is provided prior to demolition.

Heritage Items "within the vicinity" of the site

The site is close to the Greengate Hotel and a large two storey Federation period house on the corner of Bruce Avenue and Pacific Highway. Due to the distance of the development site from these items and given the objectives and controls within DCP 55, it is considered that there would be no substantial impact as a result of this application. Development of this site

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for 5 storey residential development may have some limited impact on the district views obtained from the first floor terrace area of the Greengate Hotel, but it is considered these views would be minor and generally acceptable due to the physical separation between the hotel and the subject site. It is noted that Council has already approved a similar development at 1-7 Bruce Avenue which is physically closer to the subject site.

A single storey cottage at 20 Greengate Avenue is located close to the rear boundary of the subject site. The item is a small neo-Georgian cottage that faces Greengate Avenue. It is separated from the development site by Greengate Lane. The physical separation between the proposed development and the heritage building is over 30 metres, which exceeds the setback requirements in DCP 55. The proposed development would not reduce existing views to or from the heritage item or affect its primary setting. The curtilage to the heritage item is limited to the views from Greengate Road. The view of the item from Greengate lane is not considered to be important. The subject development would be seen as a backdrop above the ridge of the heritage item but it is considered that the impact is minor and acceptable.

Proposed development

The proposed development comprises three separate buildings, each 5 storeys in height. The design is contemporary but restrained in character, using face brick and rendered/painted finishes. It is considered that the restrained style is complementary to the heritage item and would not cause adverse visual impacts. The colours and textures are considered acceptable and are consistent with nearby development.

National Trust UCA No 12 - Greengate Precinct

With gazettal of LEP 194, most of the land in Bruce Avenue was rezoned to accommodate medium density development. Bruce Avenue contains a variety of building styles and has no consistent character. A number of sites have been redeveloped in recent years. 5 of the houses in Bruce Avenue are graded as contributory to UCA 12 (Nos 1, 3, 5, 12, & 18) and it is noted that consent for demolition of Nos 1, 3 & 5 has already been granted by Council. When all rezoned sites in Bruce Avenue are taken up, UCA 12 will be effectively reduced to a much smaller precinct which will include the Greengate Hotel and Greengate Road.

Conclusions and recommendations

Demolition of the houses at 9-23 Bruce Avenue is considered acceptable, provided archival recording is undertaken prior to work commencing on the site (attached condition).

Impacts from the proposed development on the nearby heritage item at 20 Greengate Road are considered minimal and acceptable given the guidelines contained in DCP 55.

The site is a reasonable distance from other nearby heritage items and it is considered to have minimal impacts.

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Brice Avenue contains a few houses considered to have contributory value to UCA 12 (Nos 1, 3, 5, 12 & 18) but the street lacks consistency and in my opinion should not be included in UCA 12. I conclude that the impact on UCA 12 from this development is thus acceptable."

See **Condition No. 100.**

Landscaping

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

"The site

It is proposed to demolish the existing dwellings and associated structures and construct three, five storey residential flat buildings with basement car parking on the amalgamated site area of 6 724.3sqm with vehicle access from Greengate Lane. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn areas. The site is dominated by a mature Angophora costata (Sydney Redgum) centrally located at the rear of the site.

Deep soil

The proposed development will result in a deep soil landscape area of 3 369.4sqm or 50.1% of the site area, which complies with LEP194 numerical requirements.

Tree removal/tree replenishment

A total of seventy seven trees are identified as being located on or associated with the site, including trees located on the opposite side of both street frontages. Of these, thirty five are located on site, eighteen on neighbouring properties and twenty four are street trees. Of these identified trees, it is proposed to remove twenty seven retaining fourteen (14) on site. Due to the scale of the development proposed, the site is to be cleared with the exception of the nominated trees located primarily adjacent to the northern and southern site boundaries.

Tree #57 Angophora costata (Sydney Redgum), is the most significant tree located on site which has been taken into consideration with appropriate setbacks and suitable landscape treatments within its primary root zone. Tree #22 Araucaria heterophylla (Norfolk Is Pine) is identified as being a significant tree and is proposed for removal. This cannot be supported by Landscape Services. It is required for tree #22 to be retained. This will be conditioned.

The development proposes an additional sixty six (66) trees that are capable of attaining a minimum height of 13.0m. These, in addition to existing trees to be retained, exceed Council's minimum tree replenishment requirements. Many of the proposed trees have inappropriate setbacks from each other and, as a result, will compromise their future growth habits and maturity. It will be conditioned for proposed tree numbers to be reduced and the spacing increased to ensure that trees will grow to maturity true to their natural form.

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Landscape plan

Overall, the landscape plan can be supported. Planting as proposed is fairly monotonous, particularly for tree species. It will be conditioned for a greater variety of tree species, including exotic deciduous trees, to ensure that the proposed landscape works is reflective of the broader Killara landscape and in keeping with other development proposals within the immediate vicinity.

Screen planting proposed on the planting plan LDA401 Rev C will result in a mix of native and exotic shrub species capable of attaining heights up to 5.0m. These in conjunction with proposed planting of tall canopy trees and smaller feature tree plantings around the perimeter boundaries will provide as they mature, a layered planting scheme filtering views to and from the proposed development. Subject to ongoing maintenance during establishment and adequate soil preparation the selected species have a high viability to mature and adequately screen the development. Subject to conditions the landscape plan can be supported by Landscape Services.

Drainage plan

Landscape Services raises no objections to the proposed drainage works as shown on the ground floor storm water plan.

The application can be supported with conditions."

Council's Landscape and Tree Assessment Officer has provided the following comment on the amended proposal:

"The proposed driveway reconfiguration will result in the removal of the most significant tree located on Council's nature strip. The tree in question is a mature Araucaria heterophylla (Norfolk Island Pine) approximately 20m high in excellent condition, which is visually significant within the streetscape and surrounding area. Due to the tree's health, ongoing viability and significance within the landscape, the removal of the tree cannot be supported.

Discussion with Council's Development Engineer, has looked at alternatives, and it is concluded that it is possible to retain the tree with adequate setbacks and provide vehicular access from Bruce Ave with acceptable grades.

To adequately retain the tree with minimal impacts it is required that the proposed driveway be relocated with a minimum setback of 5.0m as measured from the outside of the trunk on one side only. It is preferred that a greater setback be provided if possible."

Conditions 76 -88, 92, 108 -113, 125 -129, 152, 153, are recommended, pursuant to the Landscape and tree Assessment Officer's suggestions.

Engineering

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

"The application is supported, subject to conditions.

Stormwater management

The site is traversed by a 750mm diameter Council pipe. The applicant proposes to relocate the pipe clear of the basement excavation. A detailed hydraulic design will have to be submitted with the application to relocate the pipe and easement, and Council's approval will have to be obtained for the works before the consent can operate, so a deferred commencement consent is recommended. It is noted that the exact location of the pipe is not known and it is not necessarily within the easement along the western boundary of the property 23 Bruce Avenue. The exact location of the pipe can be determined during the design stage.

The generous setback on the eastern boundary means that overland flow will not be likely to affect the habitable floor levels of the proposed development, nor the existing properties to the east.

The design shows the on site retention/ detention tank under the driveway which was to have been off Greengate Lane. The driveway location has been moved to Bruce Avenue and the site levels indicate that the tank may be located under the driveway and have gravity fall to the street drainage system. Re-use of roofwater for toilet flushing, clothes washing and irrigation is specified on the drawing and this is as required by DCP 47.

Traffic generation

The development is expected to generate some 31 additional vehicle trips per peak hour. With the access proposed off Bruce Avenue, the development will not generate additional traffic in Greengate Lane.

Vehicular access and parking

Under LEP194, 106 resident and 15 visitor spaces are required. The development includes a total of 118 resident and 15 visitor spaces and therefore complies.

The entry driveway will be curved to retain the street tree. This is feasible. Longitudinal sections can be submitted with the Construction Certificate drawings to confirm that the grades are satisfactory for the waste collection vehicle whilst maintaining the required headroom.

Dimensions comply with AS2890.1:2004. Manoeuvring is adequate throughout the carpark.

Waste collection

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The waste collection area is located on Level 2 adjacent to the entry driveway. There is adequate space for the small waste collection vehicle to enter and leave the site in a forward direction. No security doors or gates are shown which would impede access.

Construction management

A detailed construction management plan will be required prior to the commencement of any works on site. It is expected that a Works Zone will be required in Bruce Avenue for some of the construction period. Employee parking in the basement will be required, with a definite timeframe to be given.

Geotechnical and environmental investigation

Six boreholes were drilled for the geotechnical investigation, with a further 11 shallow boreholes drilled for environmental sampling. The site is underlain by a thin layer of fill and elevated levels of the contaminants polycyclic aromatic hydrocarbons (PAH) and Benzo(a)Pyrene (B(a)P) were only detected in BH101, towards the lower front of the site. Further investigation including sampling under the existing buildings after demolition and remediation in the vicinity of BH101 is recommended and this has been included in the engineering conditions.

The site is underlain by relatively deep clay and weathered shales, with interbedded shale and sandstone below basement level. Dilapidation reporting of the neighbouring structures will be required. The report also contains recommendations for further works such as vibration monitoring and groundwater monitoring. Seepage was noted into the boreholes, however the report states that removal of seepage from the basement is not expected to affect groundwater flow or neighbouring properties."

Conditions 59 -74, 101-107, 120 – 124, 130 -136, 140 -151 address the matters raised by the Development Engineer.

Environment

Council's Environment Officer, Ben Armstrong, has commented on the proposal as follows:

"I have read the Environmental and Site Screening Report by EIS dated August 2005 (REF. E19649F-RPT) and agree with the conclusion that the site can become suitable for its proposed development after the following issues have been addressed:

- *Further investigation to assess the horizontal and vertical extent of the contamination in the vicinity of BH101;*
- *Sampling beneath the existing buildings after they are demolished;*
- *Site remediation works followed by appropriate validation sampling in the vicinity of BH101; and waste classification sampling and analyses undertaken prior to offsite disposal of the fill soil.*

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A standard condition should be placed on the DA asking that all relevant reports be given to Council for its records.

Conditions 117 and 139 are recommended to address the above.

STATUTORY PROVISIONS

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

Context:

The proposed development is located within an area recently rezoned Residential 2(d3) for multi unit housing and is part of the transition from existing development that comprises one to three storey development to the future context of the area characterised by five storey development.

The proposal responds to the context through the use of three buildings using a variety of materials in earthy tones and through setbacks which provide adequate space for the planting of tall trees consistent with the landscaped character that currently exists. The proposal provides satisfactory future amenity to residents of the site and the surrounding area.

Scale:

The proposal complies with the building envelope requirements of LEP 194 that apply to the site, including perimeter ceiling height, deep soil landscaping and site coverage. The perceived scale of the development site is reduced by the use of 3 buildings, extensive modulation, the incorporation of extensive landscaping areas and the large setback to Greengate Lane.

Built form:

The use of three buildings, appropriately set back, reduces the apparent visual bulk of the development. The bulk is further broken up by the recessive 5th storey, recessed balconies, vertical and horizontal modulation and the mix of sandstone block/facing, face brick and render. While the buildings do not comply with the Residential Flat Design Code control for a maximum depth of 18 metres, and separation distances of 12 metres, they nevertheless provide for satisfactory daylight access, natural ventilation and common open space areas.

Density:

The floor space ratio of 1.254:1 is below the DCP 55 maximum of 1.3:1 and the number of units reflects the desired future character of the area. The density responds to the regional context, availability of infrastructure, public transport and community facilities.

Resource, energy and water efficiency:

As noted by the Urban Design Consultant, the use of voids for natural light and ventilation for study areas is undesirable. **Conditions 96 to 98** are recommended in this regard.

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Appropriate recycling of demolition materials and selection of appropriate materials for construction ensure that efficient use is made of natural resources. The use of passive solar design principles, efficient appliances and mechanical services, adequate deep soil zones for vegetation and the reuse of water ensure that energy and water are conserved.

Landscape:

The deep soil areas are compliant, suitably located and the proposed landscape works, which are consistent with the character of the locality, will soften the built form, minimise privacy impacts and help to provide amenity for residents. The design of the deep soil area allows the establishment of canopy trees in excess of the requirements of DCP 55.

Amenity:

The development provides for a mix of two to three bedroom units. The dwelling layout, design and orientation ensure adequate levels of acoustic and visual privacy, private open space areas, storage areas and access to natural light. The design of the common areas includes a swimming pool, barbecue facilities and adequate landscaped area.

An accessibility report has been provided which demonstrates that the proposal provides a high degree of adaptability and flexibility in terms of access for people with disabilities. All units are "visitable", 10% of units are designated as "adaptable". The pool and barbecue areas are also accessible and there is ample space around the pool to allow for the future provision of a pool hoist, should this be required.

Safety and security:

Subject to **Condition No. 99** to provide gates to the side setbacks facing Bruce Avenue, the proposal will provide adequate external safety and security, providing clear, safe access points and definition of public and private spaces. The proposal allows passive surveillance of communal spaces, while maintaining adequate internal privacy.

The proposal provides for good pedestrian access within the site for users of varying mobility. A condition is recommended to require construction of a footpath for the two frontages of the development and carriageway works on Greengate Lane (**Condition No. 102**).

Vehicular access is via Bruce Avenue. While the Residential Flat Code recommends laneway access for vehicles, Greengate Lane is not sufficiently wide to cater for the additional traffic from the subject development under existing flow conditions.

Social dimensions:

There is an adequate mix of unit sizes, to cater for a social mix within the development. The proposal provides on-site recreation facilities, adding to the range of lifestyle activities available in the area.

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Aesthetics:

The proposal provides an appropriate composition of building elements, textures, materials and colours and reflects the use, internal design and structure of the development. The aesthetics of the buildings responds satisfactorily to the environment and context, and to the desired future character of the area.

State Environmental Planning Policy No 10 - Retention of Low Cost Rental Accommodation

The aim of the Policy is to provide a mechanism for the retention of low cost rental accommodation. The Policy does not apply to the proposed development as it does not affect any existing low cost rental accommodation.

The proposed subdivision is acceptable and will not result in any significant adverse impacts.

State Environmental Planning Policy No 55 - Remediation of Land

Under Clause 7 of SEPP 55-Remediation of land, a consent authority must not consent to the carrying out of any development on land unless it has considered:

- a) whether the land is contaminated*

The Environmental Site Screening Report by "EIS" has identified elevated levels of Polycyclic Aromatic Hydrocarbons (PAHs) including Benzo(a)pyrene forward of proposed Building C.

- b) whether Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out,*

The proposed purpose is for residential flat buildings. Remediation therefore needs to be carried out.

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, whether Council is satisfied that the land will be remediated before the land is used for that purpose.*

Council's Environment Officer is satisfied that the site can become suitable for its proposed development after the following issues have been addressed:

- o Further investigation to assess the horizontal and vertical extent of the contamination in the vicinity of BH101;
- o Sampling beneath the existing buildings after they are demolished;
- o Site remediation works followed by appropriate validation sampling in the vicinity of BH101; and waste classification sampling and analyses undertaken prior to offsite disposal of the fill soil.

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Conditions 119 and 139 are recommended in this regard. Reporting requirements are also addressed in the conditions.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under the State Environmental Planning Policy No 55.

State Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration include biodiversity, ecology and environment protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to or within views of the waterway or wetland. Water re-use measures will minimise the impact on downstream waterways.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400 m ² (for 5 storeys)	6724.3m ²	YES
Deep landscaping (min): 50%	50.5%	YES
Street frontage (min): 30m	106+m	YES
Number of storeys (max): 5	5	YES
Site coverage (max): 35%	34.7%	YES
Top floor area (max): 60% of level below	Building A: 45.5% Building B: 34.9% Building C: 45.5%	YES
Storeys and ceiling height (max): 4 storeys and 13.4m	4 storeys 13.4m to NE corner of Building C	YES
Car parking spaces (min):		
• 15 (visitors)	15	YES
• 106 (residents)	108	YES
• 121 (total)	123	YES
Manageable housing (min): 10% - 6 units	6 units	YES
Lift access: required if greater than three storeys	6 lifts, 2 per building	YES

Zone interface (cl.25L):

It is noted that the site adjoins only 2(d3) zoned sites and roadways. However, Greengate Lane is very narrow and it is therefore appropriate to consider the setback to the boundaries of the properties to the south of Greengate Lane which are zoned 2(c2) and 2(b). The development is set back a minimum of 19 metres to these boundaries and therefore easily complies.

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

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A heritage impact statement has been provided. Council's Heritage Advisor, Paul Dignam, has assessed the proposal in light of the statement and considers the demolition of the items is acceptable given the rezoning of the land. Given the separation distances, setbacks, proposed landscaping and design of the development, Council's Heritage Advisor is satisfied that the proposal will not result in significant impacts on the heritage settings or significance of 20 Greengate Road or the Greengate Hotel.

Residential zone objectives and impact on heritage:

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

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:		
• 10m setback (1 st & 2 nd storeys)	>19m to 20 Greengate Road	YES
	>75m to Greengate Hotel	YES
• 15m setback (3 rd & 4 th storeys)	>19m to 20 Greengate Road	YES
	>75m to Greengate Hotel	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 1008.6m ²	1329m ²	YES
No. of tall trees required (min): 22 trees	>22 trees	YES
Part 4.2 Density:		
Building footprint (max):		
• 35% of total site area	34.7%	YES
Floor space ratio (max):		
• 1.3:1	1.254:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
• 10-12 metres (<40% of the zone occupied by building footprint)	Buildings A & C: 13m -15.6m Building B: 13m-13.3m 35% of zone occupied by building footprint	YES YES YES
Rear boundary setback (min):		
• 6m	10.44m	YES

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Side boundary setback (min): <ul style="list-style-type: none"> 6m 	East 6.26m West 6.17m	YES YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 11m 	11m	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	>600mm <81m ²	YES YES
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	26m <1.2m	YES YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	66% >50% 0%	NO YES YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		

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Storeys 1 to 4		
• 12m b/w habitable rooms	9.6m to 7 Bruce Ave (existing dwelling)	NO
• 9m b/w habitable and non-habitable rooms	8.8m to 25 Bruce Ave	
	9.4m to 24 Greengate Lane	
	Building A-B: 11.295m	NO
	Building B-C: 11.205	
• 6m b/w non-habitable rooms	>6m	YES
5th Storey		
• 18m b/w habitable rooms	Building A-B: 13.6m (balcony to balcony) 15.4m between bedroom windows Building B-C: 13.4m (balcony to balcony) 15.3m between bedroom windows Building A - 8.4m -minor window – existing dwelling 7 Bruce Ave Building A -proposed units at 7 Bruce: 13.2 (balcony to balcony) 10m from trafficable balcony to 25 Bruce Ave 10.4m from trafficable balcony to 24 Greengate Lane	NO
• 13m b/w habitable and non-habitable rooms	>13m	YES
• 9m b/w non-habitable rooms	>9m	YES
Internal amenity:		
• Habitable rooms have a minimum floor to ceiling height of 2.7m	2.7m	YES
• Non-habitable rooms have a minimum floor to ceiling height of 2.4m	2.7m	YES
• 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom	>3m	YES
• 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms	>3m	YES
• Single corridors:		
- serve a maximum of 8 units	5 units	YES
- >1.5m wide	1.5m	YES
- >1.8m wide at lift lobbies	>1.8m	YES
Outdoor living:		

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<ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit 	<p>>25m²</p> <p>15.3m²</p> <p>15.3m²</p>	<p>YES</p> <p>YES</p> <p>YES</p>
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	100%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	36 x 3 bedroom, 9 x 3 bedroom with study, 2 x 3 bedroom with 2 studies, 12 x 2 bedroom with study Sizes varying from 97.7m ² to 147.7m ²	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light >90% of units are to have a 4.5 star NatHERS rating 10% achieving a 3.5 star rating 	<p>>65%</p> <p>11m (6 north-facing units)</p> <p>>25%</p> <p>4.5 star tar rating = 91.5%</p> <p>3.5 star rating = 8.5%</p>	<p>YES</p> <p>NO</p> <p>YES</p> <p>YES</p> <p>YES</p>
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 15 visitor spaces 106 resident spaces 121 total spaces 	<p>15 spaces</p> <p>108 spaces</p> <p>123 spaces</p>	<p>YES</p> <p>YES</p> <p>YES</p>

Part 4.5 Residential amenity:

Solar access

A total of 39 units receive a minimum of 3 hours direct solar access midwinter between 9am and 3pm to a reasonable portion of living areas or courtyards, where 42 units are required by DCP 55 to achieve this. Of these, 35 receive access virtually all day. A further 6 units receive between 2.5 and

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3 hours of direct solar access, which exceeds the requirements of the Residential Flat Design Code, Given the compliance with the Residential Flat Code, the high level of solar access for a large number of the units, and near compliance for a further 6 units, solar access is satisfactory.

Privacy

Between the subject buildings:

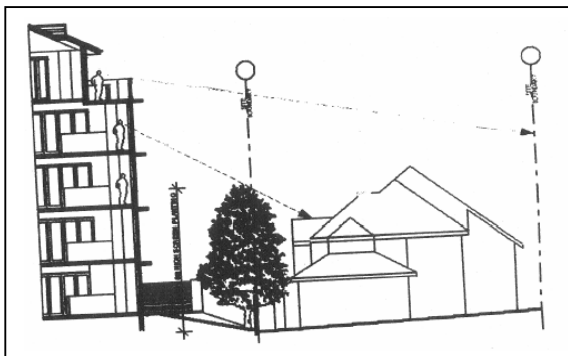
The fifth floor balconies between the buildings fail to comply with the separation requirements of the DCP. Most of the terrace area is narrow pathway and separated by planter boxes along the edge. The wider terraces in the rear corners without planters have privacy screens.

The terraces of the penthouses of Buildings A and C are divided by planters. **Condition No. 95** is recommended to provide a built divider to 1.6 metres to ensure security and privacy between the units. The non-compliant bedrooms on this level are separated by a planter to improve privacy. It is also noted that the primary windows for these rooms are located to the north and south.

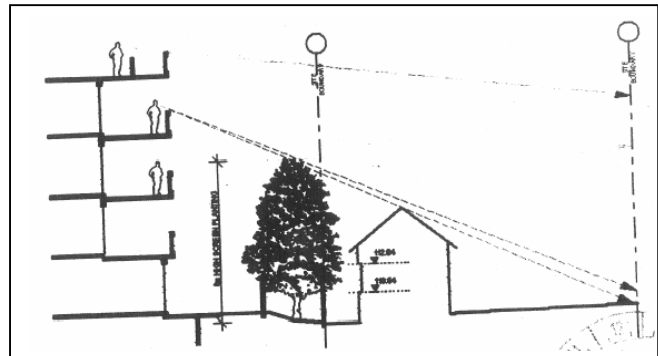
On the ground floor, privacy is maintained by the use of courtyard walls. The trees in the planters between the buildings will further improve privacy over time for the ground and first floors. Privacy between the bedrooms and the balconies that are non-compliant on the first, second and third floors has been addressed by the use of translucent glass.

To adjacent development:

A similar combination of planters and privacy screens on the top floor has been used to protect neighbouring privacy, in conjunction with the use of screen planting along the side boundaries. Given the rezoning to allow residential flat development, it is not possible to retain the same level of privacy as to which single dwellings in this area are accustomed. To the west, a 5 storey unit development has already been approved. To the east, the owners have expressed a desire to retain the dwellings rather than re-develop at this stage. Sections (see figure below) have been provided, demonstrating that the combination of screen planting, setbacks and existing trees on the neighbouring sites maintains a reasonable level of amenity for the residents of the existing dwellings at No. 25 Bruce Avenue and 24 Greengate Lane.



Section – 25 Bruce Avenue



Section – 24 Greengate Lane

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Part 4.6 Safety and security:

The pool fence is only 1 metre high where 1.2 metres is required for safety. **Condition No. 7** is recommended to ensure compliance with relevant safety standards.

Part 4.7 Social dimensions:

Although there are no one bedroom units, there is a mix of unit sizes, from smaller 2 bedroom to large 3 bedroom units with large outdoor areas with jacuzzi and barbecue areas. There is also a mix of orientations and layouts.

Part 4.8 Resource, energy and water efficiency:

There is a minor non-compliance with unit depth requirements. The proposal complies with most of the resource energy and water efficiency requirements of the DCP, and provides a number of photo-voltaic cells to further reduce long term energy use.

Part 5 Parking and vehicular access:

The original vehicular access was from Greengate Lane in line with the requirements of DCP 55 and the Residential Flat Design Code. Greengate Lane is not sufficiently wide to cater for two way traffic flow (as currently exists) to an additional 59 units as well as the remaining dwellings and the previously approved residential flat buildings adjoining the lane. Accordingly, the access has been changed to Bruce Avenue. Pedestrian access to both roads is maintained.

To retain the Norfolk Island Pine on the nature strip, a condition is recommended requiring the driveway to start at approximately 1.2 metres from the side boundary (**Condition No. 92**). This would not comply with the requirement to locate vehicular access away from the side setback. The driveway curves away from the side boundary, entering the building from the front. The proposed alignment improves on the existing configuration, in that planting width is extended. The existing dense hedgerow provides adequate screening and will be retained and supplemented if pipe location allows. Alternatively, new screen planting will be provided, extending to the new deep soil area.

The driveway fails to meet the 6 metre minimum width requirement. A condition is recommended to further reduce its width to 5.5 metres beside the Norfolk Island Pine to protect the roots of the tree. (**Condition No. 92**) Council's engineer is satisfied that adequate sight lines and visibility are maintained for safe access to and from the site.

Development Control Plan 31 - Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

The development attracts a Section 94 contribution of \$1,139,737.34, which is required to be paid by **Condition No. 118**.

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

56 large, 3 medium dwellings less 7 existing dwellings (6 very large, 1 large) = \$1,139,737.34

LIKELY IMPACTS

All likely impacts have been addressed elsewhere in this report.

SUITABILITY OF THE SITE

The site can be made suitable for the proposed development with appropriate remediation works. There are no site or locality constraints which would preclude the development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The proposal is considered to be in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 983/05 for the demolition of 7 single dwellings and construction of 3 x 5 storey buildings containing 59 units, associated basement car parking and strata subdivision on land at 9-23 Bruce Avenue Killara for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

SCHEDULE A

1. Prior to the consent being operative, the Applicant shall obtain a resolution from Ku-ring-gai Council that it will consent to the relocation of the existing Council easement(s) for drainage and underground pipe. Council's Technical Services Department will be responsible for preparing the necessary report to Council regarding the relocation of the easement burdening the site, subject to payment of the adopted fee for the preparation of such reports.

A full hydraulic design for the relocation of the pipe is to be prepared in accordance with the requirements of Chapter 9 of Council's DCP 47 *Water Management* and submitted to Council with the application.

Details are to be included of the proposed overland flowpath around the western side of the building to demonstrate that the ground floor units will not be subject to inundation and flood levels will not be raised in the adjacent property. The location of the on site detention/retention systems for the site is to be shown on the plans and they are to be beneath proposed hard surface areas to maintain deep soil planting area and minimise impacts on existing trees to be retained.

To ensure neighbouring amenity, the location of the pipe and easement is to be designed to retain the existing screen planting to 25 Bruce Avenue within the front setback if at all possible, in accordance with other conditions of this consent. Council's approval for the relocation of the pipe and easement is to be obtained prior to the operation of the consent. Such approval is not guaranteed.

SCHEDULE B

GENERAL

1. The development must be carried out in accordance with plans numbered 703 D/A02D, D/B01C-17C, D/B18B, D/B19C, D/B20B, D/B 21-22C, D/C01C - D/C08C, D/D01C, D/D02C dated 2 December and 13 December 2005, drawn by Drew Dickson Architects and lodged with Council 5 December & 13 December 2005, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.

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3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
7. To ensure compliance with the relevant standards, an effective and approved 1.2 metre safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
8. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
9. For safety purposes, depth markers shall be provided at both ends of the pool.
10. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
11. All filtration equipment shall be located a minimum of 2.5 metres from any bedroom. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.

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12. A balustrade shall be provided where the pool concourse stands more than 1.0 metre above the finished ground level.
13. To ensure structural stability wherever the soil conditions so require, a retaining wall or other approved method of preventing the movement of soil shall be provided and adequate provision shall be made for drainage.
14. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
15. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
16. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
17. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
18. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
19. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
20. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
21. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

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22. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
- b. The routes of all trucks to convey material to and from the site.
- c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

23. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

24. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

25. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. must preserve and protect the building from damage, and
- b. if necessary, must underpin and support the building in an approved manner, and
- c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

26. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

27. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.

28. If the work involved in the erection or demolition of a building:

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- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

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

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

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

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36. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
37. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
38. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
39. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
40. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
41. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
42. Fire hoses are to be maintained on site during the course of demolition.
43. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
44. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
45. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.

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46. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
47. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
48. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
49. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
50. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
51. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
52. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
53. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
54. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.

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55. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
56. All footings shall be entirely constructed within the boundaries of the property.
57. To conserve water, the following shall be installed in the new bathroom and toilet:
 - a. maximum 6/3 litre dual flush cisterns;
 - b. shower heads with reduced water flow devices.
58. To protect the character of the street, the proposal is to be consistent with the colour and material schedule lodged with Council on 6 September 2005.

Engineering conditions

59. Staging of trunk drainage diversion works must take place in the following sequence:
 1. Ku-ring-gai Council approves through resolution the relocation of the Council drainage easement through the site (in accordance with schedule A condition).
 2. Plans for the relocation of the pipeline are approved (under Schedule A) and stamped by Council Technical Services Department prior to commencement of **any** works within site (except demolition) and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.
 3. The new pipeline is installed by the Applicant in accordance with the approved drawings and any conditions required by Council and in conjunction with basement excavation works. A flowpath through the site is maintained during pipelaying works.
 4. The redundant Council drainage line is decommissioned and the new drainage line made operative.
60. Stormwater runoff from all hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped and connected to the Council drainage system within the site or the street drainage system in Bruce Avenue. Drainage line connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") which is provided in Councils Water Management DCP 47 (available on the Council website).
61. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
62. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be

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determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

63. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
64. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
65. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
66. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
67. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
68. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any

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public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

69. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
70. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
71. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
72. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
73. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.
74. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas and subsequent reports. Over the course of the works a qualified Geotechnical/ hydrogeological Engineer must complete the following:
 - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Vibration monitoring during the initial stages of rock excavation using rock hammers;
 - Groundwater monitoring to assess groundwater levels during and after construction and determine ways to ameliorate effects of development,

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- Review and endorse the design for excavation support,
- Further monitoring and inspection as recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

Landscaping conditions

76. Removal, or pruning of the following trees is not approved as part of this Development Application:

Tree/ Location

Angophora costata (Sydney Redgum)

Centrally located adjacent to Greengate Lane site boundary

#49 *Unidentified* tree

Centrally located adjacent to southern boundary

77. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

All existing trees to be retained on site

Time of inspection

Prior to demolition

After completion of demolition

Prior to excavation

After completion of excavation works

Prior to construction

At monthly intervals during construction

At the completion of all work on site

78. REMOVAL of the existing tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.
79. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
80. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

#22 *Araucaria hetrophylla* (N.I. Pine)

Bruce Ave nature strip

Radius From Trunk

9.0m

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#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	5.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to eastern site boundary in neighbouring property	3.0m
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#49 <i>Unidentified tree</i> Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	7.5m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	7.0m
#67 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to western site boundary	3.0m
#68 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cupressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	3.5m

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

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Tree/Location	Radius From Trunk
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip	9.0m
#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	5.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to eastern site boundary in neighbouring property	3.0m
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.0m
#49 <i>Unidentified tree</i> Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	7.5m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	7.0m
#67 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to western site boundary	3.0m
#68 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cupressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	3.5m

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

Tree/Location	Radius From Trunk
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip	9.0m
#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	5.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary in neighbouring property	4.0m
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	7.5m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	7.0m

83. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
84. Following removal of the *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
85. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
86. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
87. To maximise landscape and neighbour amenity, the existing screening shrub planting located adjacent to the eastern side site boundary adjoining #25 Bruce Ave within the front setback is to be retained if possible, given the proposed drainage works. If the existing planting is to be removed, proposed tree and shrub planting is to have a minimum height of 2.5m at the time of planting.

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88. To maximise landscape amenity the proposed 1.8m lap and capped paling fence in front of the building setback to Bruce Ave is to be deleted.

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

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

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

90. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
91. The development is to comply with the AS4299/1428 as outlined in the Access Report by Mark Relf dated 16 August 2005 and including access to the pool and barbecue area. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.
92. The entry drive is to be offset to preserve the Norfolk Island Pine, as shown on the sketch "Alternative Driveway Location" by Drew Dickson Architects dated 13 December 2005. The vehicular crossing is to have a minimum width of 5.5 metres. To adequately retain the tree with minimal impacts, it is required that the proposed driveway be relocated with a minimum setback of 5.0m as measured from the outside of the trunk. It is preferred that a greater setback be provided if possible. To minimise the excavation and the severance of tree roots, the crossover 'slab' is to be constructed at, or on top of existing grade. The amended details are to be shown on the Construction Certificate drawings and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
93. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths is illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected. Details are to be provided to the

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satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

94. The development is to comply with the minimum insulation and glazing requirements specified in the NatHERS Assessment by Natural Integrated Living, dated August 2005 and lodged with Council on 6 September 2005. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
95. To minimise privacy impacts and improve security, a privacy screen to 1.6 metres above terrace level is to be constructed to divide the planters between Units 20 and 21 of Building A and Units 58 and 59 in Building C. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
96. To avoid adverse aural and visual privacy impacts, the windows to the voids in Apartments 1, 4, 5, 8, 10, 13, 15, 18, 39, 42, 43, 46, 48, 51, 53, 56, 58 and 59 are to be non-openable and of glass brick construction. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
97. To ensure adequate ventilation and access to daylight, the wall and door between the study and the dining room are to be deleted in Apartments 5, 8, 10, 13, 15, 18, 47, 52, and 57 so that the area becomes a study nook of the dining room. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
98. To ensure resident amenity, the studies in Apartments 9, 14 and 19 are to be deleted. The kitchen is to be extended and/or re-positioned a distance of one metre towards the lift lobby and the lift lobby is to be widened. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
99. For improved security to the common open spaces along the eastern and western boundaries, security gates are to be provided between the courtyard walls of Units 1 and 42 and the side boundaries. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

Heritage conditions

100. A report is to be submitted to, and endorsed by, Council's Heritage Advisor satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

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

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

Engineering conditions

101. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
102. The Applicant must carry out the following infrastructure works in the Public Road:
 - Construct new concrete footpath for the Bruce Avenue frontage of the development.
 - Construct 5.5 metre width road pavement and 1 metre width footpath in Greengate Lane for the full frontage of the development, including new upright kerb and gutter.

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

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

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

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

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

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

103. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
- A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

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

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105. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
- Water quality measures as required by DCP 47 Chapter 8.

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Drawings 205014 by Demlakian submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

106. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

107 Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the

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same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

Landscaping conditions

108. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#49 <i>Unidentified tree</i> Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	7.5m
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cupressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	3.5m

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

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

Tree/Location	Radius in Metres
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m

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#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
# 49 <i>Unidentified</i> tree Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	7.5m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	7.0m
#68 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m

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

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

Tree/Location	Radius in Metres
#68a <i>Acer palmatum</i> 'Dissectum' (Weeping Maple) Adjacent to northern site boundary	4.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	5.0m
#71 <i>Cupressus spp.</i> (Cypress) Adjacent to northern site boundary	4.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.5m

111. The submitted landscape plan LDA401 Rev B, LDA402 Rev A, LDA501 Rev A, LDA502 Rev A prepared by Site Image and dated 23/09/05 & 17/08/05 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

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- The proposed planting of BAK - *Bambusa Alphonse Karr*, is to be deleted and replaced with a shrub species capable of attaining a minimum height of 2.0m, and a maximum height of 4.0m.
- The proposed planting of 270 *Lomandra longifolia* adjacent to the south west site corner/Greengate Lane frontage is to be deleted and replaced with screening shrubs able to attain a minimum height of 2.0m.
- The proposed planting of ten *Corymbia maculata* (Spotted Gum) adjacent to the western site boundary is to be reduced to a maximum of five tall trees with a minimum spacing of 6.0m. Proposed tree species are to include endemic species such as *Angophora costata* (Sydney Redgum), *Angophora floribunda* (Rough Barked Apple), and *Eucalyptus paniculata* (Grey Ironbark). The planting of *Corymbia maculata* (Spotted Gum) is not approved.
- The proposed tree planting within the Bruce Ave street frontage is to include a minimum 40% of tree species that are exotic deciduous tree species that are reflective of the broader Killara landscape character. Species are to include; *Nyssa sylvatica* (Tupelo), *Pyrus spp* (Ornamental Pear), *Ginkgo biloba* (Maidenhair tree), *Liriodendron tulipifera* (Tulip Tree), *Michelia champaca* (Golden Champaca), and *Quercus palustris* (Pin Oak).

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

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

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

113. A CASH BOND/BANK GUARANTEE of \$12,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#22 <i>Araucaria hetrophylla</i> (N.I. Pine)	\$3 000.00

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Bruce Ave nature strip

#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	\$2 000.00
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	\$5 000.00
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	\$1 000.00
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	\$1 000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

114. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
115. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
116. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practicing structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
117. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. A Registered Surveyor's set out report.
118. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

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TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 52 ADDITIONAL DWELLINGS IS CURRENTLY \$1,139,737.34. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1 117.76
2. Park Acquisition and Embellishment Works - Killara	\$6 384.75
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

119. Prior to the commencement of **any excavation works** on site the Applicant must carry out further environmental inspection and investigation as recommended in the report by EIS (ref. E19649RPT, dated August 2005), including assessment of the extent of contamination near BH101 and sampling at building locations. The site is to be remediated as recommended by the consultant and then validated by further sampling. All monitoring and validation reports are to be in accordance with relevant guidelines and Council's Contaminated Land Policy. All relevant reports shall be given to Council for its records.

Engineering conditions

120. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the residences at 25 Bruce Avenue and 24 Greengate Lane. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. If a residence has been demolished under a separate approval, no dilapidation report is required.

Item 1

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

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

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

Traffic Control Plan(s) for the site

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Traffic controllers are to be stationed at the intersection(s) of Bruce Avenue and Greengate Lane and at the bend when construction vehicles are approaching the site from Greengate Lane.
- Consideration should be given to using an existing driveway off Bruce avenue for some site access.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.

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

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

122. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
123. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - Full road pavement width, including kerb and gutter, of Bruce Avenue over the site frontage.
 - All driveway crossings and laybacks opposite the subject site, including rear accesses and fences to Greengate Road properties.

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

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

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

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

Landscaping conditions

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

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Tree/Location	Radius in Metres
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip (pedestrian access to be maintained at all times)	9.0m
#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to eastern site boundary in neighbouring property	3.0m
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
# 49 <i>Unidentified tree</i> Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	6.0m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	7.0m
#67 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to western site boundary	3.0m
#68 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cuppressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.5m

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Adjacent to northern site boundary

126. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
127. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
128. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
129. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

130. The final plans of subdivision are to be consistent with the approved architectural plans. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
131. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council.
132. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the

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instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council.

133. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
134. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
 - a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

135. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
136. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

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CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

137. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

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

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

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

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

139. Notices and reports on the remediation work, in accordance with Clauses 17 and 18 of State Environmental Planning Policy No. 55 and Council's Contaminated Land Policy, must be submitted to Council within 30 days after the completion of the work and prior to occupation. These documents must demonstrate that the site has been remediated to a standard suitable for residential land use.

Engineering conditions

140. The relocation of the Council stormwater pipeline is to be completed in accordance with the approved plans and any conditions imposed by Council. Works-as-executed drawings are to be prepared by a registered surveyor and the designing engineer is to certify that the works have been carried out in accordance with the design. Council's approval of the works is to be obtained and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
141. Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A registered surveyor is to certify that the pipe is wholly contained within the easement.
142. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- New concrete footpath along the Bruce Avenue frontage of the site.

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- New road pavement, footpath and kerb and gutter in Greengate Lane in accordance with the plans approved by Council under the Roads Act.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. 1 (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

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

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

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

144. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
145. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed car park complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

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- That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - a) Australian Standard 2890.1 - "Off-street car parking",
 - b) 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
146. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - That retained water is connected and available for uses including toilet flushing, laundry and garden irrigation.
 - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - That all grates potentially accessible by children are secured.
 - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- The following certification sheets **must be accurately completed and attached** to the certification:
- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
147. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

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- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

148. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
149. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - According the relevant Australian Standards and guidelines, and
 - According to any approved Geotechnical report undertaken for the development, and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
150. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Davies Geotechnical and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
151. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the residences at 25 Bruce Avenue and 24 Greengate Lane.

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

Landscaping conditions

152. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
153. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

T Southwell
Development Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

M Miocic
Director
Development & Regulation

M Prendergast
Manager
Development Assessment Services

Attachments:

- Location plans – 576031**
- Site Analysis - 577466**
- Architectural plans – 576035**
- Shadow diagrams - 576035**
- Landscape plan - 576033**
- Appendix 1 - 576052**

LOCATION SKETCH

9-23 Bruce St KILLARA

DEVELOPMENT APPLICATION No 983/05



Scale : 1:2000

10-01-2006



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION

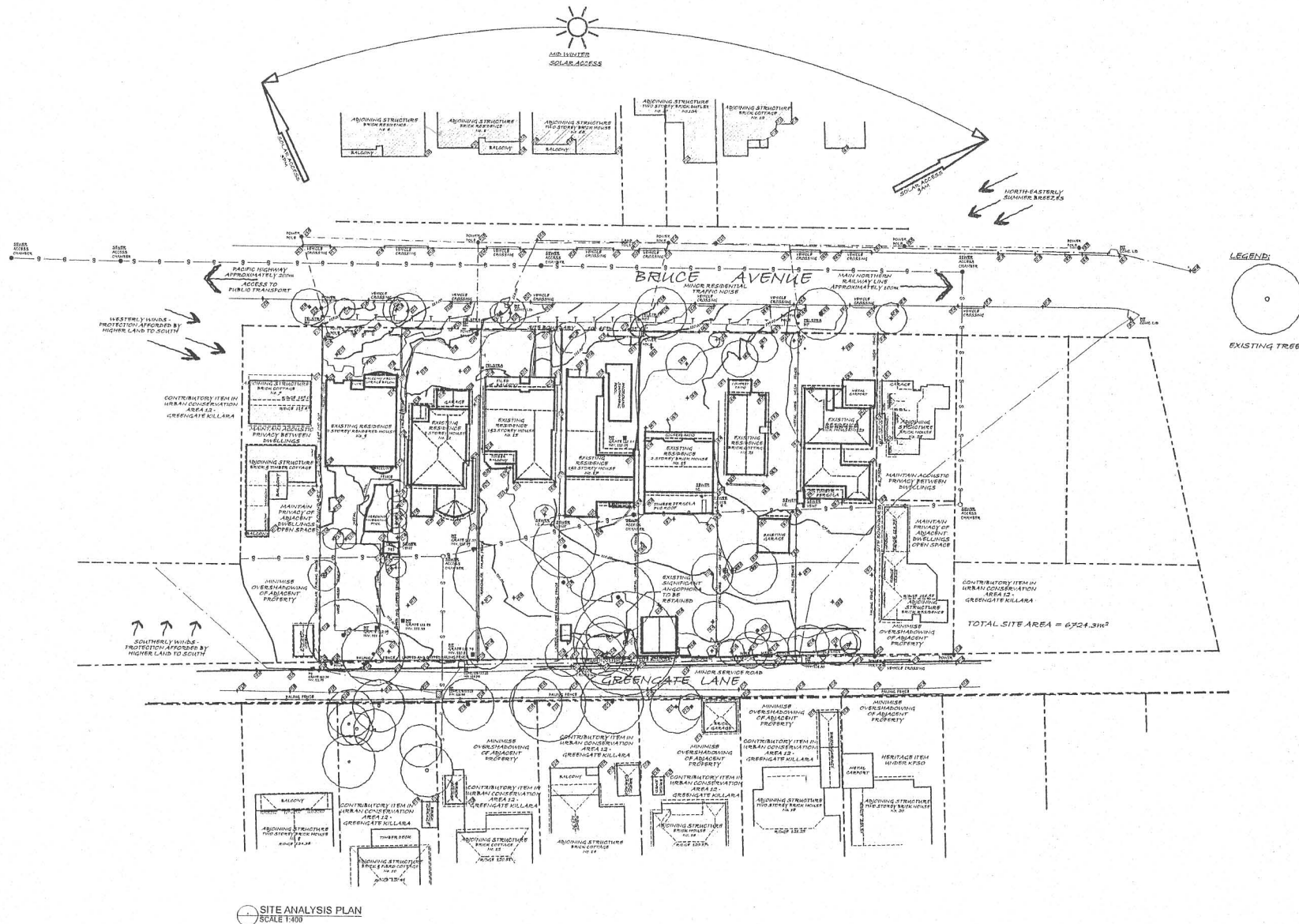


SUBMISSION



CIRCULATED AREA






SITE ANALYSIS PLAN
 SCALE 1:400

22/05/2005 2:10 PM

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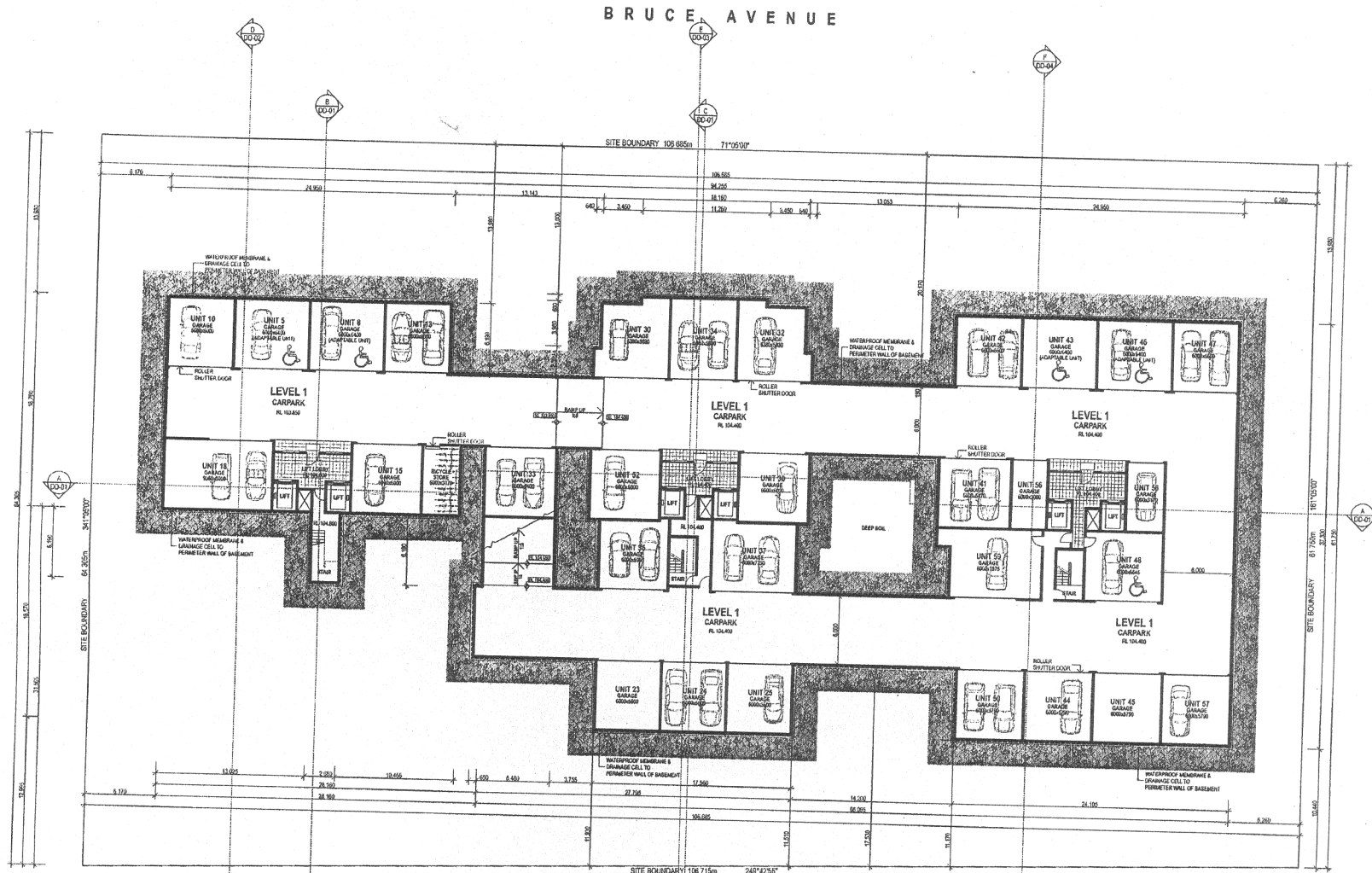
CLIENT: PRIORITY PLUS CAPITAL PTY LTD
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 PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
 9-23 BRUCE AVENUE, KILLARA
 DRAWING: SITE ANALYSIS PLAN

DRAWN BY: TVH
 PROJECT NO: 703
 DATE: 15/05/2005
 SCALE: 1:400
 AMENDMENT: B
 DRAWING NO: D/A-01



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BASEMENT CARPARK LEVEL 1 PLAN
SCALE 1:200

No. OF RESIDENT CARSPACES = 68
No. OF RESIDENT BICYCLES = 12

- NOTES:
- WINDOWS: ALUMINIUM FRAMES, SINGLE GLAZED AND CLEAR LAMINATE GLASS - 10mm
 - (OR DOUBLE GLAZED 30mm WITH THERMALLY IMPROVED FRAMES) OR 10mm GLASS - 10mm
 - (OR DOUBLE GLAZED LOWE METALUMINIUM FRAMES) 10mm GLASS - 10mm
 - WALLS: CONCRETE SLAB WITH 15mm (UNLESS STATED OTHERWISE) REINFORCEMENT FOR ALL TRAFFICABLE CONCRETE ROOFS/BALCONIES
 - TILED ROOF: 100mm INSULATION PLUS FOL

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CLIENT:	PRIORITY PLUS CAPITAL PTY LTD	DRAWN BY:	TVH	PROJECT NO:	703
PROJECT:	PROPOSED RESIDENTIAL DEVELOPMENT	DATE:	15/05/2006	REVISION:	C
LOCATION:	9-23 BRUCE AVENUE, KILLARA	SCALE:	1:200	DRAWING NO:	D/B-01

[illegible]

No. OF RESIDENT CARSPACES = 48
No. OF VISITOR CARSPACES = 15
No. OF VISITOR BICYCLES = 6

- | NOTES: | |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WINDOWS: | ALUMINUM FRAMES, SINGLE GLAZED AND CLEAR
Uv=5.84, SHGC= 0.856
(OR DOUBLE GLAZED 31/32 WITH THERMALLY IMPROVED FRAMES) Uv= 3.32, SHGC= 0.721
(OR DOUBLE GLAZED LOW E WITH ALUMINUM FRAMES)
Uv= 4.89, SHGC= 0.562 |
| WALLS: | Cavity BRICK WITH R15 (UNLESS STATED OTHERWISE) |
| FLOORS: | CONCRETE SLAB (WITH R1 ABOVE CARPETS) |
| CONCRETE ROOF: | R2 INSULATION FOR ALL TRAFFICABLE CONCRETE ROOFS / BALCONIES |
| TILED ROOF: | R3.5 INSULATION PLUS FOIL |

logical
5/14/55

C	40% DILE ENTRY RELOCATED TO BRUCE Avenue	02/08/95
B	CAMPUS LAYOUT REVISED AND LEVELS ADJUSTED	15/08/95
A	ISSUED FOR P.R. D.A. ASSESSMENT	10/06/95

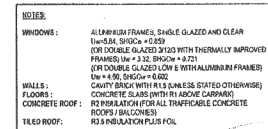


CLIENT **PRIORITY PLUS CAPITAL PTY LTD**
LEVEL 17, 66 PITT STREET, SYDNEY

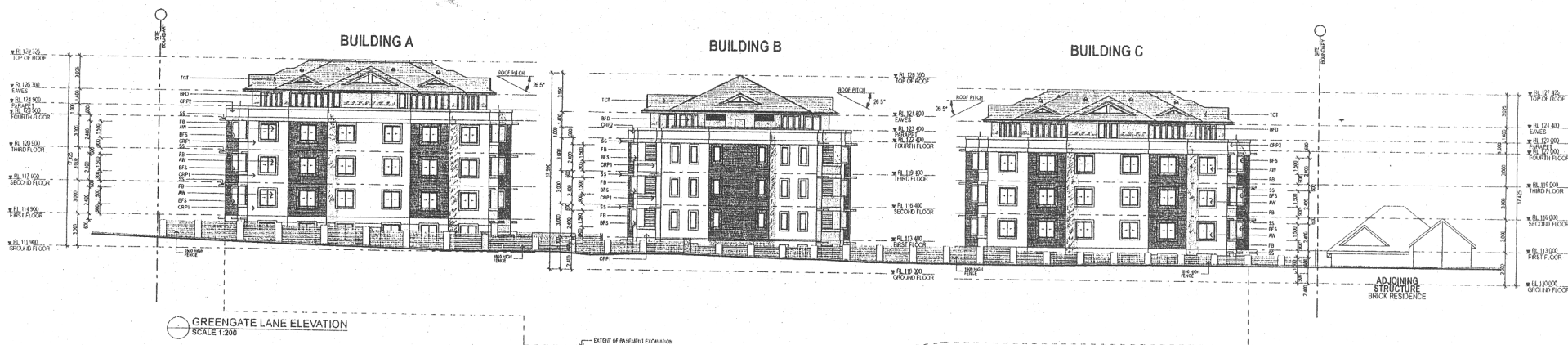
PROJECT **PROPOSED RESIDENTIAL DEVELOPMENT**
9-23 BRUCE AVENUE, KILLARA

DRAWING **BASEMENT CARPARK LEVEL 2 PLAN**

DRAWN BY TVH	PROJECT NO. 703
DATE 15/05/2005	AMENDMENT C
SCALE 1:200	DRAWING NO. D/B-02



6/2/05



FINISHES LEGEND:

SC	SANCTUARY OR SMALL ARCHITECTURAL CLADDING
CRP1	CEMENT RENDER & PAINT COLOUR 1
CRP2	CEMENT RENDER & PAINT COLOUR 2
FB	FACE BRICKWORK AUSTRALIAN "REDFORD/BROOKLYN" WITH OFF WHITE MORTAR
TCT	TERRAZZOTA ROOF TILES WUNDERLICH "SLATE GREY"
BFD	POWDER COATED ALUMINIUM FRAMED BI-FOLDING DOORS INTERIOR "CHARCOAL GLOSS"
AW	POWDER COATED ALUMINIUM FRAMED WINDOWS INTERIOR "CHARCOAL GLOSS"
SS	POWDER COATED ALUMINIUM SHUTTERS
TP	TIMBER FRAMED PERGOLA
BFS	POWDER COATED ALUMINIUM FRAMED BI-FOLDING SHUTTERS INTERIOR "CHARCOAL GLOSS"

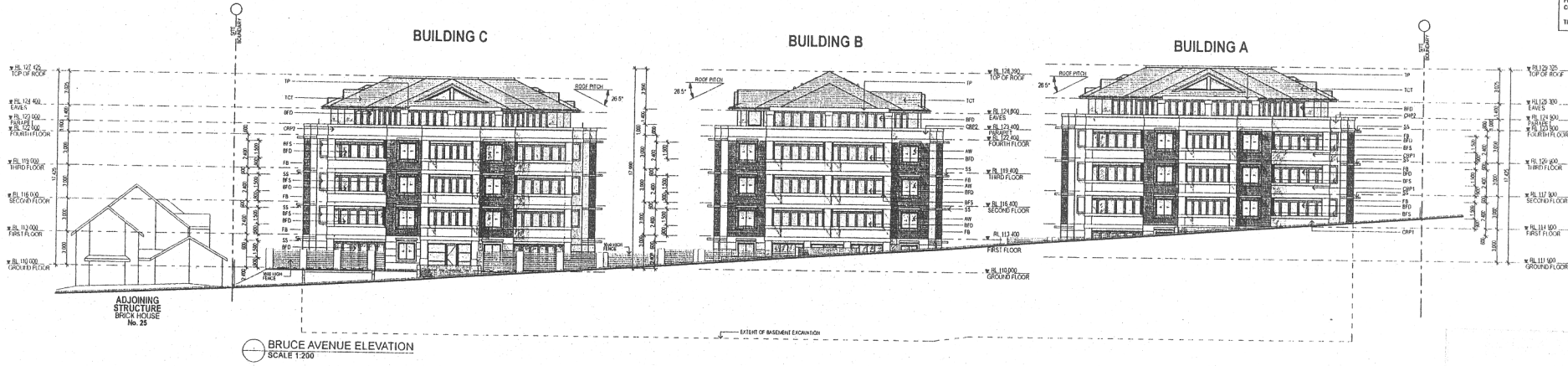
NOTES:

WINDOWS:
ALUMINIUM FRAMES: SINGLE GLAZED AND DOUBLE GLAZED
1.4m x 2.1m, 1.4m x 2.4m, 1.4m x 2.7m
(OR DOUBLE GLAZED WINDOWS WITH THERMALLY IMPROVED FRAMES) 1.4m x 2.1m, 1.4m x 2.4m, 1.4m x 2.7m
(OR DOUBLE GLAZED WINDOWS WITH THERMALLY IMPROVED FRAMES) 1.4m x 2.1m, 1.4m x 2.4m, 1.4m x 2.7m

WALLS:
CONCRETE BLOCK (WITH THERMALLY IMPROVED FRAMES)
CONCRETE BLOCK (WITH THERMALLY IMPROVED FRAMES)
CONCRETE BLOCK (WITH THERMALLY IMPROVED FRAMES)

FLOORS:
CONCRETE SLAB (WITH THERMALLY IMPROVED FRAMES)
CONCRETE SLAB (WITH THERMALLY IMPROVED FRAMES)
CONCRETE SLAB (WITH THERMALLY IMPROVED FRAMES)

ROOF:
TILED ROOF
TILED ROOF
TILED ROOF



- 5 DEC 2005

11/12/2018 - 11/12/2018
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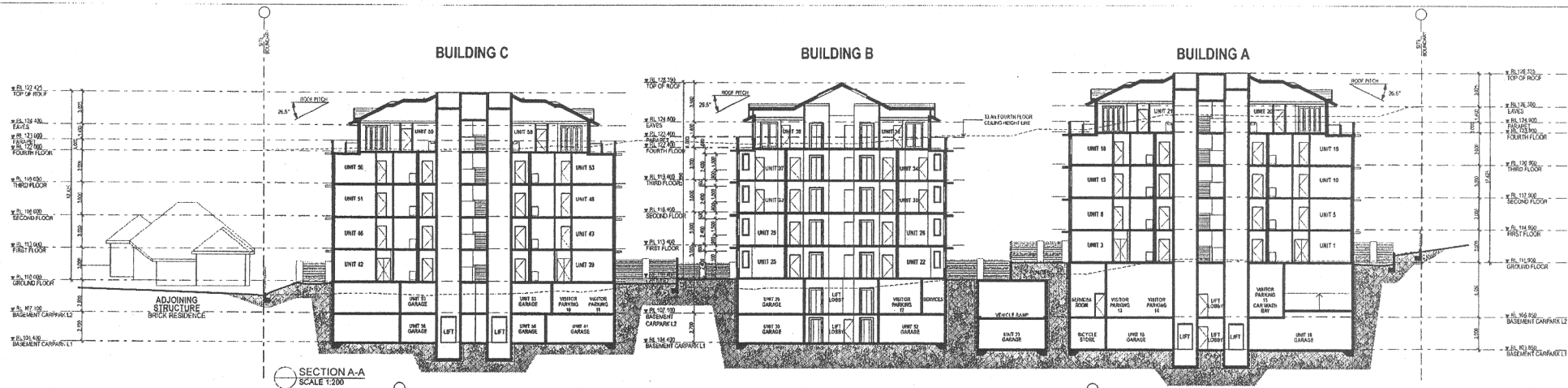
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DREW DICKSON ARCHITECTS

CLIENT	PRIORITY PLUS CAPITAL PTY LTD LEVEL 17, 88 PITT STREET, SYDNEY	DESIGNED BY	TVH
PROJECT	PROPOSED RESIDENTIAL DEVELOPMENT 9-23 BRUCE AVENUE, KILARA	DATE	15/05/2005
DRAWING	STREETSCAPE ELEVATIONS	REVISION	C
		SCALE	1:200
		DRAWING IN	D/C-01

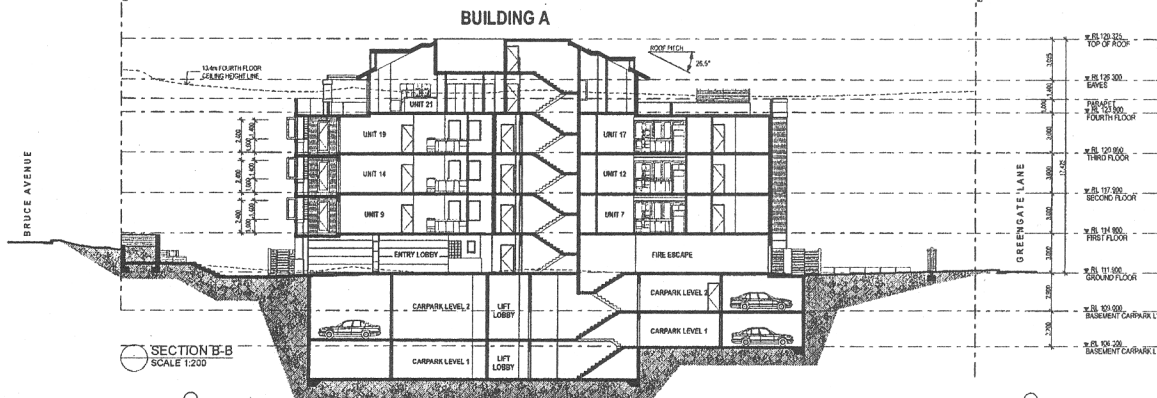
7/20/2018 - 7/20/2018
THIS DRAWING IS THE PROPERTY OF DREW DICKSON ARCHITECTS. IT IS TO BE USED FOR THE PROJECT AND NOT FOR ANY OTHER PURPOSE. THE CLIENT IS ADVISED THAT THIS DRAWING IS NOT A CONTRACT AND IS SUBJECT TO THE FINAL CONTRACT AND THE TERMS AND CONDITIONS OF THE DREW DICKSON ARCHITECTS AGREEMENT FOR THIS PROJECT.



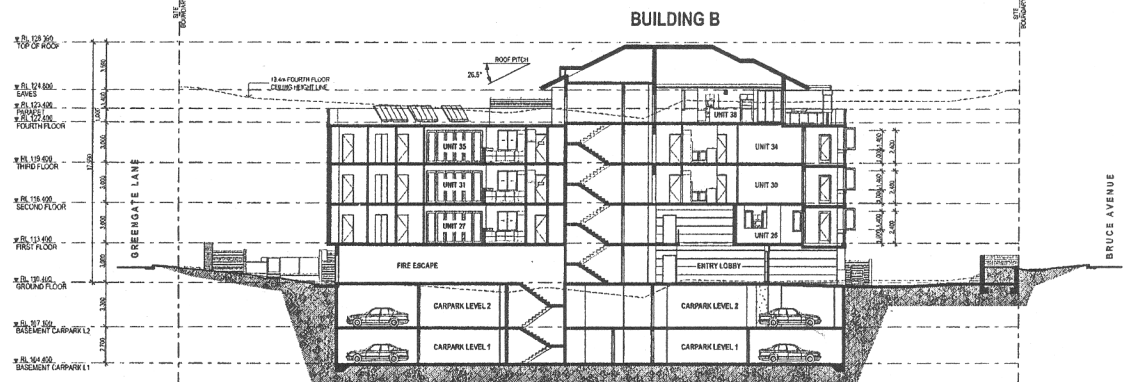
SECTION A-A
SCALE 1:200

NOTES:

WINDOWS: ALUMINIUM FRAMES, SINGLE GLAZED AND CLEAR
 1.5M SHGCW = 0.650
 1.5M DOUBLE GLAZED 3020 WITH THERMALLY BROKEN ALUMINIUM FRAMES (Uw = 3.12, SHGCW = 0.731)
 1.5M DOUBLE GLAZED LOWE WITH ALUMINIUM FRAMES (Uw = 4.96, SHGCW = 0.602)
WALLS: CAVITY BRICK WITH R1.5 (PAILES, STAINED OTHERWISSE)
FLOORS: CONCRETE SLABS WITH R1.5 (PAILES, STAINED OTHERWISSE)
CONCRETE ROOF: R2 INSULATION (FOR ALL TRAFFICABLE CONCRETE)
ROOF: BALCONIES
TO ROOF: R2.5 INSULATION PLUS FOL



SECTION B-B
SCALE 1:200

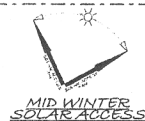


SECTION C-C
SCALE 1:200

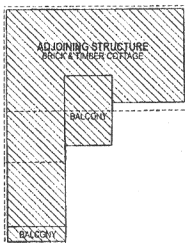
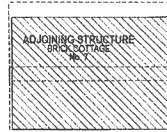
NO.	REVISION	DATE
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2	ISSUED FOR PERMIT	15/05/2005
3	ISSUED FOR PERMIT	15/05/2005
4	ISSUED FOR PERMIT	15/05/2005

CLIENT	PRIORITY PLUS CAPITAL PTY LTD LEVEL 17, 86 PITT STREET, SYDNEY	PROJECT NO	703
PROJECT	PROPOSED RESIDENTIAL DEVELOPMENT 9-23 BRUCE AVENUE, KILARA	DATE	15/05/2005
DRAWING	SECTIONS A-A; B-B; C-C	SCALE	1:200
		DRAWN BY	D/D-01

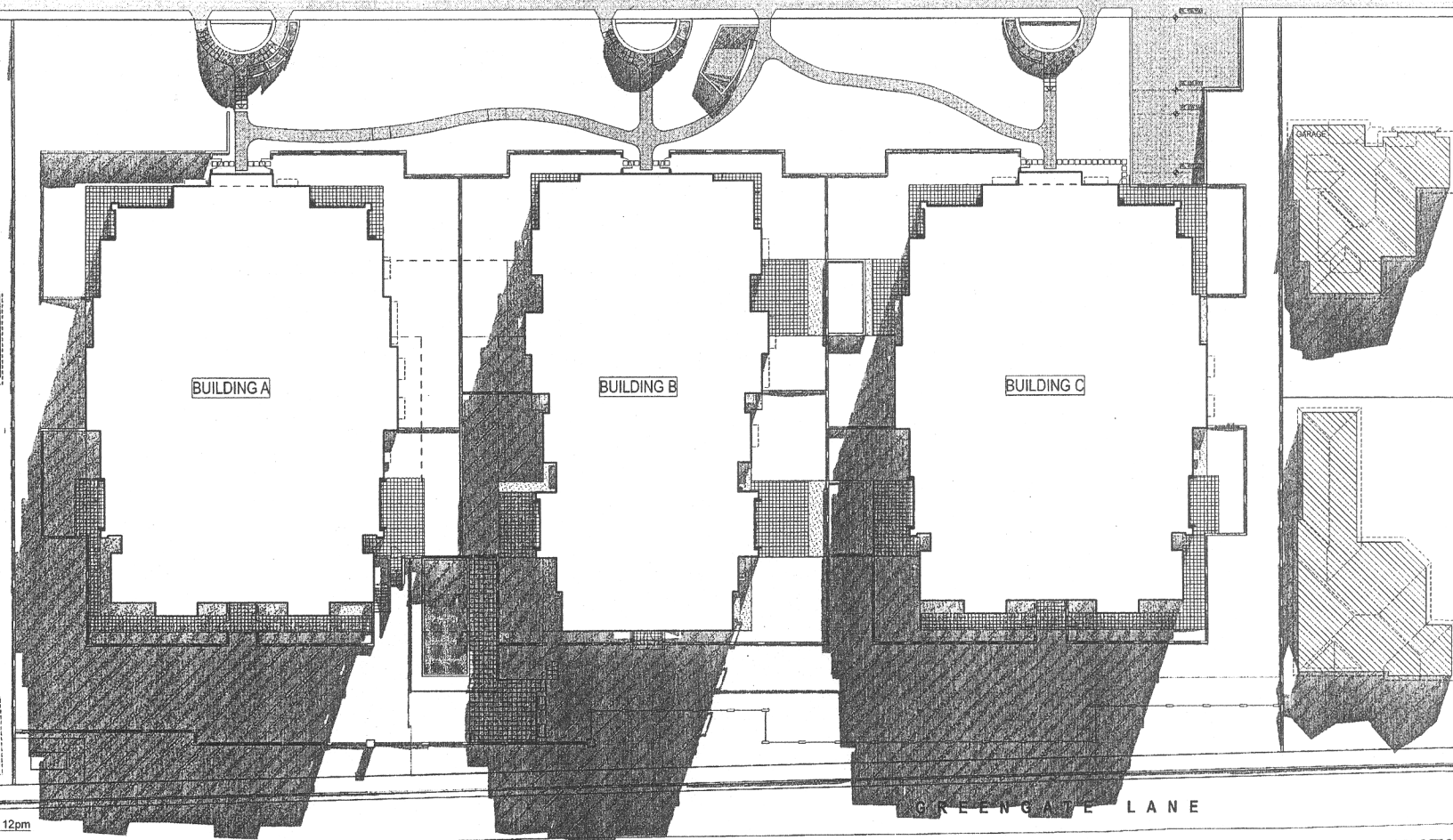




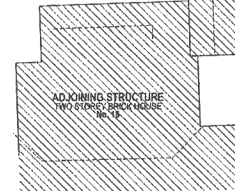
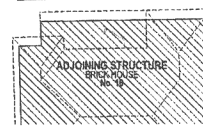
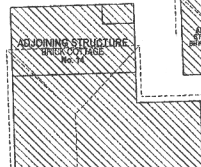
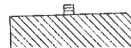
MID WINTER
SOLAR ACCESS



MID WINTER SHADOW DIAGRAM 12pm
SCALE 1:200



GREEN GATE LANE



NOTES
1. ALL SHADOWS SHOWN ARE BASED ON A SUN PATH CALCULATION FOR 12PM ON 21 JUNE 2005.
2. SHADOWS OF ADJOINING STRUCTURES ARE SHOWN FOR REFERENCE ONLY.
3. SHADOWS OF THE PROPOSED DEVELOPMENT ARE SHOWN FOR INFORMATION.
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CLIENT: PRIORITY PLUS CAPITAL PTY LTD
LEVEL 17, 68 PITT STREET, SYDNEY
PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
9-23 BRUCE AVENUE, KILLARA
DRAWING: MID WINTER SHADOW DIAGRAMS 12pm

DRAWN BY: TVH
PROJECT NO: 703
DATE: 15/05/2005
SCALE: 1:200
AMENDMENT: C
DRAWING NO: D/S-02

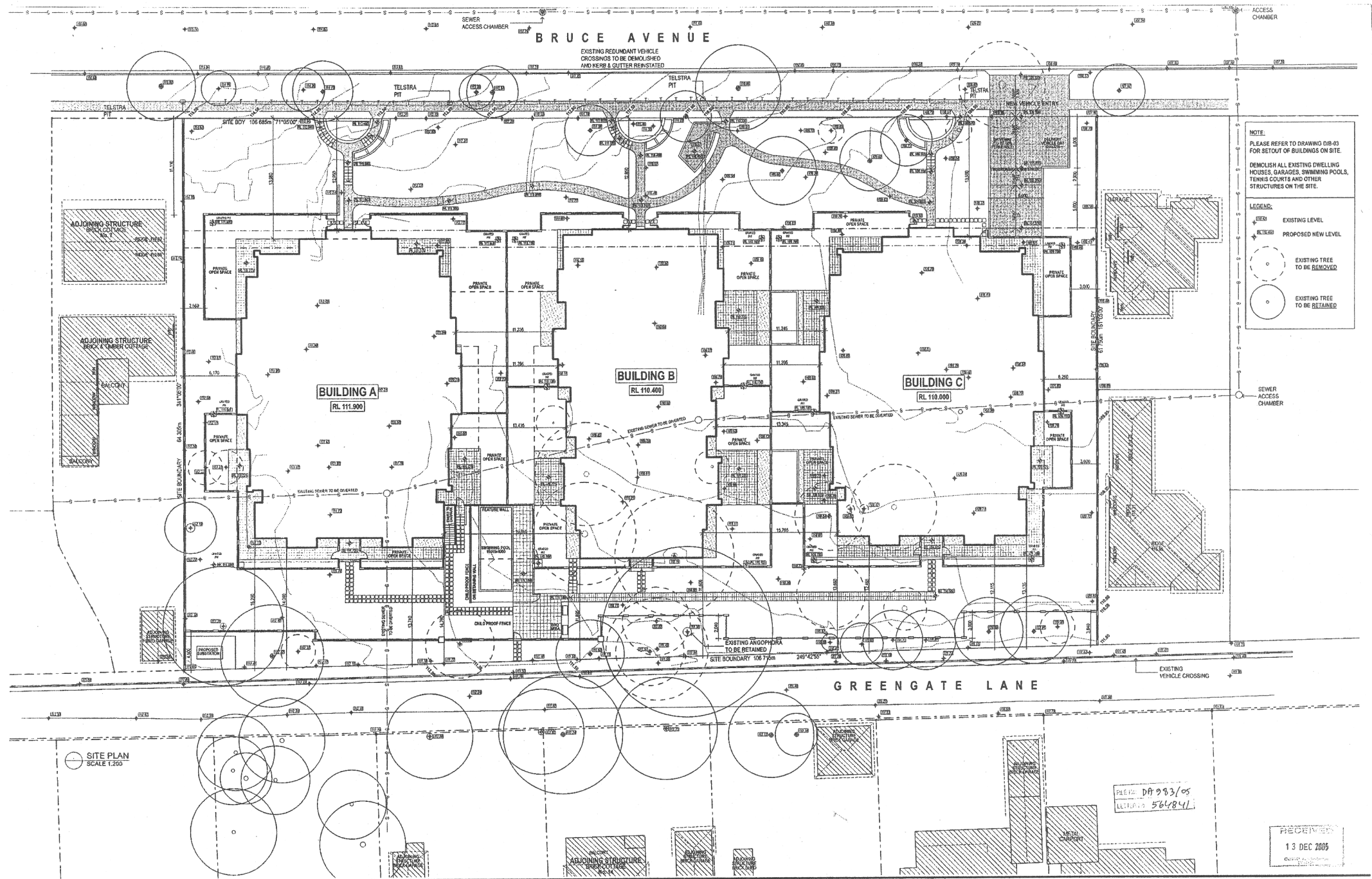
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DREW DICKSON ARCHITECTS

22 GARDEN STREET, GARDEN CITY NSW 2058 TEL: 02 9551 5544
100 ST MARK STREET, GARDEN CITY NSW 2058
100 ST MARK STREET, GARDEN CITY NSW 2058
100 ST MARK STREET, GARDEN CITY NSW 2058



REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	15/05/2005
2	ISSUED FOR PERMIT	15/05/2005

CLIENT PRIORITY PLUS CAPITAL PTY LTD
LEVEL 17, 55 PITT STREET, SYDNEY

PROJECT PROPOSED RESIDENTIAL DEVELOPMENT
9-23 BRUCE AVENUE, KILLARA

DATE 15/05/2005

SCALE 1:200

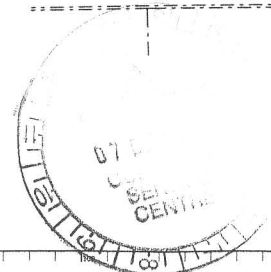
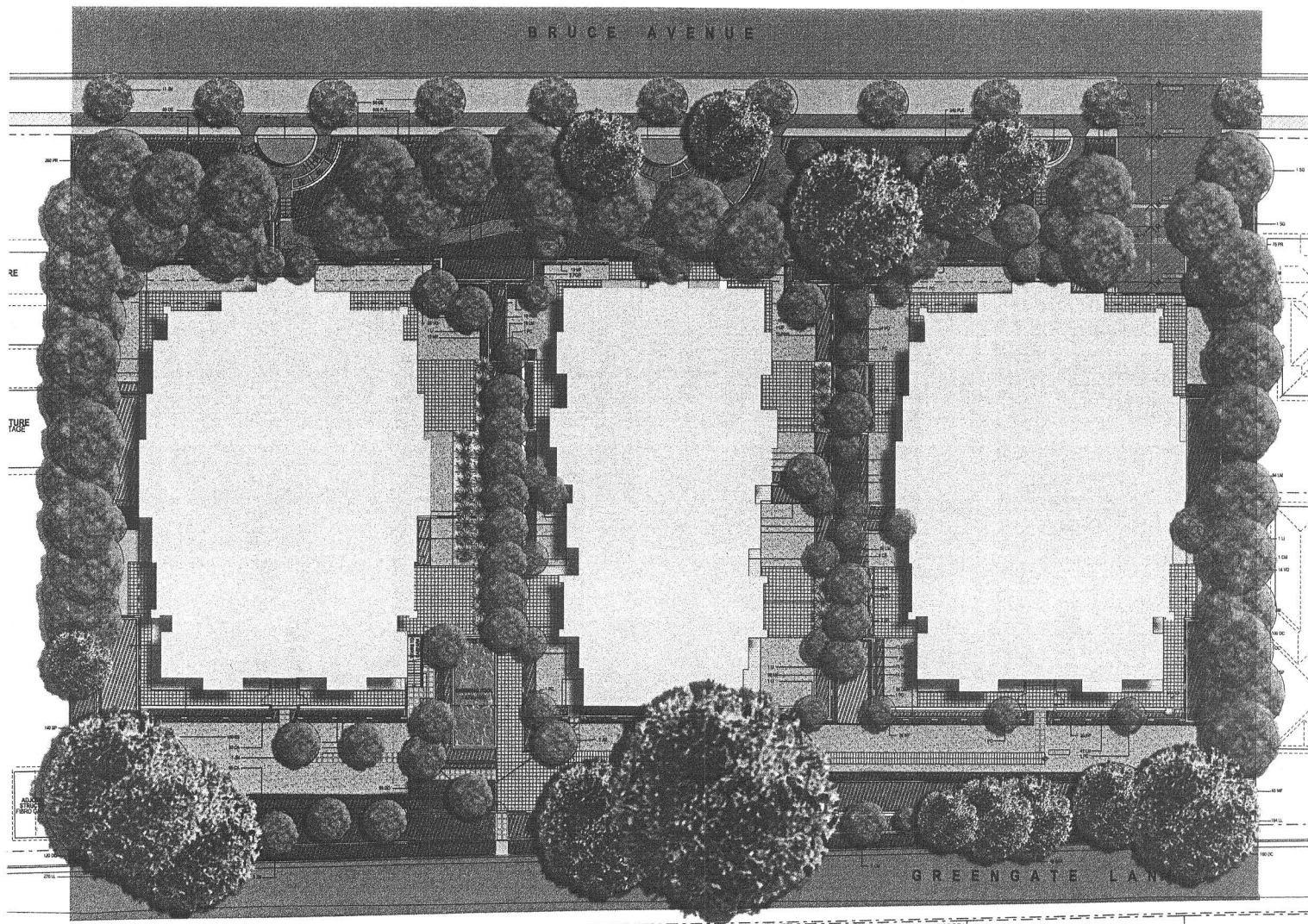
PROJECT NO. 703

APPENDIX D

STARTING IN D/A-02

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DREW DICKSON ARCHITECTS



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NOTE: The contractor shall check and verify all works on site including works by others before commencing any works. All discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale dimensions from the plan. All dimensions to be confirmed by dimensions from the plan. All dimensions to be confirmed by the Landscape Architect.

Issue	Rev	Revision Description	Drawn	Check	Date
C		Revised DA Submission	AH	MP	06/12/2005
B		Tree canopy extents aligned	NM	MP	22/09/2005
A		DA Submission	NM	MP	17/08/2005

- LEGEND**
- Tree Planting
 - Mass Planting
 - Turf
 - Existing Tree to remain-refer to LDA101

Client:
**PRIORITY PLUS
CAPITAL PTY LTD**

Project:
**BRUCE AVENUE
KILLARA**

SITE IMAGE
24-26 Bowden Street
Alexandria NSW 2015
Australia
Tel: (01 2) 9586 2899
Fax: (01 2) 9586 2877
Web: www.siteimage.com.au
Site Image Pty Ltd
ABN 19 016 961 067
Landscape Architects

Drawing Name:
PLANTING PLAN

Scale: 1:200@A1

Date: 28.04.05

Drawn: AH

Checked: MP

Job Number: X1363

Drawing Number: LDA401

Issue: C

Sheet 4 of 7



9 Bruce Ave



11 Bruce Ave

The subject site



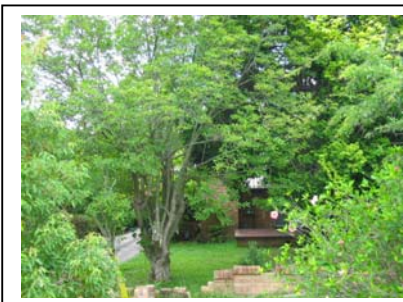
15 Bruce Ave



17 Bruce Ave



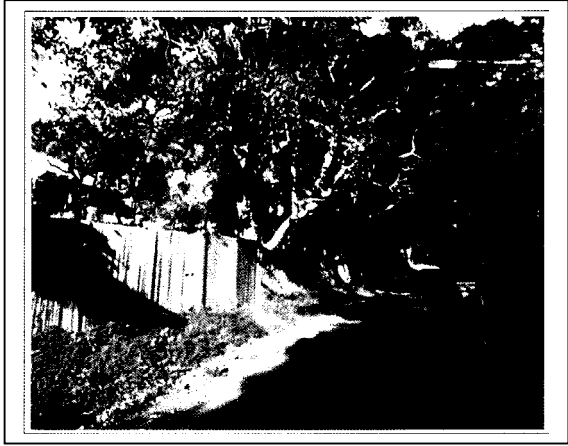
19 Bruce Ave



21 Bruce Ave



23 Bruce Ave



Greengate Lane at the rear of the subject site

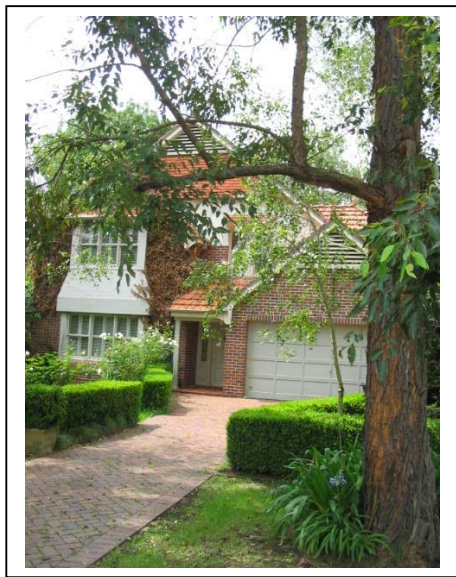


20 Greengate Road



Existing development
opposite the subject site in
Bruce Avenue

Surrounding development



25 Bruce Avenue- east of
subject site



24 Greengate Lane
east of subject site

347 MONA VALE ROAD, ST IVES

Ward: St Ives

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To refer the application back to Council following a site meeting and seek Council's determination of the development application.

BACKGROUND:

- Application lodged 7 June 2005
- Council considered a report at its meeting on 13 December 2005.
- Consideration pending site inspection which took place on 14 January 2006.

COMMENTS:

The matters raised at the site inspection are addressed in this report.

RECOMMENDATION:

That the additional information noted and the application be approved.

PURPOSE OF REPORT

To refer the application back to Council following a site meeting and seek Council's determination of the development application.

BACKGROUND

- Application lodged 7 June 2005.
- Council considered a report at its meeting on 13 December 2005.
- Consideration pending site inspection which took place on 14 January 2006.

COMMENTS

There were no matters raised at the site inspection.

RECOMMENDATION

THAT the Council, as the consent authority, grant development consent to DA 565/05 for the demolition of the existing dwelling and associated structures and construction of an attached dual occupancy on land at 347 Mona Vale Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 565/05 and Development Application plans prepared by Rob Crump, reference number 1817 sheets, dated 22 August 2005 and lodged with Council on 29 August 2005.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Item 2

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

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
12. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

13. The fence and footings shall be constructed entirely within the boundaries of the property.
14. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
15. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
16. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
17. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
18. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

19. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
20. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other

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matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

21. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
22. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
23. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
24. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
25. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
26. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
27. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
28. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and/or the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
29. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided to control the rate of runoff leaving the site. Separate systems are to be provided for each dwelling except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management

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Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

30. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
31. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
32. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
33. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
34. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
35. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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36. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
37. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 3	4m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 4	4m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 5	4m

38. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
39. To preserve health and condition of the following trees, all activities, including fencing, excavation and root pruning, within the primary root zone of the following trees, shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3
Phoenix canariensis (Canary Island Palm) Tree 4
Phoenix canariensis (Canary Island Palm) Tree 5

40. On completion of the landscape works a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
41. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Asparagus densiflorus (Asparagus Fern)
Hedera sp. (Ivy)
Nephrolepis cordifolia (Fishbone fern)

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Cinnamomum camphora (Camphor laurel)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)

42. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

44. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
45. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
46. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 1 ADDITIONAL DWELLING IS CURRENTLY \$32,324.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

48. Prior to issue of the Construction Certificate the applicant must submit certification from a registered surveyor, for approval by the Principal Certifying Authority, which states that the subject site is benefited by the necessary easement(s) for stormwater drainage **as far as the**

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approved point of discharge to the public drainage system. This certification must be based on the sighting of *registered* Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s). A copy of the registered title documents demonstrating the benefits and burdens must be attached to the certification from the surveyor submitted to the Principal Certifying Authority for approval.

49. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced civil/hydraulic engineer that:
 - a. Any existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory operating condition, and
 - b. The existing pipes to be utilised have the hydraulic capacity to carry uncontrolled post-developed flows from the subject property as far as the approved point of discharge to the public drainage system.

Where it is found that existing interallotment pipes do not exist, are in disrepair or will have insufficient hydraulic capacity to carry additional uncontrolled flows from the approved development, the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority, prior to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 and AS3500.3 Plumbing and Drainage Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line. The following engineering details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
 - b. The contributing catchment calculations and supporting pipe sizing information,
 - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed interallotment drainage system,
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
50. Prior to issue of the Construction Certificate the required interallotment drainage system must be installed, surveyed and certified. The designing engineer or equivalent professional engineer must supervise the works. At the completion of the interallotment works the following must be submitted to the Principal Certifying Authority (PCA) for approval:
 - a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and

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- b. A full works-as-executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within existing drainage easement(s).
51. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

52. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
53. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- a. Exact location and reduced level of discharge point to the public drainage system.
 - b. Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).

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- c. Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- d. Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- e. Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- f. The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept plan by AFCE , job no. 352201, dated 5/ 2005 submitted for Development Application approval, except where the following matters which are to be addressed for construction issue purposes:

- a. Stormwater runoff from the proposed driveway shall be directed to the on-site detention system prior to discharging to the interallotment drainage system.
 - b. An inspection/access grate measuring 600mm x 900mm shall be installed directly over the outlet of the OSD system to allow the need to enter the tank for maintenance reasons.
 - c. Step irons are to be provided for the proposed tank where the internal depth exceeds 1.2 metres.
54. The submitted Landscape plan - Stage 1, Dwg 23.05/076, prepared by Ian Jackson Landscape Architect, dated June 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- * Location of canopy trees within canopy spread of significant specimens of *Phoenix canariensis* (Canary Island Palm) is not supported. Only one canopy tree is required as the three existing significant palms are to be included as canopy trees. The 3 canopy trees proposed in the front setback are to be deleted.
- * Pedestrian access of stepping stones to front door of dwellings is not considered reasonable provision of pathways and is to be upgraded through the use of solid paving.

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55. A CASH BOND/BANK GUARANTEE of \$2,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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

56. A CASH BOND/BANK GUARANTEE of \$3,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3

Phoenix canariensis (Canary Island Palm) Tree 4

Phoenix canariensis (Canary Island Palm) Tree 5

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

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

58. To preserve the following tree/s, footings of the proposed dwelling shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

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

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Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3
Phoenix canariensis (Canary Island Palm) Tree 4
Phoenix canariensis (Canary Island Palm) Tree 5

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

59. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
60. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed dwelling shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 3	3m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 5	3m

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

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 4	3m

62. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
63. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

64. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the

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PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

65. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- a. New concrete driveway crossing in accordance with levels and specifications issued by Council.
- b. Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- c. Full repair and resealing of any road surface damaged during construction.
- d. Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

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

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

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

67. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- a. That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b. That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- c. That retained water is connected and available for uses specified in BASIX and/or DCP 47 commitments (all toilet flushing, laundry and garden irrigation).

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- d. That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- e. That all grates potentially accessible by children are secured.
- f. That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- g. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- a. Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - b. On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
68. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- a. As built (reduced) surface and invert levels for all drainage pits.
 - b. Gradients of drainage lines, materials and dimensions.
 - c. As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - d. As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - e. The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - f. As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - g. The size of the orifice or control fitted to any on-site detention system.
 - h. Dimensions of the discharge control pit and access grates.
 - i. The maximum depth of storage possible over the outlet control.
 - j. Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

BUILDING CONDITIONS

69. The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate

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attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

70. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

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

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

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

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

73. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.

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

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

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

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

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

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

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

76. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - d. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

S Cox
Team Leader
Development Assessment -
Central

M Prendergast
Manager
Development Assessment
Services

M Miocic
Director
Development &
Regulation

Attachments: Original Report of Council, circulated 6 December 2005 - 575546

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	347 MONA VALE ROAD, ST IVES - DEMOLITION OF THE EXISTING DWELLING AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	565/05
SUBJECT LAND:	347 Mona Vale Road, St Ives
APPLICANT:	A Abroon
OWNER:	M & S Eaton
DESIGNER:	Rob Crump Design Pty Ltd
PRESENT USE:	Single Dwelling
ZONING:	Residential 2C
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, Dual Occupancy Development Control Code
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 53
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	7 June 2005
40 DAY PERIOD EXPIRED:	17 July 2005
PROPOSAL:	Demolition of the existing dwelling and associated structures and construction of an attached dual occupancy
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 565/05
PREMISES: 347 MONA VALE ROAD, ST IVES
PROPOSAL: DEMOLITION OF THE EXISTING
DWELLING AND ASSOCIATED
STRUCTURES AND CONSTRUCTION OF
AN ATTACHED DUAL OCCUPANCY
APPLICANT: A ABROON
OWNER: M & S EATON
DESIGNER: ROB CRUMP DESIGN PTY LTD

PURPOSE FOR REPORT

To determine development application No 565/05, which seeks consent for demolition of the existing dwelling and associated structures and construction of an attached dual occupancy.

This application was called to full Council by Councillor Bennett.

EXECUTIVE SUMMARY

Issues: Height of fencing, visual and acoustic privacy, building length, FSR first floor and private open space.

Submissions: No submissions received.

Land and Environment Court Appeal: N/A

Recommendation: Approval

HISTORY

Site history:

The site is used for residential purposes. There is no history relevant to the subject development application.

Development application history:

DA1258/01 - Demolition of existing dwelling and associated structures and construction of a detached dual occupancy

Consent was granted by Council at its meeting of 30 July 2002, for a detached dual occupancy.

DA562/02 - Torrens title subdivision of dual occupancy

Consent was granted by Council for a Torrens title subdivision on 6 February 2003.

THE SITE AND SURROUNDING AREA

Zoning:	Residential 2C
Visual Character Study Category:	1945-68
Lot Number:	1
DP Number:	13482
Area:	1612m ²
Side of Street:	Eastern
Cross Fall:	To the rear
Stormwater Drainage:	To the rear
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site

The site is located on the eastern side of Mona Vale Road, St Ives. The site has a street frontage width of 19.99m, a varied length of between 78.6m-78.8m and a site area of 1612m².

The site falls away from Mona Vale Road to the east at a gradient of approximately 6%.

A single storey cottage is located approximately 12-13m from the front boundary with vehicular access along the southern boundary. To the rear of the dwelling is a small out building. The rear of the site is generally open landscaping with some terracing.

To the rear of the site, approximately 17m from the rear boundary along the southern side, is a large liquidambar tree. Several other trees are scattered over the site, with three significant canary island palms located within the front setback facing Mona Vale Road.

Low timber fencing is located along the Mona Vale Road frontage and side boundary fencing is generally timber paling to various heights.

Surrounding development:

The surrounding built environment varies substantially along Mona Vale Road. To the south of the site on the corner of Ayers Road, is a SEPP 5 two storey development, a doctors surgery and a single dwelling. Directly across the road to the west, is Sydney Grammar Prep School, with playing fields located towards Mona Vale Road and substantial canopy tree planting. To the north of the site is The Grevillia Respite Care House and beyond is St Ives shopping centre, with a number of small mixed businesses.

THE PROPOSAL

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The proposal is to demolish the existing dwelling and associated structures and construct an attached dual occupancy development. Details of the proposed development are as follows:

DA 565/05 is stage 1 of a multi-stage development which will result in 3 dwellings on individual torrens title allotments of land.

Dwelling 1:

Dwelling 1 consists of a two storey dwelling, with attached double garage and is located at the front of the site facing Mona Vale Road.

The ground floor consists of an open plan family, lounge and entry area, kitchen, study and laundry. The first floor has three (3) bedrooms, main with ensuite and walk in robe and main bathroom.

Private open space is located to the immediate north of the family room.

Dwelling 2:

Dwelling 2 consists of a two storey dwelling, with attached double garage. The dwelling is located approximately halfway down the site.

The ground floor and first floor layouts are a mirror image to Dwelling 1. Private open space is located to the immediate north of the dwelling and to the large open area to the east.

A 1.8m high rendered brick fence is proposed along the Mona Vale Road frontage. The fence is splayed at the driveway entrance to allow easier vehicular entry to the site off Mona Vale Road.

Amended plans

Following a meeting with the applicant to discuss several issues, amended plans were submitted on 25 August 2005, which made the following changes in response:

- Increased setback to northern boundary to address tree impacts;
- Additional solar access diagrams; and
- Sectional drawing of Dwelling B showing height of building.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

The proposal is supported with conditions.

Amended plans have been submitted providing greater setback to tree 5.

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Setbacks are sufficient for required screen planting.

No significant trees removed. A Cedrus deodara (Himalayan Cedar) Tree 7 located on the northern boundary is a poor specimen with almost 50% suppressed canopy due to proximity of camphor laurel/Tree 9.

*The site has three mature Phoenix canariensis (Canary Island Palm) Trees 3,4 and 5, 12H,12H,10H respectively, located in the front setback. All three trees are excellent specimens, visually prominent and of high landscape significance. They are to be retained and protected (refer **Condition Nos 35 to 39 & 60 to 62**).*

Phoenix canariensis (Canary Island Palm) Tree 5 - 4.2 metre setback from proposed dwelling is considered satisfactory.

Number of canopy trees to be planted - 10 (4 shown for Stage 1)

*Only one canopy tree is required as the three existing significant palms are to be included as canopy trees. The 3 canopy trees proposed in the front setback are to be deleted (refer **Condition No 54**).*

No bushfire issues.

*Location of canopy trees within canopy spread of significant specimens of Phoenix canariensis (Canary Island Palm) will impact on the landscape feature of these mature palms and is not supported (refer **Condition No 54**).*

*Pedestrian access of stepping stones to front door of dwellings is not considered reasonable provision of pathways (refer **Condition No 54**).*

Engineering

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

"This is a stage 1 development seeking approval for the construction of a dual occupancy. The site falls away from the street to the extent that gravity drainage is not possible. The applicant has however indicated that the property benefits from a drainage easement which was recently created. In this regard, runoff from the subject property shall be piped to the proposed interallotment drainage easement. The concept drainage plan prepared by AFCE, Job No. 342201, dated 5/2005 is considered satisfactory in principle only but is not to be stamped with any DA plans.

Driveway gradients and car parking arrangements are satisfactory. In summary, there are no engineering objections to this proposal, subject to engineering conditions of consent being imposed on any consent issued."

Refer Conditions No's 27 to 34 and 48 to 52.

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

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) 400m ² attached dual occ (min)	1612m ²	YES
Floor space ratio (cl.19(1)(b)) • 0.5:1 (max)	0.25:1 (416.6m ²)	YES
Car parking (cl.20) • Dwelling A: 2 car spaces (min) • Dwelling B: 2 car spaces (min)	Dwelling A: 2 car spaces Dwelling B: 2 car spaces	YES YES

Site analysis (cl.31):

A site analysis plan has been submitted which provides appropriate information in relation to the requirements of Schedule 5 (Site Analysis) of SEPP 53.

Streetscape (cl.32(a)):

The proposed attached dual occupancy will present to Mona Vale Road as a single dwelling as the second dwelling is located behind Dwelling 1 and will not be easily visible from the street. The setback to Mona Vale Road is in keeping with the adjoining dual occupancy development approved at 345 Mona Vale Road to the south.

The proposed development also seeks to retain the existing Canary Island palms within the front setback and therefore will provide good screening of the front dwelling.

The new 1.8m high front brick rendered fence is also proposed along the Mona Vale Road boundary. This fencing is consistent with other residential fencing along Mona Vale Road and, given the heavy traffic flows, the height is considered reasonable to allow a suitable level of security and aural amenity to be afforded to the new dwellings.

The development will be in keeping with the general characteristics of this area of Mona Vale Road and will allow for appropriate levels of landscaping to be provided.

Visual privacy (cl.32(b)):

The proposed development provides a reasonable level of visual privacy to the adjoining neighbours to the immediate north and south by the provision of landscaping to a height of 2m to 3m along the northern boundary and landscaping to a height of 2m along the southern boundary. Privacy between the attached dwellings will also be maintained by dividing fencing to a height of

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1.8m and through the orientation of the dwellings design. The two dwellings will not have habitable rooms facing each other.

The first floor of the proposed dwellings consist only of bedrooms and bathrooms and, with the spatial separation between the adjoining dwellings and the provision of suitable landscaping, the adjoining properties' open spaces will not be adversely affected by the development.

The private open space for Dwelling 1 is partially located within the front building setback to Mona Vale Road. Council's Landscape Officer has reviewed the proposed landscaping within this front setback and, with the provision of an appropriate condition a small area, immediately adjoining the main private open space area, is considered to provide for a reasonable level of privacy to the residents of the development.

Acoustic privacy (cl.32(b)):

The proposed development has been designed with the living areas of the dwellings orientated to the north and west for Dwelling 1 and the north and east for Dwelling 2. As the living areas for each of the dwellings do not directly abut each other, any noise generated by the attached dwellings will not have an unreasonable impact on the immediately adjoining properties. No specific measures are proposed between the outdoor living areas of Dwelling A and Dwelling B at No 347 Mona Vale Road and The Grevillia Respite Care House to north to reduce noise as the residential use of the site is unlikely to generate any unreasonable impacts on the aural privacy of The Respite Care House. In addition, the useable outdoor living area will have a setback of between 0.8m and 2.5m from the common boundary with The Grevillea Respite Care House and within this setback landscaping is to be provided.

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

Solar access to adjoining properties

The extent of overshadowing cast by the proposal is as follows:

The dwelling at No.345 Mona Vale Road, to the south of the proposed development will receive more than 3 hours of direct sunlight to more than 50% of the internal living and private open space areas. The details of shading are:

9.00 am (June 22)

The northern wall of no.345 Mona Vale Road will be in shade at 9.00am. Approximately 60m² or 30% of the front setback area will be in shade. The rear private open space area will not have any shading in addition to existing shading provided by the dividing fence.

12.00pm (June 22)

The lower portion of the northern wall closest to the common boundary with no.347 Mona Vale Road will be in shade, however, no windows will be affected. Approximately an additional 10m² of the private open space to the rear of no.345 Mona Vale Road will be

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shaded. At 12.00pm, only a small proportion of the site will be overshadowed.

3.00pm (June 22)

Approximately 50% of the private open space to the rear of the site will be overshadowed.

Solar access to the proposed development

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

9.00am (June 22):

Dwelling A:

The private open space area will receive solar access to 50% of the functional private open space when taking into consideration the low angle of the sun at 9am and the useful area of private open space (i.e. solar access is provided above a height of approximately 1m) and the dwelling will receive a minimum of 3 hours to the internal living areas during the winter solstice.

Dwelling B:

The proposed dwelling will receive full sun with only the lower portion of the wall in shadow. The private open space will be in shadow.

12.00 noon (June 22):

Dwelling A:

The dwelling will receive full sun and 50% of the private open space will also receive full sun.

Dwelling B:

The dwelling will receive full sun and the private open space will also receive a minimum of 50% solar access.

3.00pm (June 22):

Dwelling A:

The dwelling received full solar access and the private open space will be overshadowed by the shadows cast from the fencing along the northern boundary.

Dwelling B:

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The dwelling received full solar access and the private open space will be overshadowed by the shadows cast from the fencing along the northern boundary.

Stormwater (cl.32(d)):

The concept drainage plan prepared by AFCE, Job No. 342201, dated 5/2005 is considered satisfactory in principle. The property benefits from a drainage easement which was recently created. In this regard, runoff from the subject property shall be piped to the proposed interallotment drainage easement. Council's Development Engineer does not object in principle to the proposed development in relation to stormwater disposal and has recommended appropriate conditions (**refer Conditions Nos 27 - 30, 48 - 53**).

Crime prevention (cl.32(e)):

The proposed dwellings have been designed to allow for a good level of general observation from the front entries. The approach to the front door of Dwelling A allows for surveillance of the driveway area from the window to the side of the front entry.

Dwelling B has also been designed to ensure the front entry allows a full view from the lounge room and entry for a length of the driveway.

Accessibility (cl.32(f)):

The site and its surrounds are relatively flat, with good pedestrian access available along the street frontage to the neighbouring shopping centre on Mona Vale Road. The grade of each of the entrances of the dwellings from the front boundary is less than 1:14 and is therefore suitable for potential occupants of the development.

Waste management (cl.32(g)):

There are suitable spaces available on the property for the storage of waste management containers.

Visual bulk (cl.32(h)):

Following an inspection of the site and surrounding development, it is concluded that the proposed development is generally in keeping with the scale of other development in the locality. Dwelling A, facing Mona Vale Road, is proposed as a two storey development and will effectively screen the rear dwelling from the streetscape. Appropriate landscaping is proposed along the side boundaries and along the street frontage to ensure the development will not create an unreasonable level of bulk when viewed from the streetscape.

The setback and scale of the development is also in keeping with the recently approved dual occupancy development on the adjoining site at 345 Mona Vale Road and retains the significant trees within the front setback. The proposed development therefore meets the aims of the clause and is satisfactory in this regard.

State Environmental Planning Policy No 55 - Remediation of Land

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling A: 5.7m Dwelling B: 6.5m	YES YES
Built-upon area 60% (max)	34%	YES
Notional built-upon area	Dwelling A: 60% Dwelling B: 22.5%	

Aims and objectives for residential zones:

The development: (i) provides satisfactory levels of solar access & privacy to surrounding properties; (ii) is of a bulk, scale and design, characteristic of the area; (iii) maintains adequate levels of soft landscaping; (iv) provides suitable egress/ingress for vehicles; and (v) maintains the landscape quality of the municipality. Consequently, the aims and objectives for residential development as outlined by Schedule 9 have been satisfied.

POLICY PROVISIONS**Council's Dual Occupancy Development Control Code**

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Roof pitch		
• 3m roof height-2 storey (max)	Dwelling A: 2.7m Dwelling B: 2.7m	YES YES
• Roof pitch 35 ⁰ (max)	Dwelling 1: 30 ⁰ Dwelling 2: 30 ⁰	YES YES
Fences		
• Height:900mm (solid fence) (max)	1800mm (fence to Mona Vale Road)	NO
4.3 Visual and acoustic privacy:		
Visual privacy		

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COMPLIANCE TABLE		
<ul style="list-style-type: none"> Windows to habitable rooms set back 9m from neighbouring windows (min) 	Dwelling A (to 5.8m window of respite centre) : Dwelling B (5.8m of Respitecare House):	NO NO
Acoustic privacy <ul style="list-style-type: none"> Pool pumps/air conditioning units - noise generation < 5dBA (max) 	Dwelling A: N/A Dwelling B: N/A	N/A N/A
4.4 Solar access and design for climate:		
Solar access		
<ul style="list-style-type: none"> Dual occupancy receive 3+ hours of solar access between 9am and 3pm (min) 	Dwelling A: 3+ hours solar access received Dwelling B: 3+ hours solar access received	YES YES
<ul style="list-style-type: none"> Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	All neighbouring properties receive 3+ hours solar access	YES
Energy efficiency		
BASIX: Min 40% reduction in water usage Min 25% reduction in water usage.	Dwelling A: Water - 47% Energy 28% Dwelling B: Water - 48% Energy - 28%	YES YES YES YES
4.7 Accessibility:		
Vehicular access and car parking dimensions		
<ul style="list-style-type: none"> Garage 5.4m x 5.4m (min double) 	Dwelling A: 5.5m x 5.7m Dwelling B: 5.5m x 5.7m	YES YES
4.9 Visual bulk:		
Building setbacks		
<ul style="list-style-type: none"> Front building line: Minimum setback: 9m 	Dwelling A: 9m	YES

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COMPLIANCE TABLE		
<ul style="list-style-type: none"> Side setback: Ground floor: 2m (min) 1st floor: ???m (min) 	<p>Dwelling A: Ground floor: 3.8m Dwelling A: 1st floor: 4.3m</p> <p>Dwelling B: Ground floor: 3.9m Dwelling B: 1st floor: 4.7m</p>	<p>YES YES</p> <p>YES YES</p>
<ul style="list-style-type: none"> Rear setback: 11.8m (min) 	Dwelling B: 31.8m	YES
Building form <ul style="list-style-type: none"> Unrelieved wall length: 12m (max) Total building length: 24m (max) 	<p>Dwelling A: 5.5m Dwelling B: 8.7m</p> <p>Dwelling A & B: 36.9m</p>	<p>YES YES</p> <p>NO</p>
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 40% Notional built-upon area 	<p>34%</p> <p>Dwelling 1: 60% Dwelling 2: 22.5%</p>	YES
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 1st floor – 40% 	<p>0.25:1</p> <p>Dwelling A: 42.4% Dwelling B: 42.4%</p>	<p>YES</p> <p>NO NO</p>
Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8m (max) Attached dual occ: 8m (max) Building envelope: 45⁰ from horizontal at any point 3m above boundary 	<p>Dwelling A: 5.8m</p> <p>Dwelling A: 5.8m Dwelling B: 6.5m</p> <p>Dwelling A North boundary: 0m South boundary: 0m</p> <p>Dwelling B North boundary: 0m South boundary: 0m</p>	<p>YES</p> <p>YES YES</p> <p>YES YES</p> <p>YES YES</p>
Cut and fill (building works)		

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COMPLIANCE TABLE		
<ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling A: 400mm (cut) & 200mm (fill) Dwelling B: 0mm (cut) & 600mm (fill)	YES YES
Section 5: Landscaping & open space		
Total soft landscaping : 60% (min) Notional soft landscaping:	66% Dwelling A: 40% Dwelling B: 77.5%	YES
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 10 (min) 	10 Trees to be planted or retained	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	400mm (cut) located northern side of Dwelling A 600mm (fill) located northern side of Dwelling B	YES YES
Open space provisions <ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) Min dimension 5m x 5m (min) Grade: 1 in 8 (max) 50% receives 3+ hours solar access (min) 	Dwelling A: 168m ² Dwelling B: 787m ² Dwelling A: 4.5m Dwelling B: 4.5m Dwelling 1: 1.6 in 100 Dwelling 2: 1 in 16 Dwelling 1: Open space receives 3 hours solar access Dwelling 2: Open space receives 3 hours solar access	YES YES NO NO YES YES YES YES

Part 4.2 Streetscape:

- Fences**

The proposed development includes new front boundary fencing to Mona Vale Road. The fencing consists of a 1.8m high rendered brick masonry fence, with a recessed area for planting. The proposed fencing along Mona Vale Road will be consistent in terms of height and building materials with other fencing along this section and will provide for sufficient screening from the heavy traffic along Mona Vale Road. Council's Dual Occupancy Code allows for high solid fencing in excess of 1.2m where they are compatible with the streetscape and the visual character statement and where they provide acoustic privacy from busy roads.

The 1.8m high fencing is supported in this instance.

Part 4.3 Visual and acoustic privacy:

- *Visual privacy*

The control requires that where windows to habitable rooms are within 9m of habitable rooms of the adjoining property, windows on the proposed development should meet the following requirements:

- Be offset by a distance sufficient to limit views between windows; or
- Have sill heights of 1.7m above the floor level; or
- Have fixed translucent glazing in any part of the window within 1.7m of the floor level.

The proposed development has windows within 5.8m of windows in the adjoining development to the north. The setback to the ground floor is satisfactory as the proposed development includes a 1.8m height fence along the northern boundary with screen planting to a height of 2m to 3m. The first floor of each of the dwellings has bay windows facing the northern elevation, with a sill height of 900mm. These rooms will not have an unreasonable impact on the privacy enjoyed by the adjoining property due to the use of the rooms as bedrooms and the inclusion of the additional screening along the boundary. Any views which may be afforded to the development will generally be directed to the roof of the respite centre at 399 Mona Vale Road and not the living areas or recreation spaces. The development will maintain a reasonable level of privacy for the adjoining development to the north and is satisfactory in this regard.

Part 4.9 Visual bulk:

- *Building form*

The attached dual occupancy has a total length of 36.9m. Council's Dual Occupancy Code requires that buildings be a maximum length of 24m. The aims of this control are as follows:

- to ensure the development improves and enhances the visual aspect of the development when viewed from the streetscape;
- assist in providing a development that does not dominate the natural landscape, existing streetscape and provides for sufficient soft landscape area; and
- incorporating architectural relief and modulation to avoid bulky appearance.

The proposed development provides sufficient soft landscaped area and has been amended to ensure the retention of the significant trees within proximity of the building footprint. When viewed from Mona Vale Road, the development will appear as a single dwelling. Substantial setbacks are provided along each side boundary to ensure suitable landscaping can be provided. Council's Landscape Officer also supports the proposed development in terms of the landscape plan, retention of significant trees and screening with the inclusion of appropriate conditions (refer **Conditions Nos 35 to 42 and 54 to 63**).

The attached dual occupancy has also been designed with significant modulation and articulation so as to break up the bulk of the two dwellings when viewed from both the

adjoining properties and Mona Vale Road. The variation to the building length is supported as the development meets the aims of the control as discussed.

- ***Floor space ratio***

The proposed first floor FSR marginally exceeds the maximum FSR of 40%, with a FSR of 42.4% for the first floors of each of the dwellings. The aim of the control is to limit the bulk and scale of the development so that it relates well to the local context. The variation of 2.4% (2.7m²) for each dwelling is minor and will not have an adverse impact on the development when viewed from the surrounding properties and streetscape.

The first floor of each of the dwellings are stepped in on all sides from the ground floor ensuring the bulk is in keeping with the scale of existing development within the immediate vicinity. The variation of 2.4% is acceptable as it meets the aims of the control and the proposed development is supported in this instance.

Part 5 Landscaping and open space:

- ***Open space provision***

The proposed development fails to provide private open space areas for each of the dwellings with a minimum dimension of 5m. The minimum dimension proposed is 4.578m, with an average dimension of 5m. Only a small area of the private open space for each of the dwellings is under the minimum 5m dimension. The aim of this control is to ensure that the private open space is sufficient to accommodate the needs of the resident for both outdoor recreational purposes and service needs. The majority of the private open space for each dwelling meets the minimum 5m dimension.

The variation to this is located to the immediate north of the laundries in each of the dwellings. The private open space proposed for each dwelling exceeds the minimum requirements of Council's Dual Occupancy Code and is sufficient to meet the aims of the control. A variation to the minimum dimension of 5m is supported in this instance.

Development Control Plan 31 - Access

Matters for consideration under DCP 31 have been taken into account in the assessment of this application against Council's Dual Occupancy Code. The site and proposed development is suitable in terms of achieving the aims of DCP 31.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against Council's Dual Occupancy Code. The proposed development satisfies the aims of DCP 40 and is sufficient in size to accommodate waste storage and recycling facilities associated with the proposed use in accordance with DCP 40.

Development Control Plan 43 - Car Parking

The proposal complies with DCP 43 which requires the provision of four (4) parking spaces.

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against Council's Dual Occupancy Code. The proposal complies with DCP 47 and Council's Dual Occupancy Code with the inclusion of conditions (refer **Conditions Nos 27 to 34 and 48 to 53**).

Section 94 Plan

The development attracts a section 94 contribution of \$32,324.00, which is required to be paid as per **Condition No 47**.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is not subject to subsidence, slip, flood or bushfire. The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for assessment.

CONCLUSION

The proposed development is in keeping with the existing streetscape and will not have any unreasonable impacts on the adjoining properties or streetscape. Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development (as amended) is considered satisfactory. Therefore, it is recommended that the application be approved.

RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA 565/05 for the demolition of the existing dwelling and associated structures and construction of an attached dual occupancy on land at 347 Mona Vale Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 565/05 and Development Application plans prepared by Rob Crump, reference number 1817 sheets, dated 22 August 2005 and lodged with Council on 29 August 2005.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the

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site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
12. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

13. The fence and footings shall be constructed entirely within the boundaries of the property.
14. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
15. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
16. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.

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

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
19. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
20. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
21. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
22. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons

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are required to follow the attached recommended guidelines to prevent personal and environmental contamination.

23. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
24. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
25. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
26. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
27. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
28. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and/or the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
29. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided to control the rate of runoff leaving the site. Separate systems are to be provided for each dwelling except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
30. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
31. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon

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utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

32. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
33. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
34. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
35. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
36. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
37. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 3	4m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 4	4m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 5	4m

38. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
39. To preserve health and condition of the following trees, all activities, including fencing, excavation and root pruning, within the primary root zone of the following trees, shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3

Phoenix canariensis (Canary Island Palm) Tree 4

Phoenix canariensis (Canary Island Palm) Tree 5

40. On completion of the landscape works a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
41. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Asparagus densiflorus (Asparagus Fern)

Hedera sp. (Ivy)

Nephrolepis cordifolia (Fishbone fern)

Cinnamomum camphora (Camphor laurel)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

42. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

44. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
45. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
46. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
47. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 1 ADDITIONAL DWELLING IS CURRENTLY \$32,324.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

48. Prior to issue of the Construction Certificate the applicant must submit certification from a registered surveyor, for approval by the Principal Certifying Authority, which states that the subject site is benefited by the necessary easement(s) for stormwater drainage **as far as the approved point of discharge** to the public drainage system. This certification must be based on the sighting of *registered* Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s). A copy of the registered title documents demonstrating the benefits and burdens must be attached to the certification from the surveyor submitted to the Principal Certifying Authority for approval.
49. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced civil/hydraulic engineer that:
 - a. Any existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory operating condition, and

- b. The existing pipes to be utilised have the hydraulic capacity to carry uncontrolled post-developed flows from the subject property as far as the approved point of discharge to the public drainage system.

Where it is found that existing interallotment pipes do not exist, are in disrepair or will have insufficient hydraulic capacity to carry additional uncontrolled flows from the approved development, the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority, prior to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 and AS3500.3 Plumbing and Drainage Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line. The following engineering details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
 - b. The contributing catchment calculations and supporting pipe sizing information,
 - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed interallotment drainage system,
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
50. Prior to issue of the Construction Certificate the required interallotment drainage system must be installed, surveyed and certified. The designing engineer or equivalent professional engineer must supervise the works. At the completion of the interallotment works the following must be submitted to the Principal Certifying Authority (PCA) for approval:
- a. Certification from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within existing drainage easement(s).
51. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels

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

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

52. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
53. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - a. Exact location and reduced level of discharge point to the public drainage system.
 - b. Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - c. Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - d. Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
 - e. Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
 - f. The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

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The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept plan by AFCE, job no. 352201, dated 5/ 2005 submitted for Development Application approval, except where the following matters which are to be addressed for construction issue purposes:

- a. Stormwater runoff from the proposed driveway shall be directed to the on-site detention system prior to discharging to the interallotment drainage system.
 - b. An inspection/access grate measuring 600mm x 900mm shall be installed directly over the outlet of the OSD system to allow the need to enter the tank for maintenance reasons.
 - c. Step irons are to be provided for the proposed tank where the internal depth exceeds 1.2 metres.
54. The submitted Landscape plan - Stage 1, Dwg 23.05/076, prepared by Ian Jackson Landscape Architect, dated June 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- * Location of canopy trees within canopy spread of significant specimens of *Phoenix canariensis* (Canary Island Palm) is not supported. Only one canopy tree is required as the three existing significant palms are to be included as canopy trees. The 3 canopy trees proposed in the front setback are to be deleted.
 - * Pedestrian access of stepping stones to front door of dwellings is not considered reasonable provision of pathways and is to be upgraded through the use of solid paving.
55. A CASH BOND/BANK GUARANTEE of \$2,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it

Item 5

is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

56. A CASH BOND/BANK GUARANTEE of \$3,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

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

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

58. To preserve the following tree/s, footings of the proposed dwelling shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

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

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3

Phoenix canariensis (Canary Island Palm) Tree 4

Phoenix canariensis (Canary Island Palm) Tree 5

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

59. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
60. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed dwelling shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials

Item 5

within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 3	3m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 5	3m

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

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 4	3m

62. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
63. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

64. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
65. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter.

Item 5

(Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).

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

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

- 66. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of any works-as-executed drawings required under this consent
 - c. The Engineer's certification of the as-built system.

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

- 67. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - a. That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b. That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c. That retained water is connected and available for uses specified in BASIX and/or DCP 47 commitments (all toilet flushing, laundry and garden irrigation).
 - d. That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - e. That all grates potentially accessible by children are secured.
 - f. That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and

Item 5

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

The following certification sheets **must be accurately completed and attached** to the certification:

- a. Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - b. On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
68. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- a. As built (reduced) surface and invert levels for all drainage pits.
 - b. Gradients of drainage lines, materials and dimensions.
 - c. As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - d. As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - e. The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - f. As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - g. The size of the orifice or control fitted to any on-site detention system.
 - h. Dimensions of the discharge control pit and access grates.
 - i. The maximum depth of storage possible over the outlet control.
 - j. Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

BUILDING CONDITIONS

69. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

Item 5

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
70. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
71. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
72. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
73. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
74. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

Item 5

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

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

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

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

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

76. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - d. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

S Cox
Team Leader
Development Assessment -
Central

M Prendergast
Manager
Development Assessment
Services

M Miocic
Director
Development &
Regulation

Attachments:

- Locality plan -560059**
- Landscape plan - 560072**
- Site analysis plan – 560062**
- Elevations – 560064**
- Site management & demolition plan – 560067**
- Shadow diagrams – 560070**
- Stormwater plan – 560240**
- Survey - 560243**

DEVELOPMENT APPLICATION No 565/05



NO WRITTEN RESPONSES



AGREEMENT



OBJECTION



SUBJECT LAND



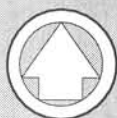
PETITION



SUBMISSION



CIRCULATED AREA



Scale : 1:2500

25-11-2005

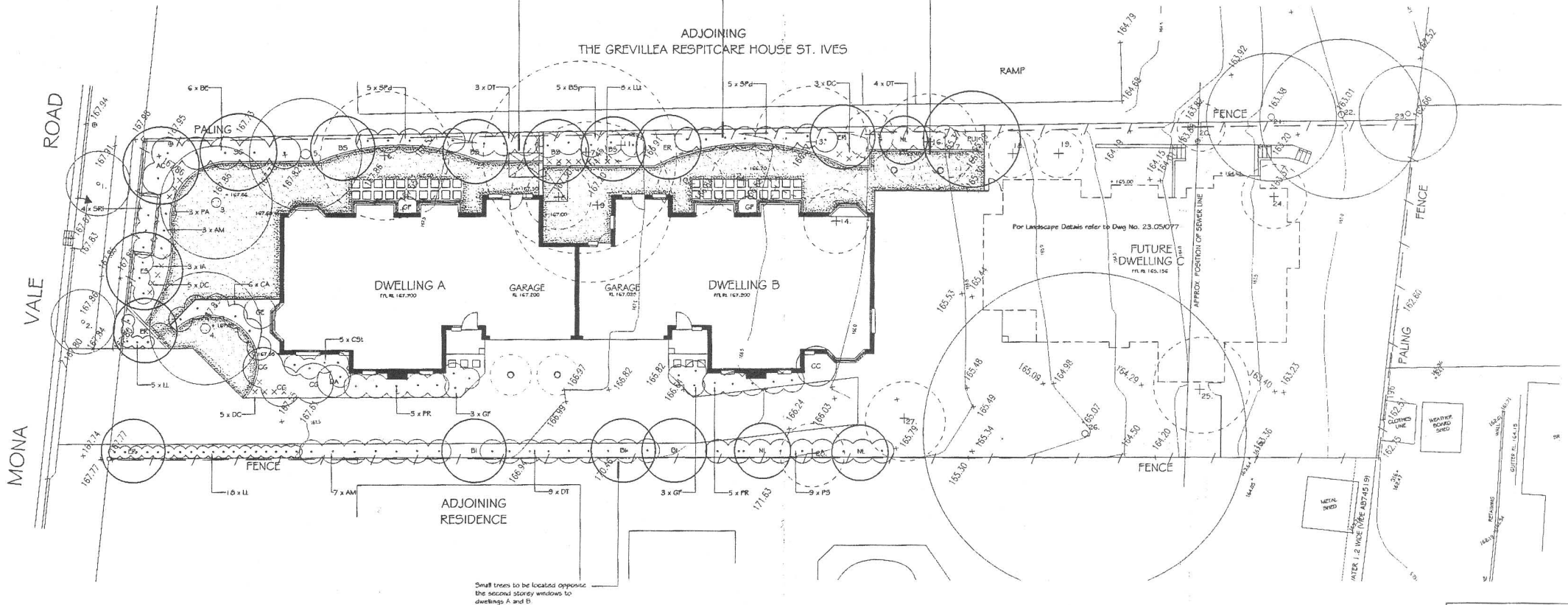


Note: The site is to support one (1) existing tree and ten (10) proposed trees that will attain a minimum mature height of 13m on state derived soils.

Clotheslines to be provided in the sunny northern garden areas in close proximity to the launies.

Screen planting to be installed along the side boundary. Species have been selected that will thrive on moving to enable a mutually aggressive mature height to be achieved to provide a balance between maintaining privacy and retaining solar access.

2 x 5000L Rainwater tanks are to be installed for each of the 3 dwellings. Refer to Engineers details by Appleyard Forestry.



Small trees to be located opposite the second storey windows to dwellings A and B.

SCHEDULE OF EXISTING TREES

KEY	BOTANICAL NAME	COMMON NAME	HEIGHT X SPREAD
1.	<i>Alectryon tomentosus</i>	Hairy Alectryon	5 x 4m
2.	<i>Alectryon tomentosus</i>	Hairy Alectryon	5 x 4m
3.	<i>Phoenix canariensis</i>	Canary Island Date Palm	12 x 7m
4.	<i>Phoenix canariensis</i>	Canary Island Date Palm	12 x 7m
5.	<i>Phoenix canariensis</i>	Canary Island Date Palm	10 x 7m
6.	<i>Cinnamomum camphora</i>	Camphor Laurel	12 x 8m
7.	<i>Cedrus deodora</i>	Deodar Cedar	12 x 10m
8.	<i>Howea forsteriana</i>	Kentia Pine	4m x 6m
9.	<i>Cinnamomum camphora</i>	Camphor Laurel	8 x 9.5m
10.	<i>Prunus sp.</i>	Peach	3 x 3m
11.	<i>Ligustrum lucidum</i>	Broad Leaf Privet	8 x 4m
12.	<i>Prunus sp.</i>	Peach	3 x 3m
13.	<i>Cinnamomum camphora</i>	Camphor Laurel	10 x 7m
14.	<i>Camelia sasanqua</i>	Sasanqua Camellia	5 x 3m
15.	<i>Ligustrum lucidum</i>	Broad Leaf Privet	7 x 4m
16.	<i>Ligustrum lucidum</i>	Broad Leaf Privet	5 x 4m
17.	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	7 x 3m
18.	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	7 x 3m
19.	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	7 x 3m
20.	<i>Philospermum undulatum</i>	Narrow Daphne	8 x 2m
21.	<i>Pyrus sp.</i>	Pear	8 x 6m
22.	<i>Pyrus sp.</i>	Pear	10 x 10m
23.	<i>Pyrus sp.</i>	Pear	6m x 6m
24.	<i>Liquidambar styraciflua</i>	Liquidambar	4 x 4m
25.	<i>Liquidambar styraciflua</i>	Liquidambar	7 x 6m
26.	<i>Liquidambar styraciflua</i>	Liquidambar	15 x 20m
27.	<i>Liquidambar styraciflua</i>	Liquidambar	3 x 3m
28.	<i>Cinnamomum camphora</i>	Camphor Laurel	5 x 4m

1/2 x 1/2 Existing trees that have or are going to attain a minimum height of 13m on state derived soils.

SCHEDULE OF PLANT MATERIAL

CODE	BOTANICAL NAME	QUANTITY	HEIGHT	POT SIZE	STAKES
AM	<i>Acacia myrtifolia</i>	10	1.5m	5 litre	2
AC	<i>Angophora costata</i>	10	20m	25 litre	2
BE	<i>Banksia ericifolia</i>	6	3m	25 litre	-
BI	<i>Banksia integrifolia</i>	3	6m	25 litre	-
BS	<i>Banksia serrata</i>	4	6m	25 litre	2
BSP	<i>Banksia spinulosa</i>	5	1.5m	5 litre	-
CA	<i>Cornus alba</i>	6	1.5m	5 litre	-
CC	<i>Cyathus cooperi</i>	1	2.5m	5 litre	-
CE	<i>Callistemon 'Endeavour'</i>	1	3m	5 litre	-
CC	<i>Callistemon gummiferum</i>	3	4m	5 litre	-
CST	<i>Cordylina stricta</i>	5	3m	5 litre	-
DA	<i>Dicksonia antarctica</i>	1	2m	300mm trunk	-
DC	<i>Dianella caerulea</i>	13	0.4m	140mm pot	-
DT	<i>Dodonaea viscosa</i>	16	2m	5 litre	-
ER	<i>Elaeagnus reticulata</i>	4	5m	25 litre	2
BS	<i>Eucalyptus saligna</i>	5	25m	25 litre	2
GF	<i>Gardenia 'Florida'</i>	8	1m	5 litre	-
IA	<i>Indigofera australis</i>	3	2m	5 litre	-
LL	<i>Lomandra longifolia 'Tawhai'</i>	8	0.4m	140mm pot	-
LL	<i>Lomandra longifolia</i>	23	1m	140mm pot	-
NL	<i>Nolana longifolia</i>	3	3m	5 litre	-
PA	<i>Poa affinis</i>	3	0.4m	140mm pot	-
PU	<i>Pyrus ussuriensis</i>	15m	100 litre	2	-
PR	<i>Pyrosporum revolutum</i>	10	3m	5 litre	-
PS	<i>Polycaria ambucifolia</i>	8	2m	5 litre	-
SP	<i>Symplocos glomerata</i>	10	25m	25 litre	2
SPD	<i>Syzygium paniculatum Dwarf</i>	10	3m	5 litre	-
SRT	<i>Syzygium 'Royal Flame'</i>	4	2.6m	5 litre	-

LEGEND

- EXISTING LEVELS
- PROPOSED DESIGN LEVELS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- NEW TURF AREAS: SOFT LEAF BUFFALO
- BRICK GARDEN EDGING
- STEPPING STONES

NOTES

This plan is to be read in conjunction with all documentation prepared by Rob Crump Design.

Ian Jackson
Landscape Architect

25 bent street
lindfield nsw 2070
ph 9416 4290 fax 9416 4735
A.C.N 097 328 580
email ija@netspace.net.au

project
SEPP 53 Dwellings
347 Mona Vale Rd, St Ives

drawing
Landscape Plan - Stage 1

client
Abby's Real Estate Pty Ltd

date
June 2005

scale
1:100 @ B1

job.dwg no.
23.05/076

no. in set
ONE/ONE

designed by
U

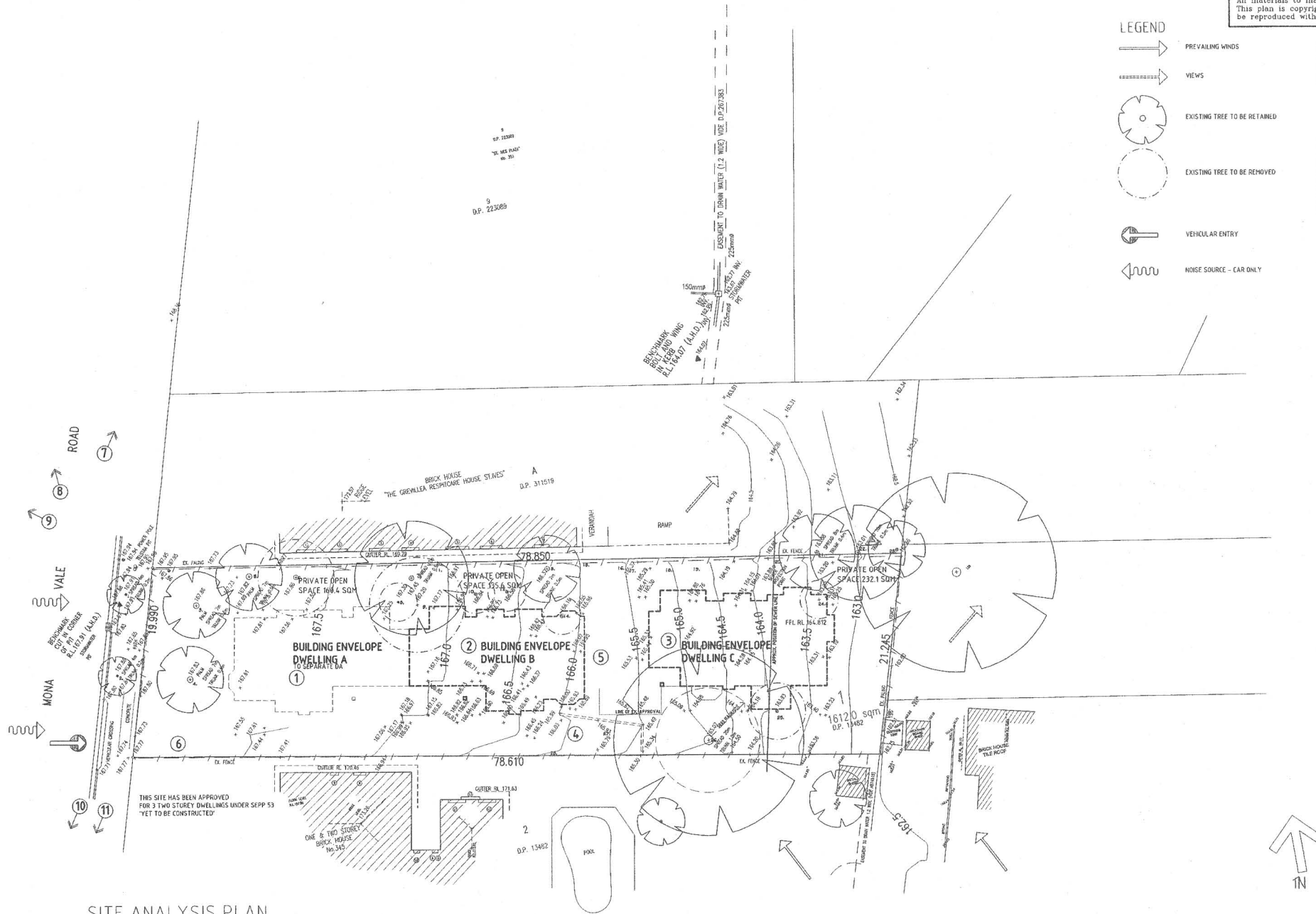
drawn by
GM

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All structural sizes, structural adequacy, retaining walls, and drainage to engineers details. If in doubt, ask. Builder to check all dimensions and heights prior to construction. Construction to be altered to suite existing structure if necessary. All materials to match existing or as noted otherwise. This plan is copyright to Rob Crump Design Pty. Ltd., and may not be reproduced without the written consent of the company.

LEGEND

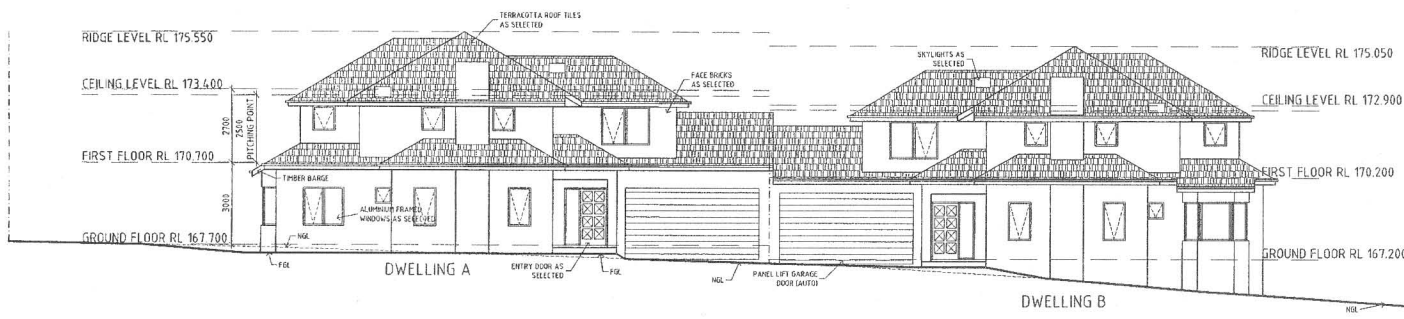
- PREVAILING WINDS
- VIEWS
- ⊗ EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- ⚡ VEHICULAR ENTRY
- ⚡ NOISE SOURCE - CAR ONLY
- ① DWELLING A - TO SEPARATE DA
- ② DWELLING B - TO SEPARATE DA
- ③ PROPOSED DWELLING C
- ⑦ 50 M TO SHOPS, PETROL STATION
- ⑧ 50 M PUBLIC PARK - HASSELL PARK
- ⑨ 50 M TO SCHOOL
- ⑩ 1.2 KM TO MAIN SHOPS, POST OFFICE
- ⑪ 1.2 KM TO PLACES OF WORSHIP



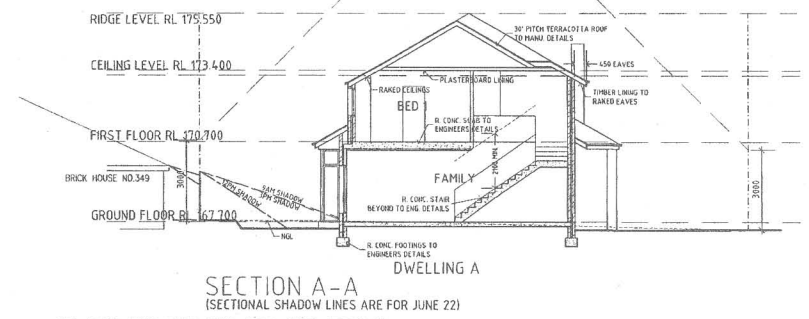
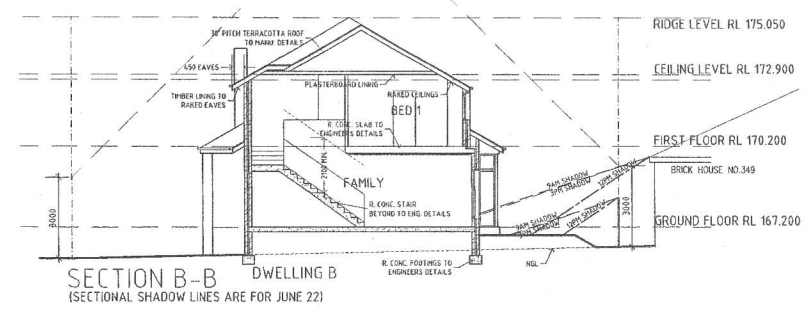
SITE ANALYSIS PLAN

AMENDMENT DEVELOPMENT APPLICATION		S	22/05/2005
DESIGNED	ISSUED	BY	DATE
ROB CRUMP DESIGN Building Design and Drafting Consultants ABN 88 003 421 994 10/10 Playfair Road Mt. Colah, N.S.W. 2079 Ph: (02) 9478 3683 Fax: (02) 9478 3567 Mobile: 0412 681 313 Email: rcrump@pg.com.au		Pty. Ltd. ABBY'S REAL ESTATE P/L SEPP 53 DWELLINGS 347 MONA VALE ROAD ST IVES NSW 2075 Scale: 1:200 Date: 25 May 2005 Job No: 1817/01B	
DRAWN	CHECKED	REVIS	
R.C.	R.C.		

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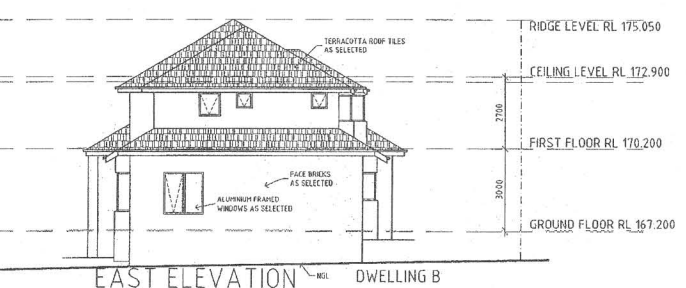
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION
NOTE: DWELLING A WESTERN WINDOWS TO BE DOUBLE GLAZED



EAST ELEVATION

GENERAL NOTES:
 PROVIDE A TYPICAL PROTECTION GARDEN TO SUIT STANDARD 3448
 REINFORCEMENTS AND TO PROTECT FUNDAMENTALS
 PROVIDE DOWN RECESS GLASS TO ALL NET AREAS
 DRAINAGE AND WATERPROOFING TO ENGINEERS DETAILS
 PROVIDE SMOKE DETECTORS IN ACCORDANCE
 WITH PART 3.12 OF THE B.C.A.
 STAIRS AND BALUSTRADES TO BE IN ACCORDANCE
 WITH PART 3.12.1 OF THE B.C.A.
 PROVIDE MECHANICAL VENTILATION TO ALL
 INTERNAL WET AREAS TO B.C.A. REQUIREMENTS
 ALL CONSTRUCTION TO BE IN ACCORDANCE WITH
 B.C.A. AND AUSTRALIAN STANDARDS REQUIREMENTS
 PROVIDE R3 INSULATION TO CEILING WITH FOL BACKED
 WITH A MINIMUM OF 100MM INSULATION
 PROVIDE WEATHER STRIPS TO ALL EXTERIOR DOORS/WINDOWS
 ALL FLOORING DEVICES (BATHROOM TAPS, SHOWER HEADS ETC.)
 ARE TO BE PROVIDED IN PLASTER AND MUST BE A MINIMUM 100MM
 INSTANTANEOUS GAS FLOW TO BE PROVIDED TO ALL BATHS
 LETTER BOX AND HOUSE NUMBERING TO COMPLY WITH AUSTRALIAN
 POST STANDARDS
 INSTALL ONE 1000 LITRE RAINWATER TANK PER DWELLING
 AS SHOWN
 PANCREAS TANK TO BE PROVIDED TO SUPPLY W.C.'S, GARDEN TAPS
 AND LAUNDRY TAPS
 PLANTING TO BE DONE BY OWNER 100MM DEEPENING PLANTING
 ARE CONSIDERED TO BE SINGLE PHASE 230V 3 STAR RATED
 COPE TOP TANK GAS AND OVER TO BE ELECTRIC
 PROVIDE OUTDOORS CLOTHESLINE AS PER PLAN
 PROVIDE WELL VENTILATED REFRIGERATION SPACE
 PROVIDE DOWN PIPES TO ALL WINDOWS IN HOUSE & TIGHTEN THE EXIST

APPROVED DEVELOPMENT APPLICATION		9	22/04/2005
AMENDED		A	20/02/2005
ISSUE		BY	DATE
ROB CRUMP DESIGN Rob Crump Design Pty. Ltd. 15/10 Playfair Road Mt. Colah, N.S.W. 2079 Ph: (02) 9478 3683 Fax: (02) 9476 3687 Mobile: 0412 561 313 Email: rcrump@tpg.com.au			
ABBY'S REAL ESTATE P/L SEPP 53 DWELLINGS 347 MONA VALE ROAD ST IVES NSW 2075 Scale: 1:100 Date: 25 May 2005 Job No: 1817/04			
DESIGN	RC	CHECKS	RC
DATE	25/05/05	DATE	25/05/05

LEGEND



EXISTING TREE TO BE RETAINED



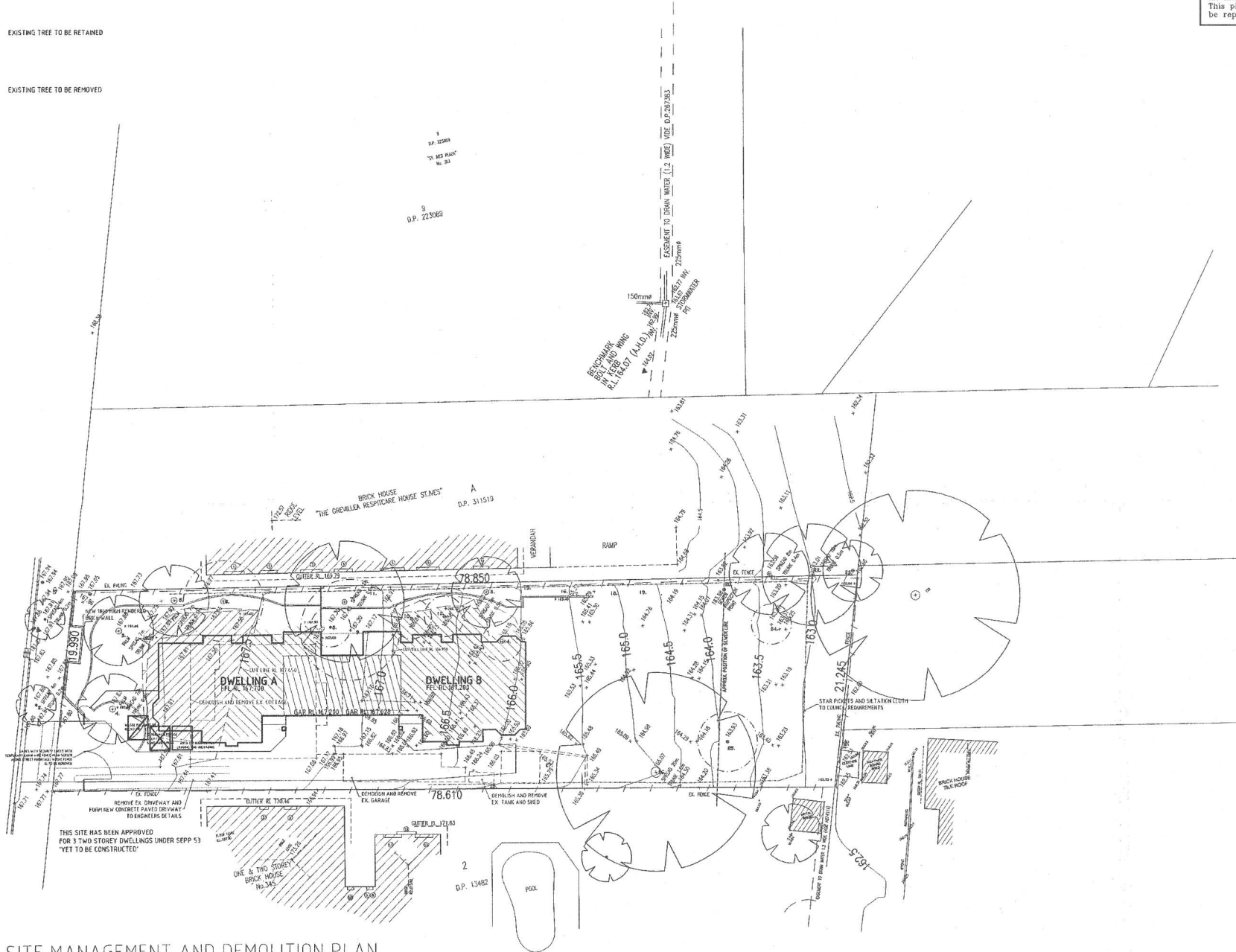
EXISTING TREE TO BE REMOVED

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MONA VALE ROAD

VALE ROAD

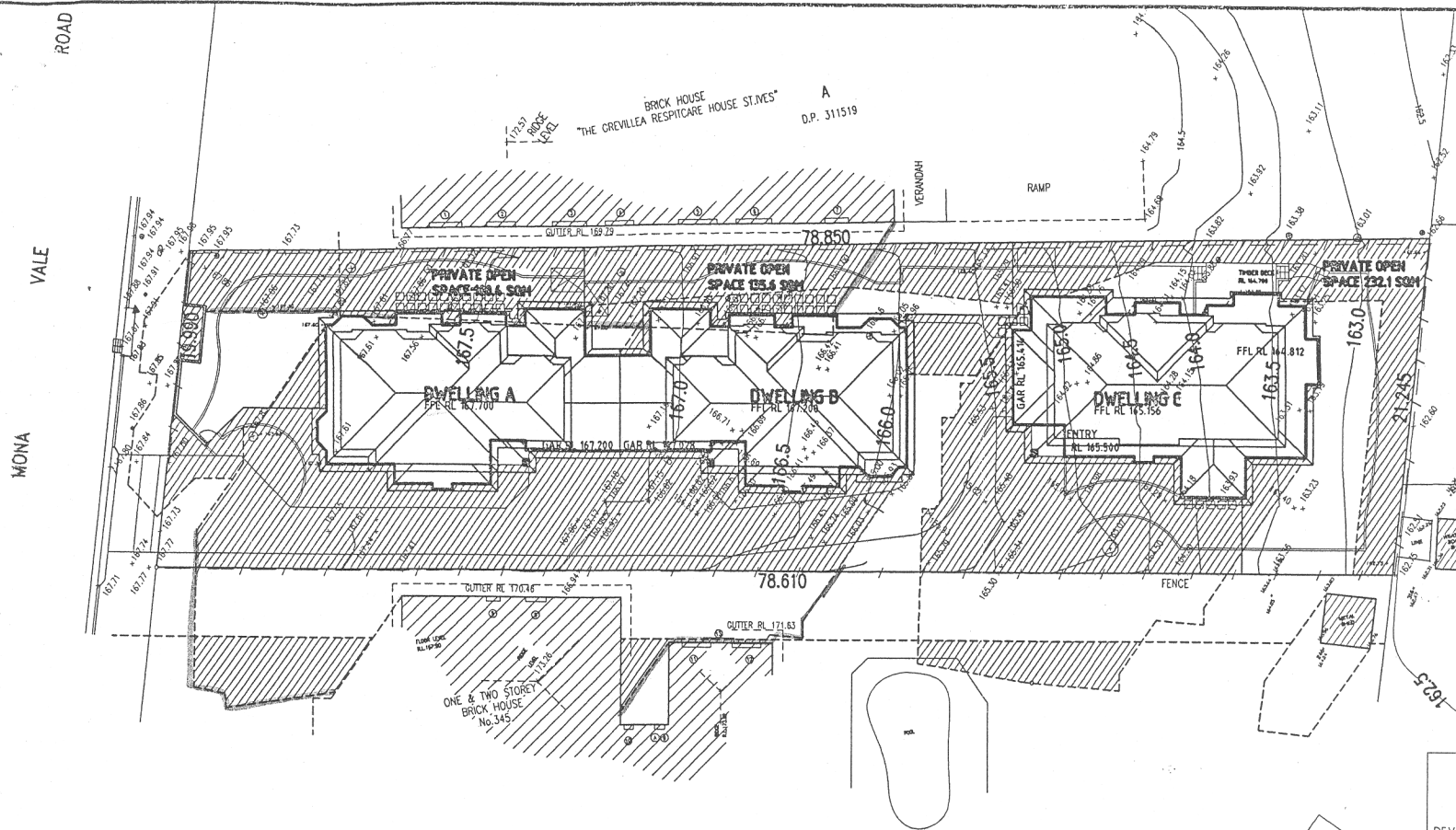
MONA VALE ROAD



SITE MANAGEMENT AND DEMOLITION PLAN

NOTE: TREE PROTECTION MEASURES TO BE UNDERTAKEN AS REQUIRED

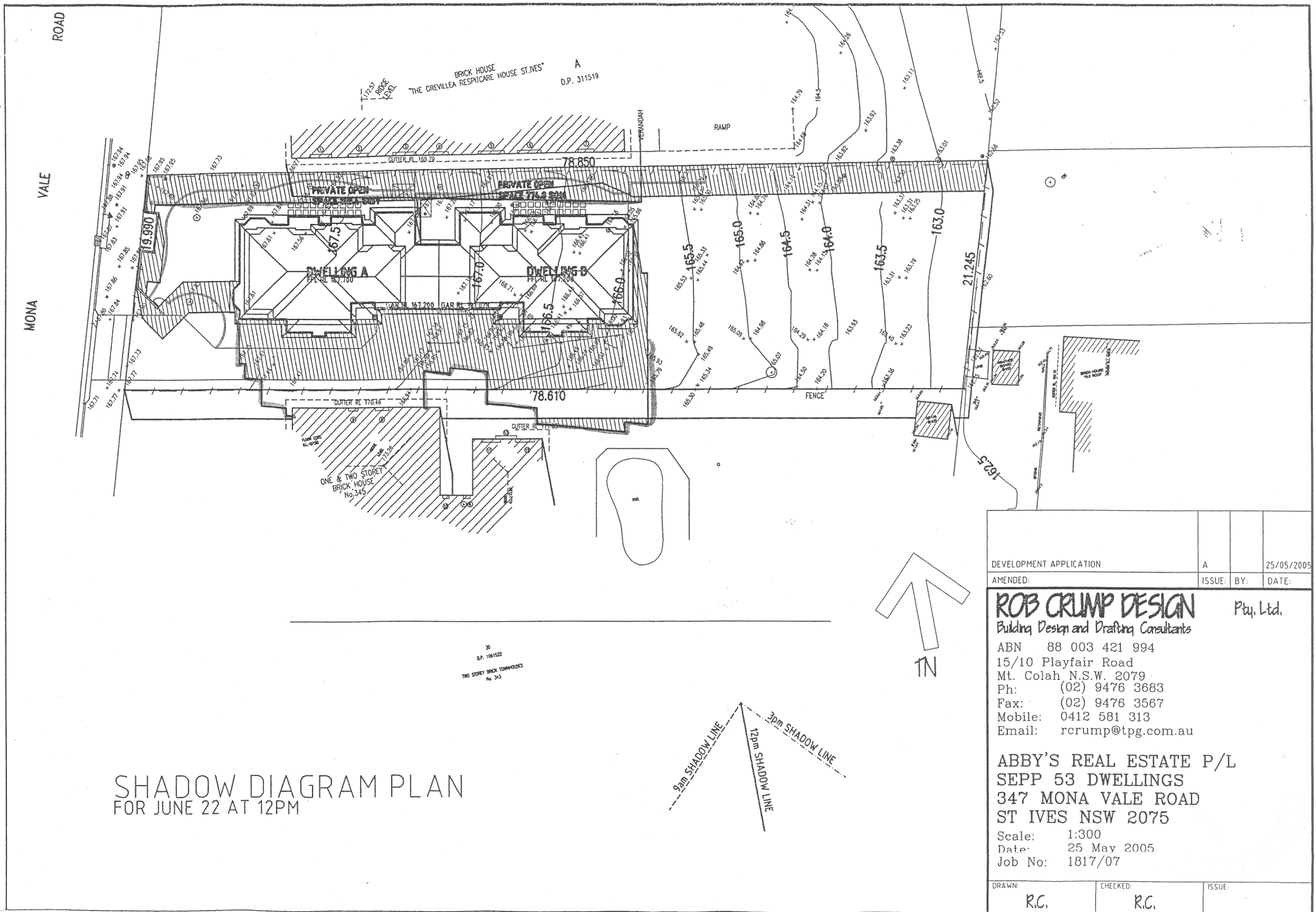
APPROVED	1	12/15/2005
DEVELOPMENT APPLICATION	A	12/15/2005
DATE	BY	DATE
ROB CRUMP DESIGN Building Design and Drafting Consultants ABN 88 003 421 994 15/10 Playfair Road Mt. Colah, N.S.W. 2079 Ph: (02) 9476 3683 Fax: (02) 9476 3567 Mobile: 0412 581 313 Email: rcrump@tpg.com.au		
Pty. Ltd.		
ABBY'S REAL ESTATE P/L SEPP 53 DWELLINGS 347 MONA VALE ROAD ST IVES NSW 2075		
Scale: 1:200 Date: 25 May 2005 Job No: 1817/06		
DRAWN	CHECKED	DATE
R.C.	R.C.	



SHADOW DIAGRAM PLAN
FOR JUNE 22 AT 9AM



DEVELOPMENT APPLICATION		A	25/05/2005
AMENDED:	ISSUE:	BY:	DATE:
ROB CRUMP DESIGN Building Design and Drafting Consultants		Pty. Ltd.	
ABN 88 003 421 994 15/10 Playfair Road Mt. Colah N.S.W. 2079 Ph: (02) 9476 3683 Fax: (02) 9476 3567 Mobile: 0412 581 313 Email: rcrump@tpg.com.au			
ABROON RESIDENCES SEPP 53 DWELLINGS 347 MONA VALE ROAD ST IVES NSW 2075			
Scale: 1:300 Date: 25 May 2005 Job No: 1817/06			
DRAWN: R.C.	CHECKED: R.C.	ISSUE:	



DEVELOPMENT APPLICATION

A

25/05/2005

AMENDED:

ISSUE:

BY:

DATE:

ROB CRUMP DESIGN
Building Design and Drafting Consultants

Pty. Ltd.

ABN 88 003 421 994
15/10 Playfair Road
Mt. Colah N.S.W. 2079
Ph: (02) 9476 3683
Fax: (02) 9476 3567
Mobile: 0412 581 313
Email: rcrump@tpg.com.au

ABBY'S REAL ESTATE P/L
SEPP 53 DWELLINGS
347 MONA VALE ROAD
ST IVES NSW 2075

Scale: 1:300
Date: 25 May 2005
Job No: 1817/07

DRAWN

R.C.

CHECKED:

R.C.

ISSUE:

MONA

VALE

ROAD

BRICK HOUSE
"THE GREVILLEA RESPIRARE HOUSE STIVES"
D.P. 311519

A

VERANDAH

RAMP

PRIVATE OPEN
SPACE 232.1 SQM

PRIVATE OPEN
SPACE 135.4 SQM

PRIVATE OPEN
SPACE 134.5 SQM

DWELLING C
FFL RL 165.150

DWELLING B
FFL RL 167.000

DWELLING A
FFL RL 167.700

ONE & TWO STOREY
BRICK HOUSE
No. 545

30
D.P. 1061522
TWO STOREY BRICK TOWNHOUSE
No. 543

SHADOW DIAGRAM PLAN
FOR JUNE 22 AT 3PM

9am SHADOW LINE
3pm SHADOW LINE
12pm SHADOW LINE



DEVELOPMENT APPLICATION	A		25/05/2005
AMENDED:	ISSUE:	BY:	DATE:

ROB CRUMP DESIGN
Building Design and Drafting Consultants

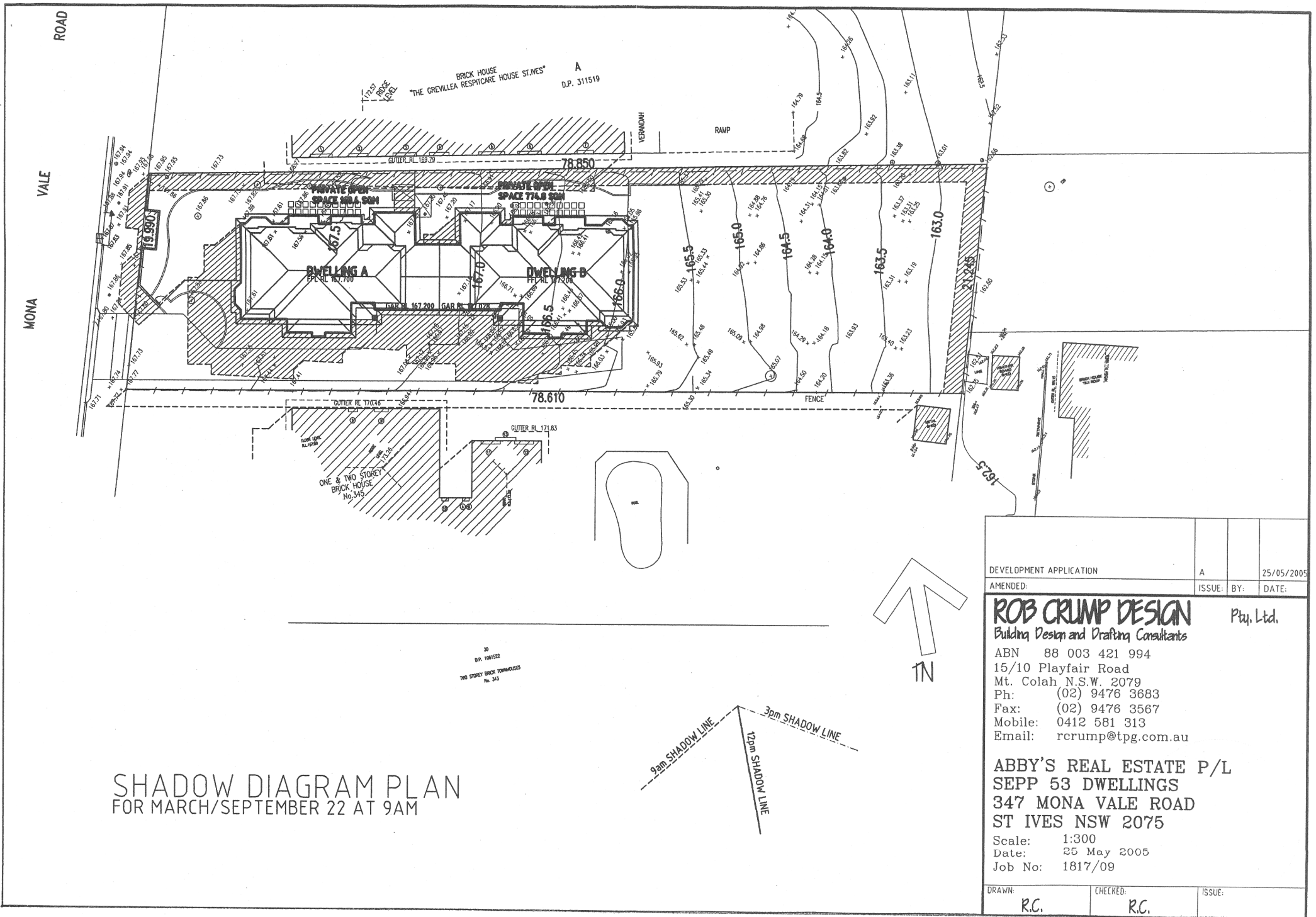
Pty. Ltd.

ABN 88 003 421 994
15/10 Playfair Road
Mt. Colah N.S.W. 2079
Ph: (02) 9476 3683
Fax: (02) 9476 3567
Mobile: 0412 581 313
Email: rcrump@tpg.com.au

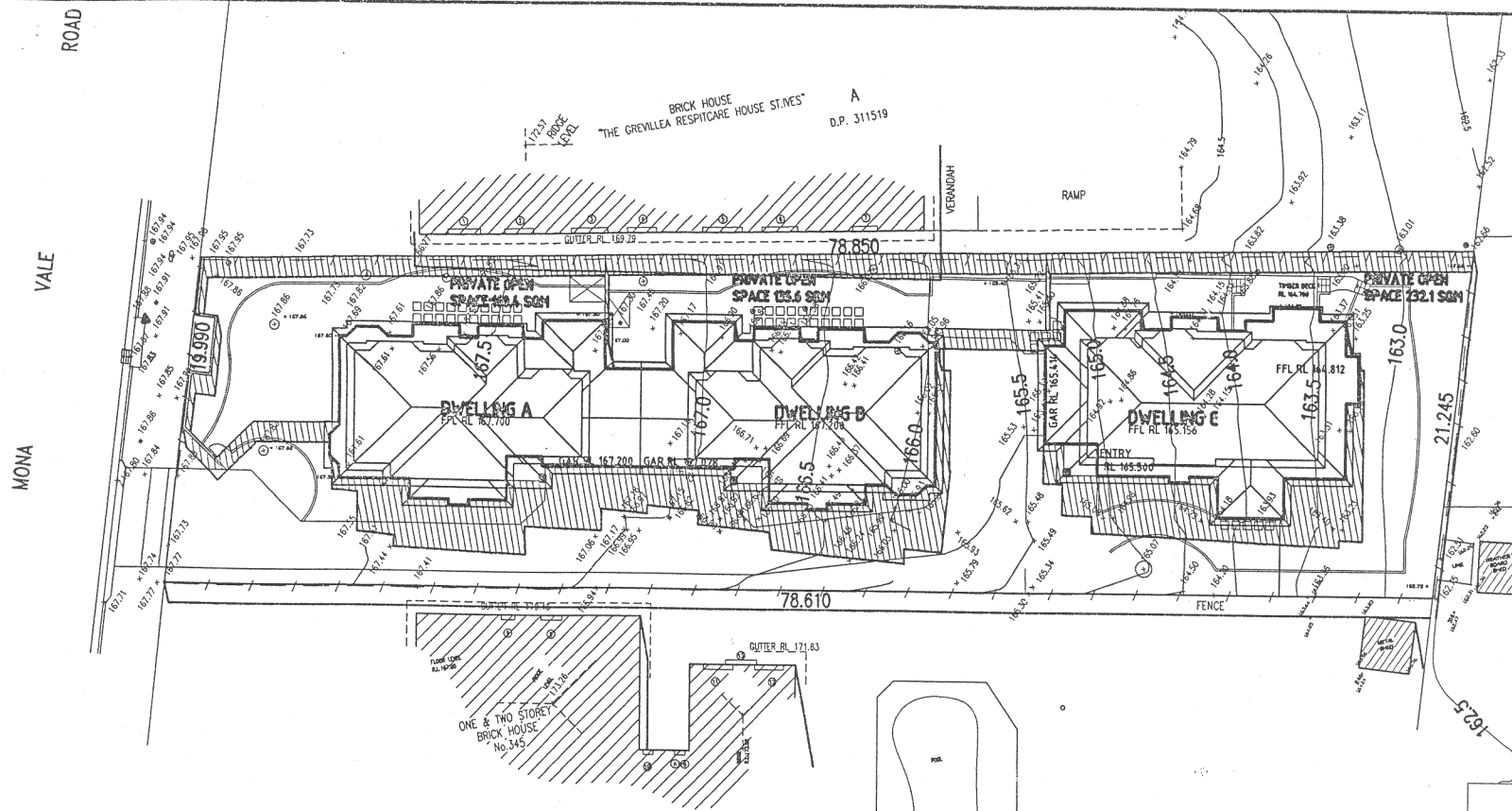
ABROON RESIDENCES
SEPP 53 DWELLINGS
347 MONA VALE ROAD
ST IVES NSW 2075

Scale: 1:300
Date: 25 May 2005
Job No: 1817/08

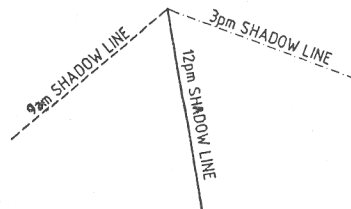
DRAWN: R.C.	CHECKED: R.C.	ISSUE:
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DEVELOPMENT APPLICATION		A	25/05/2005
AMENDED:	ISSUE:	BY:	DATE:
ROB CRUMP DESIGN Building Design and Drafting Consultants		Pty. Ltd.	
ABN 88 003 421 994 15/10 Playfair Road Mt. Colah N.S.W. 2079 Ph: (02) 9476 3683 Fax: (02) 9476 3567 Mobile: 0412 581 313 Email: rcrump@tpg.com.au			
ABBY'S REAL ESTATE P/L SEPP 53 DWELLINGS 347 MONA VALE ROAD ST IVES NSW 2075			
Scale: 1:300 Date: 25 May 2005 Job No: 1817/09			
DRAWN: R.C.	CHECKED: R.C.	ISSUE:	



SHADOW DIAGRAM PLAN
FOR MARCH/SEPTEMBER 22 AT 12PM



DEVELOPMENT APPLICATION	A	25/05/2005
AMENDED:	ISSUE: BY:	DATE:

ROB CRUMP DESIGN
Building Design and Drafting Consultants

Pty. Ltd.

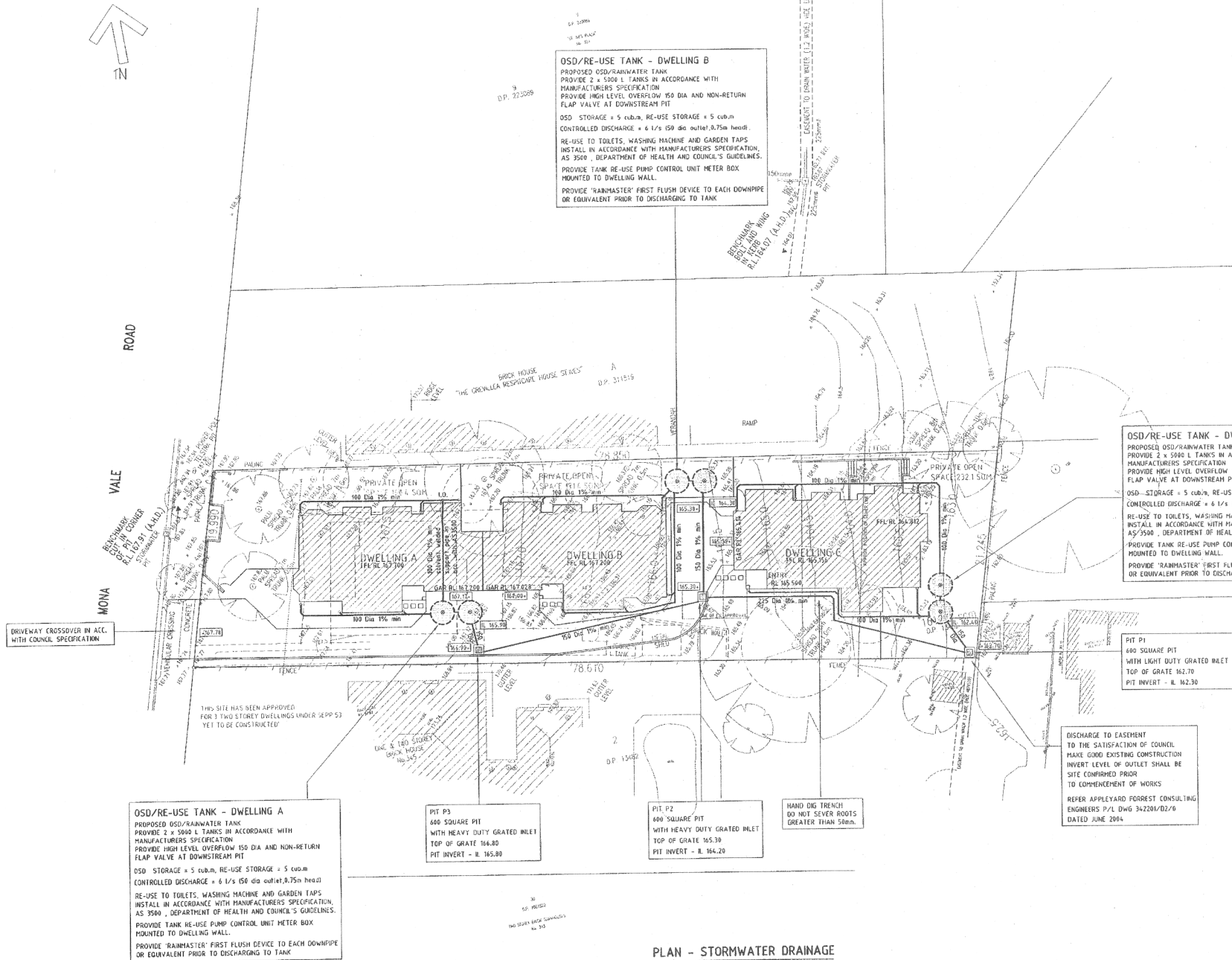
ABN 88 003 421 994
15/10 Playfair Road
Mt. Colah N.S.W. 2079
Ph: (02) 9476 3683
Fax: (02) 9476 3567
Mobile: 0412 581 313
Email: rcrump@tpg.com.au

ABROON RESIDENCES
SEPP 53 DWELLINGS
347 MONA VALE ROAD
ST IVES NSW 2075

Scale: 1:300
Date: 25 May 2005
Job No: 1817/10

DRAWN: R.C.	CHECKED: R.C.	ISSUE:
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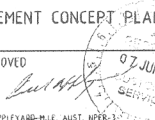

THIS DRAWING REVISION IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND IS NOT TO BE ISSUED FOR CONSTRUCTION



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REVISION DETAILS	DRAWN	APPR.	DATE
0 ISSUED FOR DEVELOPMENT APPLICATION	CF		5/2005

AFCE Environment + Building
 A DIVISION OF APPLEYARD FORREST CONSULTING ENGINEERS PTY LTD
 58 HILLS STREET, GOSFORD NSW 2250
 UNIT 15, 8 AMELIA AVENUE, CASTLE HILL NSW 2154
 SUITE 1, LOT 409 BONGA BONGA STREET, BONGA NSW 2576
 TEL 021 4324 3499 FAX 021 4324 2703
 TEL 021 7424 2199 FAX 021 7424 2644
 TEL 021 1362 6597 FAX 021 1362 6568

CLIENT/BUILDER:	EATON			
PROJECT:	PROPOSED RESIDENTIAL DEVELOPMENT #347 MONA VALE ROAD ST IVES			
DRAWING TITLE:	STORMWATER MANAGEMENT CONCEPT PLAN			
DRAWN	CF	5/2005	APPROVED	
DESIGNED	MT	5/2005		
CHECKED	BAK/LDA		I.D. APPEY/VALE-M.E. AUST. INPE (CIVIL AND STRUCTURAL)	
JOB No. 342201	SHEET 2 OF 4		DRAWING No. 342201/C2	REV. 0



WINDOW SCHEDULE		
No.	WIND.	WIND.
1	100.17	100.17
2	100.17	100.17
3	100.17	100.17
4	100.17	100.17
5	100.17	100.17
6	100.17	100.17
7	100.17	100.17
8	100.17	100.17
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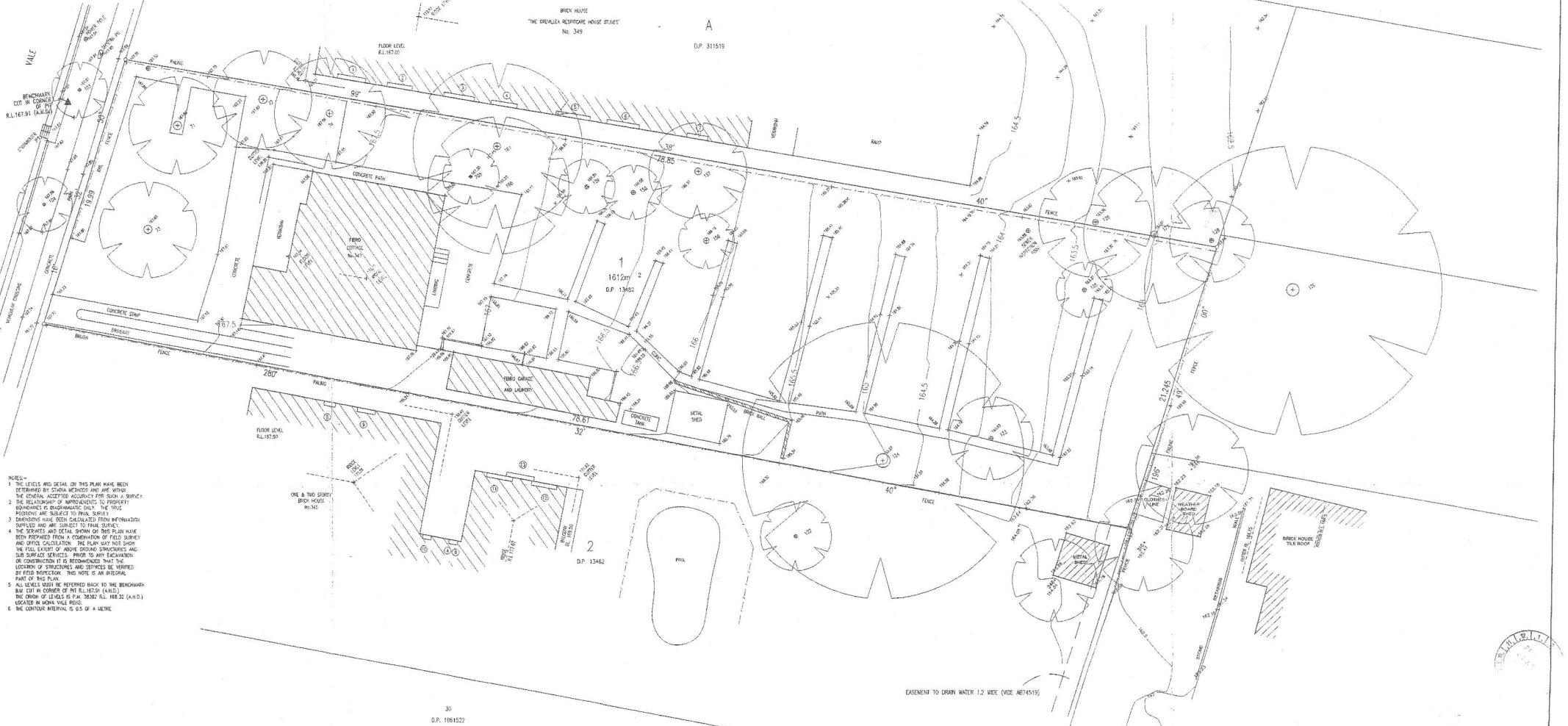
DOOR SCHEDULE		
No.	DOOR	DOOR
A	171.42	171.42
B	171.42	171.42

B
D.P. 222089
"ST. NICKS PLAZA"
No. 351

A
D.P. 311519

BENCHMARK
BOLT AND WING
IN HOUSE
R.L. 164.07 (A.R.D.)

BRICK HOUSE
"THE CREVIERE RESIDENCE HOUSE PLANT"
No. 349



- NOTES:-
1. THE LEVELS AND DETAIL OF THIS PLAN HAVE BEEN DETERMINED BY STAFF MEASUREMENTS AND ARE WITHIN THE GENERAL ACCEPTED ACCURACY FOR SUCH A SURVEY.
 2. THE RELATIONSHIP OF IMPROVEMENTS TO PROPERTY BOUNDARIES IS INDICATED BY DOTTED LINES. THE TRUE POSITIONS ARE SUBJECT TO FINAL SURVEY.
 3. DIMENSIONS HAVE BEEN CALCULATED FROM INFORMATION SUPPLIED AND ARE SUBJECT TO FINAL SURVEY.
 4. THE SERVICES AND DETAIL SHOWN ON THIS PLAN HAVE BEEN PREPARED FROM A COMBINATION OF FIELD SURVEY AND OFFICE CALCULATION. THE PLAN MAY NOT SHOW THE FULL LIST OF HOUSE CIRCULAR STRUCTURES AND SUB-SURFACE SERVICES. PRIOR TO ANY EXCAVATION OR CONSTRUCTION IT IS RECOMMENDED THAT THE LOCATION OF STRUCTURES AND SERVICES BE VERIFIED BY FIELD INSPECTION. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.
 5. ALL LEVELS SHOULD BE REFERRED BACK TO THE BENCHMARK BOLT CUT IN CORNER OF THE BENCHMARK HOUSE (A.R.D.). THE CORNER OF LEVELS IS PL. 349.34. (A.R.D.) LOCATED IN MOYA VALL ROAD.
 6. THE CONTOUR INTERVAL IS 0.5 OF A METRE.

30
D.P. 1061522

TWO STOREY BRICK TOWNHOUSES
No. 349

EASEMENT TO DRAIN WATER 1.2 METRE (WIDE 407/4519)

25A, 27 & 29 LORNE AVENUE, KILLARA

Ward: Gordon

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

- Application lodged 6 May 2005.
- Council considered a report at its meeting on 6 December 2005.
- Consideration pending site inspection which took place on 14 January 2006.

COMMENTS:

The issues raised at the site inspection are addressed in this report.

RECOMMENDATION:

Approval

Item 3

PURPOSE OF REPORT

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

BACKGROUND

- Application lodged 6 May 2005.
- Council considered a report at its meeting on 6 December 2005.
- Consideration pending site inspection which took place on 14 January 2006.

COMMENTS

1. Right of carriageway

- **Council staff are requested to provide additional information to confirm that Council is able to legally alter the existing right of carriageway pursuant to clause 28(2) of the Environmental Planning and Assessment Act 1979;**

Council's Corporate Lawyer, Jamie Taylor, has confirmed that Section 28(2) of the Environmental Planning and Assessment Act confers upon Council, through the Ku-ring-gai Planning Scheme Ordinance, the ability to suspend (wholly or partially) easements for the purpose of enabling development to be carried out in accordance with an environmental planning instrument or in accordance with a consent granted.

The existence of the easement does not prevent Council granting Development Consent. Council has the power under the Act and the KPSO to approve landscaping within the easement. These clauses enable the Development Consent to modify the easement to the extent necessary to allow the development to be carried out. It is Council's responsibility to ensure that the proposed modifications to the easement satisfies Council's access requirements and that it does not affect the owners of No's 23 and 25 Lorne Avenue's reasonable right to access. Council's Team Leader Development Engineers, Kathy Hawken, raised no objection to the proposal on these grounds and is satisfied that reasonable access to those properties will be maintained.

- **Council's engineers are requested to confirm if manoeuvrability to No 23 Lorne Avenue has been tested on the ground due to the steep slope of the existing driveway, which appears to make conditions on-site less than favourable, particularly with respect to the location of proposed boundary fencing;**

Council's development engineers have tested the proposed driveway arrangement and confirm that there will be sufficient room for maneuvering to ensure egress to Lorne Avenue in a forward direction.

Item 3

- **Council's engineers are requested to confirm that visibility and site distances for No's 25 & 23 Lorne Avenue have been considered for the proposed amended right of carriageway, particularly with respect to the location of proposed boundary fencing.**

Council's Team Leader Development Engineers, Kathy Hawken, commented as follows:

The wide section of the right-of-way (adjacent to the garage of No. 23 Lorne Avenue) will act as a passing bay. Given the proposed boundary fencing, sight distances along the right-of-way are adequate.

To improve the usable width of the driveway servicing Nos 23 and 25 Lorne Avenue, a condition is recommended, requiring the relocation of the power pole currently located in the driveway at the applicant's expense and to the satisfaction of Council's Development Engineer (**refer Condition No. 89a**).

2. Vegetation

- **Staff are requested to confirm that the existing and proposed canopy trees located within 3 metres of buildings located on adjoining properties will be protected under Council's Tree Preservation Order. In addition, staff are requested to provide comment on the long-term health and survival of the above trees.**

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

Existing or proposed trees located on the subject site and located within 3 metres of the footprint of the proposed development are exempt under Council's TPO. Where existing or proposed trees are located within 3 metres of an existing dwelling on an adjoining site, they are also exempt. No existing trees on adjoining sites will become exempt as a result of the proposed development works on site.

Subject to required tree protection measures (as conditioned), the retention of existing perimeter fencing and reasonable care, during the construction work phase, the long term viability and survival of existing and proposed trees is expected.

Additional Submissions

Since Council's meeting of 6 December 2005 additional objections were received from D Martin & K Dinh (25 Lorne Avenue) and J G Burke (23 Lorne Avenue). The submissions raised the following issues:

Excessive height

The owners of No 25 Lorne Avenue argue that the height of the proposed buildings will be *excessive and will tower some 17.8 metres (4.4 metres above max) immediately at the boundary of their private outdoor living spaces.*

Item 3

This is incorrect. Only one building (Building B) does not comply with the maximum perimeter ceiling height control of 13.4 metres. The SEPP 1 objection has demonstrated that the underlying objectives of the standard are satisfied and that compliance with standard would tend to hinder the attainment of the objects specified in Section 5(a)(i) and (iii) of the Act. In the circumstances, compliance with the development standard is unreasonable and unnecessary.

Extrapolation of ground levels

The objector questions the use of extrapolation to determine the ground level and argues that this method results in an over estimation of ground levels which may lead to an unacceptable variation of the perimeter height control.

It should be noted that a detailed site survey provided the basis for the majority of the height calculations and that it was only necessary to use extrapolation over a limited area of the site (225m² or 3.2% of the site area). This was due to extensive cutting and filling in the north eastern corner which makes a physical assessment of the location of the ground level impractical. The ground level *before the erection of any building or carrying out of any work* is not known in the vicinity of the pool. What is known is that fill has occurred and that the natural ground level is located below the existing pool paving level (RL 116). By extrapolation the ground level is calculated as 1.4 metres below the pool area level (RL 114.6). In this location the perimeter ceiling level of Building B is RL 128.6 and equates to a perimeter ceiling height of 13.8 metres - a 400mm variation over 8m² of the building footprint.

The variation only occurs in the north-eastern corner of Building B and is considered to be minor. The worst case scenario by using the bottom of the pool as the ground level the variation increases to 800mm over the same area. This is still considered minor and no unreasonable bulk, scale or privacy impacts on adjoining properties are envisaged. The measures required by **Condition No.89** will reduce the opportunity for direct overlooking and ensure a reasonable degree of privacy is maintained, commensurate with a medium density environment.

Right of carriageway

This issue is addressed above and was also discussed at length in the previous Council report of 6 December 2005 which is attached.

CONCLUSION

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

Item 3

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No 1 - Development Standards* to the Perimeter Ceiling Height Control (cl. 25I(8)) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No 1 is well founded and also being of the opinion that the granting of consent to DA 425/05 is consistent with the aims of the Policy, grant development consent to DA 425/05 for the demolition of existing structures and construction of 5 residential flat buildings comprising 40 dwellings including, basement parking, landscaping, storm water reticulation and strata subdivision on land at 25a, 27 and 29 Lorne Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

Architectural Plans

Dwg. No.	Rev	Description	Author	Dated	Lodged
DA-04039-01	2	Site & Roof Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-02	2	Basement 1 & 2 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-03	3	Level 1 & 2 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-04	2	Level 3, 4 & 5 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-05	2	Elevations	Alexander Tzannes Assoc	30 Oct 2005	21 Nov 2005
DA-04039-06	2	Sections	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005

Subdivision Plans

041014/DSP	Strata subdivision of Lot B in DP 339075 and Lots 1&2 in DP 547371	Denny Linker & Co (Patrick John Walsh)	Sheets 1-9	6 Dec 2005
------------	--------------------------------------------------------------------	-------------------------------------------	------------	------------

2. All building works shall comply with the Building Code of Australia.

Item 3

3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

Item 3

11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

Item 3

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other

Item 3

matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
35. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
36. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

Item 3

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
39. "Peep holes" shall be provided to the entrance doors of all units for personal security.
40. Compliance with the notations overdrawn on the consent plans.

Engineering

41. Stormwater runoff from roof areas shall be piped to the street drainage system via the approved site water management facilities. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
42. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for each building. The (minimum) total storage volumes of the rainwater tank systems are to be as required by Council's DCP 47 Water Management. The prescribed re-use of the water on site, must be toilet flushing (each unit), preferably cold laundry (each unit) and garden irrigation, as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
43. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for each building to control the rate of runoff leaving the development site. The minimum volumes of the required on-site detention systems must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
44. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grates are to be provided to collect driveway runoff. The channel drains shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
45. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the exercise and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s) other than to the extent to which the easements or rights-of-carriageway are suspended as provided by clause 68 of the

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Ku-ring-Gai Planning Scheme Ordinance. It is the applicant's full responsibility to ensure that it is aware of any such rights-at-law and that those aspects of the development to be carried out on that part of the development site subject to the right-of-carriageway are carried out in accordance with this development consent. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.

46. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
47. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
48. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
49. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained**

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across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

50. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
51. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
52. The Applicant must obtain a **Section 73 Compliance Certificates** under the *Sydney Water Act 1994*, which relates to the proposed RFB and the Strata Subdivision approved under this DA. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
53. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no lockable or remote control doors, grilles, gates or other devices are to be provided in the access driveways to the basement carparks preventing this service. Contractors will not accept keys or remote controls.
54. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
 - Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological Report prepared by Douglas Partners (37952 dated April 2005), and all subsequent geotechnical investigation reports and inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

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Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the conducted geotechnical inspection, testing and monitoring programs.

Heritage

56. Demolition of a non-heritage item or not in a UCA - Nos 25a, 27 and 29 Lorne Avenue, Killara.

A report is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

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

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan (survey or sketch) showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black & White archival quality photography, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

Landscaping

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58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

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

59. REMOVAL of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location
Eucalyptus nicholii (Narrow leaf peppermint)
Lorne Ave nature strip

60. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
61. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	5.0m
#24 <i>Ficus benjamina</i> (Weeping Fig)	6.0m

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Adjacent to western (side) site boundary in
neighbouring property

#26 *Pistacia chinensis* (Chinese Pistacio) 5.0m
Lorne Ave nature strip

#27 *Pistacia chinensis* (Chinese Pistacio) 5.0m
Lorne Ave nature strip

#28 *Pistacia chinensis* (Chinese Pistacio) 3.0m
Lorne Ave nature strip

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

Tree/Location	Radius From Trunk
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	5.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	6.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m

63. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
64. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Lorne Ave. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
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Pistacia chinensis (Chinese Pistacio)

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65. Following removal of the *Eucalyptus nicholii* (Narrow leaf peppermint) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
66. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Cupressocyparis x leylandii 'Leighton's Green' (Leighton Green Cypress)

67. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

70. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
71. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

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- b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF THIRTY-SEVEN (37) ADDITIONAL DWELLINGS IS CURRENTLY \$772,138.79. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1 117.76
2. Park Acquisition and Embellishment Works	\$6 384.75
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

Engineering

73. Prior to issue of any Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of

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the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to approve or endorse lot *consolidation* plans.

74. Prior to issue of the Construction Certificate for the related building, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

75. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:
 - a. That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. That all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

76. The waste collection area is to be relocated to the street side of the roller door, possibly in visitor space 1. The area is to be designed to accommodate the requisite number of bins in accordance with DCP 40. Amended plans are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

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77. Prior to issue of the Construction Certificate for the related building the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- b) A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
- d) Traffic lights will be provided at each end of the one way entry ramp as recommended by Colston Budd Hunt & Kafes in their report dated April 2005.

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

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

79. Prior to issue of the Construction Certificate for the related building the Applicant must submit, for approval by the Principal Certifying Authority, scaled construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact locations and reduced level of discharge point(s) to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed to carry for the 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Measures to prevent mosquito breeding and other issues.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.

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- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Stormwater Management Plans by Harris Page Associates dated 5 October 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

80. Prior to issue of any Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
81. Prior to issue of any Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

Landscape

82. The submitted landscape plan LP01 (Landscape Plan) Rev M & PP&WS (planting plan and water strategy) 02 Rev D prepared by McGregor Partners and dated September 2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in general accordance with the above landscape plan/s. The following amendments to these plants shall apply:
 - The proposed planting of *Clivea miniata* on the Lorne Ave nature strip is to be deleted and the nature strip maintained as a grassed/turf area.
 - The proposed planting of 334 *Callistemon citrinus* (Bottlebrush) is to be reduced in number by approximately 50% so that planting has a minimum of 1.5m spacing.

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- The proposed planting of 234 *Callistemon citrinus* (Bottlebrush) is to be reduced in number by approximately 50% so that planting has a minimum of 1.5m spacing.

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

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

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

84. A CASH BOND/BANK GUARANTEE of \$13 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	\$1,000.00
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2,000.00
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2,000.00
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2,000.00
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	\$1,000.00
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	\$3,000.00

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#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$1,000.00
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$1,000.00
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$500.00

Special

85. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.
86. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
87. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
88. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
89. To ensure privacy and amenity to the adjoining properties at Nos 8 Wallaroo Close, 23 and 25 Lorne Avenue and residents the following amendments shall be made to both the eastern elevations:
 - Privacy screens measuring 1.8 metres high shall be affixed to the eastern elevation of the Level 5 terraces of units nos A-5 09 and D-5 40 as notated in red on approved Plan no. DA-04039-04 Rev. no. 2.

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- Privacy screens measuring 1.8 metres high shall be affixed to the eastern elevation of the Level 1 - 4 balconies of units nos D2 35, 37 and 39 as notated in red on approved Plans nos DA-04039-03 Rev. no. 3 and DA-04039-04 Rev. no. 2.
- The sun shading louvres and aluminium louvres proposed for **all** fenestration on Levels 1 to 5 on the eastern elevation (referenced as “SL” and “ALV” on approved Plan no. DA-04039-05 Rev. 2 shall serve to ensure that privacy impacts are reduced (i.e. restricting overlooking to the east) and offer functional sun shading benefits to the affected units.
- Terrace areas as noted in red on Level 5 shall be non-trafficable for general use and limited access shall only be allowed for maintenance purposes.
- To ensure the amenity of Nos 23 and 25 Lorne Avenue is maintained an acoustic fence shall be constructed along the entire common boundary with the development site. The fence shall be in accordance with the driveway alignment notated in red on approved plan DA-04039-03 Rev. 3. The fence shall be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 15 metres from the street boundary.
- The side bedroom and bathroom windows in the gaps between buildings A, B, C and D shall be designed as translucent partially opening hopper or casement windows, to avoid potential privacy problems while allowing natural ventilation.
- Screening shall be provided to the study and living/dining windows in apartments C1 - 19, C1 - 22 and C1 25/28, to provide the opportunity for the occupants of these apartments to screen potential views from the bedroom balconies in apartments C 3-21 etc.
- The depth of the terrace areas to the ground floor (Level 1) units fronting the Lorne Avenue frontage shall be reduced in width by 3 metres as notated in red on the approved Plan No. DA-04039-01. This will ensure adequate common deep soil planting area is maintained within the front setback area.
- To ensure privacy between the terrace areas of the units on Level 5 is maintained screens of 1.8 metres high shall be erected along the southern elevation of unit nos D-5 40 and C-5 31.

Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.

- 89a. For the purpose of traffic safety the electricity supply pole located within the access handle of No 25 Lorne Avenue shall be relocated to the satisfaction of Council's Development Engineer. The relocation shall be done to improve the usable width of the driveway servicing Nos 23 and 25 Lorne Avenue. All costs associated with the relocation shall be borne by the applicant.
90. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

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- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Retaining walls and associated drainage.
- c. Wet area waterproofing details complying with the Building Code of Australia.
- d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
- e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

91. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

Landscaping

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

Tree/Location	Radius in Metres
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	4.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	5.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m

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#27 *Pistacia chinensis* (Chinese Pistacio) 5.0m
Lorne Ave nature strip

#28 *Pistacia chinensis* (Chinese Pistacio) 1.0m
Lorne Ave nature strip

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

Tree/Location	Radius From Trunk
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m

#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m
----------------------------------------------------------------------------	------

#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	2.5m
----------------------------------------------------------------------------	------

94. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

95. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:

1. Tree Protection Zone
2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
4. Name, address, and telephone number of the developer/principal certifying authority.

96. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

97. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a

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

Engineering

98. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the geotechnical investigation comprising cored boreholes. The recommendations of the report in relation to vibration monitoring and excavation methods and support are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved.
99. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by an independent consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, offset from boundaries and the founding material. It is expected that structures at 23, 25 and 31 Lorne Avenue and 8 Wallaroo Close will require survey. The dilapidation report must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. Where the consulting structural/geotechnical engineer is of the opinion that no dilapidation reports are required, then certification to this effect must be provided in lieu.
100. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
 1. **A plan view of the entire site and frontage roadways indicating:**
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footpaths;
 - No construction vehicle access is to be obtained via the eastern driveway.
 - Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - The locations of proposed Work Zones in the frontage roadways;
 - Location of any proposed crane standing areas;
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible;

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2. Traffic Control Plan(s) for the site

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.
- For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel’s vehicles do not impact on the current on-street parking amenity in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic engineering consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council Engineers. Allow sufficient time (3 weeks) for review by Council.

101. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the ‘Work Zone’. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee,

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the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

102. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a colour photographic record**) of the following public infrastructure:

- a) Lorne Avenue road reserve including kerb and gutters.

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

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

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

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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

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

105. The subdivision certificate must not be issued until a *final* Occupation Certificate is issued for the development by the Principal Certifying Authority. This condition is imposed to ensure that all development works related to the subdivision are completed to an acceptable standard prior to transfer of responsibility for the site and development.
106. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
107. Prior issue of the subdivision certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on site. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
108. The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision.
109. An easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.

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110. For endorsement of the subdivision certificate the Applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
111. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
112. For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:
- a) The endorsement fee current at the time of lodgment.
 - b) The 88B Instrument plus six (6) copies.
 - c) A copy of the final Occupation Certificate for this DA.
 - d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site retention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the consent authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. **Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

113. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

Engineering

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114. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Completion of drainage works in road reserve.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full repair of any footpath damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

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

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

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

116. Prior to issue of the Occupation Certificate, the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That traffic lights are provided at each end of the one way entry ramp as recommended by Colston Budd Hunt & Kafes in their report dated April 2005.

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- c) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
- d) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- e) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- f) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - “Off-street car parking”,
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

117. Prior to issue of the Occupation Certificate, a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification (based on the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes **specific reference** to all of the following:

- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
- c) That retained water is connected and available for uses including all toilet flushing, cold laundry and garden irrigation.
- d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- e) That all pits potentially accessible by children are secured.
- f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA, and
- g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

118. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

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119. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

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

121. Prior to issue of the Occupation Certificate, a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:

- a) According the relevant Australian Standards and guidelines, and
- b) According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
- c) **In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.**

122. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the Geotechnical Report by Douglas Partners, and the

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

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

- a. Lorne Avenue road reserve;
- b. 23, 25 and 31 Lorne Avenue;
- c. 8 Wallaroo Close.

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

Landscaping

124. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
125. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate

Special

126. The acoustic report provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with these recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

BUILDING CONDITIONS

127. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
128. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any

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horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

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

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

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

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

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

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

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

131. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
 - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
 - A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

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- g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

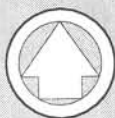
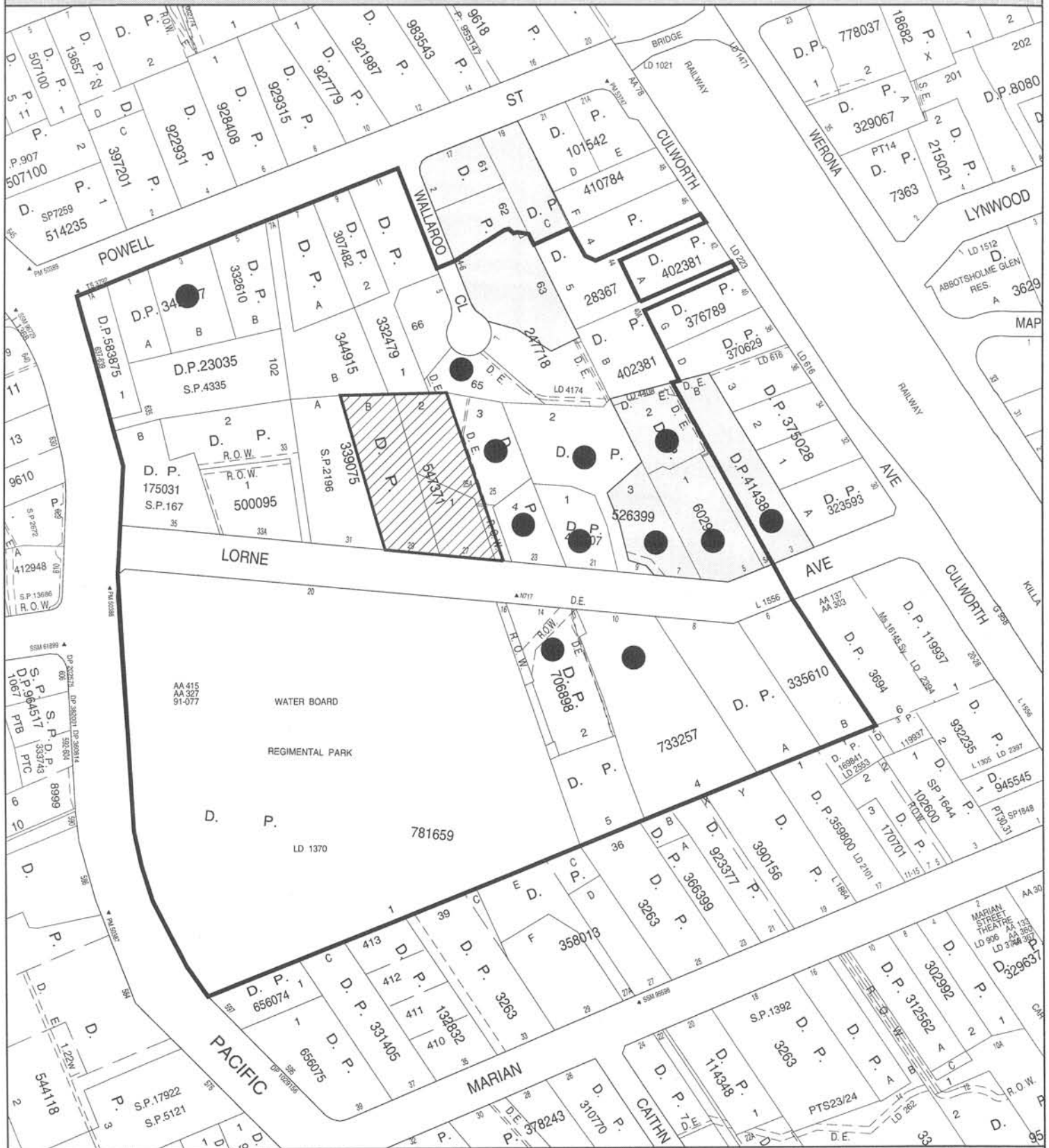
Attachments:

- Locality sketch - 557979**
- Survey plan - 557981**
- Zoning extract - 557984**
- Site & roof plan -557986**
- Elevations - 557987**
- Sections - 557988**
- Landscape plans - 557989**
- Shadow diagrams - 557992**
- Confidential floor plans**
- Strata Subdivision plans - 575854**
- Original Council report - 575842**

LOCATION SKETCH

25a, 27 & 29 Lorne Ave KILLARA NSW

DEVELOPMENT APPLICATION No 0425/05



Scale : 1:2500

28-11-2005



DEVELOPMENT APPLICATIONS UNDER ASSESMENT



OBJECTION

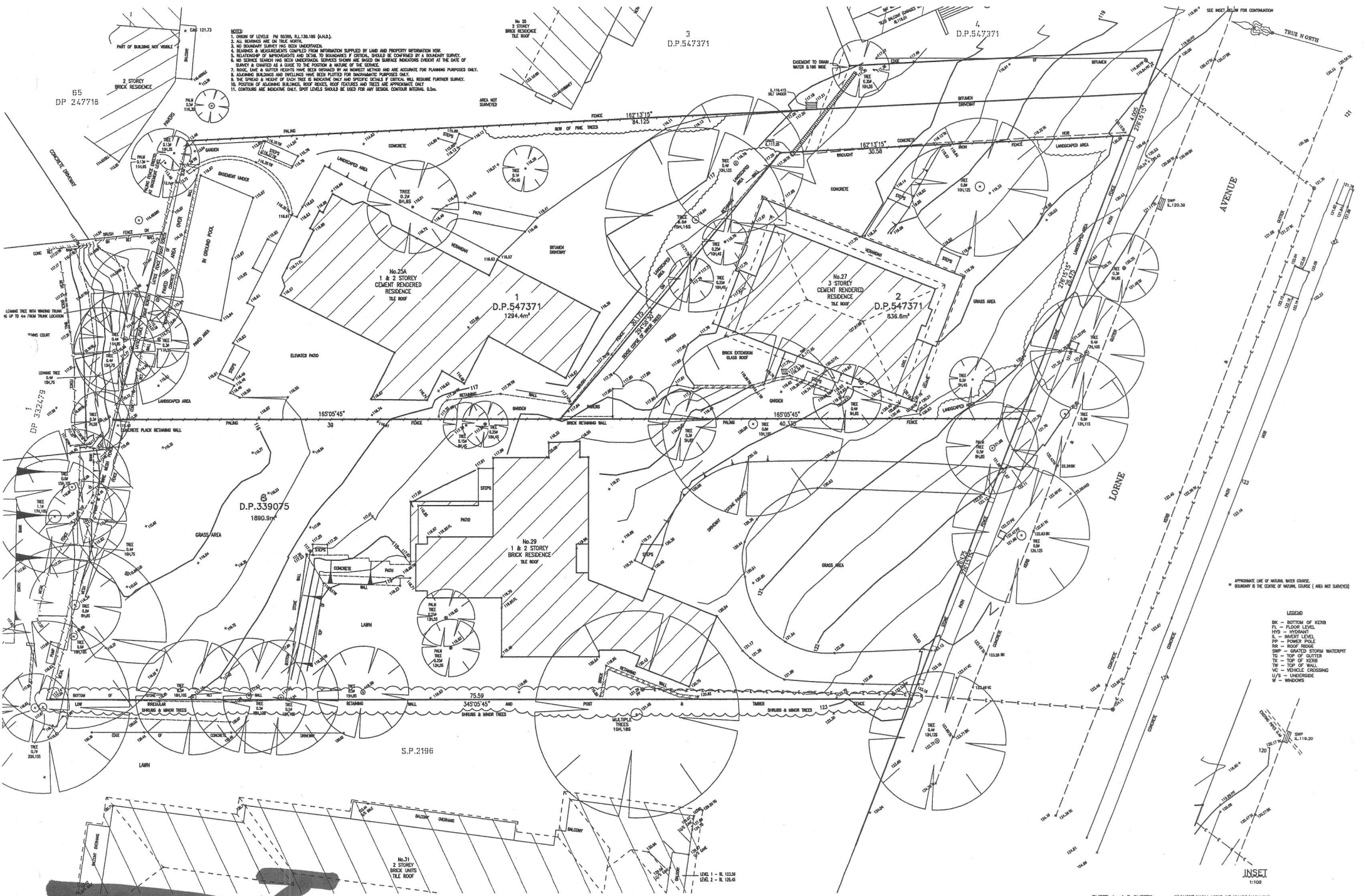


SUBJECT LAND



CIRCULATED AREA





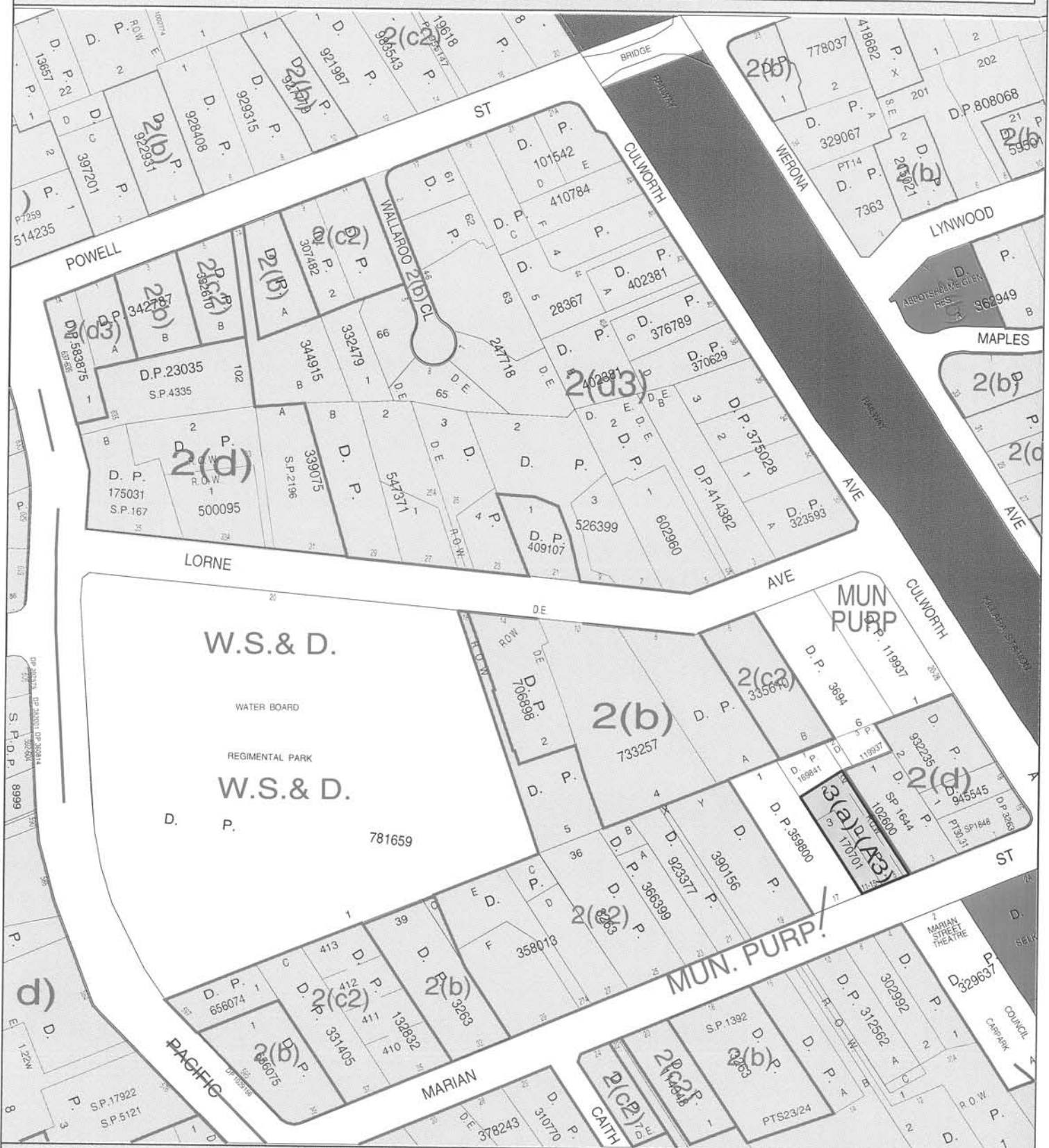
DATE	BY	REVISION	ISSUE
17.02.05	IS	ADDITIONAL DETAIL AT REAR AND ELEV. No.31	B
21.01.05	KR	ADJOINING BLDGS, TREES, ELEVATIONS ADDED	A

PLAN SHOWING DETAIL AND LEVELS OVER
 LOTS 1 AND 2 IN D.P.547371 AND LOT B IN D.P.339075
 No's. 25A, 27 & 29 LORNE AVENUE
 KILLARA

SHEET 1 of 3 SHEETS		DATE 05/11/04	
CONSULTING SURVEYORS DENNY LINKER & CO. SYDNEY & MELBOURNE		ISSUE B	
516 PLYMOUTH STREET SURREY HILLS N.S.W. 2010		SHEET SIZE A0	
PH (02) 9212 4615 FAX (02) 9212 5254		DRAWN AD/CZ	
REV. NO. 04/01/04		DWG. NO. 04/01/04	

Zoning Extract

25a, 27 & 29 Lorne Ave KILLARA NSW DA 425/05

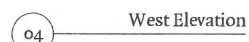
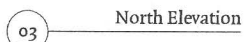
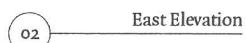
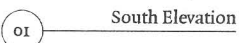


3(a)	BUSINESS 3(a)-(A3)	2(d3)	RESIDENTIAL 2(d3)
---	EXISTING COUNTY ROAD	SCH	SPECIAL USES 5(a) (Schools etc)
■	RECREATION EXISTING 6(a)	■	SPECIAL USES 5(b) (Railway)
2(b)	RESIDENTIAL 2(b)		
2(c2)	RESIDENTIAL 2(c2)		
2(d)	RESIDENTIAL 2(d)		

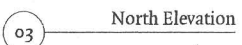
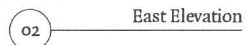
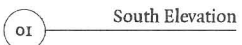
28-11-2005

Scale = 1:2500






<div>NOTES</div> <div>Verify elevations on site prior to construction.</div> <div>Check existing STV on site.</div> <div>Addive Architectural may have discrepancies between measurements.</div> <div>Allow for adjustments to suit discrepancies.</div> <div>Consult with relevant authorities requirements.</div> <div>Consult with Building Code of Australia requirements.</div> <div>Consult with relevant Australian Standards for materials and construction practice.</div> <div>Do not scale from Drawings.</div>	<div>NORTH</div> <div></div> <div>SCALE</div> <div></div>
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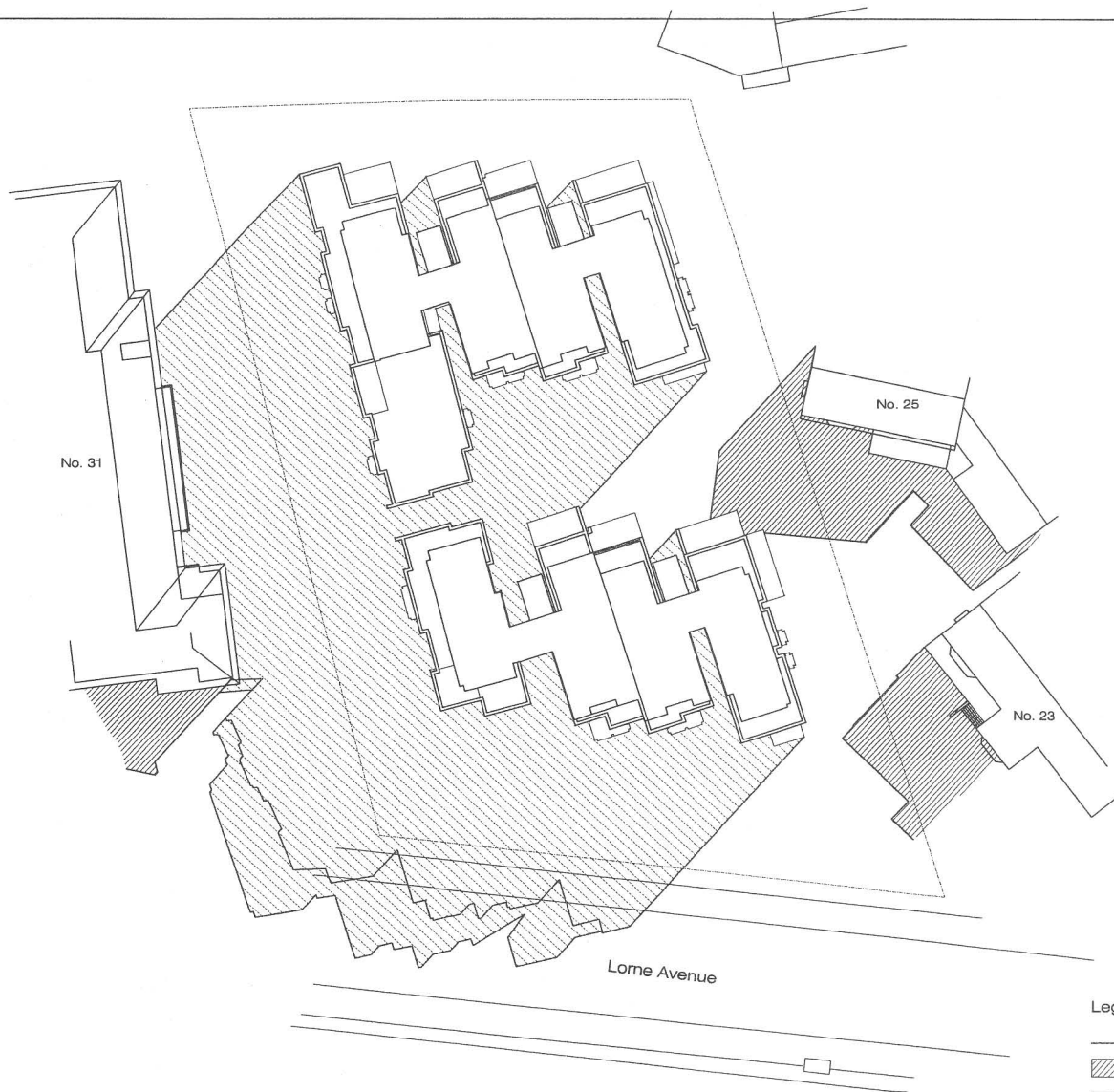


<div>NOTES</div> <div><div>Verify dimensions on site prior to commencement of work.</div><div>Check existing DC's & Easements.</div><div>Obtain Architect or eng discrepancies</div><div>Allow for adjustments as per discrepancies.</div><div>Comply with relevant authorities requirements.</div><div>Comply with Building Code of Australia requirements.</div><div>Comply with relevant Australian Standards for materials and construction practices.</div><div>Do not scale from drawings.</div></div>	<div><div>NORTH</div><div></div><div>SCALE</div><div></div></div>	<div>LEGEND</div> <div><div>ASV Abutment Impervious</div><div>DWV Downspout</div><div>S2S Sealed surface</div><div>GWS Groundwater level</div><div>CDD Culvert down</div><div>CLD Culvert down</div><div>CLL Culvert lower</div><div>CLH Culvert higher</div><div>RWD Roadway drainage</div><div>SW Stormwater</div><div>SW Stormwater</div><div>TST Timber deck</div><div>V Vertical</div></div>	<div>Project Manager</div> <div>Greenfield C&A Developments Pty Limited</div> <div>Level 25 Citigroup Centre, Sydney 6 & 7</div> <div>2 Park St, Sydney NSW 2000</div> <div>t: 02 9261 2488 f: 02 9261 3088</div> <div>Planner</div> <div>BIA Urban Planning Consultants</div> <div>12, 07 Pacific Hwy North Sydney NSW 2060</div> <div>t: 02 9265 6662 f: 02 9265 6143</div> <div>Landscape</div> <div>ACG Group Partners</div> <div>21c Whittles Street Manly NSW 1565</div> <div>t: 02 9377 3853 f: 02 9378 5501</div>	<div>REV AMENDMENTS</div> <div><div>01 Development Application Issue</div><div>02 Additional Information Provided</div></div> <div>DATE</div> <div><div>03/05/2015</div><div>PENDING</div></div>	<div>Proposed Development</div> <div>Alexander Tzannes Associates ARCHITECTS GROUP PTY LTD</div> <div>64 Myrie Street, Chippendale NSW 2008 Australia A.C.N. 61 741 961</div> <div>t: +61 2 9339 3241 f: +61 2 9339 1026 e: alexander@alexandertzannes.com.au</div> <div>Client</div> <div>Petersen Lyons Pty Limited</div> <div>Level 25 Citigroup Centre, Sydney 6 & 7</div> <div>2 Park St, Sydney NSW 2000</div> <div>t: 02 9261 2488 f: 02 9261 3088</div>	<div>Development Application NOT FOR CONSTRUCTION</div> <div>DRAWING Lines</div> <div><div>SCALE</div><div>DRAWN</div><div>CHECKED</div><div>DATE</div></div> <div><div>1:500 @ A1</div><div>-</div><div>-</div><div>Mar 2015</div></div> <div>DRAWING NO.</div> <div>REVISIONS</div>	<div>DA-04039-05a</div>
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<p>NOTES</p> <p>Verify Dimensions on site prior to construction.</p> <p>Check existing 1:500 scale.</p> <p>Adopt Architect of 1:500 discrepancies between drawings.</p> <p>Allow for adjustments to suit discrepancies.</p> <p>Comply with relevant authorities requirements.</p> <p>Comply with existing City of Australia requirements.</p> <p>Comply with relevant Australian Standards for materials and construction practices.</p> <p>Do not scale from drawings.</p>	<p>NORTH</p>  <p>SCALE</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------





Legend

- Shadow line from existing buildings.
- ▨ Shadow from existing buildings.
- Shadow line from the proposed development.
- ▨ Shadow from the proposed development.
- Shadow line cast without level 5.

NOTES:

1. SHADOWS SHOWN ON THIS DRAWING HAVE BEEN DETERMINED USING A COMPLEX ALGORITHM THAT LOCATES THE SUN RELATIVE TO APPROXIMATE TRUE NORTH USING CORRECTIONS FOR LATITUDE, LONGITUDE, AND SOLAR TIME TO MEAN TIME (THE EQUATION OF TIME).
2. DUE TO NATURAL PHENOMENA, THE PERCEIVED EDGE OF A SHADOW DIVERGES PROPORTIONALLY TO A SHADOW'S LENGTH. IN REALITY THIS MEANS THE LONGER A SHADOW IS, THE EDGE IS RENDERED PROPORTIONALLY MORE FUZZY.
- WHILST SHADOW LINES SHOWN ON THIS DRAWING ARE INDICATED AS DISTINCT AND FINITE EDGES, THEY DO NOT TAKE INTO CONSIDERATION THIS CHARACTERISTIC AND HENCE THE TRUE POSITION OF THE SHADOW'S EDGE WILL BE SLIGHTLY IMPROVED.
3. ALL SHADOWS ON THIS PLAN HAVE BEEN PREPARED USING ARCHITECTURAL & SURVEY INFORMATION PROVIDED BY ALEXANDER TZANNES ASSOCIATES & DENNY LINKER & CO. PTY LTD RESPECTIVELY.
4. NO INFORMATION ON ANY EXTERNAL STRUCTURE THAT MAY INFLUENCE THE SHADOWS CAST HAS BEEN CONSIDERED.

JM computer modelling
 338 Eastern Valley Way, Castle Cove NSW 2068
 phone (02) 9417 0485 facsimile (02) 9417 0531

CLIENT

Frasers Lorne Pty Limited
 Level 25, 2 Park Street
 Sydney, NSW 2000

PROJECT

Proposed Development at
 No.'s 25a - 29 Lorne Avenue
 Killara

TITLE

Shadow Diagram
 June 21st
 9.00 am E.S.T.



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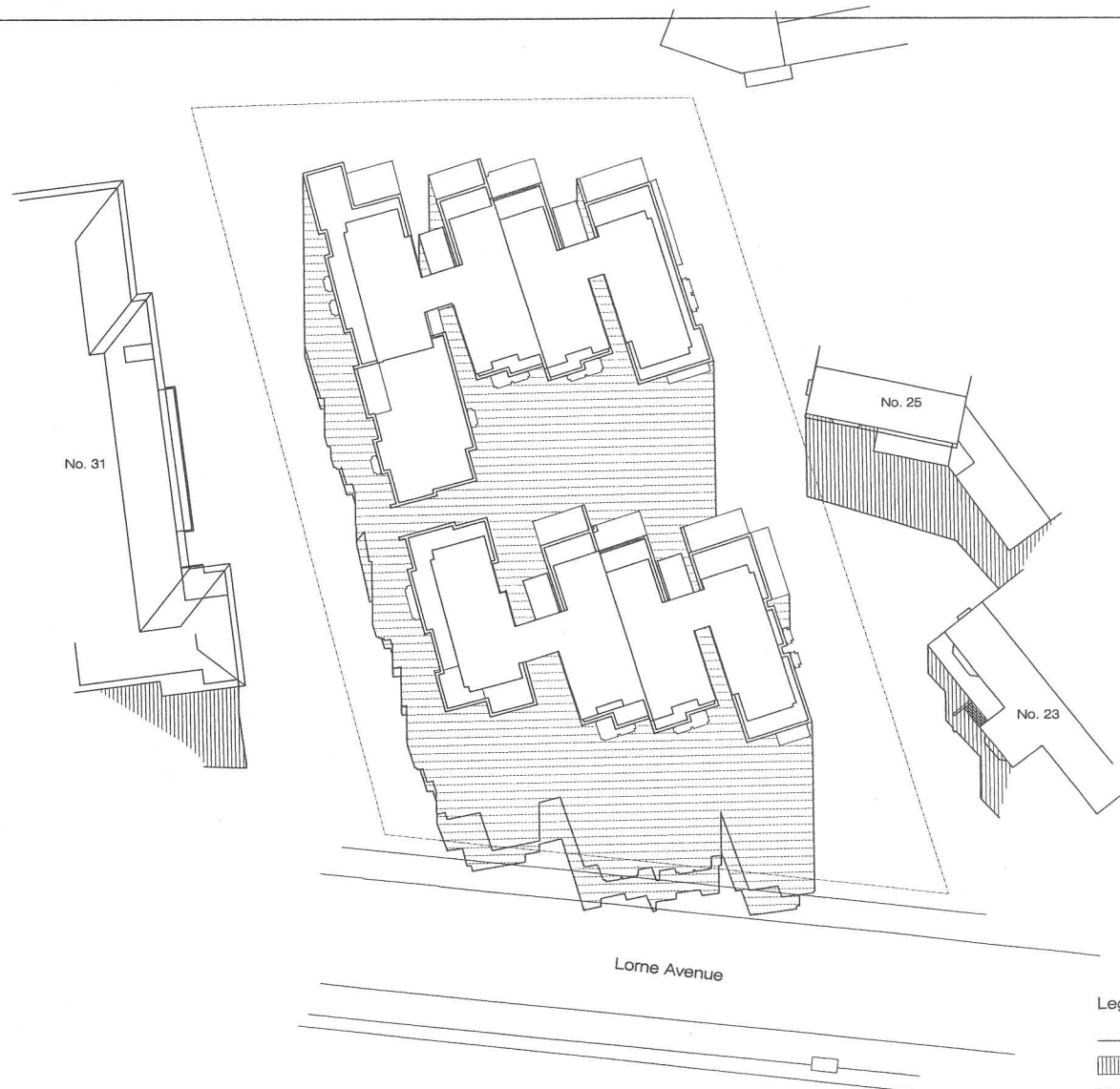
DATE

April 2005






JOB NO.

0502

REV.



Legend

-  Shadow line from existing buildings.
-  Shadow from existing buildings.
-  Shadow line from the proposed development.
-  Shadow from the proposed development.
-  Shadow line cast without level 5.

NOTES:

1. SHADOWS SHOWN ON THIS DRAWING HAVE BEEN DETERMINED USING A COMPLEX ALGORITHM THAT LOCATES THE SUN RELATIVE TO APPROXIMATE TRUE NORTH USING CORRECTIONS FOR LATITUDE, LONGITUDE, AND SOLAR TIME TO MEAN TIME (THE EQUATION OF TIME).
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4. NO INFORMATION ON ANY EXTERNAL STRUCTURE THAT MAY INFLUENCE THE SHADOWS CAST HAS BEEN CONSIDERED.

JM computer modelling

339 Eastern Valley Way, Castle Cove NSW 2069
phone (02) 9417 0485 facsimile (02) 9417 0531

CLIENT

Fraser's Lorne Pty Limited
Level 25, 2 Park Street
Sydney, NSW 2000

PROJECT

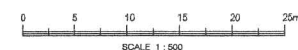
Proposed Development at
No.'s 25a - 29 Lorne Avenue
Killara

TITLE

Shadow Diagram
June 21st
12.00 noon E.S.T.



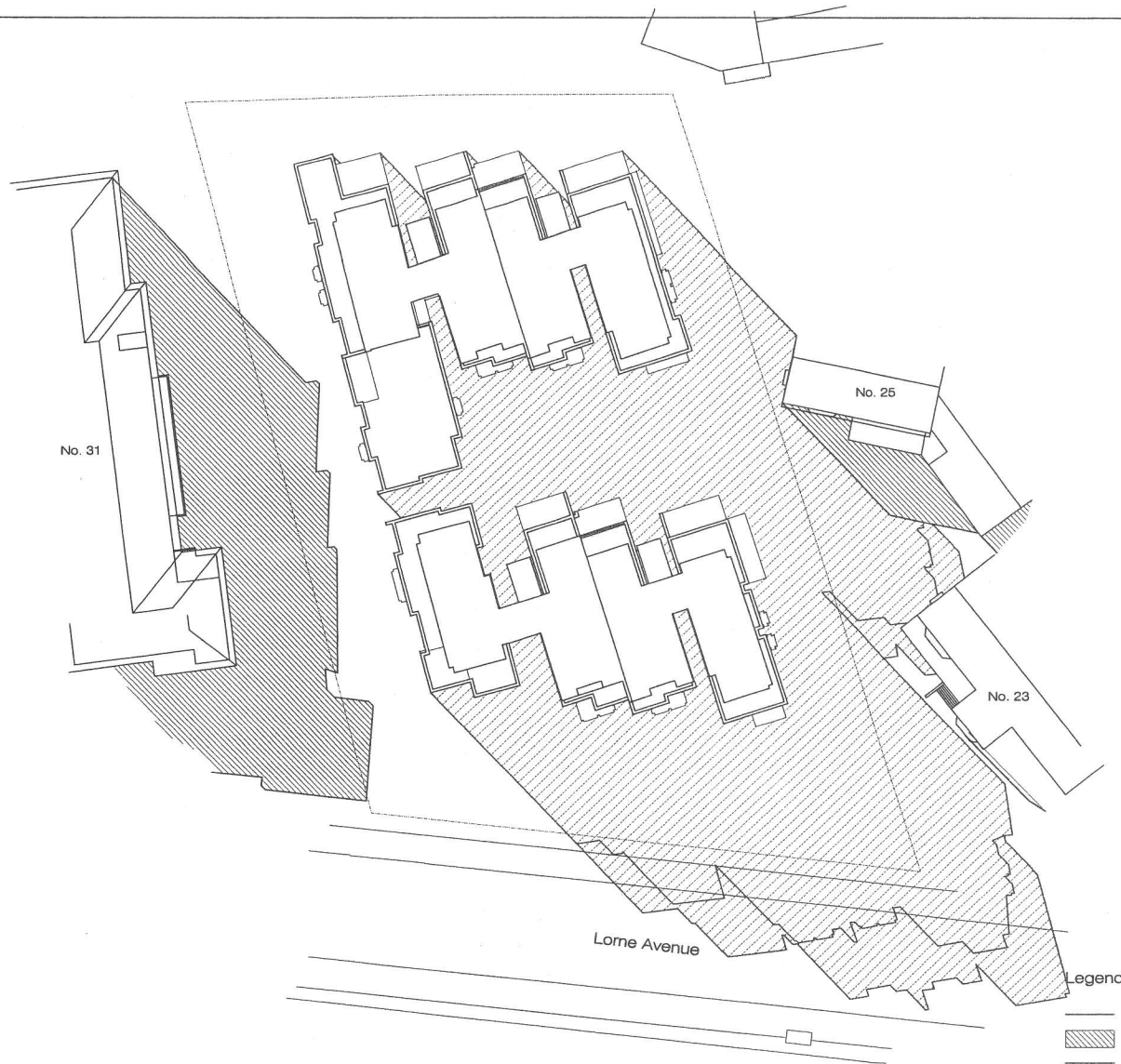
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DATE
April 2005

JOB NO.
0502

REV.



Legend

- Shadow line from existing buildings.
- ▨ Shadow from existing buildings.
- Shadow line from the proposed development.
- ▨ Shadow from the proposed development.
- - - Shadow line cast without level 5.

NOTES:

1. SHADOWS SHOWN ON THIS DRAWING HAVE BEEN DETERMINED USING A COMPLEX ALGORITHM THAT LOCATES THE SUN RELATIVE TO APPROXIMATE TRUE NORTH USING CORRECTIONS FOR LATITUDE, LONGITUDE, AND SOLAR TIME TO MEAN TIME (THE EQUATION OF TIME).
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4. NO INFORMATION ON ANY EXTERNAL STRUCTURE THAT MAY INFLUENCE THE SHADOWS CAST HAS BEEN CONSIDERED.

JM computer modelling
339 Eastern Valley Way, Castle Cove NSW 2069
phone (02) 9417 0485 facsimile (02) 9417 0531

CLIENT

Frasers Lorne Pty Limited
Level 25, 2 Park Street
Sydney, NSW 2000

PROJECT

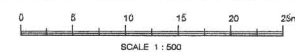
Proposed Development at
No.'s 25a - 29 Lorne Avenue
Killara

TITLE

Shadow Diagram
June 21st
3.00 pm E.S.T.



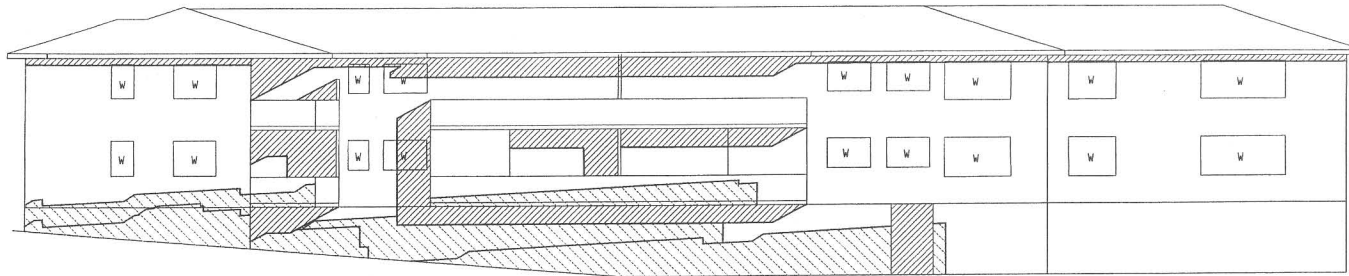
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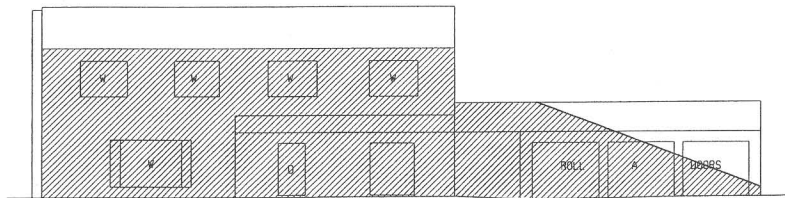
DATE
April 2005

JOB NO.
0502

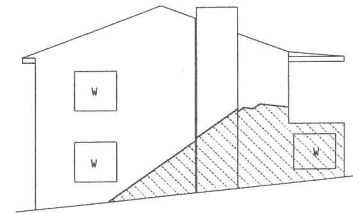
REV.



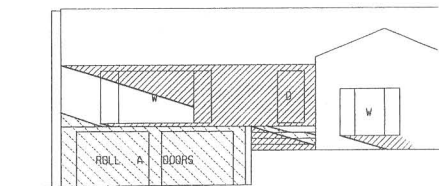
No. 31 Eastern Elevation - June 21st at 9am. E.S.T.



No. 25 South Western Elevation - June 21st at 3pm. E.S.T.



No. 23 North Western Elevation - June 21st at 3pm. E.S.T.
NOTE: WINDOW LOCATIONS AND SIZES ON THIS FACADE ARE ESTIMATES ONLY.



No. 23 South Western Elevation - June 21st at 3pm. E.S.T.

Legend

- Shadow line from existing neighbouring buildings.
- Shadow from existing neighbouring buildings.
- Shadow line from the proposed development.
- Shadow from the proposed development.
- Shadow line cast without level 5.

NOTES:

1. SHADOWS SHOWN ON THIS DRAWING HAVE BEEN DETERMINED USING A COMPLEX ALGORITHM THAT LOCATES THE SUN RELATIVE TO APPROXIMATE TRUE NORTH USING CORRECTIONS FOR LATITUDE, LONGITUDE, AND SOLAR TIME TO MEAN TIME (THE EQUATION OF TIME).
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3. ALL SHADOWS ON THIS PLAN HAVE BEEN PREPARED USING ARCHITECTURAL & SURVEY INFORMATION PROVIDED BY ALEXANDER TZANNES ASSOCIATES & DENNY LINKER & CO. PTY LTD RESPECTIVELY.
4. NO INFORMATION ON ANY EXTERNAL STRUCTURE THAT MAY INFLUENCE THE SHADOWS CAST HAS BEEN CONSIDERED.

JM computer modelling
339 Eastern Valley Way, Castle Cove NSW 2069
phone (02) 9417 0485 facsimile (02) 9417 0531

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CLIENT

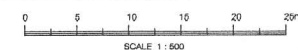
Frasers Lorne Pty Limited
Level 25, 2 Park Street
Sydney, NSW 2000

PROJECT

Proposed Development at
No.'s 25a - 29 Lorne Avenue
Killara

TITLE

Elevation Shadow Diagram



DATE
April 2005

JOB NO.
0502

REV.

STRATA PLAN FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

Strata Certificate

*Name of Council/Accredited Certifier.....being satisfied that the requirements of the *Strata Schemes (Freehold Development) Act 1973 or *Strata Schemes (Leasehold Development) Act 1986 have been complied with, approves of the proposed:

*strata plan/strata plan of subdivision

illustrated in the annexure to this certificate.

*The accredited certifier is satisfied that the plan is consistent with a relevant development consent in force, and that all conditions of the development consent that by its terms are required to be complied with before a strata certificate may be issued, have been complied with.

*The strata plan/strata plan of subdivision is part of a development scheme. The *council/*accredited certifier is satisfied that the plan is consistent with any applicable conditions of any development consent and that the plan gives effect to the stage of the strata development contract to which it relates.

*The council does not object to the encroachment of the building beyond the alignment of

*The accredited certifier is satisfied that the building complies with a relevant development consent in force that allows the encroachment.

*This approval is given on the condition that the use of lot(s)..... (being utility lot/s designed to be used primarily for the storage or accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like) is restricted to the proprietor or occupier of a lot or proposed lot (not being such a utility lot) the subject of the strata scheme concerned, as referred to in *section 39 of the Strata Schemes (Freehold Development) Act 1973 or *section 68 of the Strata Schemes (Leasehold Development) Act 1986

Date.....

Subdivision No.....

Accreditation No.....

Relevant Development Consent No.....

Issued By.....

*Complete or delete if applicable

Authorised Person/General Manager/Accredited Certifier

Surveyors Certificate

I, **PATRICK JOHN WALSH**
of **LEVEL 5, 17 RANDLE STREET**
SURRY HILLS NSW 2010
a surveyor registered under the Surveying Act, 2002, hereby certify that:

- (1) each applicable requirement of
- * Schedule 1A to the Strata Schemes (Freehold Development) Act, 1973
 - * Schedule 1A to the Strata Schemes (Leasehold Development) Act, 1986
- has been met

- (2) * (a) the building encroaches on a public place:
(b) the building encroaches on land
(other than a public place) in respect of which encroachment an appropriate easement
*has been created by registered +.....
*is to be created under section 88B of the Conveyancing Act, 1919

- (3) the survey information recorded in the accompanying location plan is accurate

Signature:

Date :

* Delete if inapplicable

+ State whether dealing or plan, and quote registered number

THIS IS SHEET 1 OF MY PLAN IN 9 SHEETS

- * Model By-laws adopted for this scheme
Keeping of Animals : Option A/B/C
* Schedule of By-laws in sheets filed with plan
* No By-Laws apply

*Strike out whichever is inapplicable

PLAN OF SUBDIVISION OF LOTS 1&2 IN DP 547371 AND LOT B
IN DP 339075

L.G.A.: KU-RING-GAI

Suburb/Locality: KILLARA

Parish: GORDON

County: CUMBERLAND

Name of, and address for
service of notices on, the
owners corporation
(Address required on
original strata plan only)

THE OWNERS
STRATA PLAN No.
No __ LORNE AVENUE
KILLARA

Registered :

Purpose :

Ref. Map :

Last Plan :

FOR LOCATION PLAN SEE SHEET 2

Signatures, seals and statements of intention to create easements, restrictions on the use of land or positive covenants

SCHEDULE OF UNIT ENTITLEMENT

No	UNIT ENTITLEMENT
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	

No	UNIT ENTITLEMENT
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
UTILITY	
LOTS	

AGGREGATE 10,000

CONTRACT PLAN

Plan compiled from
architectural CAD data.

Plan is subject to final
survey after completion
of construction.

DRAFT

PRINTED

6/12/2005

LOCATION PLANNo. 3 LORNE AVENUE, KILLARA3
D.P.5473714
D.P.547371

DP

247718

DP
332479LOCATION PLAN TO BE FINALISED
ON COMPLETION OF BUILDING

LORNE AVENUE

S.P.2196

CONTRACT PLAN
Plan compiled from
architectural CAD data.
Plan is subject to final
survey after completion
of construction.

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PRINTED
6/12/2005

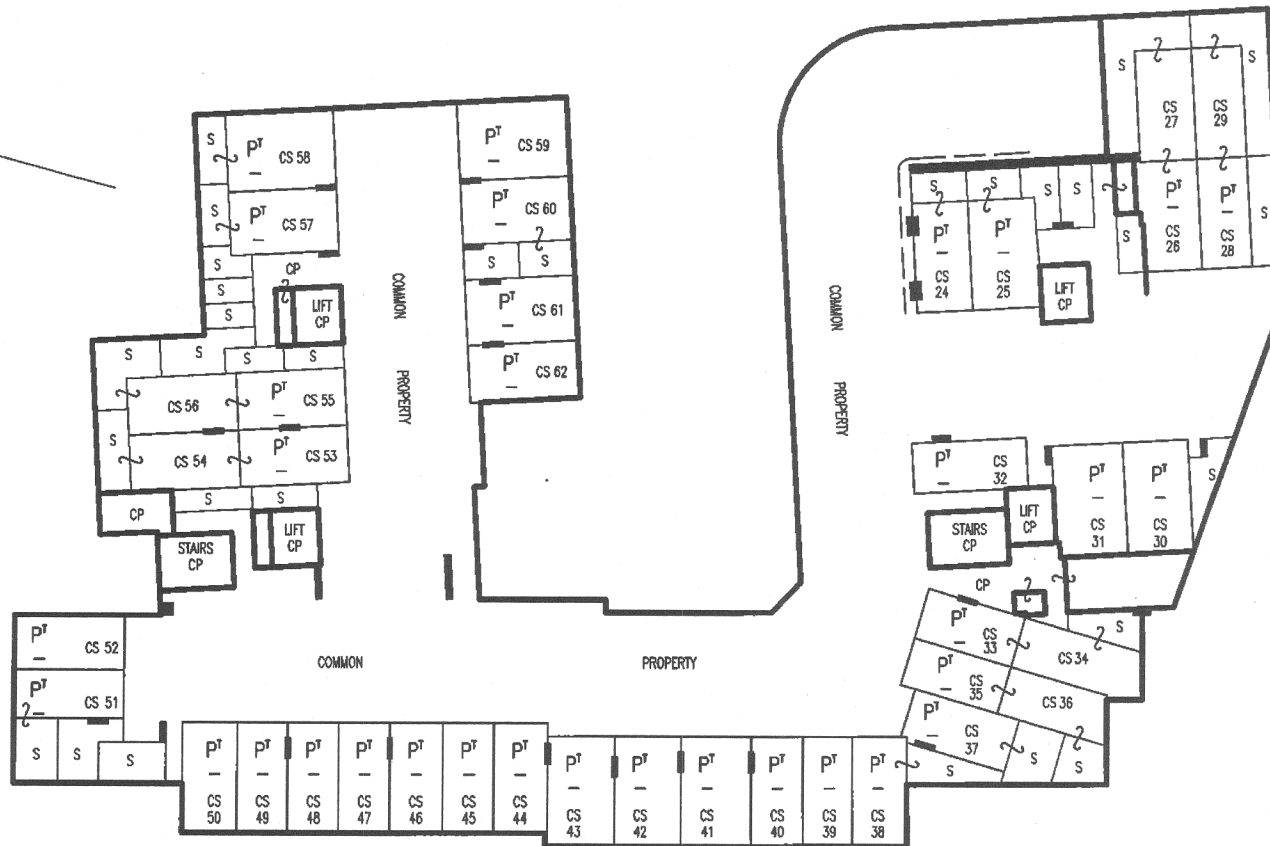
THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: ISSUE:

Reduction Ratio 1 : 300 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

BASEMENT 2

CP COMMON PROPERTY
 CS CARSPACE
 S STORAGE
 VS VISITOR CARSPACE

CONTRACT PLAN

Plan compiled from
 architectural CAD data.

Plan is subject to final
 survey after completion
 of construction.

DRAFT

PRINTED

6/12/2005

FOR CLARITY NOT ALL COMMON PROPERTY STRUCTURES ARE SHOWN

AREAS ARE APPROXIMATE & ARE MEASURED FOR STRATA PURPOSES ONLY

ADDITIONAL STORAGE LOTS NOT ATTACHED TO CARSPACES MAY BE CLASSIFIED AS
 UTILITY LOTS ON FINAL PLAN

THIS PLAN IS BASED ON PLANS BY
 ALEXANDER TZANNES
 DWG No.: DA-040392 ISSUE: 02

Reduction Ratio 1 : 250 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

BASEMENT 1

FOR CLARITY NOT ALL COMMON PROPERTY STRUCTURES ARE SHOWN

AREAS ARE APPROXIMATE & ARE MEASURED FOR STRATA PURPOSES ONLY

ADDITIONAL STORAGE LOTS NOT ATTACHED TO CARSPACES MAY BE CLASSIFIED AS UTILITY LOTS ON FINAL PLAN

THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: DA-040392 ISSUE: 02

Reduction Ratio 1 : 200 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

LEVEL 1

C COURTYARD
CP COMMON PROPERTY

CONTRACT PLAN

Plan compiled from
architectural CAD data.

Plan is subject to final
survey after completion
of construction.

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6/12/2005

THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: DA-040393 ISSUE: 02

FOR CLARITY NOT ALL COMMON PROPERTY
STRUCTURES ARE SHOWN

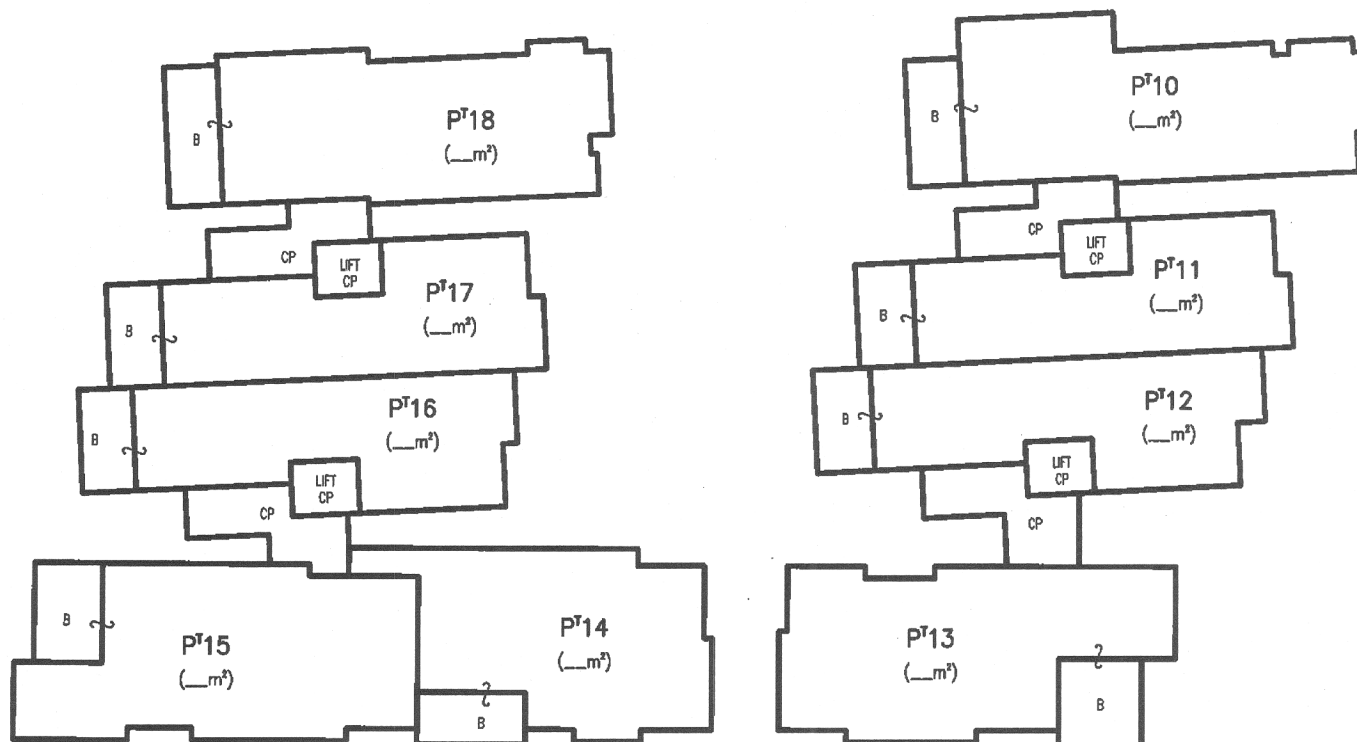
AREAS ARE APPROXIMATE & ARE MEASURED FOR
STRATA PURPOSES ONLY

Reduction Ratio 1 : 250 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

LEVEL 2

B BALCONY
CP COMMON PROPERTY

CONTRACT PLAN
Plan compiled from
architectural CAD data.

Plan is subject to final
survey after completion
of construction.

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6/12/2005

THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: DA-040394 ISSUE: 02

FOR CLARITY NOT ALL COMMON PROPERTY
STRUCTURES ARE SHOWN

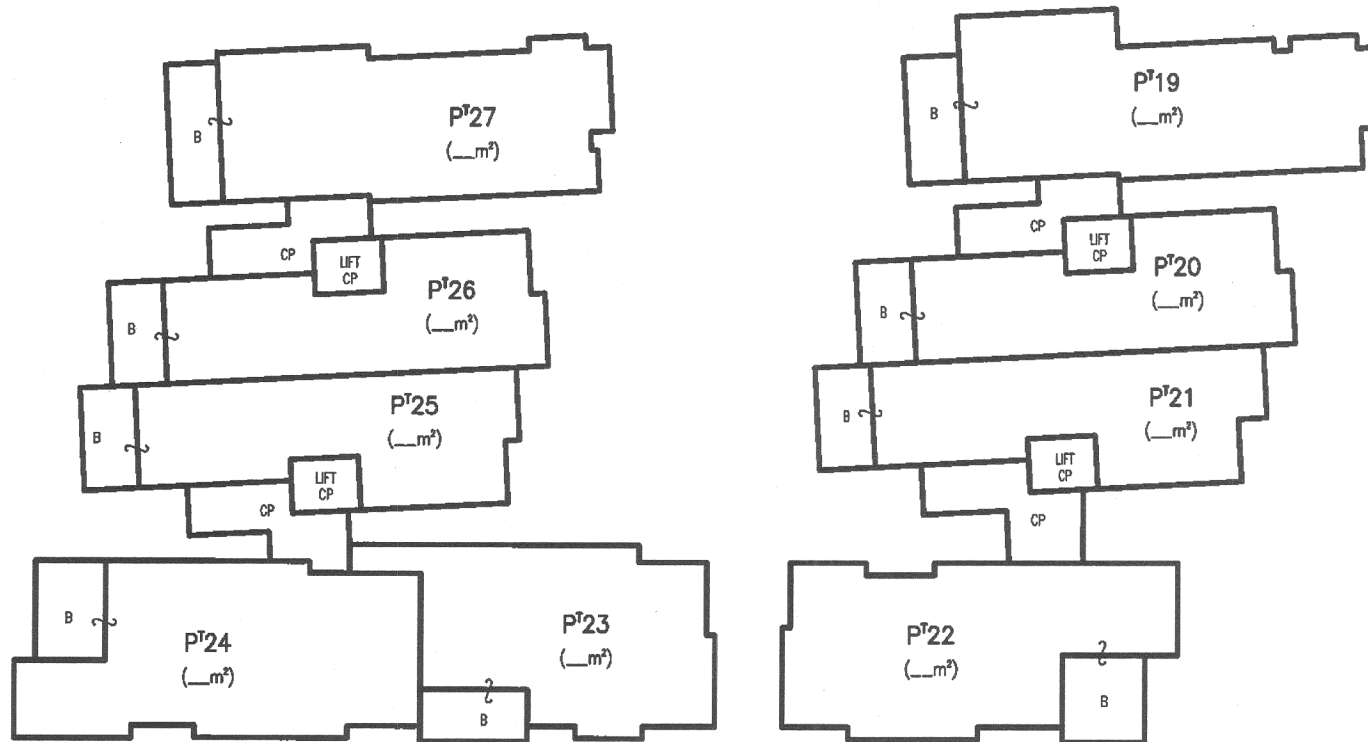
AREAS ARE APPROXIMATE & ARE MEASURED FOR
STRATA PURPOSES ONLY

Reduction Ratio 1 : 250 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

LEVEL 3

B BALCONY
CP COMMON PROPERTY

CONTRACT PLAN
Plan compiled from
architectural CAD data.

Plan is subject to final
survey after completion
of construction.

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6/12/2005

THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: DA-040394 ISSUE: 02

FOR CLARITY NOT ALL COMMON PROPERTY
STRUCTURES ARE SHOWN

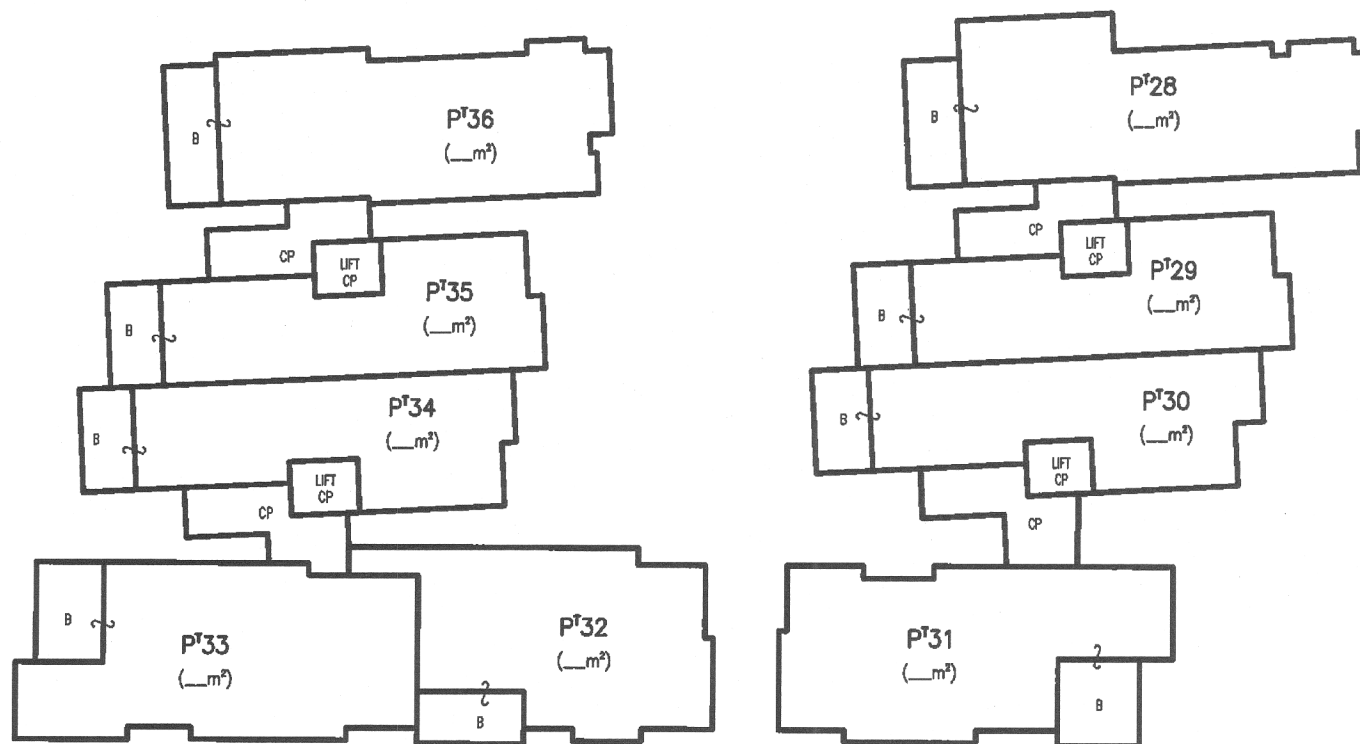
AREAS ARE APPROXIMATE & ARE MEASURED FOR
STRATA PURPOSES ONLY

Reduction Ratio 1 : 250 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

LEVEL 4

B BALCONY
CP COMMON PROPERTY

CONTRACT PLAN
Plan compiled from
architectural CAD data.

Plan is subject to final
survey after completion
of construction.

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6/12/2005

THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: DA-040394 ISSUE: 02

FOR CLARITY NOT ALL COMMON PROPERTY
STRUCTURES ARE SHOWN

AREAS ARE APPROXIMATE & ARE MEASURED FOR
STRATA PURPOSES ONLY

Reduction Ratio 1 : 250 (A3)

Lengths are in metres

Registered Surveyor

Authorised Person/General Manager/Accredited Certifier

LEVEL 5

G GARDEN
T TERRACE
CP COMMON PROPERTY

CONTRACT PLAN
Plan compiled from
architectural CAD data.

Plan is subject to final
survey after completion
of construction.

DRAFT
PRINTED
6/12/2005

THIS PLAN IS BASED ON PLANS BY
ALEXANDER TZANNES
DWG No.: DA-040394 ISSUE: 02

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Item 3

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	25A, 27 & 29 LORNE AVENUE, KILLARA - DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS COMPRISING 40 UNITS, BASEMENT CAR PARKING, LANDSCAPING AND STRATA SUBDIVISION
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	425/05
SUBJECT LAND:	25A, 27 & 29 Lorne Avenue, Killara
APPLICANT:	Paul Barber c/- Greencliff (CPL) Developments Pty Ltd
OWNER:	R S Curtis, J Koo, S M McAdam
DESIGNER:	Alexander Tzannes Associates
PRESENT USE:	Residential
ZONING:	2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 40, DCP 43, DCP 47, DCP 55
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 10, SEPP 55, SEPP 65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	6 May 2005
40 DAY PERIOD EXPIRED:	15 June 2005
PROPOSAL:	Demolition of existing dwellings and construction of two residential flat buildings comprising 40 units, basement car parking, landscaping and strata subdivision
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 425/05
PREMISES: 25A, 27 & 29 LORNE AVENUE, KILLARA
PROPOSAL: DEMOLITION OF EXISTING DWELLINGS
AND CONSTRUCTION OF TWO
RESIDENTIAL FLAT BUILDINGS
COMPRISING 40 UNITS, BASEMENT CAR
PARKING, LANDSCAPING AND STRATA
SUBDIVISION
APPLICANT: PAUL BARBER C/- GREENCLIFF (CPL)
DEVELOPMENTS PTY LTD
OWNER: R S CURTIS, J KOO, S M MCADAM
DESIGNER ALEXANDER TZANNES ASSOCIATES

PURPOSE FOR REPORT

To determine Development Application No.425/05 which seeks consent for the demolition of existing structures, the construction of two residential flat buildings comprising 40 dwellings, basement carparking and associated landscaping.

EXECUTIVE SUMMARY

Issues: Access, building height, setbacks, visual privacy
Submissions: 4 submissions to amended plans
Pre-DA Consultation: Yes
Land & Environment Court Appeal: Not applicable
Recommendation: Approval

HISTORY

Site History

The site is used for residential purposes. There is no history of the site relevant to the subject development application.

Development application history

10 February 2005 Pre-development application meeting.
6 May 2005 Application lodged.
25 May 2005 Application is notified.

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19 July 2005 Applicant requested to address concerns in respect of access, height, setbacks, energy efficiency, solar access and drainage.

7 October 2005 Amended plans received.

11 October 2005 Re-notification of amended plans

THE SITE

Zoning: 2(d3)
Visual Character Study Category: 1920 - 1945
Lot Number: 1 & 2, B
DP Number: 547371, 339075
Area: 7022m²
Side of Street: Northern
Cross Fall: Yes
Stormwater Drainage: To Lorne Avenue
Heritage Affected: No
Required Setback: 13-15 metres
Integrated Development: No
Bush Fire Prone Land: No
Endangered Species: No
Urban Bushland: No
Contaminated Land: No

THE SITE AND SURROUNDING DEVELOPMENT

Dimensions and topography

The site is rectangular in shape and has a total area of 4022m². The frontage to Lorne Avenue measures 56.7 metres. The northern boundary is 50 metres, the eastern boundary 84.13 metres and the western boundary is approximately 75.6 metres in length.

The site exhibits a considerable cross-fall, sloping 9.5 metres from Lorne Avenue to the north-eastern corner. The topography was modified substantially to accommodate the existing structures which include some terraces and an in-ground swimming pool in the north-eastern corner.

Improvements

The site comprises three lots, containing three two storey dwellings. Nos 25a and 27 Lorne Avenue share a battle axe configuration, while No. 29 has a conventional street frontage arrangement.

Vegetation

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The site is characterised by an established landscape setting, with mature trees and shrubs within formal garden beds and lawns. The site frontage along Lorne Avenue is characterised by established informal screen planting behind a low sandstone wall.

Easements

The site is benefitted by a drainage easement over No. 25 Lorne Avenue. Part of the site shares a 7 metres wide driveway with the adjoining properties at Nos 23 and 25 Lorne Avenue. The driveway occupies a 3.5 metres wide strip along the eastern boundary and is approximately 30 metres long. No's 23 and 25 Lorne Avenue have a Right of Carriageway over this portion of the driveway.

Zoning and surrounding use zones

A zoning map is attached to this report. The site forms part of the Pacific Highway and railway corridor, an area comprising low density residential development that was rezoned to Residential 2(d3) for multi-unit residential development under LEP 194. All the adjoining properties are zoned Residential 2(d3) except for the three storey residential flat building at No. 31 Lorne Avenue which is zoned Residential 2(d). Regimental Park across Lorne Avenue, zoned Special Uses 5(a), is developed as a water reservoir with sports facilities provided on top.

Surrounding development applications

The following development applications have been lodged and are currently being assessed in the vicinity of the site:

- Development Application No. 997/05 (No's 3 to 7 Lorne Avenue) proposes the construction of three residential flat buildings containing 64 units.
- Development Application No. 989/05 (No's 2 to 6 Wallaroo Close, 10 to 19 Powell Street) proposes 41 units.

THE PROPOSAL

The application entails the following:

- Demolition of existing dwellings and associated structures on site
- Construction of two 5 storey residential flat buildings of 40 units in total, comprising 20 x 2 bedroom apartments and 20 x 3-bedroom apartments
- A total of 72 parking spaces, consisting of 62 resident spaces and 10 visitor spaces over 2 basement levels
- Vehicular access from Lorne Avenue
- Disposal of stormwater to the rear of the site, incorporating a retention and detention system with water re-use for toilet flushing, laundries and irrigation

The structures above and below ground are set back 13 to 15 metres from Lorne Avenue. Side and rear setbacks are generally in excess of 6 metres, while some private courtyards project into these setback areas.

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The two building components comprise 5 levels and straddle a shared 2 level basement car park. All units are accessible via four lift cores that are serviced by two pedestrian access bridges off Lorne Avenue. The two entry foyers in Building A (situated closest to Lorne Avenue) are located at RL 119.3 and RL 118.6, respectively. The buildings feature a split level design which reflects the cross fall, stepping down to the rear of the site. The individual floor levels are as follows:

	Building A (front)	Building B (rear)
Level 1	RL 119.3/118.6	RL 118.3/116.4
Level 2	RL 122.4/121.7	RL 121.4/119.5
Level 3	RL 125.5/124.8	RL 123.3/122.6
Level 4	RL 126.6/127.9	RL 127.6/125.7
Level 5	RL 131.7/131.0	RL 129.5/128.8

More than 600m² of communal open space is provided within the centre of the site and the side setbacks.

Amended plans lodged 7 October 2005

Amendments to the original design entailed the following:

- Re-alignment of the driveway to increase its' setback to the eastern boundary from 3.3m to 3.7m. This was made possible by changes to the gradient and car park entry.
- Internal modifications to the basement car park.
- Minor changes to the façade.
- Adjustments to the drainage design to enable stormwater to drain to Lorne Avenue.

CONSULTATION - COMMUNITY

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

1. *A Brown* 3-7 Lorne Avenue
2. *M Bartholemew* 10 Lorne Avenue
3. *R Mullins* 14 Lorne Avenue
4. *R & G Hooper* 21 Lorne Avenue
5. *J Burke* 23 Lorne Avenue
6. *D Martin & K Dinh* 25 Lorne Avenue
7. *J & V Fabbro* 3 Powell Street
8. *C Covington* 12/635 Pacific Highway
9. *I & L Hackney* 8 Wallaroo Close
10. *M Wyatt* PO Box 355, Killara

Amended plans

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In accordance with Council's Notification DCP, adjoining owners were given notice of the amended plans on 11 October 2005. In response, submissions from the following were received:

- | | | |
|----|------------------------------|-------------------------|
| 1. | <i>D & V Tso</i> | <i>9 Lorne Avenue</i> |
| 2. | <i>J Burke</i> | <i>23 Lorne Avenue</i> |
| 3. | <i>D Martin & K Dinh</i> | <i>25 Lorne Avenue</i> |
| 4. | <i>I & L Hackney</i> | <i>8 Wallaroo Close</i> |

The submissions raised the following issues:

Encroachment onto the right of carriageway



Figure 1

Figure No. 1 illustrates the extent of the current shared driveway arrangement. The existing carriageway is designed to provide access for four dwellings and, after the completion of the development, will only be required to service two dwellings (Nos 23 and 25 Lorne Ave). The hatched area constitutes the part of the right of carriageway located on the subject site. It is envisaged to demolish the bulk of that part of the driveway shown hatched and utilise it for landscape purposes. Part of the driveway area will be retained to ensure reasonable access to both Nos 23 and 25 Lorne Avenue is maintained. **Figure No. 2** gives an indication of the applicant's intention for this part of the site.

A condition is recommended requiring the construction of an acoustic fence along this boundary (following the alignment of the altered driveway as per **Figure No. 2**) to ensure that any adverse impacts to No. 23 and 25 Lorne Avenue are further minimised (Refer **Condition No 89**). The fence will be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 15 metres from the street boundary.

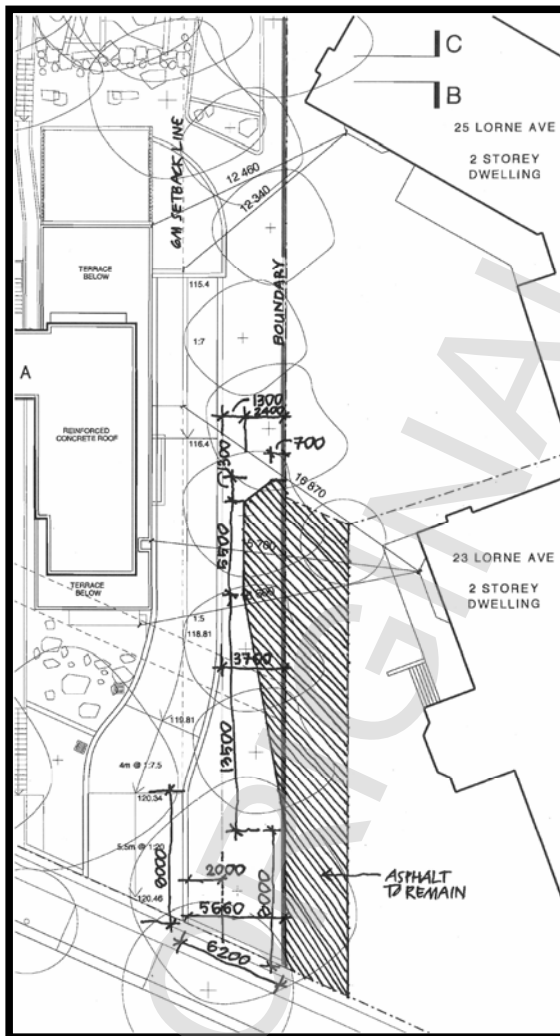


Figure 2

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The existence of the right of carriageway does not prevent Council granting Development Consent. Council has the power under Clause 28(2) of the Environmental Planning and Assessment Act and Clause 68(2) of the KPSO to approve landscaping within the easement. These clauses enable the Development Consent to modify the easement to the extent necessary to allow the development to be carried out. It is Council's responsibility to ensure that the proposed modifications to the easement satisfy Council's access requirements and do not affect the owners' of No's 23 and 25 Lorne Avenue reasonable right to access. Council's Development Engineer, Kathy Hawken, raised no objection to the proposal on these grounds and is satisfied that reasonable access to those properties will be maintained. **Figure No. 2** illustrates that Nos 23 and 25 Lorne Avenue will have sufficient room for manoeuvring to ensure egress to Lorne Avenue in a forward direction and the 3.66 metres carriageway through No. 23 Lorne Avenue complies with the relevant Australian Standard (A.S. 2890).

Cumulative effect of the development on traffic and parking

The rezoning of this site under LEP 194 to permit medium density development confers a development potential pursuant to the development standards and controls set out in LEP 194 and DCP 55. In accordance with these statutory planning and policy controls, sites within the Residential 2(d3) zone have the potential to be developed for the purposes of residential flat buildings to a maximum height of five storeys and a footprint of 35% of the site area. The intent of rezoning for multi-unit development is to establish medium density living in proximity to transport nodes, educational and health facilities and local business centres.

The Traffic and Transport Base Study prepared for Council by Gutteridge Haskins & Davey Pty Ltd in 2000 formed the basis of Council's Residential Strategy. The report found that high density development along the Pacific Highway associated with the Targeted Sites under SEPP 53 and the Stage 1 Residential Development Strategy associated with LEP194 will place additional pressure and demand on the Pacific Highway during peak traffic conditions. On various occasions prior to the gazettal of LEP 194 the Department of Infrastructure, Planning and Natural Resources (DIPNR) was advised on the findings of the study. It was also suggested by Council that DIPNR assess the level of improvements required to meet the expected traffic growth from urban consolidation.

Any cumulative impacts on residential character and density resultant from development of the subject site and similarly zoned allotments in accordance with LEP194 and DCP 55 provisions were therefore anticipated and have been provided for in the zoning.

Access to and egress from the site are considered satisfactory. The proposal is also consistent with the objectives of SEPP 65, The Residential Flat Design Code, LEP194 and DCP 55 and will not result in a cumulative impact beyond that which is provided for under the zoning and associated controls that apply to the site.

Impact of excavation on adjoining properties

Based on the geotechnical report and location of excavations on this site, Council's Development Engineers are satisfied that the geotechnical and excavation/construction aspects of this proposal

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can be addressed through suitable conditions of consent. These conditions will require geotechnical and hydro-geological monitoring, excavation, construction and further professional geotechnical input as warranted. A condition is also recommended which will require ongoing investigation by a consulting geotechnical engineer, with action as appropriate. Dilapidation reports are to be completed on neighbouring properties and infrastructure (See **Conditions Nos 98 and 99**).

Character, style and scale of development is not appropriate

In the absence of a Design Review Panel provided by SEPP 65, the application was referred to Council's Urban design Consultant, Russell Olsson. Mr. Olsson finds that the development proposal satisfactorily addresses all ten SEPP 65 Design Principles and he considers the design to be of an acceptable standard.

Council's Heritage Advisor, Paul Dignam finds the proposed materials, textures and colours acceptable and will provide a reasonable fit with the streetscape and adjoining Urban Conservation Area.

Excessive building height; general non-compliance with development standards and controls

The development achieves substantial compliance with the development standards in LEP 194. A SEPP 1 objection seeking a variation to Clause 25I(8) (perimeter ceiling height) of the Ku-ring-gai Planning Scheme Ordinance (KPSO) has been prepared and lodged with the application.

The application exceeds the perimeter ceiling height control by approximately 400mm over approximately 8m² of the building footprint. The variation occurs in the north-eastern corner of Building B and is considered to be minor. The SEPP 1 Objection has demonstrated that the underlying objectives of the standard are satisfied and that compliance with standard would tend to hinder the attainment of the objects specified in Section 5(a)(i) and (iii) of the Act. In the circumstances, compliance with the development standard is unreasonable and unnecessary. The SEPP 1 Objection has adequately addressed the requisite aspects of the Policy, is well founded and in this instance the development standard should be allowed to be varied. A detailed analysis of the SEPP 1 Objection is provided elsewhere in this report.

The proposal complies with the majority of the controls in DCP 55. Where the development does depart from some DCP 55 numeric standards, it is considered that the development still satisfies the objectives of these DCP controls, with the departures being minor in nature and indiscernible in the context. Areas of non-compliance are indicated in the DCP 55 compliance table and discussed in detail in Part No's 4.3, 4.5 and 4.8 of this report.

Tree removal and inadequate landscaping along the eastern boundary

Council's Landscape and Tree Assessment Officer, Geoff Bird, did not raise any objection to the trees nominated for removal and is satisfied that the species nominated for planting along the eastern boundary will provide adequate screening. It is proposed to plant an additional 38 trees as part of the landscape works which exceeds Council's requirements under DCP 55.

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Isolation of No's 23 and 25 Lorne Avenue and No. 8 Wallaroo Close

This is incorrect. The lot amalgamation will not result in any isolated lots smaller than 1200m². No.'s 23, 25 and 9 Lorne Avenue with No's 7 & 8 Wallaroo Close measure more than 6600m² combined, whilst the combined frontage would amount to more than 30 metres.

Impact from additional traffic noise and from waste collection

The site has been designed to permit multi-unit development and the minor additional traffic noise expected is consistent with that expected in an urban area for this form of development. The waste collection area is in the basement, well removed from adjoining properties.

Disruption during construction works (impact of construction vehicles and noise)

A detailed construction and traffic management plan is required via a condition of consent, for review and approval by Council Engineers prior to the commencement of any works on site (**refer Condition No 100**).

For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours (**refer Condition No.8**):

Mondays to Fridays inclusive: 7.00am to 5.30pm.

Saturdays: 8.00am to 12.00 noon. Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

Sundays and Public Holidays: Not permitted.

Increased flooding to Nos 23 and 25 Lorne Avenue

The existing developments do not include stormwater detention systems, resulting in uncontrolled runoff to either overland or through pipes to the drainage depression in the rear of the site. The proposal includes the retention and detention of stormwater on the site, which will control the amount of stormwater leaving the site and will substantially reduce the volume and intensity of water that now discharges from the property during heavy rain.

Council's Development Engineer is satisfied that the stormwater Management Plan proposed is satisfactory, complies with DCP 47 and will not result in adverse drainage impacts.

Overshadowing

DCP 55 makes a distinction between solar access requirements for single detached dwellings and other types of development. Clause 4.5 C-6 only refers to single detached homes (i.e. 3 hours direct sunlight on 21 June to habitable rooms and outdoor living areas of adjoining houses in Residential 2(c1) and 2 (c2) zones) and is silent on the amount of sunlight acceptable to other types of development.

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The application is made under the KPSO and LEP 194, which include only the requirement that Council should take into account the amount of overshadowing likely to be caused by the proposal and ensure sunlight access to neighbours (Clauses 25D(k) and 25I(b)).

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

The development will not result in any unreasonable overshadowing and will ensure that more than 3 hours of sunlight (between 9am and 3pm is maintained) to the living rooms and private open spaces of adjoining properties.

Privacy impact on Nos 23 and 25 Lorne Avenue and 8 Wallaroo Close

With development to the density and scale allowed by LEP 194, a degree of privacy loss is inevitable. At low densities, there is a reasonable expectation that a dwelling will retain high levels of privacy but at higher densities privacy impacts are harder to protect and the claim to retain it to the same level as low density development is not as strong. It should be noted that all adjoining properties (except for the existing residential flat building at No. 31 Lorne Avenue) are zoned 2(d3) which allows for unit development up to 5 storeys, similar in scale to the current proposal. When these properties are redeveloped, buildings would be set back further in accordance with DCP 55, improving future separation. On average, the proposal's setbacks to the rear and side boundaries exceed the minimum 6 metres required by DCP 55.

Separation to No. 23 Lorne Avenue ranges from approximately 14 to 15 metres and impacts are limited to the southern (front) façade, garage area and vehicle manoeuvring area adjacent to the existing shared access handle (refer **Figure No. 3**). The private open space to the rear (north) of the dwelling and adjacent to the access handle in the front setback area will not be unreasonably impacted upon by the development. The largely oblique view of the northern elevation of No. 23 Lorne Avenue does not warrant any additional privacy measures as it is compliant with DCP 55 separation controls. However, the development's fifth floor setback from the verandah at No. 23 Lorne Avenue breaches the required 18 metres by 5 metres at its closest point. **Condition No. 89** is recommended which requires privacy screens of 1.8 metres high to the eastern elevation of the terrace areas of unit no. A-5 09. Part of the terrace area will also be made non-trafficable as per **Condition No.89**.

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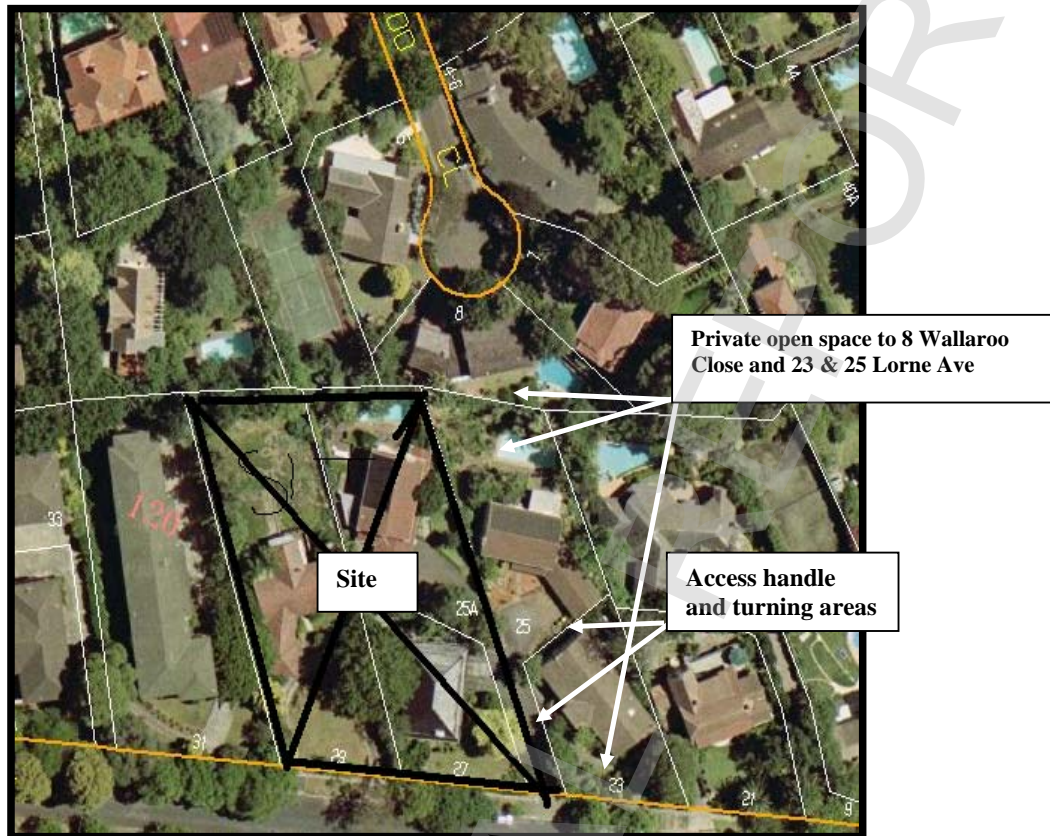


Figure 3

The driveway and turning area of No. 25 Lorne Avenue is similarly impacted upon as No. 23 Lorne Avenue and the screening proposed in **Condition No. 89** will therefore also serve to ensure an appropriate level of privacy is maintained. The private open space and pool area of No. 25 Lorne Avenue located to its rear (north) is screened by substantial vegetation and is orientated away from the proposal in the north-east corner of that site.

The development further ameliorates amenity impacts by minimising fenestration of Building B (rear) to its eastern elevation and equipping the living room and bedroom windows with aluminium louvres. Other fenestration along this façade is limited to low-use rooms such as bedrooms and additional physical screening is not considered appropriate.

The balconies to Units Nos D2 35, 37, 39 and 40 may result in overlooking to the rear yard of No. 25 Lorne Avenue and **Condition No. 89** requires the balconies of those units to be equipped with suitable privacy screening devices. The 1.8 metres high screens shall be affixed to their respective eastern elevations.

The fifth floor terrace of Unit D-5 40 breaches the separation controls to three windows along the southern and south-eastern elevations of No. 8 Wallaroo Close. DCP 55 requires 18 metres separation while 11 - 13 metres (measured from the edge of the terrace) is proposed. The two

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windows on the southern elevation, adjacent to an air-conditioning unit are low-use rooms and not used in conjunction with the main private open space area. The bay window on the south-eastern elevation is affected but the 1.8 metres privacy screens to the eastern elevation (**Condition No. 89**) will ensure that an acceptable level of privacy is maintained.

The main outdoor living area includes a pool and is located in the south-eastern corner of No. 8 Wallaroo Close, more than 30 metres from the development. The area is well screened by vegetation and will retain a high level of privacy (refer **Figure No. 3**).

The measures contained in **Condition No.89** will reduce the opportunity for direct overlooking and ensure a reasonable degree of privacy is maintained, commensurate with a medium density environment.

Inadequate visitor car spaces

The development proposes 10 visitor car spaces and is compliant with LEP 194 and DCP 55 in this regard. Council's Development Engineer, Kathy Hawken, raised no objection to the proposal.

Insufficient information

The information submitted with the application is adequate for assessment purposes and complies with the provisions of Schedule 1 of the Environmental Planning and Assessment Regulation. The site survey plan, photographs, arborist's report, architectural plans and other documents are utilised in the assessment of the application. This documentation is further augmented by site inspections and the Council's own GIS system.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's Urban Design Consultant, Russell Olsson, commented on the original plans in the context of SEPP 65 and Residential Flat Design Code considerations as follows:

Context

The built form context for this proposed development is comprised of

- *a 3 storey residential flat building adjacent to the site to the west*
- *a 2 storey detached house adjacent to the site to the north*
- *a 2 storey detached house adjacent to the site to the north-east*
- *a 2 storey detached house adjacent to the site to the east*
- *the Regimental Park Water Reservoir on the opposite side of Lorne Avenue*

The area is undergoing transition. The subject site is zoned 2(d3), as are the sites to the east and north of the site. The site to the west is zoned 2(d) and zone transition controls in LEP 194 apply to the western boundary of the subject site. This is the first site in this area to have

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a DA submitted for 5 storey development under LEP 194. The sites to the east and north of the site have the potential to re-develop as 5 storey buildings. The existing detached houses will not provide the built form context in the future.

The proposed development relates well to its existing built form context, as it is set back sufficiently from the existing 3 storey flat building to the west (which may remain) and is set back sufficiently from the existing houses, which are likely to be redeveloped in any case. The proposed development should relate well to its future built form context, as it complies with all setback and height controls.

The existing context in terms of the natural environment is comprised of:

- *a relatively steeply sloping site, which slopes at 7.5:1 away from Lorne Avenue.*
- *substantial water movement down the site*
- *23 on-site trees, 19 of which are to be removed*

The steep slope is addressed by excavating toward the southern end of the site, to minimise building heights. The water movement is addressed by creating a series of weirs as landscape features. The arborists report describes the need for each tree removal.

The proposed future landscape context within LEP 194 and DCP 55 is to contain substantial mature tree planting within the front and side setbacks of the development, to provide a landscaped setting for detached object buildings. This has been achieved in this proposal.

Scale

The proposed building heights exceed the 13.4m building height in minor areas, however the relatively steep fall on the site makes full compliance difficult, and undesirable. Further excavation would negatively impact on the landscape design of the site and access to the development. Given the proposed building heights and the highly articulated building forms, the scale is acceptable.

Built Form

The buildings are sufficiently set back from front, side and rear boundaries. There is sufficient building separation across the courtyard. The proposed apartment layout, of having 2 or 3 apartments per lift core, and providing natural light and ventilation to the lift core, has created a highly articulated built form which emphasises the buildings as object buildings within a landscaped setting, which is an objective of LEP 194 and DCP 55. The built form is acceptable.

Density

The density complies with LEP 194 and DCP 55.

Resource, energy and water efficiency

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100% of apartments have natural ventilation. All apartments have 3 aspects, and many have openings on all sides. Although a number of apartments are greater than 18m deep, they have potential ventilation through side bedroom and bathroom windows. It is recommended that the side bedroom and bathroom windows in the gaps between buildings A, B, C and D are designed as translucent partially opening hopper or casement windows, to avoid potential privacy problems while allowing natural ventilation. All lift lobbies are naturally lit and ventilated.

A high percentage of apartments have north oriented living rooms, and there are no south oriented living rooms. Extensive sun shading is provided to windows. The stormwater discharge is 6 times less than the maximum permissible.

While the development does not comply with the DCP control for NatHERS ratings, all apartments achieve an acceptable NatHERS rating and many achieve 4 to 5 stars. It is recommended that the NatHERS ratings provided are accepted as complying.

Landscape

The landscape design provides a substantial landscape setting for the buildings. The removal of existing trees is compensated by the replacement of new trees. The design demonstrates good practice in terms of water management.

Amenity

The development performs well in terms of natural ventilation, sun access and sun control. Visual privacy across boundaries and the courtyard is acceptable, due to the side, front, rear and courtyard setbacks. A privacy problem exists across the north-western corner of the courtyard. It is recommended to provide screening to the study and living/dining windows in apartments C1 - 19, C1 - 22 and C1 25/28, to provide the opportunity for the occupants of these apartments to screen potential views from the bedroom balconies in apartments C 3 -21 etc.

Safety and Security

Safety and security is not perceived to be an issue in this development.

Social Dimensions

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

The mix of apartment sizes and types is acceptable in this area.

Aesthetics

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The design demonstrates great care in the composition and proportioning of facades.

The buildings are highly articulated, which reduces the perceived bulk of the buildings.

The building structure is expressed and sunshading and glass louvres contribute to the detailed articulation of surfaces. Windows are grouped to avoid punched windows within facades. Balconies are expressed as discrete architectural elements.

Conclusion and recommendations

It is recommended that the design is given development approval, with the following amendments. It is recommended that

- *the side bedroom and bathroom windows in the gaps between buildings A, B, C and D are designed as translucent partially opening hopper or casement windows, to avoid potential privacy problems while allowing natural ventilation (Refer Condition No.89)*
- *screening is provided to the study and living/dining windows in apartments C1 - 19, C1 - 22 and C1 25/28, to provide the opportunity for the occupants of these apartments to screen potential views from the bedroom balconies in apartments C 3-21 etc.(Refer Condition No. 89).*

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures and construct a residential flat building (RFB) on the existing amalgamated site of 4 021sqm with vehicular access from Lorne Ave. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn areas. The site is dominated by a centrally located Liquidambar styraciflua (Liquidambar), while the rear of the site has numerous small tree plantings that provide amenity to the immediate site and neighbours.

Impacts on trees/tree removal/tree replenishment

The proposed development will result in the clearing of the site of all existing understorey shrub planting and the removal of existing trees centrally located on site. Of the twenty nine (29) trees identified as being located on or associated with the site, four (4) are to be retained on site and five (5) retained off site including the existing street trees. No objection is raised by Landscape Services with the nominated tree removal. Existing trees located on site that are to be retained include the Casuarina species (Sheoak) located adjacent to the western site boundary and the existing trees located adjacent to the northern (rear) site boundary. The retained trees will help maintain neighbour amenity and privacy and will be supplemented

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with additional trees and shrub planting. A total of thirty eight (38) additional trees are to be planted on site, which exceeds Council's minimum requirements under DCP55. Previous concerns about the limited plant palette have been satisfactorily resolved and include endemic species.

Deep soil

By the applicant's calculations, 50% (2 011sqm) of the site area is designated as deep soil as per LEP194 definitions, which complies with LEP194 requirements. Without having undertaken specific calculations, Landscape Services is in agreement with the areas shown as being included within the deep soil calculable area.

Setbacks

Landscape services raises no objections to the proposed setbacks as it is considered from a landscape viewpoint that the objectives of the LEP and DCP have been achieved through tree replenishment and screen planting. Previous concerns regarding the eastern side setback and adequate tree planting have been addressed.

Landscape plan

A revised landscape plan has been submitted addressing previous concerns about the landscape character and limited plant selection within the Lorne Ave site frontage. The landscape as proposed, although contemporary in style, utilises traditional plant species that is more reflective of the broader Killara landscape. Consent conditions will address detail planting concerns.

Subject to conditions, Landscape Services can support the application.

Engineering

Council's Engineering Assessment Officer, Kathy Hawken, commented on the proposal as follows:

The application is for the demolition of the existing three dwellings and the construction of a residential flat building comprising 40 units (20x2br and 20x3br) .

Strata subdivision is indicated on the application form, so subdivision conditions are included.

The following documentation was used for the assessment:

- *JBA Urban Planning Consultants Statement of Environmental Effects dated May 2005;*
- *Preliminary Construction Management Plan submitted for DA purposes.*
- *Survey plan by Denny Linker & Co. dated 27.07.05;*
- *Transport Report by Colston Budd Hunt and Kafes, reference 5844, dated April 2005.*
- *Vehicle Turning Analysis prepared by Colston Budd Hunt and Kafes.*

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- *Report on Geotechnical and Hydrogeological study by Douglas Partners, project 37952, dated April 2005.*
- *Architectural plans by Alexander Tzannes Associates, dated 03/05/05 (scale 1:200 only).*
- *Hyder Consulting Overland Flow Investigation, dated 10 March 2005.*
- *Amended Stormwater Concept Plan and Statement by Harris Page and Associates, dated 5 October 2005.*

The application is supported, subject to conditions.

Site drainage comments

The applicant has submitted amended stormwater drainage plans which indicate that roof runoff can be piped to the street drainage system via a combined retention/ detention system located under the proposed entry ramp.

Runoff from the driveway and basement may be pumped to the detention system in the usual way.

Along the rear of the site is a depression, which is shown on the deposited plan as a natural watercourse. A site inspection indicates that the depression has been altered and obstructed such that it could not be called a watercourse and could not be used for discharge of hard surface runoff without drainage easements and works through downstream properties. Flow would only occur in the depression after rainfall.

The investigation found that the development would not affect overland flow along this depression and that habitable floor levels would have the freeboard required by DCP 47 above the 100 year level.

Traffic generation and vehicle access and accommodation arrangements

The site is located less than 400 metres from Killara Station. Therefore, under LEP 194, 40 resident and 10 visitor parking spaces are required. The development includes 72 spaces and therefore complies.

The development is expected to generate 16 to 22 vehicles per peak hour, a relatively low generation. This is not expected to have a significant effect on traffic flows in the vicinity.

Sight distances for entering and exiting traffic comply with the acceptable sight distance requirements of Australian Standard 2890.1 – 2004 “Off-Street car parking”.

The internal vehicle access and accommodation arrangements are to (conditionally) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. The traffic report contains a recommendation for traffic lights to control the relatively long one way entry ramp. This is included in the recommended conditions.

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There is provision for the small waste collection vehicle to enter the site, collect the garbage and leave the site in a forward direction. However the area titled refuse room is on the other side of a security door and behind three parking spaces. The waste collection area should be on the same side as the service bay, possibly in the location of space Vis 01. This could be amended on the Construction Certificate plans. A condition is recommended to that effect.

The right of carriageway along the eastern boundary of 27 Lorne Avenue benefits 23 and 25 Lorne Avenue. Swept paths have been submitted to confirm that with some landscaping of the right of way, access can still be obtained to the garage at No. 23, Although the supplementary information submitted does not contain a report, and does not indicate whether the engineer was aware of the steep entry to this garage, the figures indicate that a vehicle could reverse straight out of each garage (required because plates have been used to facilitate access to the northern garage). For that reason the proposal has been accepted. It is noted that the matter of works in the right of carriageway remains a matter between the property owners.

Construction Management

The transport report contains a short discussion of construction traffic issues, and a Preliminary Construction Management Plan prepared by Greencliff has also been submitted.

A Works Zone will probably be required along the Lorne Avenue frontage of the site. Traffic control will be required at the entry/ exit point.

Maintenance of access to the properties 23 and 25 Lorne Avenue will need to be addressed, and it is expected that the construction access point will be via the existing driveway to 29 Lorne Avenue.

A detailed and site specific construction traffic management plan must be submitted for review by Council Engineers prior to the commencement of any works on site. This has been conditioned.

Geotechnical Report

A desktop review and walkover inspection were carried out, supplemented by Douglas Partners' experience opposite the site in Regimental Park and on sites in Marian Street. An investigation comprising boreholes is planned, which may be carried out after demolition of existing structures. Vibrations and excavation support are identified as matters requiring further investigation. Dilapidation reporting of structures at 23, 25 and 31 Lorne Avenue and 8 Wallaroo Close will be required.

Heritage

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

Existing development on site

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A site inspection was undertaken on 29 July 2005. The existing buildings include a single storey house on a relatively large lot at No 29 Lorne Avenue, a two storey house at No 27 Lorne Avenue and a two storey house accessed via an access handle at 25A Lorne Avenue. The sites have associated built structures including drives, retaining walls, paths and plantings. No 25A has a swimming pool at the rear of its site.

Heritage assessment of existing buildings.

The application includes a Statement of Heritage Impact prepared by Noel Bell Ridley Smith and Partners. It does not raise any heritage issues with demolition of the existing houses and associated built elements.

Comment

The house at No 29 Lorne Avenue is a brick building that is sited away from the street and was most likely built during the Inter War period. In my opinion it appears to have some design quality but has relatively low heritage value. However, I do not object to demolition provided archival recording is provided before demolition.

The houses at No 25A & 27 Lorne Avenue are more recent development and they are not considered to have heritage significance. As Ku-ring-gai is going through such a rapid development period, I recommend archival recording before demolition (attached condition).

Nearby heritage items

Nearby heritage items include No 8, 10, 14 & 21 Lorne Avenue. No 14 is directly opposite the subject site with No 8 & 10 further to the east. No 21 is separated from the subject site by an access handle to No 25 and the house at No 23 Lorne Avenue. The water reservoir, also opposite the subject site is a draft heritage item which is included in Draft LEP 19. The draft LEP has been with DIPNR since 2/12/2002 and is awaiting gazettal. Inventory information is attached.

Heritage impact on nearby items

The heritage items opposite the site at 8, 10 & 14 Lorne Avenue evidence high quality grand bungalows set on large lots with substantial front and side setbacks.

The applicant's heritage report states that:

The two houses opposite the site are set well back on their sites and are extensively screened from the proposal by existing vegetation.

I accept the above statement and note the site is separated by the street and the setback requirements in DCP 55 are satisfied. The proposed development will result in some change to the low density residential development in the street and existing character. The fall on the

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site from the street will assist in reducing the bulk and visual impacts when seen from the streetscape.

The existing subdivision pattern in the street remains legible and early estate boundaries are still discernible. The proposal will alter this existing pattern and will have some impact on the area but given the rezoning and guidelines in DCP 55 the heritage impacts are considered satisfactory. As the proposed development is a contemporary design it will clearly read as a new element in the existing streetscape and will not confuse the historical development of the street.

The slope of this site will assist in reducing visual impacts on the existing heritage items and residential character of the street as it will be less visually dominant.

Regimental Park with the water reservoir below is an assertive streetscape element which has a distinctive streetscape character. It is considered that the proposed development would have negligible heritage impact on it.

The proposed development would not impact on existing views to or from listed heritage items, overshadow the gardens of items or cause any physical impacts.

UCA

The subject site falls outside all existing National Trust UCAs, however the southern side of the street, which includes the majority of the heritage items, is included in UCA No 10 – Culworth.

The existing development in UCA 10 is masonry with a predominance of mid to dark brick with slate or tiled roofs with hipped and gabled roof forms. The predominant character is the landscape with many mature street trees and gardens. The proposed building has a mix of face brick, stone cladding, rendered finishes and prefinished metal louvers. The colours and fairly neutral earthy tones are consistent with the existing UCA and streetscape.

The building presents a well articulated façade to the streetscape and is visually broken into three blocks. This is considered a good response to the context of the existing subdivision pattern and nearby buildings in the UCA.

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No 55 - Remediation of Land

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

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

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The application includes a design verification statement by the project architect Mr Alexander Tzannes of Alexander Tzannes Associates. Mr Tzannes has verified that he is a qualified designer and member of the NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP 65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal.

Context:

The development is permissible and largely complies with the prescribed requirements of LEP194, including maximum height, site coverage, number of storeys and deep soil landscaping. The building setbacks to Lorne Avenue are also compliant.

A number of residential flat building development proposals in the vicinity of the development are currently under consideration by Council or have recently obtained approval. Accordingly, the proposed development relates to its context by responding to the provisions of LEP194 and DCP55 that have been formulated to provide higher density 5 storey development.

Scale:

The development meets the prescribed building envelope requirements of LEP194, including deep soil landscaping, site coverage and setbacks, with the exception of a minor non-compliance with the building height control which is acceptable on merit. The scale of built form proposed is appropriate to the context and future character and form of the locality as envisaged by the LEP.

Built form:

The built form is acceptable and consistent with the desired future character of the locality. It complies with prescribed building envelope controls and will have an appearance of appropriately proportioned buildings set in landscaped open space.

The development provides for 40 units and features a combination of rendered masonry elements and a low, flat roof with the penthouse level set in from the perimeter walls. The built form is varied and utilises steps and changes in materials, vertical and horizontal articulation to create visual interest.

Accordingly, the design techniques incorporated in the proposal result in an acceptable built form.

Density:

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

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well serviced in terms of services and open space and the site itself is in close proximity to the Killara railway station and bus transport along Pacific Highway.

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

Resource, energy and water efficiency:

The development incorporates energy efficient design and construction elements; including re-usable building materials, masonry construction of high thermal mass, efficient insulation and passive solar design. It achieves acceptable results in terms of energy efficiency and cross flow ventilation, with all apartments being cross ventilated and almost 90% of apartments achieving a mid to high 4 star energy rating. The proposal also incorporates a retention and detention stormwater system with water re-use for toilet flushing, laundries and irrigation.

Landscape:

The proposal provides for 50% of the site being a deep soil zone and complies with the prescribed control of LEP 194. The landscape design combines native and exotic plants and trees to provide sustainable planting that harmonise with the existing surrounding character of the area and provide privacy screening to both residents within the development and to neighbouring properties.

The layout and distribution of communal and private open space ensure high levels of access, usability and privacy.

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

Amenity:

The development contains 40 units, ranging from 97m² to approximately 158m² providing good solar access, cross ventilation and visual and acoustic privacy. Terraces and balconies are well sized, ranging from 12m² to 16m², with larger areas to the ground floor and penthouse units.

The development provides an acceptable level of internal amenity.

Safety and security:

The proposal provides for good levels of safety and security through siting, internal planning and design. The proposal maximises opportunities for casual surveillance of communal open space areas on site, provides quality common spaces, a clear definition between public and private spaces and enhances the street level activity.

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Examples of safety and security measures taken include provision of lift and stair access directly from the basement car parks to apartment levels, a front gate to the street frontage of the site, secure ground floor terrace areas through individual fencing, key and remote controlled access to the basement car park only and visibility of pathways throughout the site from units within the development where possible.

Social dimensions:

The application contains a balanced mix of two (20) and three (20) bedroom apartments providing variety in housing choice. The apartments are of an acceptable size (108m² to 158m²) and will provide high quality living for residents of the development. The development is in an accessible location, in close proximity to public transport nodes and to the Lindfield commercial centre.

Accessibility for the disabled and elderly has been considered by provision of single level units throughout the development and lift access to all levels, including the basement car park.

Aesthetics:

The building is of a high design standard and reflects the design principles of the Residential Flat Design Pattern Book and the Design Code. It's external appearance and composition of building elements, textures, materials and colours satisfactorily reflects the use, internal design and structure of the development.

Residential Flat Design Code

The considerations contained in the Residential Flat Design Code are as follows:

Relating to the local context:

The proposal, sited over three allotments, will require their consolidation. This amalgamation will result in a site area of 4022m², which is capable of accommodating the proposed density of five storeys.

The development complies with the prescribed building envelope controls of LEP194 and DCP55. In particular, number of storeys, top floor percentage, site coverage, floor space ratio and setbacks are all satisfactory. The development therefore is of a scale and density anticipated for the area within these planning instruments and policy documents.

Surrounding sites within the locality have been zoned for multi-unit development. Several applications for development of residential flat buildings are currently under consideration by Council. In some cases, planning approval for such developments has already been obtained as mentioned earlier in the report. The development therefore reflects the desired future built form context of the area as envisaged by LEP 194 and DCP55.

Site analysis

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

In terms of site configuration, the proposal will ensure adequate areas for private and common open space and deep soil landscaping. The orientation of the building ensures adequate solar access to habitable areas and private open space within the development.

Building design:

The proposal is satisfactory in terms of internal configuration of the proposed buildings and will achieve the objectives of providing function and organised space and a high level of residential amenity. In addition, the proposal provides adequate habitable space, having access to north, east and west facing windows.

All other relevant matters under 'Building Design' have been assessed elsewhere in the report and are satisfactory.

Ku-ring-gai Planning Scheme Ordinance (KPSO) - LEP 194

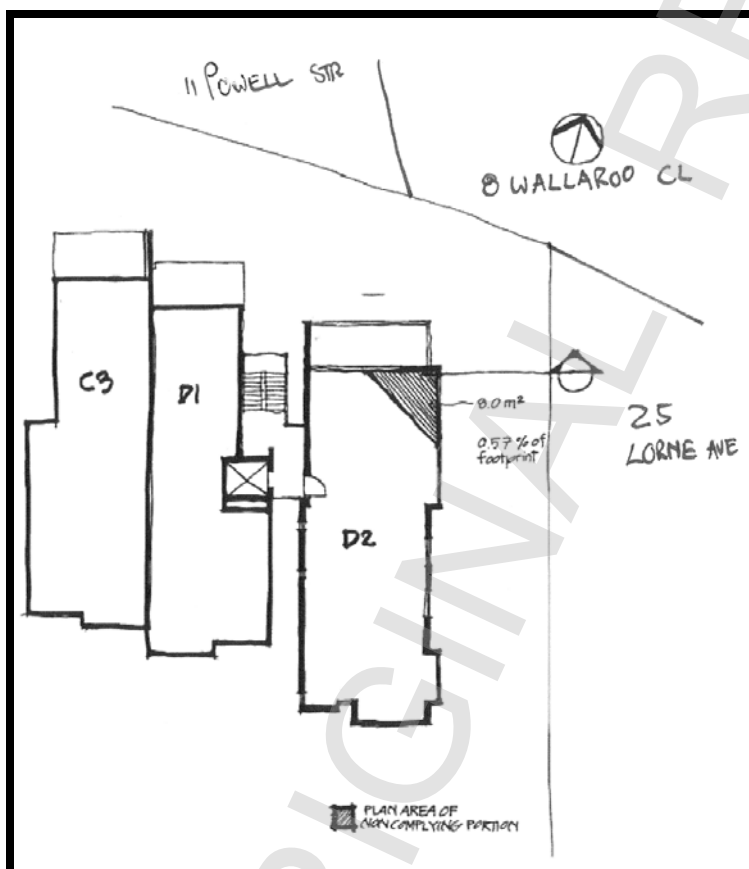
COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1800m ² -2400m ²	4022m ²	YES
Deep landscaping (min): 50%	50.5%	YES
Street frontage (min): 30m	56.7m	YES
Number of storeys (max): 5 cl. 25I(5)	5	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	58%.	YES
Storeys and ceiling height (max) cl 25I(8): 4 storeys and max 13.4 metres in height	4 storeys and 13.8 metres	NO (SEPP 1)
Zone Interface • 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	9 metres	YES
Car parking spaces (min): Residents spaces: One space per dwelling, and one additional space for dwellings of three + bedrooms (total of 40 required)	62 resident spaces provided.	YES
Visitor spaces: 10 spaces	10 visitors spaces provided	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Manageable housing (min): 10% (4 units)	4	YES
Lift access: required if greater than three storeys	Provided to all units	YES

Storeys and ceiling height (cl.25I(8)):

The proposal does not meet the standard for perimeter ceiling height and breaches the control in the north-eastern corner of the rear building (Building B) by 400mm over an area of 8m². This non-compliance constitutes 0.57% of the total building footprint as is shown in **Figure No. 4**.

**Figure 4**

A SEPP 1 objection seeking a variation to a development standard of the Ku-ring-gai Planning Scheme Ordinance (KPSO) has been prepared and lodged with the application. SEPP 1 provides flexibility to Council's development standards and it enables Council to vary such a standard where strict compliance with that standard would be unnecessary, unreasonable or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979.

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Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates that compliance with the particular standard:

- a. is consistent with the objectives of the relevant development standard;
- b. strict compliance would hinder obtainment of the objectives of SEPP1 or the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act and
- c. is unreasonable or unnecessary in the circumstances of the case.

In the absence of specific underlying objectives of the standard for the perimeter height control the assumed object or purpose of this provision is considered to ensure that the building design is of a high quality and that there is a level of control provided in respect of building heights. The provisions ensure that buildings have consistent height, designed having regard to the topography of a site and does not dominate its surroundings. The control also ensures that there is an appropriate curtilage around the perimeter of a building capable of sustaining vegetation of a scale which will soften the proposed development and protect the amenity of adjacent properties.

In regard to the objectives for the characteristics and topography of the site, issues of overshadowing and dominance of neighbouring dwellings as a result of the breach are relevant. The following summary of the objection provides justification for the non-compliance:

The proposal meets the objects of section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act “*as it would unreasonably restrict the development of the site in circumstances where the proposed variation is considered minor and does not result in any detrimental impacts*”. The circumstances are addressed in the following section.

Compliance with the standard is unreasonable or unnecessary in the circumstances of the case:

- The non-compliance is minor, in that the height standard is exceeded by a maximum of 400mm over a triangular area of 8 m² which equates to 0.57% of the building footprint area;
- The breach occurs in area where substantial changes to the natural ground level has occurred in the past. The ground level *before the erection of any building or carrying out of any work* is not known and the proposal can therefore not demonstrate strict compliance with the development standard. (The natural ground level has been extrapolated to approximately 900mm below the current pool surround level.
- The non-compliance is at the rear of the building and will not be visible from the street;
- The section of the building has adequate separation with a 6 metres setback from the building to the boundary;
- This setback is dedicated to landscaping and supports a variety of screening and tree species, which will largely screen this section of the building from view;
- No overshadowing, loss of privacy or loss of view result from the breach;
- To comply with the standard this part of the building would have to be stepped resulting in a design which would leave five of the units not complying with accessibility

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requirements of Council. The proposal increases the number of apartments that can be utilised by residents requiring disabled access.

The non-compliance with the height control will result in a better planning outcome for the site, the community and the locality. The SEPP 1 Objection has demonstrated that the underlying objective of the standard has been satisfied and that compliance with standard in regard to the number of storeys would tend to hinder the attainment of the objects specified in Section 5(a)(i) and (iii) of the Act. The SEPP 1 objection has shown that, in the circumstances, compliance with the development standard is unreasonable and unnecessary. The SEPP 1 Objection has adequately addressed the requisite aspects of the Policy, is well founded and in this instance the development standard should be allowed to be varied.

Residential zone objectives

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

Clause 68(2) - Suspension of Acts, covenants, etc

Section 28(2) of the Environmental Planning and Assessment Act confers upon Council, through the Ku-ring-gai Planning Scheme Ordinance, the ability to suspend (wholly or partially) easements for the purpose of enabling development to be carried out in accordance with an environmental planning instrument or in accordance with a consent granted.

Clause 68(2) of the KPSO provides for the suspension of covenants, agreements or instruments that affect development in use zones such as Residential 2(d3) in accordance with Section 82(2) of the EP & A Act:

In respect of any land which is comprised within any zone, other than within Zone No. 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g) or 2(h) the operation of any covenant agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes is hereby suspended to the extent to which any such covenant, agreement or instrument is inconsistent with any provision of this Ordinance or with any consent given thereunder.

The development proposes deep soil landscaping of 50% of the site area as required by the KPSO (LEP 194). However, due the existence of a right of carriageway affecting approximately 130m² of the site, the applicant will be unable to physically provide landscaping over this area.

Figure No. 1 illustrates the extent of the current shared driveway arrangement. The hatched area constitutes that part of the right of carriageway located on the subject site (130m²). It is envisaged to demolish the hatched part of the driveway and utilise it for landscape purposes in order to comply with the deep soil area. The existing carriageway is designed to provide access for four dwellings and, after the completion of the development, will only be required to service two dwellings (Nos 23 and 25 Lorne Ave). Part of the driveway area will be retained to ensure reasonable and safe access to both Nos 23 and 25 Lorne Avenue is maintained. **Figure No. 2** gives an indication of the applicant's intention for this part of the site.

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The existence of the easement does not prevent Council granting Development Consent. Council has the power under the said clauses of the EP & A Act and the KPSO to approve landscaping within the easement. These clauses enable the Development Consent to modify the easement to the extent necessary to allow the development to be carried out. It is Council's responsibility to ensure that the proposed modifications to the easement satisfies Council's access requirements and that it does not affect the owners of No's 23 and 25 Lorne Avenue's reasonable right to access. Council's Development Engineer, Kathy Hawken, raised no objection to the proposal on these grounds and is satisfied that reasonable access to those properties will be maintained.

Clause 25H - Strata subdivision

The subject site is zoned Residential 2(d3) and under Clause 25H subdivision is permissible with the consent of Council. The objective of Clause 25H is to permit the subdivision of multi-unit housing with consent of the Council. From a planning point of view, there is no objection to the strata subdivision as it will constitute no additional environmental impacts apart from allowing individual ownership. Council's Development Engineer has no objection to the strata subdivision element of the application subject to standard conditions. A special condition is imposed that requires the consolidation of the existing three Torrens Title lots prior to issue of the Construction Certificate. **(Refer Condition No 73)**

The proposed subdivision is consistent with the aims and objectives of the zone and the objectives of the residential controls. The strata subdivision does not entail any additional construction works. The site will retain the same physical relationship to the street and adjoining properties.

As the buildings to be subdivided do not yet exist, the subdivision certificate will only be issued once the construction works are complete and certain conditions have been satisfied. **(Refer Conditions Nos 105 to 112)**

Car parking and common property

The proposal exceeds the parking requirements of both DCP 55 and DCP 43 by providing 62 resident car spaces and 10 visitor spaces as discussed earlier in the report. The parking allocation to the dwellings is reasonable as the majority of units can be provided with two parking spaces. The Common Property and visitor's parking spaces are indicated as such on the subdivision plans.

Relationship to adjoining development

The proposed subdivision will not alter the site's relationship to adjoining properties. The subdivision will permit the dwellings to be independently owned, but does not alter their form, capacity or the facilities available to each. The impact of the proposed works on the amenity of the adjoining properties is acceptable.

State Environmental Planning Policy No 10 - Retention of Low Cost Rental Accommodation

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The aim of the Policy is to provide a mechanism for the retention of low cost rental accommodation. The Policy does not apply to the proposed development as it does not affect any existing low cost rental accommodation.

The proposed subdivision is acceptable and will not result in any significant adverse impacts.

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) 150m ² per 1000m ² of site area = 603m ²	> 603m ²	YES
No. of tall trees required (min): 13 trees	4 trees to be retained 38 canopy trees to be planted	YES
Part 4.2 Density:		
Building footprint (max): 35% of total site area	35%	YES
Floor space ratio (max): 1.3:1 (5229m ²)	1.23:1 (4930m ²)	YES
Part 4.3 Setbacks:		
setback (min): 13 - 15 metres (<40% of the zone occupied by building footprint)	13-15 metres & 40%	YES
Northern (rear) and Western (side) boundary setback (min): 6 metres	6 metres	YES
Eastern (side) boundary setback (min): 6 metres	3.7 metres to basement	NO
Setback of ground floor terraces/courtyards to street boundary (min): Lorne Avenue – 8m	8 metres	YES
% of total area of front setback occupied by private courtyards (max):		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
15%	25%	NO
Part 4.4 Built form and articulation:		
Façade articulation:		
• Wall plane depth >600mm	All wall plane depths >600mm	YES
• Wall plane area <81m ²	<81m ²	YES
Built form:		
• Building width < 36m	35 metres to Lorne Avenue	YES
• Balcony projection < 1.2m	complies	YES
Part 4.5 Residential amenity		
Solar access:		
• >70% of units receive 3+ hours direct sunlight in winter solstice	70% (28)	YES
• 3 hours sunlight to habitable rooms and outdoor living areas of adjoining houses in Residential 2(c1) and 2 (c2) zones	>3 hours	YES
• >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	50%	YES
• <15% of the total units are single aspect with a western orientation	No single aspect units proposed.	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Storeys 1 to 4 <ul style="list-style-type: none"> - 12m to windows of habitable rooms - 9m to windows of habitable and non-habitable rooms - 6m to windows of non-habitable rooms 5th Storey <ul style="list-style-type: none"> - 18m b/w habitable rooms - 13m b/w habitable and non-habitable rooms - 9m b/w non-habitable rooms 	<p>11.5 metres from balconies to No. 8 Wallaroo Cl</p> <p>>12 metres</p> <p>>12 metres</p> <p>11.5 metres: terrace to No. 8 Wallaroo Close 13.5 metres to No. 23a Lorne avenue 14 metres between units (terrace to terrace)</p> <p>>13 metres</p> <p>> 14 metres</p>	<p>NO</p> <p>YES</p> <p>YES</p> <p>NO</p> <p>YES</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>2.7 metres</p> <p>>2.4 metres</p> <p>All bedrooms >3.0 metres</p> <p>Maximum 3 units</p> <p>1.8 metres</p> <p>1.8 metres</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Outdoor living:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Ground floor apartments have a terrace or private courtyard greater than 25m² in area 	>26m ²	YES
<ul style="list-style-type: none"> Balcony sizes: <ul style="list-style-type: none"> 12m² – 2 bedroom unit 15m² – 3 bedroom unit 	>12m ² >15m ²	YES YES
<ul style="list-style-type: none"> NB. At least one space >10m² Primary outdoor space has a minimum dimension of 2.4m 	2.4 metres	YES
Part 4.7 Social dimensions:		
Visitable units (min): 70% (28)	90% (36 units)	YES
Housing mix: Mix of sizes and types	2 and 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation 	100% (40 units)	YES
<ul style="list-style-type: none"> single aspect units are to have a maximum depth of 10m 	No single aspect units proposed.	YES
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	50% (20) all kitchens have access to natural light and ventilation	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> >90% of units are to have a 4.5 star NatHERS rating (36) with no more than 10% only achieving the minimum 3.5 star rating - (4) 	4.5 to 5 star rating = 42.5% (17) 4 star rating = 17.5% (7) 3.5 star rating = 40% (16)	NO NO
Part 5 Parking and vehicular access:		
Car parking spaces (min): 40 x resident, 10 x visitor	62 x resident, 10 x visitor	YES

Part 4.3 Setbacks

Overall, the proposed buildings provide a variety of front, side and rear setbacks in order to achieve good articulation and interest to the streetscape.

The basement of Building A is set back 3.7 metres from the eastern boundary and fails to comply with the 6 metres requirement of DCP 55. The driveway within the side setback also encroaches over this part of the basement and does not comply with Clause 4.1 C-3 of DCP 55. The encroachment is supported due to mitigating site circumstances. Although the site is not classified as a steep slope site, it is nonetheless constrained with a slope of 12% across its footprint area (Clause 25K of the KPSO only allows concessions for developments on sites where the slope is more than 15%). The location of the driveway is prescribed by the requirement to meet the relevant Australian Standard (AS 2890) pertaining to driveway gradients and to maintain clear sightlines at the vehicle crossing. The access point is located at the lowest point of the site relative to Lorne Avenue to ensure that these standards are met.

The encroachment is supported as the bulk of the driveway will be located below the street level. Approximately 7 metres of the driveway in the front setback area will be substantially compliant as it is set back 5.66 metres from the eastern boundary. In addition, the car park entry is provided perpendicular to the street and therefore not visible from the public domain and does not detract from the building façade. A condition is recommended requiring the construction of an acoustic fence along this boundary (following the alignment of the altered driveway as per **Figure No. 2**) to ensure that any adverse impacts to No. 23 and 25 Lorne Avenue are minimised (**Refer Condition No 89**). The fence will be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 15 metres from the street boundary.

More than 30% of the front setback area is occupied by ground floor terraces and fails to comply with Clause 4.3C-8 which specifies a maximum of 15%. **Condition No. 89** requires that the depth of these terrace areas be reduced by 3 metres in order to comply; thus ensuring adequate common deep soil planting area within the front setback area. These units will remain compliant with the minimum terrace size control of groundfloor units as their primary open space areas are located on the northern elevation.

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Part 4.5 Residential amenity

The non-compliance with the separation requirements is mainly attributable to the proximity of structures adjoining properties to their respective boundaries. On average, the proposal's setbacks to these boundaries exceed the minimum 6 metres required by DCP 55. To ensure acceptable solar access the majority of units are orientated north, resulting in overlooking of surrounding properties. In this regard it should be noted that:

- The proposal's setbacks to these boundaries generally exceed the minimum 6 metres required.
- These properties are also zoned 2(d3) and may be redeveloped in which case some buildings would be set back further in accordance with DCP 55, improving future separation.
- At low densities, there is a reasonable expectation that a dwelling will retain high levels of privacy but at higher densities privacy impacts are harder to minimise and the claim to retain it to the same level as low density development is not as strong.

Part 4.5 of DCP 55 requires 12 metres separation (for Levels 1-4) between habitable rooms on adjoining properties. Separation to No. 8 Wallaroo Close ranges from 11.5 to 13 metres. The breach of 500mm is considered negligible and, considering the landscaping proposed, will not result in an unreasonable impact.

The fifth floor terrace of Unit D-5 40 also breaches the separation controls to the same three windows along the southern and south-eastern elevations of No. 8 Wallaroo Close. DCP 55 requires 18 metres separation while 11 - 13 metres (measured from the edge of the terrace) is proposed. The two windows on the southern elevation, adjacent to an air-conditioning unit are low-use rooms and not used in conjunction with the main private open space area (located 25 to 30 metres to the east). The bay window on the south eastern elevation is affected but the 1.8 metres privacy screens required to the eastern elevation **Condition No. 89** will ensure that an acceptable level of privacy is maintained. An oblique view to the bay window will still be possible. It is reasoned that amenity impacts can only be partly ameliorated through the use of privacy screens but cannot be completely eliminated in this instance. It would be unreasonable to require privacy screens on this aspect of the proposal as it is crucial to ensure adequate sunlight is maintained to living areas. Physical screening of the non-compliant terrace areas is not considered appropriate as it will detrimentally affect their functionality with very little real benefit.

There is a breach of the top floor separation control within the development affecting the terraces of units with northern and southern aspects over the central courtyard area. This breach is considered minor and **Condition No. 89** requires privacy screens, 1.8 metres high to be erected along the southern elevation of unit nos D-5 40 and C-5 31.

These variations are supported as a reasonable degree of privacy is maintained, commensurate with a medium density residential environment.

Part 4.8 Resource, energy and water efficiency

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DCP 55 requires 90% or 36 units to meet the NatHERS rating of 4.5 stars and above. Only 42.5% or 17 of the units achieve this control. The applicant, after re-considering the non-compliance, has indicated that improving the environmental performance of the development is not feasible. The proposal has, through building orientation, the cross ventilated design, stepping of the buildings and by limiting building depth, attempted to achieve an acceptable climatic responsive outcome. All units achieve a NatHERS rating of 3.5 stars and 60% of the units achieve 4 stars or above.

Given that other energy efficiency controls prescribed by DCP 55 are complied with, the NatHERS non-compliance is acceptable and does not constitute reason enough to refuse the application.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory in this regard.

Section 94 Plan

The development attracts a section 94 contribution of \$772,138.79 which is required to be paid (Refer **Condition No. 72**).

Likely Impacts

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

Suitability of The Site

The site is suitable for the proposed development.

Any Submissions

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

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Public Interest

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

Any other Relevant Matters Considerations Not Already Addressed

There are no other matters for assessment.

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No 1 - Development Standards* to the Perimeter Ceiling Height Control (cl. 25I(8)) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No 1 is well founded and also being of the opinion that the granting of consent to DA 425/05 is consistent with the aims of the Policy, grant development consent to DA 425/05 for the demolition of existing structures and construction of 5 residential flat buildings comprising 40 dwellings including, basement parking, landscaping, storm water reticulation and strata subdivision on land at 25a, 27 and 29 Lorne Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

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Architectural Plans

Dwg. No.	Rev	Description	Author	Dated	Lodged
DA-04039-01	2	Site & Roof Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-02	2	Basement 1 & 2 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-03	3	Level 1 & 2 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-04	2	Level 3, 4 & 5 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-05	2	Elevations	Alexander Tzannes Assoc	30 Oct 2005	21 Nov 2005
DA-04039-06	2	Sections	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005

Subdivision Plans

041014/DSP.dwg	Strata subdivision of Lot B in DP 339075 and Lots 1&2 in DP 547371	Denny Linker & Co	Sheets 1-20	28 Nov 2005
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2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

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

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All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

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34. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
35. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
36. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 39. "Peep holes" shall be provided to the entrance doors of all units for personal security.
 40. Compliance with the notations overdrawn on the consent plans.

Engineering

41. Stormwater runoff from roof areas shall be piped to the street drainage system via the approved site water management facilities. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
42. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for each building. The (minimum) total storage volumes of the rainwater tank systems are to be as required by Council's DCP 47 Water Management. The prescribed re-use of the water on site, must be toilet flushing (each unit), preferably cold

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laundry (each unit) and garden irrigation, as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).

43. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for each building to control the rate of runoff leaving the development site. The minimum volumes of the required on-site detention systems must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
44. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grates are to be provided to collect driveway runoff. The channel drains shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
45. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
46. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
47. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.

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48. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
49. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
50. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
51. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
52. The Applicant must obtain a **Section 73 Compliance Certificates** under the *Sydney Water Act 1994*, which relates to the proposed RFB and the Strata Subdivision approved under this DA. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
53. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no lockable or remote control doors,

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grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service. Contractors will not accept keys or remote controls.

54. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological Report prepared by Douglas Partners (37952 dated April 2005), and all subsequent geotechnical investigation reports and inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the conducted geotechnical inspection, testing and monitoring programs.

Heritage

56. Demolition of a non-heritage item or not in a UCA – Nos 25a, 27 and 29 Lorne Avenue, Killara.

A report is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

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

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan (survey or sketch) showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black & White archival quality photography, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

Landscaping

58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

Time of inspection

All existing trees nominated to be retained

Prior to demolition
After completion of demolition
Prior to excavation
After completion of demolition
Prior to construction works
Monthly intervals during construction works
After completion of all works on site

59. REMOVAL of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

Eucalyptus nicholii (Narrow leaf peppermint)
Lorne Ave nature strip

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60. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
61. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	5.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	6.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m

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

Tree/Location	Radius From Trunk
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m

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#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	5.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	6.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m

63. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

64. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Lorne Ave. The tree/s used shall be a minimum 25 litre container size specimen/s trees :

Tree Species	Quantity
<i>Pistacia chinensis</i> (Chinese Pistacio)	4

65. Following removal of the *Eucalyptus nicholii* (Narrow leaf peppermint) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.

66. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

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Cupressocyparis x leylandii 'Leighton's Green' (Leighton Green Cypress)

67. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

69. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
70. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
71. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF THIRTY-SEVEN (37) ADDITIONAL DWELLINGS IS CURRENTLY \$772,138.79. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1 117.76
2. Park Acquisition and Embellishment Works	\$6 384.75
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

Engineering

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73. Prior to issue of any Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to approve or endorse lot *consolidation* plans.
74. Prior to issue of the Construction Certificate for the related building, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

75. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:
- That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - That all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

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76. The waste collection area is to be relocated to the street side of the roller door, possibly in visitor space 1. The area is to be designed to accommodate the requisite number of bins in accordance with DCP 40. Amended plans are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
77. Prior to issue of the Construction Certificate for the related building the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
 - A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
 - Traffic lights will be provided at each end of the one way entry ramp as recommended by Colston Budd Hunt & Kafes in their report dated April 2005.

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

78. Prior to issue of any Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
79. Prior to issue of the Construction Certificate for the related building the Applicant must submit, for approval by the Principal Certifying Authority, scaled construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact locations and reduced level of discharge point(s) to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed to carry for the 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).

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- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Measures to prevent mosquito breeding and other issues.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Stormwater Management Plans by Harris Page Associates dated 5 October 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

80. Prior to issue of any Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
81. Prior to issue of any Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

Landscape

82. The submitted landscape plan LP01 (Landscape Plan) Rev M & PP&WS (planting plan and water strategy) 02 Rev D prepared by McGregor Partners and dated September 2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in general accordance with the above landscape plan/s. The following amendments to these plants shall apply:

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- The proposed planting of *Clivea miniata* on the Lorne Ave nature strip is to be deleted and the nature strip maintained as a grassed/turf area.
- The proposed planting of 334 *Callistemon citrinus* (Bottlebrush) is to be reduced in number by approximately 50% so that planting has a minimum of 1.5m spacing.
- The proposed planting of 234 *Callistemon citrinus* (Bottlebrush) is to be reduced in number by approximately 50% so that planting has a minimum of 1.5m spacing.

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

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

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

84. A CASH BOND/BANK GUARANTEE of \$13 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	\$1 000.00
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2 000.00
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2 000.00

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#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2 000.00
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	\$1 000.00
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	\$3 000.00
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$1 000.00
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$1 000.00
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$500.00

Special

85. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.
86. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
87. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).

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88. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
89. To ensure privacy and amenity to the adjoining properties at Nos 8 Wallaroo Close, 23 and 25 Lorne Avenue and residents the following amendments shall be made to both the eastern elevations:
- Privacy screens measuring 1.8 metres high shall be affixed to the eastern elevation of the Level 5 terraces of units nos A-5 09 and D-5 40 as notated in red on approved Plan no. DA-04039-04 Rev. no. 2.
 - Privacy screens measuring 1.8 metres high shall be affixed to the eastern elevation of the Level 1 - 4 balconies of units nos D2 35, 37 and 39 as notated in red on approved Plans nos DA-04039-03 Rev. no. 3 and DA-04039-04 Rev. no. 2.
 - The sun shading louvres and aluminium louvres proposed for **all** fenestration on Levels 1 to 5 on the eastern elevation (referenced as "SL" and "ALV" on approved Plan no. DA-04039-05 Rev. 2 shall serve to ensure that privacy impacts are reduced (i.e. restricting overlooking to the east) and offer functional sun shading benefits to the affected units.
 - Terrace areas as noted in red on Level 5 shall be non-trafficable for general use and limited access shall only be allowed for maintenance purposes.
 - To ensure the amenity of Nos 23 and 25 Lorne Avenue is maintained an acoustic fence shall be constructed along the entire common boundary with the development site. The fence shall be in accordance with the driveway alignment notated in red on approved plan DA-04039-03 Rev. 3. The fence shall be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 15 metres from the street boundary.
 - The side bedroom and bathroom windows in the gaps between buildings A, B, C and D shall be designed as translucent partially opening hopper or casement windows, to avoid potential privacy problems while allowing natural ventilation.
 - Screening shall be provided to the study and living/dining windows in apartments C1 - 19, C1 - 22 and C1 25/28, to provide the opportunity for the occupants of these apartments to screen potential views from the bedroom balconies in apartments C 3-21 etc.
 - The depth of the terrace areas to the ground floor (Level 1) units fronting the Lorne Avenue frontage shall be reduced in width by 3 metres as notated in red on the approved Plan No. DA-04039-01. This will ensure adequate common deep soil planting area is maintained within the front setback area.
 - To ensure privacy between the terrace areas of the units on Level 5 is maintained screens of 1.8 metres high shall be erected along the southern elevation of unit nos D-5 40 and C-5 31.

Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.

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90. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - Retaining walls and associated drainage.
 - Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
 - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

91. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

Landscaping

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

Tree/Location	Radius in Metres
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	4.0m

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#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	5.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	1.0m

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

Tree/Location	Radius From Trunk
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	2.5m

94. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
95. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.

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96. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
97. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

Engineering

98. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the geotechnical investigation comprising cored boreholes. The recommendations of the report in relation to vibration monitoring and excavation methods and support are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved.
99. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by an independent consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, offset from boundaries and the founding material. It is expected that structures at 23, 25 and 31 Lorne Avenue and 8 Wallaroo Close will require survey. The dilapidation report must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. Where the consulting structural/geotechnical engineer is of the opinion that no dilapidation reports are required, then certification to this effect must be provided in lieu.
100. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
 1. **A plan view of the entire site and frontage roadways indicating:**
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footpaths;
 - No construction vehicle access is to be obtained via the eastern driveway.
 - Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - The locations of proposed Work Zones in the frontage roadways;

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

2. Traffic Control Plan(s) for the site

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.
- For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel’s vehicles do not impact on the current on-street parking amenity in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic engineering consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council Engineers. Allow sufficient time (3 weeks) for review by Council.

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101. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
102. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a colour photographic record**) of the following public infrastructure:

- a) Lorne Avenue road reserve including kerb and gutters.

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

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

103. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - That the locations of the rock anchors are registered with Dial Before You Dig
 - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.

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- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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

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

105. The subdivision certificate must not be issued until a *final* Occupation Certificate is issued for the development by the Principal Certifying Authority. This condition is imposed to ensure that all development works related to the subdivision are completed to an acceptable standard prior to transfer of responsibility for the site and development.
106. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
107. Prior issue of the subdivision certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on site. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
108. The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water

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Management DCP 47) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision.

109. An easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.
110. For endorsement of the subdivision certificate the Applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
111. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
112. For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:
 - a) The endorsement fee current at the time of lodgment.
 - b) The 88B Instrument plus six (6) copies.
 - c) A copy of the final Occupation Certificate for this DA.
 - d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site retention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the consent authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. **Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

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113. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

Engineering

114. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Completion of drainage works in road reserve.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full repair of any footpath damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

115. Prior to issue of the Occupation Certificate, the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.

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

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116. Prior to issue of the Occupation Certificate, the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
 - b) That traffic lights are provided at each end of the one way entry ramp as recommended by Colston Budd Hunt & Kafes in their report dated April 2005.
 - c) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
 - d) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - e) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - f) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - “Off-street car parking”,
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
117. Prior to issue of the Occupation Certificate, a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification (based on the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes **specific reference** to all of the following:
- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b) That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
 - c) That retained water is connected and available for uses including all toilet flushing, cold laundry and garden irrigation.
 - d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - e) That all pits potentially accessible by children are secured.
 - f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA, and
 - g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

118. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
119. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

120. Prior to issue of the Occupation Certificate, a maintenance regime shall be prepared for the basement/subsoil stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
121. Prior to issue of the Occupation Certificate, a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:

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- a) According the relevant Australian Standards and guidelines, and
 - b) According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
 - c) **In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.**
122. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the Geotechnical Report by Douglas Partners, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed, which may include:
- a. Lorne Avenue road reserve;
 - b. 23, 25 and 31 Lorne Avenue;
 - c. 8 Wallaroo Close.

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

Landscaping

124. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
125. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate

Special

126. The acoustic report provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with these recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

BUILDING CONDITIONS

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127. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
128. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
129. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

131. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.

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- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Locality sketch - 557979**
- Survey plan - 557981**
- Zoning extract – 557984**
- Site & roof plan - 557986**
- Elevations - 557987**
- Sections - 557988**
- Landscape plans - 557989**
- Shadow diagrams - 557992**
- Confidential floor plans**

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	5 MUNDERAH STREET, WAHROONGA - DEMOLITION OF AN EXISTING DWELLING, CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS CONTAINING 34 UNITS, BASEMENT CAR PARKING AND LANDSCAPING.
WARD:	Comenarra
DEVELOPMENT APPLICATION N^o:	956/05
SUBJECT LAND:	5 Munderah Street, Wahroonga
APPLICANT:	Gelder Architects
OWNER:	Gennaro & Maria Abbignano
DESIGNER:	Gelder Architects
PRESENT USE:	Residential
ZONING:	2(d3)
HERITAGE:	Within UCA 26
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (LEP 194)
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SREP 20, SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	31 August 2005
40 DAY PERIOD EXPIRED:	10 October 2005
PROPOSAL:	Demolition of an existing dwelling, construction of two residential flat buildings containing 34 units, basement car parking and landscaping.
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 956/05
PREMISES: 5 MUNDERAH STREET, WAHROONGA
PROPOSAL: DEMOLITION OF AN EXISTING DWELLING,
CONSTRUCTION OF TWO RESIDENTIAL
FLAT BUILDINGS CONTAINING 34 UNITS,
BASEMENT CAR PARKING AND
LANDSCAPING.
APPLICANT: GELDER ARCHITECTS
OWNER: GENNARO & MARIA ABBIGNANO
DESIGNER: GELDER ARCHITECTS

PURPOSE FOR REPORT

To determine Development Application No 956/05 which seeks consent for demolition and the construction of a residential development comprising underground parking for 77 cars and 2 residential flat buildings containing 34 dwellings.

EXECUTIVE SUMMARY

Issues:

- Landscaping within the streetscape;
- Residential amenity;
- Relationship to interface sites;
- Heritage.

Submissions: Three (3) objections received.

Pre DA: Yes

Land & Environment Court Appeal: N/A

Recommendation: Approval

HISTORY

Site History:

The site has been historically zoned and developed for the purpose of low density residential.

28 May 2004, Local Environmental Plan No. 194 was gazetted rezoning the site for the purpose of medium density housing.

Development application history:

- 24 June, 2005 Pre-DA meeting held with Council Officers. Issues of setbacks, deep soil zones, relationship of the development to interface sites and heritage were raised.

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- 31 August 2005, application lodged.
- 9 September 2005, request for additional information: access report, fire safety schedule, scaled landscaped drawings, areas of deep soil and a stormwater plan prepared in accordance with DCP 47.
- 17 November 2005, request for additional information: changes to the landscape plan, diagram of deep soil areas, amendment to the drainage plan to prevent disturbance to trees and details of balustrades, external colours and finishes, details and coloured perspective drawings.
- Information received 15 December 2005.

THE SITE

Zoning:	2(d3)
Visual Character Study Category:	1920-1945
Lot Number:	A
DP Number:	410419
Area:	4179.86m ²
Side of Street:	Eastern
Cross Fall:	6 metres, north to south
Stormwater Drainage:	Munderah Street
Heritage Affected:	Yes, within UCA 26 (Mahratta)
Required Setback:	13-15 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The development site is located on the northern side of Munderah Street. The hatchet shaped site measures 4179.86m² and contains a large dwelling, swimming pool, tennis court and extensive landscaped grounds. The site has a frontage of 48.6 metres to Munderah Street and a depth of 76.44 metres.

Munderah Street adjoins the site to the south. Adjoining land to the north is zoned Special Uses (Aged Care Home), containing a large nursing home complex. Residential properties zoned Residential 2(d3) exist to the east and west of the site.

On 8 March 2005 Council approved a medium density development on the western adjoining site (8-12 Ada Avenue and 7 Munderah Street) under DA1046/04. The consent relates to the amalgamation of 5 lots, demolition of structures and construction of a residential flat building containing 24 dwellings within 3 buildings. The development is known as 'The Beaumont'.

The adjoining site to the east, 1-3 Munderah Street is currently the subject of a development application (DA1112/05) for the demolition of structures and the construction of a residential flat development comprising 3 x 5 storey buildings with 42 new dwellings.

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This site is within walking distance of the Wahroonga Village shopping centre and station, Abbotsleigh and Knox Grammar schools. The area is characterised by large landholdings developed with large dwellings within a landscaping setting. The existing character of Munderah Street, Ada Avenue and the Pacific Highway corridor is under transition due to recent rezoning to Residential 2(d3).

The site is within Urban Conservation Area 26 - Mahratta under DCP 55. The opposite (southern) side of Munderah Street is zoned Residential 2(c) and 2(c2) and contains single dwellings on large, landscaped properties.

THE PROPOSAL

The proposal involves the demolition of an existing dwelling, pool and tennis court and the construction of 2 residential flat buildings, one 2 storey and the other 5 storey. A total of 34 units are proposed above 2 levels of basement car parking for 77 cars.

The development has been designed to address the unusual shape of the site and to respond to the interface of the site with the Special Uses zone to the north. The building to the south of the site comprises 5 storeys and 32 single level units with lift access. The building to the north-east of the site (at the narrowest point) comprises a 2 storey building containing 2 x 2 storey townhouses.

CONSULTATION - COMMUNITY

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

The following comments have been received:

1. *Frances and Michael Moore -10 Munderah Street, Wahroonga*
2. *Urbis JHD on behalf of the Carrington Group Wahroonga Pty Ltd - 8-12 Ada Avenue and 7 Munderah Street, Wahroonga*
3. *Ann and Anthony Hodgkinson - 2 Davidson Avenue, Warrawee*

The submissions raised the following issues:

Bulk and Scale, height, streetscape impact

The objectors consider the proposed bulk and scale as unsympathetic with the area, resulting in adverse impacts on the streetscape and residential amenity of surrounding properties. Particular concern was raised over potential visual amenity impacts on 'The Beaumont' currently under construction at 8-12 Munderah Street and 7 Munderah Street (west).

Objection was raised over the relationship of the development to the surrounding area. It was felt that the building is excessively high, Basement Level 1 is visible from the street, insufficient

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articulation is provided and inadequate physical and visual separation is provided between the two proposed buildings.

It is acknowledged that the proposed development contrasts in density and scale with the existing character of the area. However, the area is under transition due to the rezoning of land along the northern side of Munderah Street for medium density development (2d3). LEP 194 allows for the construction of a 5 storey development on the subject site, as it is greater than 2,400m² in area. The development is consistent with the development standards and controls and is commensurate with the height of the 5 storey building recently approved for 8-12 Ada Avenue and 7 Munderah Street.

The development provides an acceptable transition to the special uses zone to the north, reducing in scale to 2 storeys at the north-eastern corner of the site, where the site is narrowest. The bulk of the site to the south-west, is proposed to be developed with a 5 storey building which is consistent with the emerging pattern of development. The building complies with the LEP 194 development standards in relation to height, number of storeys, perimeter ceiling height and stepping of the top storey. The building is set back from the street in accordance with the requirements of DCP 55, allowing sufficient space for tall tree planting and landscape consistent with Council's objectives for the Residential 2(d3) zone.

The light render proposed to the upper 3 levels of the building is considered unsatisfactory (refer to discussion of materials/finishes in *Part 2 DCP 55*). Light colours will effectively accentuate the visual appearance of the building within the public domain. The tones proposed are not considered reflective of surrounding architectural styles. Consequently, **Condition No. 36** is recommended requiring the application of darker colours. Subject to conditions, the proposed development will not appear unreasonably bulky or obtrusive within the streetscape.

Design of building

One objector commented that the pitched roof form would exacerbate the height and bulk of the building and accentuate the façade and bulk presented to the street. Concern was also raised over the use of a light avocado colour which will appear 'ugly'.

Refer to discussion of design under comments from Council's *Urban Design Consultant* and *DCP 55*. The design of the building complies with the requirements of SEPP 65 and DCP 55 relating to built form and articulation. Sufficient articulation and architectural relief is provided across each elevation to break building lines, elements and provide visual relief. Council's Urban Design Consultant advises that vertical expression is provided to the front façade via the provision of towers and framed balconies with a clear delineation between the base, middle and top of the building.

The proposed pitched roof will not add significantly to the overall height of the building and the building complies with the height standard in LEP 194.

It is agreed that the proposed colour scheme does not reflect common themes within the area and the proposed colour scheme is to be amended to be darker and more visually recessive by recommended **Condition No. 36**.

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Inadequate side setbacks

Objection was raised to the intrusion of the stairwells within the side setbacks in terms of precluding adequate landscape screening and the potential residential amenity impacts to the western adjoining development.

The building largely complies with the prescribed setback controls with the exception of stairwells leading from the basement levels to ground. Justification of this breach is provided *Part 4.3 of DCP 55* below. The stairwell elements occupy a confined area of 7.5m² within the eastern and western side setbacks which is not considered significant. The breach is minor in nature. It will not preclude adequate landscaping, or privacy for adjoining properties. Adequate physical separation is provided between the proposal and surrounding developments.

Overshadowing and solar access

It was claimed that the development would reduce solar access for 'The Beaumont' and that the proposal is inconsistent with the solar access requirements of DCP 55. Particular concern was raised over the impact of shadow on certain apartments.

Clause C-6, Part 4.5 of DCP 55 stipulates that *'the development shall allow the retention of at least 3 hours of sunlight between 9.00am and 3.00pm on June 21 to the habitable rooms and the principle portion of the outdoor living area of adjoining houses in single house zones (2(c) and 2(c2) zones).*

Plan DA07 indicates shadows cast by the proposed building at 9.00am, 12.00 noon and 3.00pm on June 21. At 9.00am on June 21, shadow will fall to the west toward 8-12 Ada Avenue and 7 Munderah Street, shadow moves to the south across Munderah Street at 12.00 noon and to the south-east at 3.00pm. Adjoining dwellings within the 2(c) and 2(c2) zones will enjoy 3 hours of sunlight on June 21. Shadow affecting these properties will be restricted to the street and front setbacks and will not impinge on the amenity of indoor or outdoor living areas. The development complies with the objectives and design controls of DCP 55 in this regard.

Given the development at 8-12 Ada Avenue and 7 Munderah Street is located within a medium density zoning, some compromise is to be expected with respect solar access between large buildings. Careful consideration has been given to the impact of the proposal on the western adjoining building, 'The Beaumont' and acceptable access to sunlight is considered to be achieved for both buildings. The proposal complies with the guidelines relating to solar access in DCP 55.

Visual and acoustic privacy impacts

Concern was raised in relation to visual and acoustic privacy impacts generated by the proximity of the development to 'The Beaumont'.

The site is within a medium density zone (Residential 2(d3)). Given the style and scale of buildings permitted by Council's controls within this zone, an element of reasonable compromise to privacy and solar access should be anticipated.

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Notwithstanding, DCP 55 provides setback and building separation controls with which to design reasonable medium density development, maintaining an appropriate level of residential amenity of existing and future occupants.

The balconies proposed along the fourth storey are set back 8 metres from the eastern boundary, compliant with the 6 metre side setback required by Part 4.3 C-1. 'The Beaumont' development is set back a further 7 metres from the common boundary. The development complies with Part 4.5.2 C-2 in that habitable areas are separated by more than 12 metres providing adequate physical separation between the buildings.

Furthermore, plans DA04 (fourth storey floor plan) and DA06 (western elevation) indicate the provision of planting along the western facing edges of the balcony. Providing peripheral planter boxes will maximise internal amenity for occupants and provide additional visual separation between multi-unit housing developments. This element is imposed via recommended **Condition No. 35**.

Tree removal

Objection was raised to the removal of Tree No. 29, a large *Grevillea robusta* located adjacent the western boundary.

The application has been assessed by Council's Landscape Development Officer as satisfactory, subject to conditions. **Conditions No. 22-24** are recommended requiring the protection of this tree.

Non-compliance with DCP 55

It was claimed that the development did not comply with the provisions of DCP 55 in the following ways:

- * The main entries are not accessible from the footpath areas and that ground floor dwellings do not have direct access from the street.
- * The paths located along the eastern and western boundaries would adversely impact on the acoustic amenity of the western adjoining residential flat development.
- * Proposal does not provide adequately for people with disabilities.
- * Inadequate car parking has been provided.
- * The access to the development does not promote passive surveillance.
- * Separation of units does not comply with provisions of SEPP 65 and DCP 55.
- * Limited storage is available for future occupants.
- * The proposed stormwater system is inconsistent with the provisions of DCP 47.

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The above issues are addressed in detail under the consideration of DCP 55 below. The proposed development is compliant with the abovementioned development controls contained within DCP 55.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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

Principle 1: Context

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

Comment:

The built form context is comprised of –

- The Redleaf Retirement Village north of the site fronting the Pacific Highway and the Thomas U. Angst Nursing Home. These buildings range in height from 1 to 6 storeys. The neighbouring buildings along the northern boundary of the site area 1-2 storeys.*
- Abbotsleigh Senior School north-west of the site at the corner of Ada Avenue and the Pacific Highway.*
- Knox Grammar School to the east of the site on the eastern side of the Pacific Highway.*

The residential 2(d3) zoning of this site and adjoining sites east and west establishes the future scale of development on these sites as being 5 storeys maximum. This zoning establishes a future difference in height and bulk in relation to the existing aged care facilities north of the site and 2(C2) zoning on the southern side of Munderah Street. The scope available for minimising the impact of the proposed 5 storey development on the aged care facilities is limited to the siting of the proposed buildings, the setbacks and the quality of landscape within the setbacks and the architectural form and character of the buildings.

For the purposes of this review, the building to the south of the site is Building A, the building to the north-west, Building B and the smaller building to the north-east, Building C.

The aged care facilities north of the site are not zoned 2(d3), and therefore a transition zone interface is required. The third and fourth floor of Building B has been set back 9m from the northern boundary and Building C is 2 storeys in height, which complies with DCP 55. The site falls from north to south by 6m.

Development applications have been submitted for the adjoining sites to the west at the corner of Ada and Munderah Streets, and to the east at No. 1-3 Munderah Street. LEP 194 and DCP 55 applies to these development sites.

A survey plan or schedule of existing trees indicating the types, sizes and quality has not been provided for assessment.

The relationship to the existing context is acceptable.

Principle 2: Scale

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

Comment:

The scale of development is acceptable, as it complies with the 2(d3) controls.

Principle 3: Built form

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

Comment:

The proposed buildings are setback 13 m to 15m from Munderah Street in compliance with DCP 55. Basement carparking is largely beneath Building A and B which maximizes deep soil planting on the site.

The revised DA drawings (Issue B) do not adequately explain the design of balconies. Balconies are acceptable if they are enclosed by adjustable louvres and are not full glazed to make an additional room. Each apartment is to provide an unenclosed balcony, deck or terrace with the minimum balcony areas stated in DCP 55.

Principle 4: Density

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

Comment:

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The site coverage is 34.9% of the site. The top floor of Building A and B occupies 59% of the floor area of the lower floors. The FSR is 1.21:1. The density is acceptable.

Principle 5: Resource, energy and water efficiency

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

Comment:

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

All kitchen rear walls are located less than 8m from windows, complying with the Residential Flat Design Code guidelines. More than 25% of kitchens are located on external walls.

Principle 6: Landscape

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

Comment:

The layout of buildings has been used to create a series of defined common open spaces. Extensive planting has been proposed and the hard areas minimised. However, it is recommended that the type and size of all planting as well as details concerning the materials and finishes of all exterior surfaces is provided for assessment.

A major objective of DCP 55 is to achieve buildings set within a landscape setting, which is to include large canopy trees. At the rear of the site there is extensive planting of shrubs and smaller trees, however no large canopy trees are provided. It is recommended that a large canopy tree is provided in the northern common open space area that will reinforce the buildings in a landscape setting, provide shade to the common open space area and provide further privacy between adjoining buildings.

Principle 7: Amenity

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

Comment:

The landscape design successfully implements pedestrian ramps into the design making all buildings accessible from the street. This is to be commended.

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The windows between living room and bedrooms in Units 13-14, 20-21 and 27-28 are separated by less than 5m. The RDFC recommends that windows between habitable rooms are separated by a minimum of 12m. The floor plans indicate a folding element to the living room, however, further details need to be provided demonstrating the nature of this folding element. It is recommended that a privacy blade is provided to each bedroom window or folding privacy screens are provided to windows of the living rooms in the internal corners of the courtyard.

Principle 8: Safety and security

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

Comment:

There are no perceived safety or security issues.

Principle 9: Social dimensions

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

Comment:

The mix of apartments is acceptable.

Principle 10: Aesthetics

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

Comment:

Building A and B each have a vertical expression through the use of towers and framed balcony elements extending from the ground to the third/fourth floors, which provide articulation to the façade. There is a clearly defined base and middle to these buildings articulated by a change in material. However, the fourth floor (top) of these buildings is not differentiated from the middle of the building as it uses the same paint colour and finish. It is recommended that the top of these buildings recede from the middle by using a darker tone paint finish (refer to the RFDC - facades).

Conclusions and recommendations

It is recommended that-

- *The type and size of all planting as well as details concerning the materials and finishes of all exterior surfaces is provided for assessment;*
- *A large canopy tree is provided in the northern common open space area that will reinforce the buildings in a landscaped setting, provide shade to the common open space area and further provide privacy between adjoining buildings;*
- *A privacy blade is provided to each bedroom window or folding privacy screens are provided to living room windows between Units 13-14, 20-21 and 27-28 that are separated by less than 12m;*
- *The fourth level of Building A and B is finished using a darker tone paint.*

It is considered unnecessary to impose a condition for the provision of privacy blades/louvres. The development complies with the required building separation controls stipulated by DCP 55 and acceptable physical and visual separation is provided between apartments, internal and external to the development, preventing privacy conflicts.

The reference to screens/doors/enclosures is to be deleted from the plans, as suggested by **Condition No. 34.**

Conditions No. 50 and 36 require the provision of details of landscaping, canopy trees and revised external finishes.

Heritage

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

Conclusions and Recommendations

The existing house has a long history and was associated with several prominent families. However, as it has been heavily modified in several different periods, the existing form of the house is not considered to have heritage significance. The existing garden has been reduced by subdivision over its life and considerable change to the garden layouts, but the tall palm trees are remnants from the original Federation period and considered to have heritage value and are worthy of retention and incorporations into a new garden scheme. Photographic recording should be undertaken before demolition.

As the northern side of Munderah Street has been rezoned and other nearby sites are institutional in nature, it is considered that there would be no impact on UCA 26 by this development.

There would be no significant impact to nearby heritage items. Council has approved demolition of No 4 Munderah and finalised a draft LEP to remove the listing. The building at 1614 Highway is relatively close to the site, but its primary presentation is to the Pacific

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Highway and given the objectives and controls in DCP 55, it is considered to have an acceptable level of heritage impact.

Archival Recording - Demolition of Contributory buildings in UCA

A report is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The above requirements are included as a condition within the recommendation (refer to **Condition No. 45**).

Landscaping

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

The site

It is proposed to demolish the existing dwelling and associated structures and construct two five storey residential flat buildings and a third two storey building at the rear. A two level basement car park is also proposed on the existing single allotment of 4 179.86sqm with vehicular access from Munderah St. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn areas. The existing landscape is well maintained and includes existing plantings that are considered to be part of the original planting scheme dating from the original dwelling circa early 1900's. The site frontage is dominated by a semi circular formal palm planting, while the rest of the site is characteristic of the broader Ku ring gai landscape setting. The site adjoins a large nursing home development at the rear which includes a heritage listed dwelling.

Impacts on trees/Trees to be removed/Tree replenishment

Thirty nine trees have been identified as being located on or associated with the site, although there are other trees on adjoining properties which have not been assessed. Of those identified, it is proposed in the arborist's Report to remove twenty four, of those nominated for removal, four are exempt under Council's TPO (#'s 5, 7, 27, and 39), four are in poor structural condition or declining health (#'s 10, 11, 31, and 37), two are recommended for removal by the arborist #'s 19 and 20 to allow for future plantings, and others are either located within the proposed building footprint or are suitable for transplanting. The arborist has recommended the removal of tree #'s 19 and 20 simply to allow for planting of new tall canopy trees (which have not been proposed), but has not taken into consideration the amenity that the existing trees provide, particularly as they are in good health and display good vigour and located adjacent to the site boundary outside of the proposed building footprint and development works. It will be conditioned for these trees in addition to others nominated for removal without justification to be retained.

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The most significant trees proposed for removal are some of the mature palms within the site frontage that form the circular planting that dominates and characterises the site frontage. As discussed, these palms predate the existing dwelling character and arguably form part of the original planting fabric of the site as evidenced by photographs from the 1930's. The palms would have been consistent with the Federation Era planting style. The palms are considered too large for transplanting and their removal is not desired. However, as the proposal spatially conflicts with the location of some of the palms, a significant redesign of the proposal would be required with a deep front setback to retain the palms.

Arborist's Report

A revised arborist's report has been submitted addressing previous concerns regarding trees not being assessed. A total of thirty nine (39) trees have been identified as being located on or associated with the site, as detailed within the submitted arborist's report by Bradshaw Horticultural Services. The arborist's report also fails to include a tree location diagram for the trees assessed which was requested but not submitted. However, tree numbers have been adequately shown on the revised landscape plan.

Landscape Plan

A revised Landscape plan has been submitted, as requested. Subject to minor amendments which can and will be conditioned, the landscape plan can be supported by Landscape Services. Changes will be required regarding: the location of proposed feature and canopy trees which are inappropriately located adjacent to dwellings where they will be exempt under council's Tree Preservation Order; the inappropriate location of transplanted palm groupings within the critical root zones of existing trees that will result in significant root severance; the inappropriate location of tall canopy trees beneath the canopy drip line of existing trees being retained; the retention of existing trees adjacent to site boundaries outside of development works that provide valuable amenity to the site and adjoining properties; and the provision of external access for maintenance of the private courtyards.

Screen planting proposed for the development includes small and medium sized shrubs beneath the canopies of existing and proposed trees. Screen planting adjacent to the southern, western and northern site boundaries is considered inadequate for the scale of development proposed. It will be conditioned for additional screening shrubs to be planted with species that are capable of growing to greater heights, in addition to multi layering of planting heights to ensure adequate and appropriate screening.

Drainage Plan

The proposed Stormwater Concept Plan indicates the location of pipes in direct conflict with existing trees to be retained. It is preferred that a revised Stormwater Plan be submitted relocating drainage pipes away from existing trees, but it can be conditioned for this to be done as part of a development consent.

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The proposed development is considered to be consistent with the provisions of SEPP 65, LEP 194 and DCP 55 in relation to the provision of landscaping to suit the changing character of the area, maintaining consistency with the landscaped character of Ku-ring-gai and screening built form. The palms located toward the street frontage, whilst reminiscent of the history of the site are not considered compatible or congruous with the scale of development proposed. The tree species proposed in the submitted landscape concept plan are considered more appropriate, for screening and softening the built form within the streetscape in line with the objectives of LEP 194 and DCP 55.

The applicant has submitted a diagram of deep soil zones detailing that 50.2% deep soil area is provided to comply with LEP 194. This calculation has been checked and is accurate.

Engineering

Council's Development Engineer, Kathy Hawken has commented on the proposal as follows:

The application is supported subject to conditions:

Water management

The site drains to Munderah Street. The plans provided show three 10,000 litre rainwater tanks for re-use and an above ground detention storage in the front garden. Due to landscape considerations, the stormwater design will have to be amended, however this can be done with the Construction Certificate plans, and the recommended conditions include the required changes.

The lines shown along the eastern and western boundaries will have to be moved in closer to the buildings due to existing trees to be retained, including on the neighbouring properties. Similarly, if Tree 3 is to be retained, then the detention storage levels cannot be achieved. However it appears that the detention storage area could be raised and the design would still work. I have advised the engineer of these matters.

The retained roofwater will be used for toilet flushing, clothes washing and irrigation, as required by DCP 47.

Parking and vehicular access

Under LEP 194, the development requires 59 resident and 9 visitor spaces. The carpark contains 77 spaces and therefore complies.

The parking spaces and manoeuvring areas are all adequate and the driveway grades and widths comply with AS2890.1:2004.

Traffic generation

The development is expected to generate an additional 15-20 vehicle trips per peak hour. This is not expected to adversely impact traffic flows in the surrounding streets. The traffic

report considers the cumulative effect of future developments and concludes “the modelling results indicate that the intersection with Ada Avenue, which will provide the primary access point, is operating well within capacity during the road network peak periods.”

Construction management

Due to the site’s proximity to two schools, a condition has been included which prohibits construction vehicle movements during school drop-off (8.00am to 9.30am) and collection (2.30pm to 4pm) hours.

There was no on-street parking available in Munderah Street at the time of this morning’s inspection (8.30am), most likely due to employee parking for construction sites at 7 Munderah Street and 1580 Pacific Highway. Basement parking will need to be made available for employees as soon as possible. The detailed Traffic Management Plan, to be submitted prior to commencement of works, will need to include a timeframe for this to occur.

A works zone may be required during the construction period. This will reduce the available parking on-street but will allow for orderly deliveries etc. The procedure for arranging for a Works zone is given in the recommended conditions.

Waste collection

It is noted that the basement carpark plan shows “remote control access to garbage room for garbage collection”. The traffic report states “collection will be carried out by a private contractor who will have access to the basement via a remote key for the security gate.” This is not actually the case, as Council will provide the waste collection service. The swept path analyses refer to a Ku-ring-gai Council refuse vehicle.

Council’s Manager Waste Services has previously advised in relation to another development that a concealed single action button would be acceptable provided it is in an accessible position. The recommended conditions allow for this only.

Rearrangement of the car spaces by making 11, 12 and 13 visitor spaces may allow for a security gate before space 14 and another bay between the plant room wall and the column between spaces 4 and 5. This can be done when preparing the Construction Certificate drawings.

Geotechnical

The report is based on previous investigations in the area, including within the adjacent UPA property. The site may be expected to be underlain by residual clays and weathered shale, possibly with a relatively deeply weathered profile. Excavation of up to 10 metres is required to achieve basement level, which will be within 3 metres of the eastern and western boundaries.

Subsurface investigation following demolition of the residence will identify whether vibration monitoring will be required and whether batters or anchored soldier piles will be appropriate

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for excavation support. If batters are adopted, then the report recommends core drilling to identify adverse jointing.

It is considered that dilapidation reporting of the UPA building adjacent to the northern boundary would be prudent, as well as the residence at 3 Munderah Street (unless demolished under a separate approval). Depending on the timing of the subject development, there may be a building at 8-12 Ada Avenue sufficiently advanced to require a dilapidation survey. This can be addressed in the geotechnical report on the subsurface investigation.

Refer to **Conditions No. 2-15, 38-44, 54-65, 73-81, 82-91.**

STATUTORY PROVISIONS

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

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

The application includes a Design Verification as required by Part 2 of SEPP 65. The statement identifies that the application has been prepared under the direction of Stuart Gelder, Principal Architect who is a qualified designer and member of the NSW Architects Registration Board.

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

Context:

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

The suburb of Wahroonga is formed by a grid subdivision pattern, consisting of large landholdings surrounding the railway line/Wahroonga Station, village shops, schools and churches. Abbotsleigh, Knox Grammar and several aged care facilities and primary schools exist in the locality. The site is located within walking distance of Wahroonga Village shops and railway station.

Large dwellings are set within large, formally landscaped, curtilages. Architectural styles and landscaping are characteristic of the 1900-1930's period.

Although characteristically a 'garden suburb', the precinct was rezoned in 2004 for the purpose of medium density housing. The rezoning provides development parameters including setbacks, heights, floor space which anticipate an entirely different form of development surrounding the railway corridor. The properties to the east and west of the site have been rezoned Residential

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2(d3). The site is adjoined to the north a large retirement village and to the south by low density residential dwellings, within zone Residential 2(c).

Although the development is significantly larger than existing development, the proposal is compliant with the objectives and development controls and requirements recently established. The proposal will change the area character however will not adversely intrude upon the streetscape, given the zoning of the site and surrounds.

Scale:

The scale of new development should suit the scale of the street and surrounding development. The scale should be in keeping with the '*desired future character of the area*'.

The proposed development complies with the development standards contained in LEP 194 and the design controls and assessment criteria of DCP 55 with respect to scale and built form. The building is located with an appropriate setback and landscaped curtilage for the zoning and complies with the provisions of LEP 194 and DCP 55 in relation to siting and scale. The design is consistent with the requirements of SEPP 65. The building is considered to be adequately articulated and set back behind vegetation, providing visual relief and interest without detracting from the streetscape. The scale of proposed development is satisfactory.

Built form:

Design should be appropriate for a site and the purpose of a building. Building alignment, proportions, types and elements should define the public domain, contribute to visual character and provide internal amenity and outlook.

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

The building design, alignment, proportions and elements are consistent with applicable guidelines and are considered acceptable by Council's Urban Design Consultant. The built form proposed achieves adequate articulation and interest within the streetscape and is consistent with SEPP 65.

Density:

Density (including floor space and number of dwellings) should be appropriate for a site and context. Densities should be sustainable and in precincts undergoing a transition should be consistent with the stated desired future density, responding in a regional context based upon availability of services.

LEP 194 aims to increase housing density and choice without compromising the natural environment and area character.

As indicated in the *Compliance Tables*, the development complies with the development standards and controls relating to density. The proposal achieves a high level of residential amenity, with good solar access, cross ventilation and open space areas for occupants without adversely impacting

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on the visual amenity of the area. The density proposed is consistent with the Residential 2(d3) zoning.

Resource, energy and water efficiency:

Refer to *Development Engineer, Sydney Water* and *Energy Australia* comments.

The proposal is acceptable with respect to sustainability and resource availability. No single aspect units are proposed and units have good access to sunlight and cross ventilation.

Landscape:

Landscape and buildings should operate as integrated and sustainable systems resulting in '*greater aesthetic quality*' and amenity for occupants and the public domain. Landscape design should build on the sites' natural and cultural features, provide habitat for local biodiversity and fit the development within its context.

Landscaping should optimise useability, benefits to neighbours and provide for long term management.

LEP 194 Clause 25I(2) provides a minimum standard for deep soil landscaping. DCP 55 also contains specific requirements in relation to the location, composition and design of deep soil zones with the objective of ensuring that multi-unit housing occurring within Ku-ring-gai maintains consistency with the existing, unique character of the area. Deep soil landscaping must be designed to optimise useability, provide effective screening to neighbours and the streetscape and promote long term management and protection.

The proposal provides landscaping to comply with LEP 194 Clause 25I(2). Council's Landscape Development Officer has assessed the submitted landscape plan and subject to conditions, the concept provided meets the objectives of DCP 55 and integrates the built form appropriately with the surrounding area.

The proposal is acceptable when assessed against Principle 6 of SEPP 65.

Amenity:

Good design provides amenity through the physical, spatial and environmental quality of a development including considerations such as room dimensions and shapes, solar access, ventilation, privacy, storage, indoor and outdoor space, outlook and access.

DCP 55 contains specific development objectives and guidelines with respect to achieving a high level of residential amenity. These controls relate to minimum bedroom dimensions, sunlight and ventilation, minimum courtyard/balcony areas, ceiling heights and orientation. The proposal is consistent with Council's requirements, as indicated in the *Compliance Table* DCP 55 controls. The development provides a high level of amenity consistent with Principle 7 of SEPP 65.

Safety and security:

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Good design optimises safety and security both internally and externally by maximising overlooking to public areas and allowing passive surveillance.

Refer to *DCP 55 Clause 4.6 - Safety and Security* design controls and considerations.

The development addresses the street, provides amenity, landscaping within the streetscape and connection to the street. The development promotes passive surveillance, safety and security in accordance with the design requirements of SEPP 65.

Social dimensions:

Development should respond to lifestyles, affordability and local community needs, providing a mixture of housing choices.

Refer to detailed discussion of *DCP 55 Clause 4.7 'Social Dimensions'*. The proposal provides housing choice for a mixture of income levels, family structures and accessibility levels and is consistent with both SEPP 65 and DCP 55 in this regard.

Aesthetics:

Composition of building elements, textures, materials and colours should reflect the use of the development, its environment and desirable elements of the streetscape. Aesthetics of a building should contribute to the desired future character of areas undergoing transition.

An assessment of the aesthetics of the design in relation to the design principles of SEPP 65 has been made by Council's Urban Design Consultant. Subject to conditions relating to materials, the design, articulation and proposed construction of the building are appropriate for the surrounding local context and the Residential 2(d3) zone.

Residential Flat Design Code

Relating to the local context:

The building envelope, in terms of setbacks, is considered satisfactory having regard to the desired future character of locality. This is discussed in more detail below under the provisions of *SEPP 65* and *DCP 55*.

Site analysis:

An appropriate site analysis was submitted indicating building edges, landscape response, access and parking and building performance.

In terms of site configuration, the proposal is considered to provide acceptable locations for deep soil landscape areas in compliance with Council's guidelines.

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The siting and orientation of the development allows adequate solar access for the habitable areas and private open spaces for the development and adjoining properties.

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

Building design:

As detailed in this report, the development provides suitable residential amenity for future occupants in compliance with SEPP 65 and DCP 55.

All other relevant matters relating to building design are detailed elsewhere in this report.

State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 requires Council to consider the development history of a site and its potential for containing contaminated material.

The subject site has historically been used for residential purposes and is unlikely to be affected by contamination.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

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

The development has the potential to impact on water quality and volumes to the catchment.

Council's Development Engineer considers the proposed stormwater system as acceptable. Subject to conditions, the development is unlikely to generate significant additional stormwater and is consistent with the provisions of SREP 20.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1200m ²	4179.86m ²	YES
Deep landscaping (min): 50%	50.2%	YES
Street frontage (min): 30m	48.6m	YES
Number of storeys (max): 5	2 and 5	YES
Site coverage (max): 35%	34.9%	YES
Top floor area (max): 60% of level below	60%	YES
Storeys and ceiling height (max): 5 and 13.4m	5 & 11.7m	YES

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Car parking spaces (min):		
• 9 (visitors)	10	YES
• 57 (residents)	67	YES
• 66 (total)	77	YES
Zone interface setback (min): 9m	9m (adjoining special uses zone)	YES
Manegeable housing (min): 10%	11.8% (4 units)	YES
Lift access: required if greater than three storeys	Lift access provided to 5 storey building	YES

Site area (cl.25E):

Clause 25E of LEP 194 stipulates that consent may be granted to development for the purpose of a residential flat building on land zoned Residential 2(d3) only if the land has an area of at least 1,200m².

The development site measures 4179.86m² in area and is appropriate for the development proposed.

Deep soil landscaping (cl.25I(2)):

Clause 25I(2) provides a minimum standard for deep soil landscaping. The proposed development is required to observe the following requirements:

- Deep soil planting with a minimum width of 2 metres on the site;
- Deep soil landscaping of minimum ratio of 50% for a site with an area of 1,800m² or greater.

The proposal provides 50.2% of deep soil landscaping on the site. The deep soil component of the development has a minimum width of 2 metres and complies. This deep soil zones provided will provide appropriate amenity for future occupants, surrounding property owners and screening/planting within the streetscape.

Site frontages (cl.25I(3)):

Clause 25I(3) requires a minimum street frontage of 30 metres for a development site of 1,800m² – 2,400m² in area.

The site has a frontage of 48.6 metres and complies.

Number of storeys (cl.25I(5)):

Buildings proposed on sites measuring 2,400m² or more are not to exceed 5 storeys in height.

The site area is 4179.86m². One building achieves a height of 2 storeys and the other 5 storeys. The development complies. Further discussion of height is provided under *DCP 55*.

Site coverage (cl.25I(6)):

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Residential flat buildings are not to occupy greater than 35% percentage of the site area.

As indicated in the *Compliance Table*, the proposal is consistent with this development standard with a site coverage of 34.9%.

Top floor (cl.25I(7)):

In zone 2(d3), where the maximum number of storeys permitted is attained, then the floor area of the top storey of a residential flat building of 3 storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.

The top (5th) storey proposed achieves a total area less than 60% of the floor below and complies. The 2 storey element is well below the permitted height limit and is therefore not subject to this 60% top floor requirement.

Storeys and ceiling height (cl.25I(8)):

Pursuant to Clause 25I(8) a development within the 2(d3) shall have a maximum of 4 storeys (excluding reduced top storey) and a total perimeter ceiling height of 13.4 metres.

As indicated in the *Compliance Table*, the proposal achieves 4 storeys (excluding reduced top storey) with a perimeter ceiling height of 12.5 metres and complies.

Car parking (cl.25J):

The proposal complies with the car parking development standard contained in Clause 25J.

Zone interface (cl.25L):

The site adjoins land zoned Special Uses (Aged Persons Home) directly to the north. LEP 194 Clause 25L requires that a residential flat building be set back a minimum of 9 metres from the boundary of land which is not zoned Residential 2(d3). The development is set back 9 metres from the adjoining Special Uses (Aged Persons Home) and is acceptable.

Manageable housing (cl.25N(2)):

Refer to detail in the *Compliance Table* (LEP 194 and DCP 55) and discussion of 'Social Dimensions'. Manageable housing is provided in compliance with Council's requirements.

Lift access (cl.25N(3)):

A lift must be provided in all multi-unit housing of more than 3 habitable storeys in zone 2(d3). The proposed building comprises 5 habitable storeys and lift access is provided.

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

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The site is not located in a heritage conservation area is not affected by heritage or conservation status however

Residential zone objectives and impact on heritage:

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

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

Part 4.1 Landscape design:		
Deep soil landscaping (min) • 150m ² per 1000m ² of site area = 626.8m ²	>2000m ²	YES
No. of tall trees required (min): 1 per 300m ² 14 trees	78 trees proposed, 12 trees retained	YES
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	34.9%	YES
Floor space ratio (max): • 1.3:1	1.2:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): • 13-15 metres (<40% of the zone occupied by building footprint)	14m	YES
Rear boundary setback (min): • 6m	10m	YES
Side boundary setback (min): • 6m	3-6m (building complies/basement stairs breach to 3m)	NO
Setback of ground floor courtyards to street boundary (min): • 8m/11m	13m	YES
% of total area of front setback occupied by private courtyards (max): • 15%	2%	YES
Part 4.4 Built form and articulation:		
Façade articulation:		

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<ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	<p>>600mm</p> <p><81m²</p>	<p>YES</p> <p>YES</p>
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	<p>34.5m</p> <p>>1.2m</p>	<p>YES</p> <p>YES</p>
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	<p>>70%</p> <p>>50%</p> <p>No single aspect/western orientation</p>	<p>YES</p> <p>YES</p> <p>YES</p>
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	<p>12m</p> <p>>12m</p> <p>>6m</p> <p>18m</p> <p>13m</p> <p>9m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	<p>2.7m</p> <p>>2.4</p>	<p>YES</p> <p>YES</p>

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<ul style="list-style-type: none"> 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	>3m or	YES
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	>3m	YES
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	4 units >1.5m >1.8m	YES YES YES
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m ²	>25m ² >10m ² >12m ² >15m ² >2.4m	YES YES YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	100%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 2 and 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light 	100% No single aspect units 100%	YES YES YES

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<ul style="list-style-type: none"> >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	4.5 star rating = 90% 3.5 star rating = 10%	YES YES
Part 5 Parking and vehicular access:		
Car parking (min):		
<ul style="list-style-type: none"> 57 resident spaces 	67 spaces	YES
<ul style="list-style-type: none"> 9 visitor spaces 	10 spaces	YES
<ul style="list-style-type: none"> 66 total spaces 	77 spaces	YES

Part 2: Elements of good design

Part 2 of DCP contains broad guidelines and controls relating to appropriate design for Ku-ring-gai.

Elements relate to the integration of a building with the local area and the scale, articulation and entry presentation of a building within the streetscape.

A building should provide a clear identity for the street. Entries should relate to the street and be clearly identifiable within the street.

Materials should respond to the existing pattern of building construction materials characteristic of the area such as dark or red brick, timber or copper. Buildings set well back from the street should be surrounded by a dense tree canopy. Lift overruns and mechanical equipment should be integrated in the design.

Objection was raised to the finishes/colours proposed. The colours proposed are detailed on Plan DA08 (Schedule of Colours and Finishes). The lower levels of the building are proposed to be finished in brown face brick. The upper levels of the building are to be rendered with a mixture of grey and light green/mint/cream colours, with a darker green/grey feature wall for one section of the southern elevation. Proposed louvres and handrails are in a dark grey colour.

The proposed lighter colours are not considered to be consistent with the predominant colours, tones and finishes of older style buildings in the area, particularly those which will face the development on the southern side of Munderah Street and beyond. For a building of the proposed size, darker more recessive, earthy colours/tones are considered more appropriate. **Condition No. 36** is therefore recommended to address this.

Part 3 Local context:

Development should be consistent with the stated desired future character of the residential 2(d3) zone and not detract from the existing character of adjoining/surrounding areas.

LEP 194 Clause 25 contains objectives in relation to the desired future character of the area including: to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai, preserve biodiversity, preserve and replenish the existing tree canopy, protect natural watercourses and topographical features and achieve high quality architectural and urban design. Development should have regard to heritage items within the vicinity.

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There are no heritage items within the vicinity which would be adversely affected by the proposed development, however, the site is located within the Mahratta Urban Conservation Area (UCA No. 26). The development has been assessed by Council's Heritage Advisor as acceptable, subject to conditions. The landscaping and is considered to protect the treed character of the area.

Part 4.1 Landscape design:

Development should reinforce the landscaped and treed character of the area. Deep soil planting is to be established surrounding built form to increase visual amenity, screening and to maintain consistency with the surrounding garden dominated, leafy landscape.

As indicated in the *Compliance Table*, the proposal complies with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping and tree replenishment provided.

Subject to conditions, Council's Landscape Development Officer considers the proposed landscaping concept plan to be acceptable. The planting proposed integrates the development with the surrounding area and provides screening for adjoining properties.

Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development complies with the 1.3:1 floor space ratio control, 35% site coverage standard and 50% deep soil landscaping standard, achieving the optimum capacity of the site within a landscaped context.

Part 4.3 Setbacks:

Buildings should not intrude upon the streetscape or unreasonably affect solar access and privacy available to adjoining dwellings. Buildings should be set within a landscaped curtilage.

DCP 55 prescribes a front setback of between 13 and 15 metres for the development and a minimum of 6 metres from the sides and rear.

The development achieves a front setback of 14 metres, providing sufficient opportunity for landscaping. The rear setback proposed is 10 metres. Front setbacks should not be dominated by areas of private open space and courtyards so as to allow planting of tall canopy trees and substantial landscaping. No more than 15% of courtyards are provided within the setback and the proposal complies with the DCP in this regard (only 2% courtyard areas provided within the front setback).

The proposed development generally complies with the 6 metres side setback control at ground level. However, two stairways leading from the basement to ground level breach the setback by 2.5 metres (3.5 metres setback) (7.5m² area on either side of the building). This breach is minor in extent and is not considered to significantly impact upon the ability to provide deep soil landscaping

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and tall trees within the setback. Furthermore, as the stairs are not located on the upper levels (along the eastern and western elevations) no visual impact or privacy issues will result.

The development is consistent with Council's objectives and requirements in relation to setbacks.

Part 4.4 Built form and articulation:

Part 4.4 contains design guidelines to prevent buildings visually impacting on the public domain and dominating the streetscape and to control the separation and landscaping between buildings.

Soft landscaped features should be evident within the streetscape and building elements should be integrated into the overall building form.

The following specific guidelines apply in the assessment of the articulation of a building:

- Facades to the public domain should be articulated by wall planes varying in depth by not less than 600mm;
- No single wall plane should exceed 81m² in area and the width of a single building on any street facing elevation should not exceed 36 metres;
- Balconies should not project more than 1.2 metres from the outermost building façade;
- Service elements should not be visible and should be integrated into the design of the roof;
- Unit arrangements are to respond to site opportunities and constraints.

As indicated in the *Compliance Table*, the proposed development complies and the development addresses the street and provides units which respond to the opportunities and constraints provided by the site. The proposal is acceptable in relation to built form and articulation. Refer also to the assessment of Council's *Urban Design Consultant* and *SEPP 65*.

Part 4.5 Residential amenity:

Building layouts, orientation and provision of outdoor space and landscaping should maximise internal and external amenity for occupants.

DCP 55 contains technical requirements relating to availability of space, storage, solar access, natural solar ventilation, visual and acoustic privacy and outdoor living.

A review of the compliance of the development with these controls is provided in the *Compliance Table*. The development achieves compliance with the applicable controls. The proposal is considered to provide good residential amenity for future occupants in terms of solar access, private open space, room dimensions and building separation.

Part 4.6 Safety and security:

Refer to discussion of *SEPP 65 Principle 8: Safety and Security*.

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Apartments adjacent to public streets are required to have at least one window or a habitable room with an outlook to that area. Entries and common open space should be visible from public areas or apartments and lighting should be provided to increase visibility.

The proposed development provides windows and balcony areas which will overlook the street and external access areas. The main entry to the building is not located directly forward of the building line, toward the street as recommended by DCP 55. However, pathway areas leading to the main access (located off the western side setback) are clearly visible and identifiable. These areas are viewed by ground floor units and courtyard areas providing acceptable passive surveillance. The development does not provide entrapment areas and is consistent with Part 4.6.

Part 4.7 Social dimensions:

Refer to discussion of *SEPP 65 Principle 9: Social Dimensions*.

As indicated in the *Compliance Tables*, the proposed provides 10% 'manageable' units in accordance with LEP 194 Clause 25N and 70% 'visitable' units, internal paths of travel and visitor and resident parking spaces in accordance with DCP55 Clause 4.7 C-3.

The development provides a flexible mix of housing types and a suitable variety of unit sizes to meet market demand for a range of medium density accommodation needs.

Part 4.8 Resource, energy and water efficiency:

DCP 55 requires that 90% of units meet the NatHERS rating of 4.5 stars and above. All of the proposed units attain an average 4.5 star rating and are acceptable.

100% of apartments have natural cross ventilation and all kitchens have direct or indirect access to natural light via glazing.

The development provides no single aspect units with a southern or western orientation. Aluminium operable louvred shading devices are proposed for windows along the western elevation to assist in the natural cooling of west facing apartments as required by Clause 4.8.1 C-7.

Construction materials, design and landscaping proposed are assessed as satisfactory with respect to energy efficiency and ecologically sustainable development.

Part 5 Parking and vehicular access:

Refer to *Compliance Table*.

Car parking is provided in accordance with the numerical requirements of DCP 55 and DCP 43 - Car Parking for to resident, visitor and accessible parking spaces.

Clearly defined, separate pedestrian access routes are provided through the development reducing any pedestrian or vehicular conflicts.

Part 6 Isolated sites:

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The proposal does not have the effect of isolating or compromising the development potential of any surrounding sites.

Part 7 Nominated Areas:

The site is not a nominated site under the provisions of DCP 55.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$878,692.54, which is based on 22 x 'large' dwellings, 12 x 'very large' dwellings and a \$32,324.00 credit for the 'very large' dwelling existing on the site. This contribution is required to be paid by **Condition No. 37**.

LIKELY IMPACTS

The likely impacts of the development have been considered in detail within this report and are deemed to be acceptable.

SUITABILITY OF THE SITE

The site is suitable for the development proposed.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 956/05 for the demolition of existing structure and the construction of a 2 residential flat buildings (34 units), basement car parking and landscaping on land at 5 Munderah Street, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans numbered DA01, DA02B, DA03B, DA04B, DA05, DA06, DA07, DA08, DA09, dated January 2005 drawn by Gelder Architect Group and Landscape Plans 1232 – LP/01, LP1.1 and LP 1.2 dated 28 November 2005 drawn by John Lock and Associates and endorsed with Council's approval stamp, except where amended by the following conditions:
2. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
3. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
4. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession

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offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

5. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
6. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
7. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
8. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any party or parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject property. It is the applicant's full responsibility to ensure that any rights-at-law are upheld. Council accepts no responsibility whatsoever, either now or in the future, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
9. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
10. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility

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authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

11. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
12. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
13. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
14. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
15. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service. A concealed single action button may be acceptable provided it is in an accessible position, subject to the approval of Council's Manager, Waste Services.

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16. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location

#15 *Cedrus atlantica* (Atlantic Cedar)
Adjacent to eastern site boundary

#19 *Cupressocyparis spp.* (Cypress)
Adjacent to eastern site boundary

#20 *Cupressus spp.* (Cypress)
Adjacent to eastern site boundary

17. The trees to be retained on site and adjoining the site boundaries shall be inspected, photographed, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation (including photographs) from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

All existing trees located on site being retained

Time of inspection

Prior to demolition

At the completion of demolition

Prior to excavation works

At the completion of excavation works

Prior to the start of construction works

At the monthly intervals during construction

At the completion of construction works

At the completion of all works on site

18. REMOVAL of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#5 *Cinnamomum camphora* (Camphor laurel)
Munderah St nature strip

#7 *Cinnamomum camphora* (Camphor laurel)
Munderah St nature strip

#39 *Cinnamomum camphora* (Camphor laurel)
Munderah St nature strip

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Franklinia axillaris (Gordonia)

Munderah St nature strip

19. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location	Tree Works
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	Minor canopy pruning on western side
Adjacent to eastern site boundary	

#20 <i>Cupressus spp.</i> (Cypress)	Lifting of canopy on western side
Adjacent to eastern site boundary	

#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	Minor canopy pruning to accommodate
Adjacent to western site boundary building	new building

20. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
21. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#1 <i>Livistona australis</i> (Cabbage Tree Palm)	3.0m
Centrally located in front setback	
#3 <i>Cedrus deodar</i> (Himalayan Cedar)	7.0m
Centrally located in front setback	
#4 <i>Livistona australis</i> (Cabbage Tree Palm)	3.0m
Adjacent to south east site corner	
#6 <i>Taxodium distichum</i> (Swamp Mahogany)	3.0m
Adjacent to south east site corner	
#8 <i>Syragus romanzoffianum</i> (Cocco Palm)	3.0m
Adjacent to eastern site boundary in front setback	
#9 <i>Podocarpus elatus</i> (Brown Pine)	7.0m
Adjacent to eastern site boundary	
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m
Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzigium leuhmanii</i> (Lillypilly)	3.0m

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Adjacent to eastern site boundary	
#19 <i>Cupressocyparis</i> spp. (Cypress)	5.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus</i> spp. (Cypress)	3.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.5m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	5.0m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Cocco's Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	3.5m
Adjacent to eastern site boundary to the north of tree #20	
<i>Unidentified tree species</i>	3.0m
Adjacent to the eastern site boundary to the north of tree #20	
<i>Eucalyptus saligna</i> (Bluegum)	8.0m
Adjacent to south west site corner in neighbouring property	

22. No mechanical excavation for the approved residential flat building shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	6.0m on western side
Adjacent to eastern site boundary	
#20 <i>Cupressus</i> spp. (Cypress)	5.0m on south west side
Adjacent to eastern site boundary	

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#29 <i>Grevillea robusta</i> (Silky Oak) Straddling western site boundary	5.0m
#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#31 <i>Castanospermum australe</i> (Blackbean) Adjacent to western site boundary	5.0m on eastern side
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site corner in neighbouring property	8.0m

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

Tree/Location	Radius From Trunk
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree) Adjacent to eastern site boundary	3.0m
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	3.5m
#18 <i>Syzigium leuhmanii</i> (Lillypilly) Adjacent to eastern site boundary	3.0m
#19 <i>Cupressocyparis spp.</i> (Cypress) Adjacent to eastern site boundary	5.0m
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	3.0m on south west side 6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Irn Bark) Adjacent to eastern site boundary in neighbouring property	10.0m
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m

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#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#29 <i>Grevillea robusta</i> (Silky Oak) Straddling western site boundary	3.5m
#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#31 <i>Castanospermum australe</i> (Blackbean) Adjacent to western site boundary	5.0m
#33 <i>Syragus romanzoffianum</i> (Cocco Palm) Adjacent to western site boundary	2.5m
#34 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to western site boundary	4.0m
<i>Unidentified tree species</i> Adjacent to north east site corner in adjoining property at rear	7.0m
<i>Unidentified tree species</i> Adjacent to eastern site boundary to the north of tree #20	3.5m
<i>Unidentified tree species</i> Adjacent to the eastern site boundary to the north of tree #20	3.0m
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	8.0m

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

Tree/Location	Radius From Trunk
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m

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Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzigium leuhmanii</i> (Lillypilly)	3.0m
Adjacent to eastern site boundary	
#19 <i>Cupressocyparis spp.</i> (Cypress)	5.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus spp.</i> (Cypress)	3.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.5m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	5.0m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Coccos Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	3.5m
Adjacent to eastern site boundary to the north of tree #20	
<i>Unidentified tree species</i>	3.0m
Adjacent to the eastern site boundary to the north of tree #20	
<i>Eucalyptus saligna</i> (Bluegum)	8.0m
Adjacent to south west site corner in neighbouring property	

25. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

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26. The following tree species shall be planted as an evenly spaced formal avenue planting, at no cost to Council, in the nature strip fronting the property along Munderah St. The tree/s used shall be a minimum 25 litre container size specimen/s trees and have a minimum setback from the kerb of 3.0m:

Tree Species	Quantity
<i>Eucalyptus saligna</i> (Bluegum)	5

27. Following removal of the *Cinnamomum camphora* (Camphor laurel) and *Franklinia axillaris* (Gordonia) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.

28. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/From	To
#22 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Adjacent to eastern site boundary	Northern side of Unit 4 in communal open space.
#23 <i>Picea abies</i> (Blue Spruce) Centrally located on site	Communal open space on the eastern side of the private courtyard of Unit 6.
#26 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	Central location as shown on Landscape Plan.
#38 <i>Livistona australis</i> (Cabbage Tree Palm) Front setback adjacent to driveway	Adjacent to southern site boundary on the eastern side of the proposed driveway.

29. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
30. The replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

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

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

32. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
33. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
34. In order to maximise residential amenity and compliance with State Environmental Planning Policy No. 65, each unit shall be provided with an unenclosed balcony to meet the dimensions required by DCP 55. Revised details of balcony areas shall be submitted with the Construction Certificate, deleting any reference to sliding doors/enclosures.
35. To maximise privacy between medium density housing developments along Munderah Street, 1 metre wide planter boxes shall be provided along the eastern and western of balconies located on the fourth storey (Units 31, 32 and 33). Planting shall be established within planter boxes 1.2 metres above floor level and screen planting of 700mm above. Details shall be submitted with the application for a Construction Certificate, to the satisfaction of the Principal Certifying Authority.
36. In order to prevent visual impact and maintain consistency with architectural themes in the area, the buildings are to be finished in darker, earthen tones. The fourth storey of Building A is to be finished with a darker tone. Details shall be submitted with the Construction Certificate application.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT IS CURRENTLY \$878, 692.54 (based 22 'large' dwellings, 12 x 'very large' dwellings and a credit of 1 x very large dwelling).

The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75m ²)	1.27 persons
Medium dwelling (75 - under 110 m ²)	1.78 persons
Large dwelling (110 - under 150 m ²)	2.56 persons
Very Large dwelling (150 m ² or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

38. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

39. The Applicant must carry out the following infrastructure works in the Public Road:

- a. construct a concrete footpath for the frontage of the site.

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

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

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

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

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

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided,

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together with a covering letter stating the full address of the property and the accompanying DA number.

40. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
 - All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking ”.
 - A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area. Or that the approval of Council’s Manager Waste Services has been obtained to the proposed means of access.
 - The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.
41. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1* ” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
42. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Pipes are not to be laid within the Critical Root Zone of trees to be retained unless thrust bored.
 - Stormwater management measures are not to require excessive soil level changes within the Critical Root Zone of trees to be retained.
 - **The project arborist is to endorse the Construction Certificate stormwater management plans.**

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- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Water quality measures as required by DCP 47 Chapter 8.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
 - Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
 - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
 - The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the BCA. The plans may be generally based on the stormwater drainage plans prepared by Mitchell Howes for Development Application approval, which are to be advanced as necessary for construction issue purposes.
43. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
44. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
45. A report is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report must be

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submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

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

- Each elevation
- Selected interiors
- All structures on site such as sheds, outhouses, tennis court and pool
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

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

Digital images and CDs may be submitted as supplementary information.

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

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

47. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#8 <i>Syragus romanzoffianum</i> (Cocco's Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m

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Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzigium leuhmanii</i> (Lillypilly)	3.0m
Adjacent to eastern site boundary	
#19 <i>Cupressocyparis spp.</i> (Cypress)	5.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus spp.</i> (Cypress)	3.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.5m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	5.0m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Coccos Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	3.5m
Adjacent to eastern site boundary to the north of tree #20	
<i>Eucalyptus saligna</i> (Bluegum)	8.0m
Adjacent to south west site corner in neighbouring property	

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

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

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Tree/Location	Radius in Metres
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	3.5m
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	3.0m on south west side 6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark) Adjacent to eastern site boundary in neighbouring property	10.0m
<i>Unidentified tree species</i> Adjacent to north east site corner in adjoining property at rear	7.0m
<i>Unidentified tree species</i> Adjacent to eastern site boundary to the north of tree #20	3.5m
<i>Unidentified tree species</i> Adjacent to the eastern site boundary to the north of tree #20	3.0m

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

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

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	8.0m

50. The submitted landscape plan 1232-LP/01 rev C, 1232-LP/1.1 Rev C & 1232-LP1.2 Rev C prepared by John Lock and Associates and dated 28/11/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The proposed location of the transplanted *Livistona australis* (Cabbage Tree Palm) adjacent to the south west site corner beneath the canopy drip line of the *Eucalyptus saligna* (Bluegum) located adjacent to the western site boundary in the neighbouring property, is to be changed so that the relocated palms are located on the eastern side of the proposed driveway, outside of the canopy drip line of the *Eucalyptus saligna* (Bluegum).

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- The proposed planting of four *Angophora costata* (Sydney Redgum) adjacent to the proposed pedestrian footpath adjacent to the western site boundary in the front setback is to be deleted as they conflict with the canopies of existing trees being retained. The four *Angophora*'s can be replaced with four small exotic feature trees capable of reaching a maximum height of 6.0m if desired.
- The proposed planting of two *Pyrus ussuriensis* (Manchurian Pear) on the south side of Unit 5 are to be deleted.
- The proposed planting of two *Pyrus ussuriensis* (Manchurian Pear) on the western side of Unit 5 between the unit and the pedestrian path are to be relocated so that they are on the western side of the footpath.
- Tree#15 is to be shown to be retained and the landscape works beneath its canopy drip line altered accordingly to enable its retention. Plant species may need altering to ensure growth in the differing growing conditions. Existing levels and grades are to be maintained as much as possible beneath its canopy drip line.
- The proposed courtyard wall/fence on the eastern side of Unit 2 beneath the canopy drip line of tree #15 is to be designed to minimise adverse tree impacts to both the canopy and the root system. In this regard pier and beam footings may be required along with heights being altered to accommodate the tree canopy.
- The planting of three *Glochidion ferdinandii* (Cheese Tree) on the eastern side of Unit 3 are to be deleted
- Tree #20 is to be shown to be retained and the landscape works beneath its canopy drip line altered accordingly to enable its retention. Plant species may need altering to ensure growth in the differing growing conditions.
- The pedestrian access path adjacent to the eastern site boundary is to be redesigned and relocated to accommodate the retention of existing tree #'s 15, 19 & 20 and to minimise adverse tree impacts to other existing trees being retained.
- The proposed shrub/screen planting along the southern/Munderah St site boundary is to be substantially increased. Planting areas are to be doubled in width and a layered planting scheme including small trees, large, medium and small shrubs are to be incorporated. Plant species are to reflect the broader landscape character within Munderah St.
- The proposed timber paling fence on top of the existing brick wall along the eastern site boundary is to be deleted within the front setback and is to have a cumulative maximum height of 1.8m above existing ground level.
- The proposed planting of one *Lagerstroemia indica* (Crepe Myrtle) on the northern side of Unit 3 within the private courtyard is to be relocated to the northern side of the courtyard where it can have adequate area to grow to maturity.
- The two unidentified trees located adjacent to the eastern site boundary, north of tree #20 are to be identified and numbered on plan.
- The location for the transplanted tree #23 Blue Spruce, is to be shown on plan.
- The proposed plantings of *Angophora costata* (Sydney Redgum) surrounding the northern communal open space area are to be relocated so that they have a minimum setback of 5.0m from any structure, to ensure that they have adequate area to grow and to ensure that they will be protected by Council's Tree Preservation Order.
- The private courtyards to Units 1, 2, 3, 4, 6, 7, 8, and 9 are to have informal access paths from communal areas for external access for maintenance equipment eg lawn mowers.

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The proposed gates and paths are to be shown on plan and proposed planting altered accordingly.

- The proposed planting of two *Pyrus ussuriensis* (Manchurian Pear) on each side of the pedestrian entry to Units 8 & 9, are to be relocated so that they have a greater setback than 3.0m from the proposed units.
 - The proposed 1.0m high retaining wall to the north of Unit 9 is to be relocated so that it has a minimum 3.0m setback from the northern site boundary beneath the canopy drip line of the tree located on the adjoining property to the rear.
 - The proposed planting of two *Fraxinus griffithii* (Evergreen Ash) to the north of Units 8 & 9 are to be planted on the high side of the proposed retaining wall, where they have adequate area to mature and can be protected by Council's Tree Preservation Order.
 - The proposed planting of one *Lagerstroemia indica* (Crepe Myrtle) to the north east of Unit 6 within the private courtyard is to be relocated so that it has a minimum setback of 4.0m from the wall of the unit.
 - The private courtyard of Unit 7 is to accommodate an additional tall canopy tree able to attain a minimum height of 13.0m. The proposed planting is to be located appropriately so that it has adequate area to establish and mature.
 - The proposed planting of two *Waterhousia* spp adjacent to the eastern site boundary adjacent to tree #19 is to be deleted.
51. The Construction Certificate shall not be released until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.

The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.

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

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

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

53. A CASH BOND/BANK GUARANTEE of \$16 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	\$1 000.00
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	\$3 000.00
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	\$1 000.00
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	\$1 000.00
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	\$2 000.00
#11 <i>Yucca brevifolia</i> (Joshua Tree) Adjacent to eastern site boundary	\$1 000.00
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	\$2 000.00
#18 <i>Syzigium leuhmanii</i> (Lillypilly) Adjacent to eastern site boundary	\$1 000.00
#19 <i>Cupressocyparis spp.</i> (Cypress) Adjacent to eastern site boundary	\$1 000.00
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	\$2 000.00
#34 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to western site boundary	\$1 000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

54. Prior to the commencement of bulk excavation, a geotechnical investigation comprising three or more cored boreholes drilled to at least 1 metre below basement level is to be carried out. The report of this investigation is to be submitted to the Principal Certifying Authority, or Council if no PCA has been appointed. Recommendations for excavation methods and support, vibration monitoring, frequency of geotechnical inspections and groundwater management are to be included in the report. The report is to address the need for dilapidation reporting of adjacent structures.

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55. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the desktop review by Douglas Partners and the report submitted in accordance with another condition of this consent. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection as recommended in the above report(s) and as determined necessary,
 - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
56. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
57. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - That the locations of the rock anchors are registered with Dial Before You Dig
 - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council 's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

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All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

58. Prior to the commencement of demolition works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the UPA building adjacent to the northern boundary, the residence at 3 Munderah Street and any other structures identified in the geotechnical report.

The report must be completed by a consulting structural/geotechnical engineer. A written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

- **A plan view of the entire site and frontage roadways indicating:**
- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
- **Traffic Control Plan(s) for the site**
- All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

For traffic and pedestrian amenity no truck movements shall occur in Munderah Street during school drop off (8.00 to 9.30am) and pick up (2.30 to 4.00pm) hours.

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

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Light traffic roads and those subject to a load or height limit must be avoided at all times. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site. In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
 - Minimising construction related traffic movements during school peak periods.
 - For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
 - Employee parking shall be provided in the basement as soon as practicable, with a timeframe included in the TMP for this.
 - The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.
60. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
61. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- Full road pavement width, including kerb and gutter, of Munderah Street over the site frontage.

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

The developer may be held liable for any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

62. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
63. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
64. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
65. To preserve and enhance the natural environment, earthworks shall not commence until a perimeter drainage structure (i.e. diversion bank/catch drain) designed and located to prevent contaminated diffuse runoff from construction and disturbed areas from leaving the site untreated and runoff from entering the site from upslope areas, is established. Such a drain or bank shall be wholly situated on the building site and designed to safely and adequately collect and convey all diffuse runoff from the site to an appropriately designed and located sediment control structure on-site.
66. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm)	3.0m

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Adjacent to south east site corner	
#6 <i>Taxodium distichum</i> (Swamp Mahogany)	3.0m
Adjacent to south east site corner	
#8 <i>Syragus romanzoffianum</i> (Cocco's Palm)	3.0m
Adjacent to eastern site boundary in front setback	
#9 <i>Podocarpus elatus</i> (Brown Pine)	7.0m
Adjacent to eastern site boundary	
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m
Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzygium leuhmannii</i> (Lillypilly)	2.5m
Adjacent to eastern site boundary	
#19 <i>Cupressocyparis spp.</i> (Cypress)	3.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus spp.</i> (Cypress)	2.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.0m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	2.5m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Cocco's Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	2.0m
Adjacent to eastern site boundary to the north of tree #20	
<i>Unidentified tree species</i>	2.0m

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Adjacent to the eastern site boundary to the north of tree #20

Eucalyptus saligna (Bluegum) 8.0m
Adjacent to south-west site corner in neighbouring property

67. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
68. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
 4. Name, address, and telephone number of the developer/principal certifying authority.
69. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
70. To preserve existing tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is installed if vehicular access is proposed at any time:

Tree/Location

#1 *Livistona australis* (Cabbage Tree Palm)
Centrally located in front setback

#3 *Cedrus deodar* (Himalayan Cedar)
Centrally located in front setback

#4 *Livistona australis* (Cabbage Tree Palm)
Adjacent to south east site corner

#6 *Taxodium distichum* (Swamp Mahogany)
Adjacent to south east site corner

#8 *Syragus romanzoffianum* (Cocco Palm)
Adjacent to eastern site boundary in front setback

#9 *Podocarpus elatus* (Brown Pine)
Adjacent to eastern site boundary

#11 *Yucca brevifolia* (Joshua Tree)
Adjacent to eastern site boundary

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- #15 *Cedrus atlantica* (Atlantic Cedar)
Adjacent to eastern site boundary
- #18 *Syzigium leuhmanii* (Lillypilly)
Adjacent to eastern site boundary
- #19 *Cupressocyparis spp.* (Cypress)
Adjacent to eastern site boundary
- #20 *Cupressus spp.* (Cypress)
Adjacent to eastern site boundary
- #21 *Eucalyptus sideroxylon* (Iron Bark)
Adjacent to eastern site boundary in neighbouring property
- #29 *Grevillea robusta* (Silky Oak)
Straddling western site boundary
- #30 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to western site boundary
- #31 *Castanospermum australe* (Blackbean)
Adjacent to western site boundary
- #33 *Syragus romanzoffianum* (Cocco's Palm)
Adjacent to western site boundary
- #34 *Taxodium distichum* (Swamp Mahogany)
Adjacent to western site boundary
- Unidentified tree species*
Adjacent to north east site corner in adjoining property at rear
- Eucalyptus saligna* (Bluegum)
Adjacent to south west site corner in neighbouring property

71. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location	Radius From Trunk
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Cocco's Palm)	3.0m

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Adjacent to eastern site boundary in front setback	
#9 <i>Podocarpus elatus</i> (Brown Pine)	7.0m
Adjacent to eastern site boundary	
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m
Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzigium leuhmanii</i> (Lillypilly)	3.0m
Adjacent to eastern site boundary	
#19 <i>Cupressocyparis spp.</i> (Cypress)	5.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus spp.</i> (Cypress)	3.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.5m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	5.0m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Cocco Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	3.5m
Adjacent to eastern site boundary to the north of tree #20	
<i>Unidentified tree species</i>	3.0m
Adjacent to the eastern site boundary to the north of tree #20	
<i>Eucalyptus saligna</i> (Bluegum)	8.0m
Adjacent to south west site corner in neighbouring property	

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

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

73. The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
74. The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
75. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
76. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Councils customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

- 77. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 78. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
- 79. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
- 80. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
- 81. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 82. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

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- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- New concrete footpath for the frontage of the site.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface
- damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

83. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of any works-as-executed drawings required under this consent
 - The Engineer's certification of the as-built system.
 - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
84. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
85. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - That the as-constructed carpark complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

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- That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.44m height clearance for waste collection trucks (refer DCP 40), are met from the public street into and within the applicable areas of the basement carpark.
86. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
 - That retained water is connected and available for uses including toilet flushing, clothes washing and irrigation.
 - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - That all grates potentially accessible by children are secured.
 - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
 - The following certification sheets **must be accurately completed and attached** to the certification:
 - Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
87. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.

Item 4

- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
 - The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.
88. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
89. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
According the relevant Australian Standards and guidelines, and
According to any approved Geotechnical report undertaken for the development, and
In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
90. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted before commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
91. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures and infrastructure originally assessed.

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

Item 4

92. The screen planting along eastern and western edges of the fourth storey balconies (**Condition No. 35**) shall be completed prior to release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.
93. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
94. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
95. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent

BUILDING CONDITIONS

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

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

99. To maintain existing ground levels all excavated material shall be removed from the site.
100. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Item 4

101. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
102. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
103. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
104. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
105. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

106. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
107. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
108. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
109. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body

Item 4

for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

110. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
111. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 1. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
112. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
113. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
114. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
115. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.

Item 4

116. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.

N Richter
Executive Assessment Officer

M Leotta
Team Leader
Development Assessment - North

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

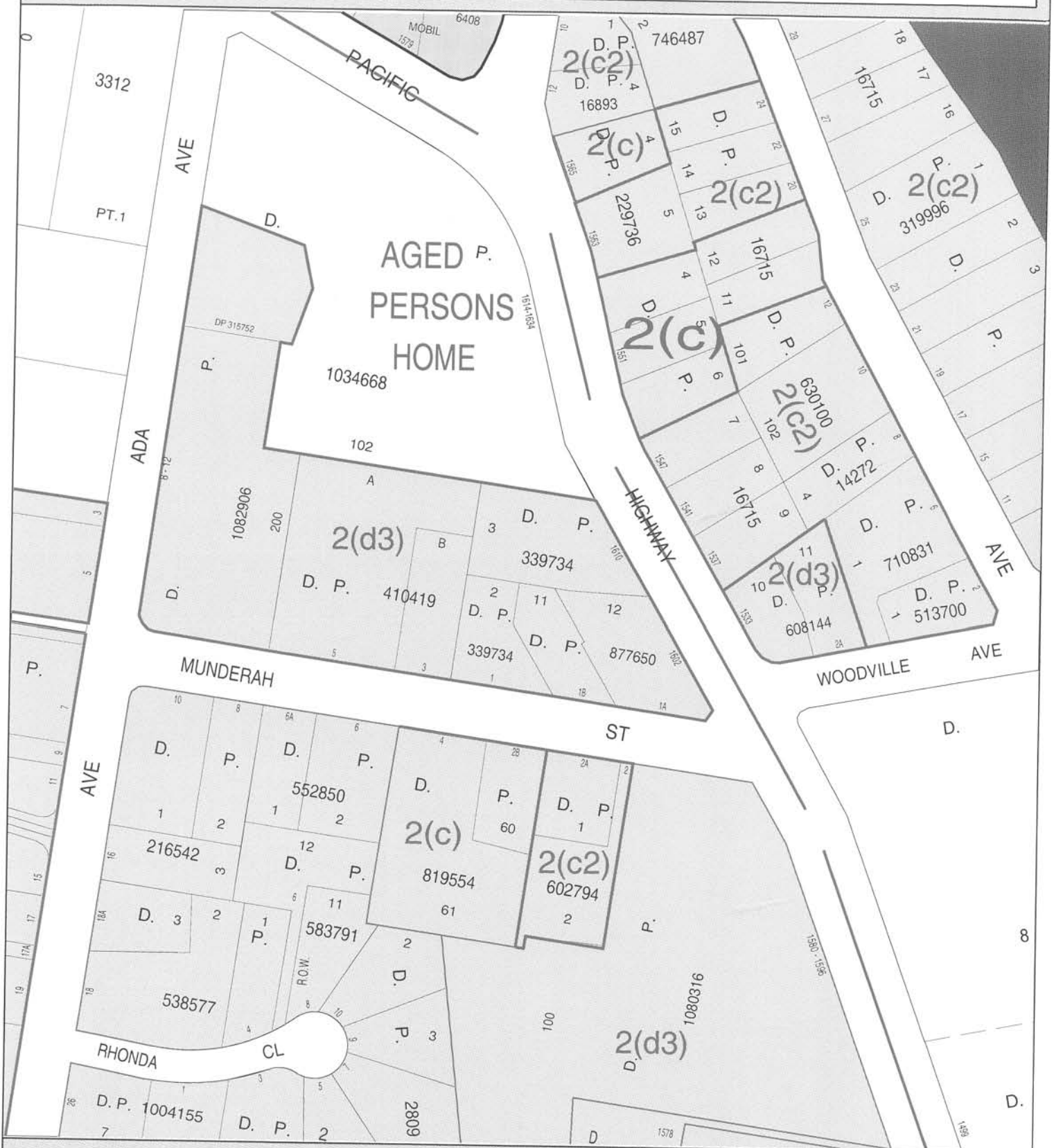
Attachments:

- 1. Location Plan - 577571**
- 2. Zoning Extract - 577573**
- 3. Architectural Plans - 577576**
- 4. Shadow Diagrams - 577579**
- 5. Landscape Plan - 577597**
- 6. Survey Plan – 577599**
- 7. Confidential Landscape Plans**
- 8. Confidential Floor Plans**

5 Munderah Street, WAHROONGA NSW



5 Munderah St WAHROONGA

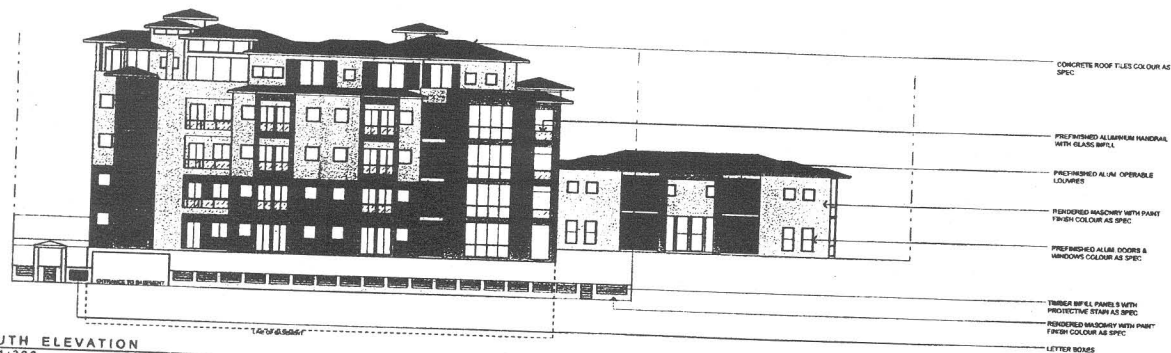


04-01-2006

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- | | | |
|-------|---------------------------------|-----------------------------|
| 3(a) | BUSINESS 3(a)-(A2) | SPECIAL USES 5(b) (Railway) |
| | EXISTING COUNTY ROAD | |
| 2(c) | RESIDENTIAL 2(c) | |
| 2(c2) | RESIDENTIAL 2(c2) | |
| 2(d3) | RESIDENTIAL 2(d3) | |
| SCH | SPECIAL USES 5(a) (Schools etc) | |





02 SOUTH ELEVATION
SCALE 1:200

LEGEND

- ROOF TILES - FLAT PROFILE BORAL
TERRACOTTA SINGLE - WILD CHOC
- FACE BRICKWORK - AUSTRAL BROWN
GERTRUDIS BROWN
- RENDERED WALL COLOUR 1 - DULUX SPECIFIER -
'HEBUP'
- RENDERED WALL COLOUR 2 - DULUX SPECIFIER -
'MANGELUP'
- WINDOW & DOOR FRAMES - DULUX
POWDERCOAT COLOUR 'DUNE'
- COLUMNS & HANDRAILS - DULUX POWDERCOAT
COLOUR 'DUNE' COLOUR 'DUNE' COLOUR



04 WEST ELEVATION
SCALE 1:200

RESIDENTIAL DEVELOPMENT
5 MUNDERAH ROAD
WAHROONGA



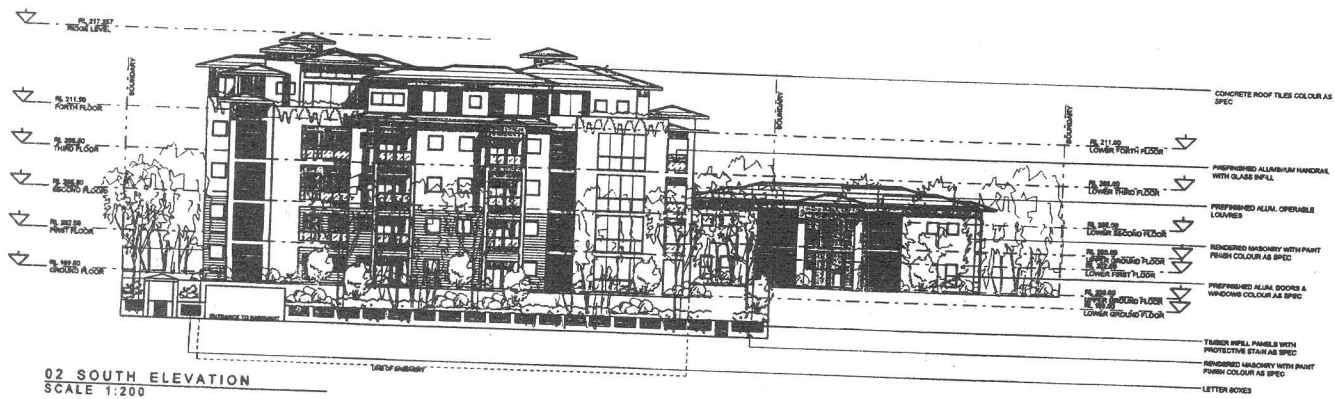
LEVEL 2 19-23 BRIDGE STREET
PYRMONT NSW 2073 AUSTRALIA
P: 02 9440 2415 F: 02 9440 2444
E: group@gaag.com.au

COLOURS & FINISHES SCHEDULE

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RESIDENTIAL DEVELOPMENT
5 MUNDERAH ROAD
WAHROONGA



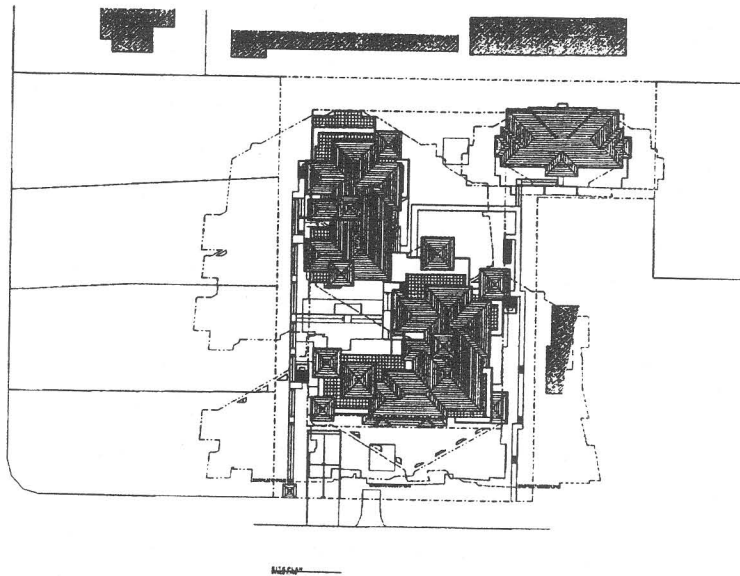
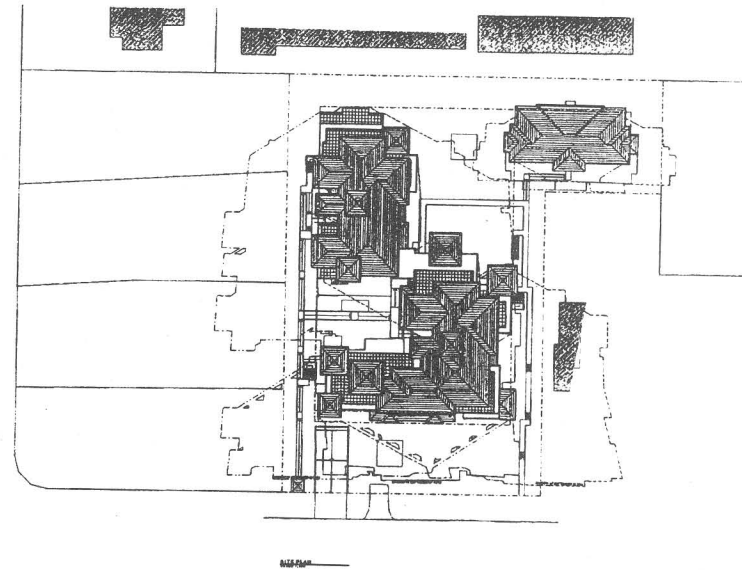
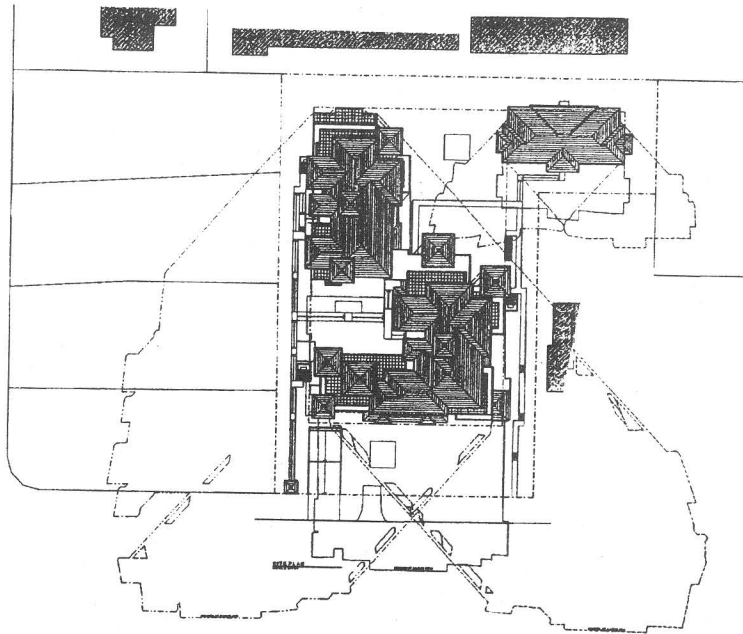
LEVEL 2 19-23 BRIDGE STREET
PYRMBLE NSW 2073 AUSTRALIA
T: (02) 9440 2455 F: (02) 9440 2466
E: gpg@pg.com.au
www.pg.com.au

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Date: Jan 2005 Project No: 05 992



RESIDENTIAL DEVELOPMENT

5 MUNDERAH ROAD
WAHROONGA



GELDER ARCHITECT GROUP

LEVEL 2 19-23 BRIDGE STREET
PTMABLE NSW 2073 AUSTRALIA
T: 0219440 2465 F: 0219440 2466
E: gahp@bigpond.com.au
09/01/07 10:00

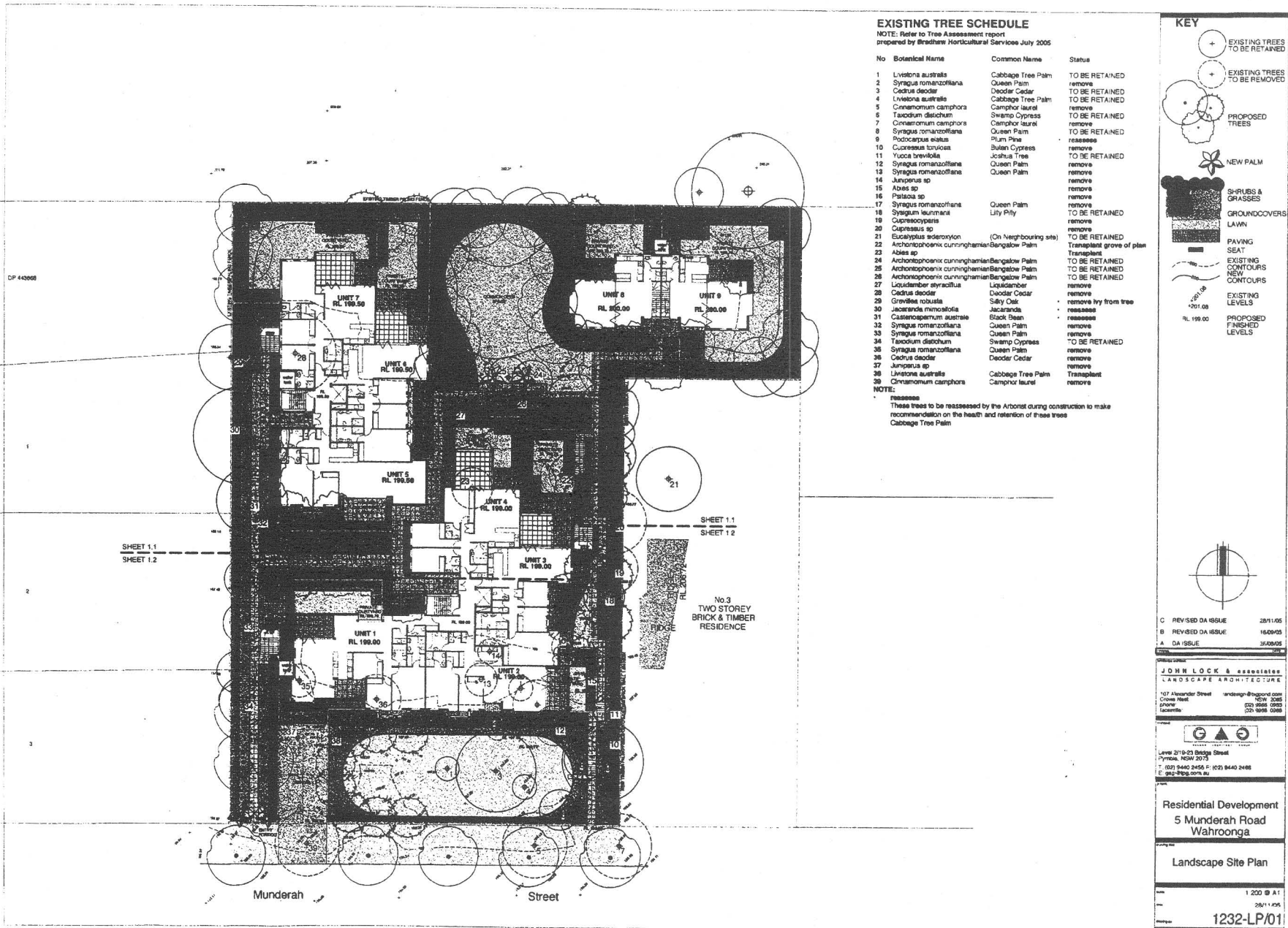
SHADOW DIAGRAMS

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DA 07



EXISTING TREE SCHEDULE

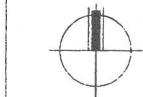
NOTE: Refer to Tree Assessment report prepared by Bradshaw Horticultural Services July 2005

No	Botanical Name	Common Name	Status
1	<i>Livistona australis</i>	Cabbage Tree Palm	TO BE RETAINED
2	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
3	<i>Cedrus deodora</i>	Deodar Cedar	TO BE RETAINED
4	<i>Livistona australis</i>	Cabbage Tree Palm	remove
5	<i>Cinnamomum camphora</i>	Camphor Laurel	remove
6	<i>Taxodium distichum</i>	Swamp Cypress	TO BE RETAINED
7	<i>Cinnamomum camphora</i>	Camphor Laurel	remove
8	<i>Syngnathus romanzoffiana</i>	Queen Palm	TO BE RETAINED
9	<i>Podocarpus elatus</i>	Plum Pine	reassess
10	<i>Cupressus torulosa</i>	Bulbin Cypress	remove
11	<i>Yucca brevifolia</i>	Joshua Tree	TO BE RETAINED
12	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
13	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
14	<i>Juniperus sp.</i>	Queen Palm	remove
15	<i>Abies sp.</i>		remove
16	<i>Palatania sp.</i>		remove
17	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
18	<i>Syngnathus romanzoffiana</i>	Lilly Pilly	TO BE RETAINED
19	<i>Cupressus sp.</i>		remove
20	<i>Eucalyptus sideroxylon</i>	(On Neighbouring site)	TO BE RETAINED
21	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Transplant grove of palm
22	<i>Abies sp.</i>		Transplant
23	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	TO BE RETAINED
24	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	TO BE RETAINED
25	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	TO BE RETAINED
26	<i>Liquidambar styraciflua</i>	Liquidambar	remove
27	<i>Cedrus deodora</i>	Deodar Cedar	remove
28	<i>Grevillea robusta</i>	Silky Oak	remove
29	<i>Leucadendron micrantha</i>	Jacaranda	reassess
30	<i>Castanopsis argentea</i>	Black Bean	reassess
31	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
32	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
33	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
34	<i>Taxodium distichum</i>	Swamp Cypress	TO BE RETAINED
35	<i>Syngnathus romanzoffiana</i>	Queen Palm	remove
36	<i>Cedrus deodora</i>	Deodar Cedar	remove
37	<i>Juniperus sp.</i>		remove
38	<i>Livistona australis</i>	Cabbage Tree Palm	Transplant
39	<i>Cinnamomum camphora</i>	Camphor Laurel	remove

NOTE:
These trees to be reassessed by the Arborist during construction to make recommendation on the health and retention of these trees
Cabbage Tree Palm

KEY

- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- PROPOSED TREES
- NEW PALM
- SHRUBS & GRASSES
- GROUNDCOVERS
- LAWN
- PAVING
- SEAT
- EXISTING CONTOURS
- NEW CONTOURS
- EXISTING LEVELS
- PROPOSED FINISHED LEVELS



C REVISED DA ISSUE 28/11/05
B REVISED DA ISSUE 16/09/05
A DA ISSUE 26/09/05

JOHN LOCK & ASSOCIATES
LANDSCAPE ARCHITECTS
107 Alexander Street
Crows Nest NSW 2058
Sydney Australia
02 9556 0288
02 9556 0288

Level 2/1 0-25 Design Street
Sydney NSW 2013
T: (02) 9440 2455 F: (02) 9440 2468
E: info@jla.com.au

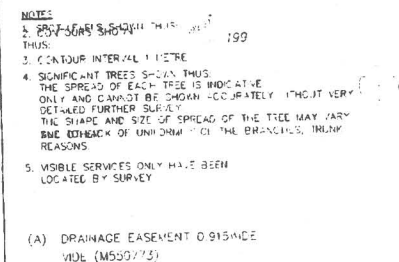
Residential Development
5 Munderah Road
Wairoanga

Landscape Site Plan

Scale 1:200 @ A1

Date 28/11/05
Drawing 1232-LP/01

ADA



			YSCO GEOMATICS LAND RESOURCE CONSULTANTS SUITE 4, 114 HAMPODEN ROAD, ARTARMON, 2064 PH: (02) 94198222 FAX: (02) 94124802		GEOMATIC ENGINEERING LAND & ENGINEERING SURVEYING PROJECT MANAGEMENT SOIL AND WATER MANAGEMENT ENVIRONMENTAL PLANNING & DESIGN		PLAN SHOWING DETAIL & LEVELS OVER LAND AT NO.5 DIEM HANG STREET - BINH DANG - BEING LG 1 A IN L.G.A			
DATE	REVISIONS	BY	MICHAEL STANLEY & COMPANY PTY. LTD. A.C.N. 002 819 385		DRAWN: 22 D.D.C.M.P.R 4	CHECKED:	SCALE: 1:20 0 1	DATE: D	REFERENCE: 13007 1	

MINUTES OF COMPANION ANIMALS COMMITTEE - 27 OCTOBER 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To submit Minutes of the Companion Animals Advisory Committee held on 27 October 2005 for the information of Council.

BACKGROUND:

The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of the companion animals (cats and dogs) within Ku-ring-gai.

COMMENTS:

At its recent meeting, the Companion Animals Advisory Committee was informed of the two new Councillor elect members, progress of Council's Companion Animals Management Plan, alternate impounding facilities, hosting of Pet's Day Out for 2006, support for subsidised desexing program and the proposed lyrebird programme.

RECOMMENDATION:

That the Minutes of the Companion Animals Advisory Committee meeting held on 27 October 2005 be received and noted and that Council host the next Pets' Day Out on Sunday, 28 May 2006 at St Ives Showground. Also, that future meetings of the Committee be held on Wednesday evenings, with the exception of the 4th Wednesday of the month, commencing no earlier than 6.30pm.

PURPOSE OF REPORT

To submit Minutes of the Companion Animals Advisory Committee held on 27 October 2005 for the information of Council.

BACKGROUND

The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of the companion animals (cats and dogs) within Ku-ring-gai.

The minutes of the Companion Animals Advisory Committee are required to be submitted to Council for consideration. The Committee has recently held a meeting, namely on 27 October 2005 and a copy of the minutes is attached for the information of the Councillors.

COMMENTS

The Companion animals Advisory Committee's recommendations are generally of an operational nature and are being attended to.

At its most recent meeting, the Committee was:

- Informed of the two new Councillor elect members; Councillor Maureen Shelly as the Committee's new Chairperson and Councillor Adrienne Ryan as Deputy Chairperson.
- Presented with the final draft Companion Animals Management Plan which was suitably endorsed by the Committee in readiness for public exhibition.
- Advised of Council's attempts to open dialogue with the Animal Welfare League, Ingleside, with a view to gauging their level of interest in supplying dog and cat impounding services for Council.
- Informed that the next Pets Day Out would be held at the St Ives Showground on Sunday, 28 May, 2006, with a report on the details of the proposed event to be tabled at the next meeting of the Committee.
- Advised that the national Desexing Network operates a subsidized desexing programme in the August of every year whereby it invites local Councils to become involved. It was considered that the programme was worthy of support as part of the Council's commitment to public education.
- Informed of the proposed Lyre Bird reintroduction program proposed for the Lane Cove Valley to be managed by Council's Department of Open Space.

The Committee then revisited its Charter of Operation in respect of future meeting times at the request of the newly elected Chair. The Committee stated that their preferred time of meeting was Thursday evenings. However, in line with the request of the Chair, to consider alternatives, they proposed Wednesday evenings after 6.30pm, with the exception of the 4th Wednesday of the month due to prior commitments of some members with other local community groups. One Committee member (Ms Jenni Daniel) signalled that if meeting times were to change, that she would need to

Item 5

S03449
24 January 2006

resign from the Committee due to her inability to attend meetings on Wednesday evenings due to employment commitments.

CONSULTATION

Ongoing consultation will continue with relevant Council departments in relation to the Companion Animals Management Plan and the progression of the Pets Day Out 2006.

FINANCIAL CONSIDERATIONS

The Committee made no recommendations requiring additional financing.

SUMMARY

Discussions at the October meeting focussed primarily on the progress of Council's Companion Animals Management Plan as required under the Companion Animals Act, and the decision to hold Council's next Pet's Day Out on the 28th May 2006, together with a change of the Committee's Operational Charter so as to accommodate future meeting times.

RECOMMENDATION

- A. That the minutes of the Companion Animals Advisory Committee meeting held on 27 October 2005 be received and noted.
- B. That Council host the next Pet's Day Out on Sunday 28 May 2006 at St Ives Showground.
- C. That future meetings of the Committee be held on Wednesday evenings, with the exception of the 4th Wednesday of the month, commencing no earlier than 6.30pm

Anne Seaton
Manager Regulation & Compliance

Michael Miocic
Director Development & Regulation

Attachments: Minutes of the CAAC Meeting held 27/10/05 - 575608

**Minutes of Meeting
Companion Animals Advisory Committee
Held on Thursday, 27 October 2005, at 7.00 pm**

Present Ms Sandra Fry
 Dr Barbara Bessen
 Ms Sue Hutchins
 Ms Beryl Anderson
 Ms Liz Thrift
 Dr Michael Eaton
 Ms Jenni Daniel
 Dr Joanne Righetti

Staff Present Anne Seaton
 Courtney Milton

CAAC 181 **Apologies** Councillor Maureen Shelly (Chair)
 Councillor Adrienne Ryan (Deputy Chair)
 Mrs Heather Smith
 Mr Sydney Birchall Jnr

Resignation Ms Monika Biernacki

Meeting Commenced at 7.00pm.

Meeting Chaired by Manager, Compliance & Regulation, Anne Seaton, due to the absence of Councillor members

The Committee recommends:

That the apologies for non attendance be accepted

CAAC 182 **Declaration of Pecuniary Interest**

Nil

CAAC 183 **Minutes of Meeting, 11 August 2005**

The minutes were adopted

CAAC 184 **Matters arising from the minutes**

Nil matters arising

CAAC 185 **Update on progress of drafting Ku-ring-gai's Companion Animals Management Plan**

The draft document was circulated to the Committee prior to the meeting. The information was received and suitably endorsed by the Committee.

Courtney Milton, Council's Animal Management Officer, was thanked for her efforts in drafting the document.

The document will now be finally reviewed. Comments from other departments of Council will be sought. Consideration of final comments supplied by members will be undertaken and included as appropriate and progressed through to Council for publication and exhibition.

- CAAC 186 **Investigation – Animal Welfare League as Pound Provider**
The Committee at their meeting of 11 August 2005 requested Council to investigate the possibility of the Animal Welfare League at Ingleside providing impounding services for Ku-ring-gai Council. The league has recently refurbished their facilities.

The committee was advised that Council had written to the League, but at the time of this meeting had yet to receive formal correspondence back from the League.

Discussions will continue in an attempt to get an opinion from the League as to their level of interest in providing such a service.

- CAAC 187 **Pets Day Out for 2005/06**
The next Pets Day Out will be held at St Ives Showground on 26 May 2006. Council's Companion Animal Management Officer is to progress event details and report to the next meeting.

- CAAC 188 **Investigation of Subsidised Desexing Programme**
The committee had requested details of a recent programme conducted by Baulkham Hills Shire Council.

Council's Animal Control Officer has made enquiries and it was learned that the Baulkham Hills Council role, was, as an associate, to the National Desexing Network programme. The Council supported the programme by way of issue of Press releases and advertising, promoting desexing of animals. The National Desexing Network subsidises the desexing of animals owned by persons of low income status.

A specialist programme by Ku-ring-gai Council is not considered warranted as the NSW Companion Animals Register indicates that 87% of dogs and 98% of cats residing within Ku-ring-gai are desexed. Notwithstanding, support of the National Desexing Network's programme by way of a press release during next year's drive is considered appropriate and fits within the general educational responsibilities of Council.

General Business

CAAC 189 Lyrebird Release

The committee was advised of the proposed programme to release Lyre Birds in the Lane Cove Valley. The committee requested that they be kept informed of the implementation of the project.

CAAC 190 Next Meeting

The Committee was requested to consider a change in the Charter of the committee in respect of future meeting times. Currently, the committee meets on a Thursday evening. The committee stated that this was their preferred choice.

However, in line with the request from the Chair of the Committee, Cr Shelley, the committee was asked to consider day meetings. This proposal was rejected due to most members' employment commitments.

The committee was then asked to nominate an alternate evening. Wednesday evening was the most popular nomination with some restrictions. Meeting should be held no earlier than 6.30pm and not held on the fourth Wednesday of the month as two committee members had long standing voluntary commitments with another community group of which they represent.

It was learned that one member, Ms Jenni Daniel, was unable to attend meetings if held on any other day than Thursday due to her evening employment arrangements and would be forced to resign from the committee if the change in meeting times was implemented.

If the meetings are to be held on a Wednesday in future, the next meeting will be held on **Wednesday, 1 February, at 6.30pm.**

The meeting closed at 8.30pm.

REPRESENTATION ON NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (NSROC)

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to make an appointment for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

BACKGROUND:

Council is currently represented on NSROC for the period to September 2006.

COMMENTS:

Graeme Innes has resigned from Council and the position is vacant.

RECOMMENDATION:

That Council make the required appointment to the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2006.

PURPOSE OF REPORT

For Council to make an appointment for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

BACKGROUND

Council has been represented on NSROC by the following delegates:

The Mayor – Councillor Malicki
One Councillor – Councillor Innes
An alternate Councillor – Councillor Ryan

COMMENTS

Graeme Innes has resigned from Council and the position is vacant.

It is therefore necessary to appoint another Councillor to represent Council on NSROC.

The next NSROC meeting is on 9 February 2006.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council make the required appointment to the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2006.

Geoff O'Rourke
Senior Governance Officer

John McKee
Acting General Manager

KU-RING-GAI ACCESS ADVISORY COMMITTEE - MEETING OF 15 DECEMBER 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005.
BACKGROUND:	The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The Committee meet every two months.
COMMENTS:	General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee. The nominations for community representatives on the committee for 2006 were tabled at the meeting.
RECOMMENDATION:	That the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The Committee meet every two months.

COMMENTS

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting. Nominations for community representatives on the committee have been called. Names and qualifications of the pole nominations are listed in the minutes. It is recommended that all the nominations be accepted by Council.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

Not applicable.

RECOMMENDATION

- A. That the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005 be received and noted.
- B. That the nominations of community representatives be accepted by Council.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community Services

Attachments: Minutes of the Ku-ring-gai Access Advisory Committee 15/12/2005 - 577320

KU-RING-GAI ACCESS ADVISORY COMMITTEE

Thursday 15 December 2005

2:30 pm

Ante Room, Level 3, 818 Pacific Hwy, Gordon

Minutes

1. Welcome

Clr Michael Lane had an urgent issue to attend to and was unable to attend the meeting. He sent his apologies and a season greeting the members of the committee.

2. Present/Apologies

Present:

Arthur Gillott
Loch Townsend
Eileen Lyons
Heike Fabig
Joyce Cribb
Ivan Cribb
Kate Boyd
Alan Faulkner
Beverly Schultz
Lyn Kerslake
Peter Chappell

In Attendance

Martin Butcher – A/Chairman
Carol Harper
Colin Johnston

Apologies:

Clr Michael Lane
Clr Graeme Innes
Greg Piconi
Steven Head
Janice Bevan
Tom Cooper
Danny Houseas

3. Confirmation of Minutes 20 October 2005

4. Business Arising

The following nominations have been received for the 2006 Committee: Clr Lane as Chairperson of the Committee has endorsed the nominees.

Peter Bennett (*new nominee*)

Peter is visually impaired and has a mental illness. He is a consumer representative with the Hornsby/Ku-ring-gai Mental Health Service. He was a presenter at the Disability Awareness Walk recently held in Wahroonga.

Lyn Kerslake (*new nominee*)

Lyn has lived in Ku-ring-gai for over 40 years. Lyn is qualified as an Occupational Therapist and is currently the Children's Services Manager for the North East

Region for the Spastic Centre. Some of Lyn's achievements have included developing a transport guide for people with a disability and renovating an historic building, which will be used by the Spastic Centre.

William Higman (new nominee)

Father of a son with a severe disability requiring 24/7 care. William has had 10 years senior executive experience in the disability services sector. He has a strong knowledge of support services for people with a disability.

Beverley Schultz (new nominee)

Beverley has been a resident of Ku-ring-gai for many years. She has a physical disability. Beverley has been the Chair of Students with a Disability at Macquarie University.

Arthur Gillott (Current Member)

Arthur has been on the Committee since it started. He has a background in the bus industry.

Loch Townsend (Continuing Member)

Loch has been on the Committee for the past 4 years. He is a wheelchair user and is currently an advocate volunteer with Veterans Affairs.

Alan Faulkner (Continuing Member)

Alan has been a volunteer of Ku-ring-gai Neighbour Aid for 17 years. He supports people with a visual impairment. This is Alan's second term as member of the Access Committee.

Joyce Crib (Continuing Member)

Joyce is an occupational therapist by training.

Ivan Crib (Continuing Member)

Ivan has a background in law and has a visual impairment. Joyce and Ivan have been part of the Committee since its inception.

Eileen Lyons (Continuing Member)

This is Eileen's second term on the Committee. She has a background in special education and teaching children with a disability. Eileen is currently the Education Officer with the Department of Education.

Kate Boyd (Continuing Member)

Kate has a physical and intellectual disability. She has been a member of the Access Committee for many years.

Heike Fagib (Continuing Member)

Heike is a mother of a child with a disability. This will be her second term on the Committee

Peter Chappel (Continuing Member)

Peter is an Occupational Therapist with the adult team of the Spastic Centre; he has lived and worked in Ku-ring-gai and has a major interest in access. .

Diversity in the Committee

The need for a diverse committee was raised as the Committee needs to better represent the community of people with mobility difficulties. It was suggested that Council should actively seek a person with a hearing impairment and a person with a disability from a culturally and linguistically diverse background to be on the Committee.

5. Technical Services – Progress Report

Access to the Entrance of Council Chambers

Access Australia has provided the plans for the front of Council Chambers.

They have provided for comment:

- Option 1 – includes wire rail for ramp access.
- Option 2 & 3– includes glass railing for ramp access.

There was an agreed need for good access to the Council building via its principal entrance. The Committee was generally happy with the proposed ramp, with a preference expressed for a glass railing. The Chairman emphasised that access to parking was via a lift from the rear of the building. This entrance is also regarded as a principle entrance, as members of the public who drive to the Council use this as their preferred entrance.

6. Open Space – Progress Report (Carol Harper)

Bicentennial Park Stage 2 Progress Report

Carol noted that the works would be completed for “Carols in the Park” this month, and that accessible furniture would be ready by March 2006. Tables were also to be changed to improve wheelchair accessibility.

In response to a question on shade-cloth and shading for heat reduction, Carol advised that she would come back to the Committee; she would also respond then to the possible need for more disabled car spaces there.

7. Planning Report (Colin Johnston)

Turrumurra Town Centre

Recommendations incorporating new accessible supermarkets with a central town square/community hub in the current Coles precinct, level access and some underground car-parking. To be finalised in 2006.

St Ives Town Centre

Ku-ring-gai DCP and St Ives LEP have been drafted for exhibition in 2006; notable consideration will include access – reflecting large numbers of surveyed people accessing the town centre by walking.

8. Development & Regulatory Services – no report.

9. Community Services Report (Martin Butcher)

Access Walk (Friday 2 December, 2005)

The Access Walk was held on Friday 2 December. The program included a presentation by Dr Sav Ozdowski OAM retiring Commissioner: Human Rights Equal Opportunities Commission (HREOC) who presented Council with a certificate in recognition of having a current Disability Discrimination Act Action Plan.

Some of the findings of the Access Walk included:

- Poor use of TGSIs (Tactile Ground Surface Indicators) which may lead people with visual impairment out into the line of traffic .
 - The ramp to the Post Office is very steep and the step around the post boxes may prevent people from accessing their boxes.
 - Accessible parking spots are located on uneven ground.
 - Some shops put down mats at their door, which causes trip hazards and prevents people with mobility aids to enter the premises.
 - All the ATMs are in accessible locations and some have a braille keypad.
- A full report will be written of the event.

a. Missed Business

A proposal was put to the Committee for the implementation of the Missed Business Project.

- The Committee decided that the Missed Business Project should be implemented in Ku-ring-gai and that Council should take steps to continue with the project. The graphic design of the booklet and postcard has been completed. The project can continue when funds become available. \$5,000 has been included with funds pledged by Council for the implementation of the Disability Discrimination Act Action Plan.
- Martin indicated he would email Missed Business material to Colin when ready for forwarding to both the Turrumurra and St Ives Chamber of Commerce early in 2006.

b. Access Awards

The Committee considered a proposal to introduce an Access Award, similar to Willoughby, City of Ryde and Hornsby councils. It was felt that it was not appropriate to reward practices that businesses should be doing anyway. It was decided not to pursue an Access Award at this stage, but to look at other ways of promoting good practice, including a sticker that businesses can put on their shop window to show they are participating in the Missed Business Project.

10. Correspondence In:

- a. Dr Brendan Nelson re Gordon PostShop
- b. Self Help For the Hard of Hearing – November 2005
- c. Spinal Cord Injuries Australia – Accord Journal - Spring 2005
- d. Technical Aid For the Disabled – TAD Journal Spring 2005
- e. Citizen Advocacy Northside Newsletter Spring 2005
- f. DADHC Connections – December 2005
- g. ParaQuad News December 2005
- h. InSite – December /January 2005/06

11. Correspondence Out:

Nil

12. General Business

- Gordon Railway Station access works had been reported as near completion.
- Chatswood Railway Station – A concise report was given on problems for people with disabilities and perceptions in the community.
- Concerns with DA approvals that heritage and streetscape issues had apparently taken precedence over proposed access to a private home.
- It was agreed that Martin would continue his role to review and advocate for access, where this is part of a development application consideration.

13. Business Arising

- Martin was asked further about evacuation procedures of disabled and aged persons from North Turrumurra in the event of significant bushfires. He indicated that if the need arose, the State Disaster Plan would be implemented, which included relocating people from Aged Care Facilities to alternative temporary accommodation that would be able to meet their care needs.

14. Confirmation of Meeting Dates for 2006:

All meetings will be held from 2:30pm In the Anteroom Level 3, 818 Pacific Hwy Gordon.

- Thursday, 16 February
- Thursday, 20 April
- Thursday, 15 June
- Thursday, 17 August
- Thursday, 19 October
- Thursday, 13 December

The Chairman thanked everyone attending, and wished them well for Christmas and 2006. Meeting closed at 4.30pm.

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 30 NOVEMBER 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

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

COMMENTS:

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

RECOMMENDATION:

That the summary of investments, daily cash flows and loan liability for November 2005 be received and noted.

PURPOSE OF REPORT

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

BACKGROUND

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

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

COMMENTS

During the month of November, Council had a cash inflow of \$3,200,000 and gross capital appreciation on Council's investments was \$146,100.

Council's total investment portfolio at the end of November 2005 is \$33,923,800. This compares to an opening balance of \$18,539,000 as at 1 July 2005.

Council's General Fund interest on investments for November year to date is \$698,800. This compares favourably to the year to date budget of \$418,750.

Council's total debt as at 30 November 2005 is \$11,035,900. There were no debt repayments during the month of November.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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

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

- **Allocation of Surplus Funds**

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

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

Item 8

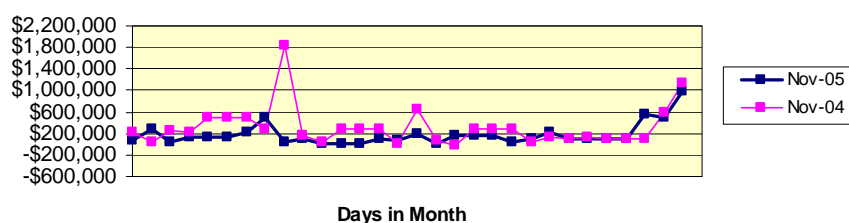
S02722
9 December 2005

November 2005

Management of General Fund Bank Balance

During November, Council had an inflow of funds of \$3,200,000. Funds were received from payments made against the second rate instalment that fell due on 30 November 2005.

Management of General Fund Bank Balance



Funds Performance against the UBS Bank Bill Index

The weighted average return for the total portfolio of managed funds during November was 6.19% compared to the benchmark of the UBS Bank Bill Index of 5.78%.

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

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$1,048,446	\$700,000	\$5,870	\$1,754,316	5.74%
Deutsche Income Fund	At Call	\$9,522,699		\$44,450	\$9,567,150	6.51%
Macquarie Income Plus Fund	At Call	\$9,310,417	\$2,500,000	\$42,158	\$11,852,575	6.51%
Perpetual Credit Income Fund	At Call	\$8,102,891		\$38,593	\$8,141,485	6.00%
Turramurra Community Bank	Term Deposit	\$528,300		\$2,566	\$528,300	5.83%
CBA Loan Offset No 1	Offset	\$910,000		\$4,273	\$910,000	5.72%
CBA Loan Offset No 2	Offset	\$1,170,000		\$5,494	\$1,170,000	5.72%
TOTALS		\$30,592,753	\$3,200,000	\$143,404	\$33,923,826	

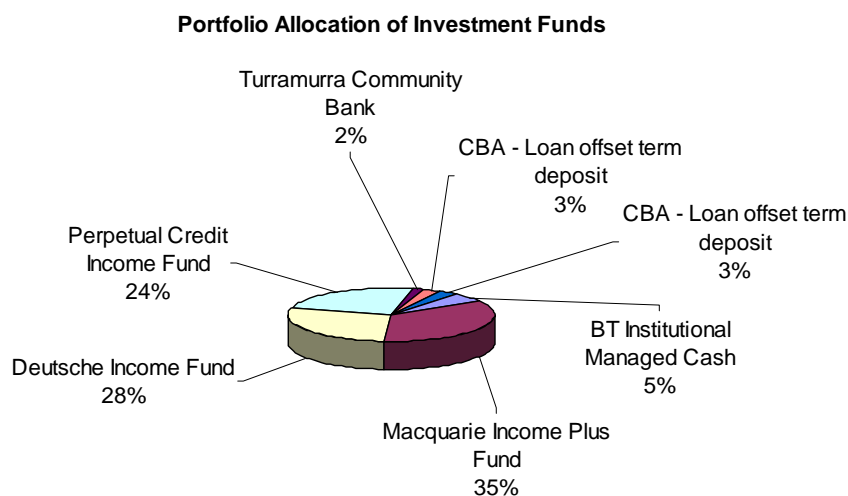
Year to-date Funds Performance against the UBS Bank Bill Index

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

Fund Manager	Performance Annualised for November 2005	UBS Bank Bill Index Annualised for November 2005
BT Institutional Managed Cash	5.78%	5.76%
Deutsche Income Fund	6.69%	
Macquarie Income Plus Fund	6.56%	
Perpetual Credit Income Fund	6.38%	
Turramurra Community Bank	5.83%	
CBA Offset No.1	5.72%	
CBA Offset No.2	5.72%	

Allocation of Investment Funds:

Council's funds during November were allocated as follows:

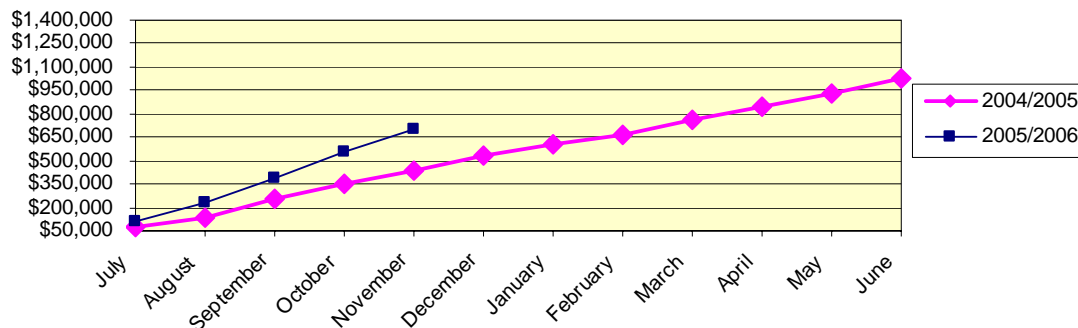
**2004/2005 versus 2005/2006****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2004/2005 and 2005/2006. At the end of November, year to date interest earnings totalled \$698,800. This compares to \$431,400 at the same time last year, an increase of \$267,400.

Item 8

S02722
9 December 2005

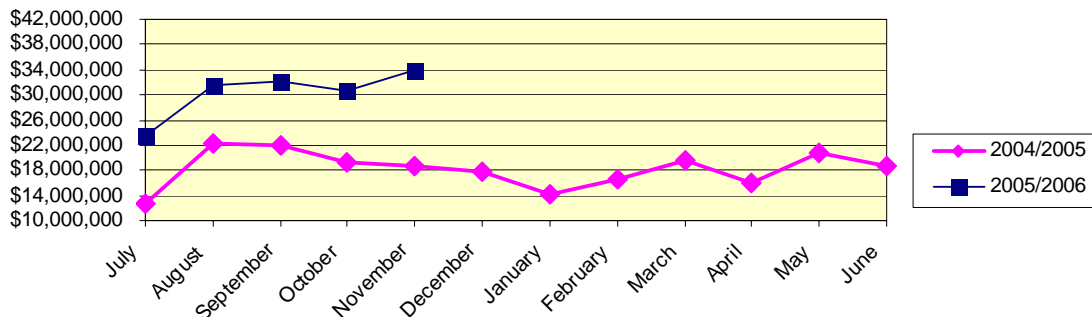
Accumulative Interest 2004/2005 v's 2005/2006



Total Investment Portfolio

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

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



During November 2005 Council's investment portfolio increased by \$3,200,000. In comparison, during November 2004 Council's investments decreased by \$750,000.

Council's closing investment portfolio of \$33,923,800 in November 2005 is \$15,211,500 higher than the November 2004 closing balance of \$18,712,300.

Item 8

S02722
9 December 2005

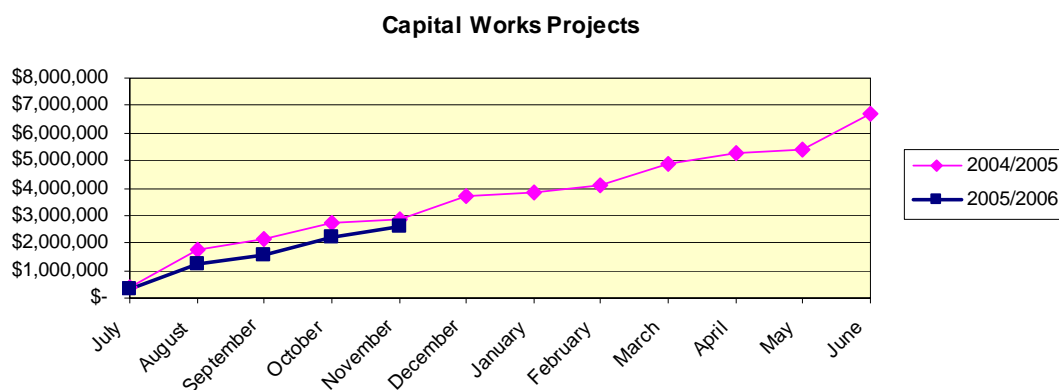
Capital Works Projects

As at the end of November 2005 Council had a net expenditure of \$2,612,200 on capital works, which is \$232,300 lower than at the same time last year when \$2,844,500 had been expended.

During November 2005 Council expended \$391,800 on capital works, which compares to \$576,900 during November 2004, a decrease of \$185,100.

Council's 2005/2006 total revised budget for capital works (excluding fleet replacement) is \$12,950,100, which leaves funds of \$10,337,900 unexpended at the end of November.

The following graph compares the accumulative monthly expenditure totals for capital works for financial years 2004/2005 and 2005/2006. It should be noted that the above analysis of capital works is net of income and is only relevant as it relates to the effect on Council's cash flow. Gross expenditure on capital works will be reported separately as part of quarterly financial review and reporting.



Portfolio Performance Average Return 2004/2005 versus 2005/2006

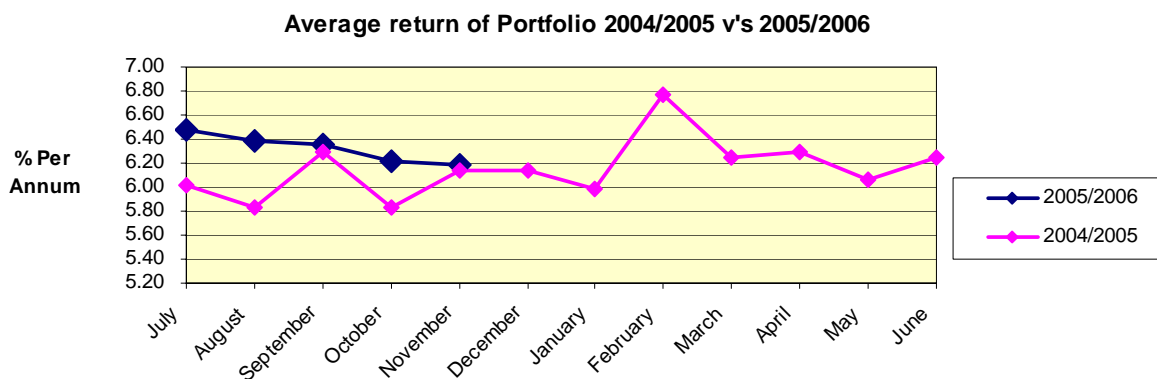
The following graph compares the monthly returns on Council's portfolio for the financial years 2004/2005 and 2005/2006.

In November 2005 earnings before fees were 6.19%, this compares to 6.14% in November 2004.

For the period July 2005 – November 2005 Councils average earnings before fees were 6.33%. This compares to 6.02% for the same period last financial year.

Item 8

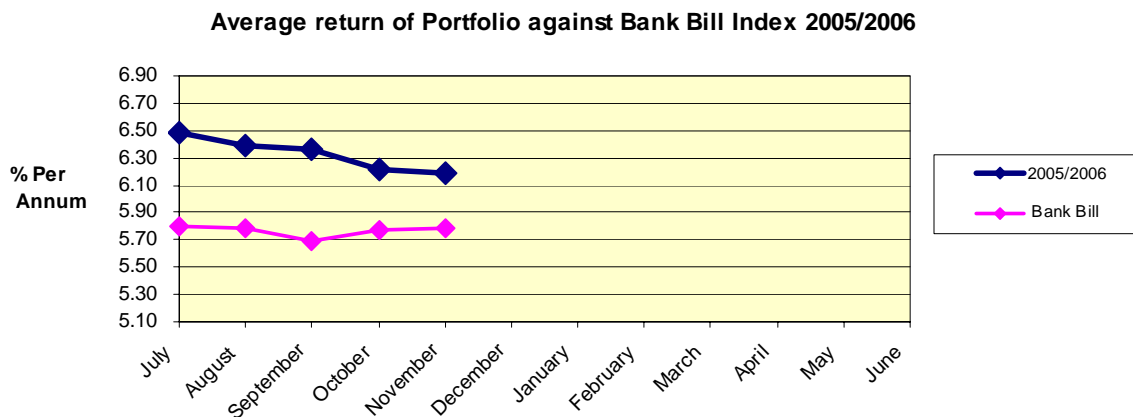
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9 December 2005



2005/2006 Portfolio Performance against the UBS Bank Bill Index

Council's average portfolio performance (6.19%) performed above the UBS Bank Bill Index (5.78%) in November.

Returns above benchmark have been achieved in each of the five months this financial year. The average return of portfolio against Bank Bill is displayed in the following graph.



Item 8

S02722
9 December 2005**Summary of Borrowings**

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

There were no loan repayments made in November leaving total debt at \$11,035,900.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$632,423	\$367,577	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,690,000	\$910,000	5.87%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,430,000	\$1,170,000	5.87%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$851,338	\$1,748,662	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$605,123	\$1,994,877	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$303,556	\$1,578,444	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$133,690	\$1,666,310	6.36%	23-Jun-04	23-Jun-14
Westpac	134	\$1,600,000		\$1,600,000	6.05%	29-Jun-05	30-Jun-15
TOTAL		\$16,682,000	\$5,646,130	\$11,035,900			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

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

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 November 2005:

- Council's total investment portfolio is \$33,923,800. This compares to an opening balance of \$18,539,000 as at 1 July 2005, an increase of \$15,384,800.
- Council's General Fund interest on investments totals \$698,800. This compares favourably to the year to date budget of \$418,750.
- Council's total debt stands at \$11,035,900.

RECOMMENDATION

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

John Clark
Finance Manager

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 DECEMBER 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of Loan liability for December 2005.
BACKGROUND:	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No.480).
COMMENTS:	The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.50% during December.
RECOMMENDATION:	That the summary of Investments, daily cash flows and loan liability for December 2005 be received and noted.

PURPOSE OF REPORT

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

BACKGROUND

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

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

COMMENTS

During the month of December Council had a cash inflow of \$250,000 and gross capital appreciation on Council's investments was \$172,200.

Council's total investment portfolio at the end of December 2005 is \$34,329,200. This compares to an opening balance of \$18,539,000 as at 1 July 2005.

Council's General Fund interest on investments for December year to date is \$871,100. This compares favourably to the year to date budget of \$502,500.

Council's total debt as at 30 December 2005 is \$10,534,000. There were six loan repayments made for a total of \$502,000 during the month of December.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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

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

- **Allocation of Surplus Funds**

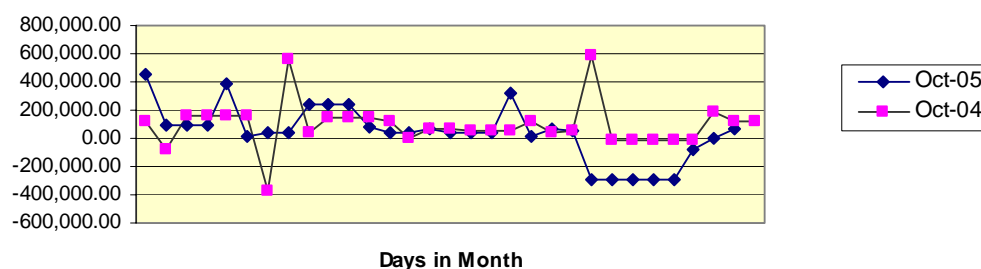
This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

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

Item 9

S02722
17 January 2006**December 2005****Management of General Fund Bank Balance**

During December, Council had an inflow of funds of \$250,000.

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

The weighted average return for the total portfolio of managed funds during December was 6.18% compared to the benchmark of the UBS Bank Bill Index of 5.71%.

A summary of each funds performance is shown in the following table.

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$1754,316	(\$800,000)	\$6,200	\$960,517	5.68%
Deutsche Income Fund	At Call	\$9,567,150	\$2,150,000	\$53,063	\$11,770,213	6.42%
Macquarie Income Plus Fund	At Call	\$11,852,575	\$(1,100,000)	\$57,475	\$10,810,051	6.43%
Perpetual Credit Income Fund	At Call	\$8,141,485		\$38,593	\$8,180,075	6.20%
Turramurra Community Bank	Term Deposit	\$528,300		\$2,566	\$528,300	5.83%
CBA Loan Offset No 1	Offset	\$910,000		\$4,273	\$910,000	5.72%
CBA Loan Offset No 2	Offset	\$1,170,000		\$5,494	\$1,170,000	5.72%
TOTALS		\$33,923,826	\$250,000	\$167,664	\$34,329,156	

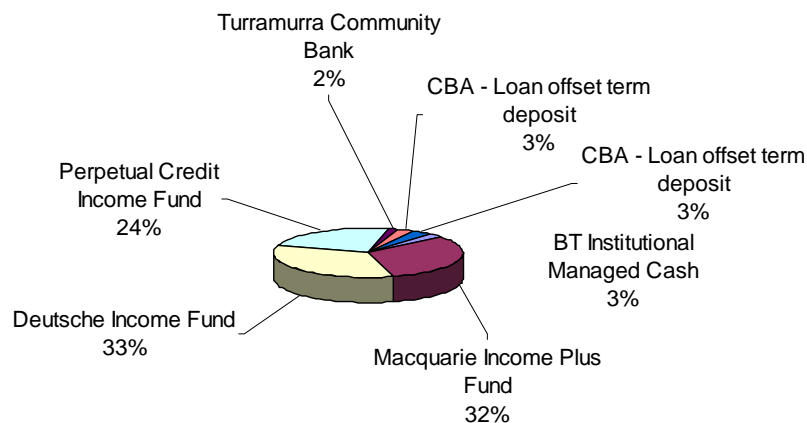
Year to-date Funds Performance against the UBS Bank Bill Index

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

Fund Manager	Performance Annualised for December 2005	UBS Bank Bill Index Annualised for December 2005
BT Institutional Managed Cash	5.77%	5.76%
Deutsche Income Fund	6.64%	
Macquarie Income Plus Fund	6.54%	
Perpetual Credit Income Fund	6.54%	
Turramurra Community Bank	5.83%	
CBA Offset No.1	5.72%	
CBA Offset No.2	5.72%	

Allocation of Investment Funds:

Council's funds during December were allocated as follows:

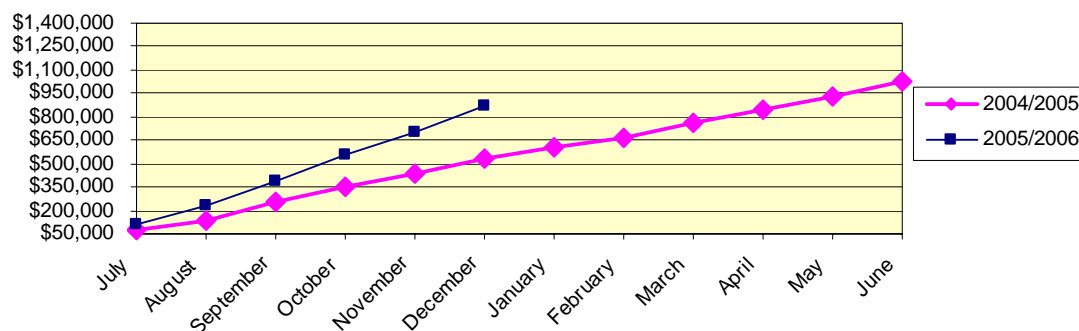
Portfolio Allocation of Investment Funds**2004/2005 versus 2005/2006****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2004/2005 and 2005/2006. At the end of December, year to date interest earnings totalled \$871,100. This compares to \$528,300 at the same time last year, an increase of \$342,800.

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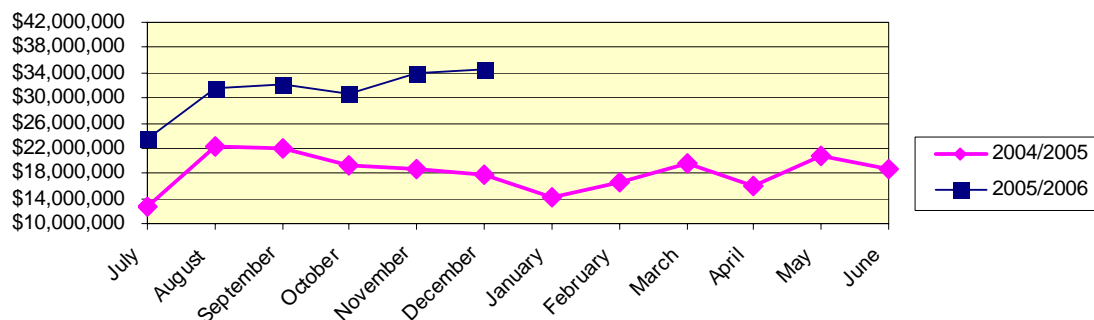
Accumulative Interest 2004/2005 v's 2005/2006



Total Investment Portfolio

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

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



During December 2005 Council's investment portfolio increased by \$250,000. In comparison, during December 2004 Council's investments decreased by \$950,000.

Council's closing investment portfolio of \$34,329,200 in December 2005 is \$16,487,900 higher than the December 2004 closing balance of \$17,841,300.

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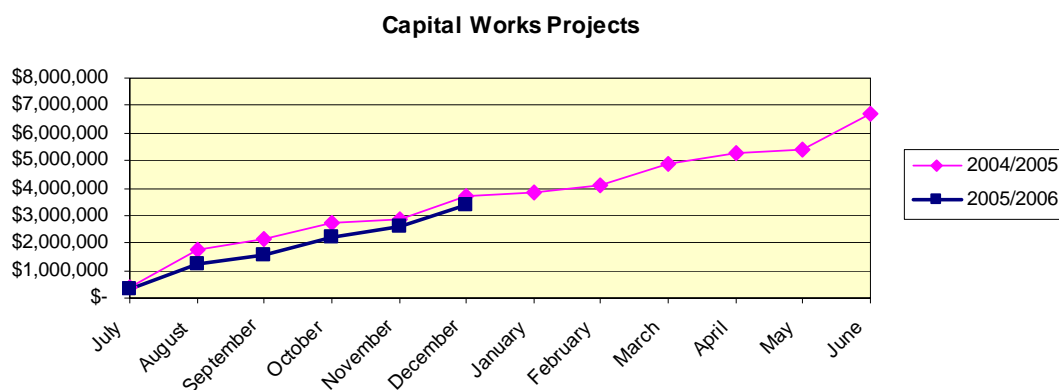
Capital Works Projects

As at the end of December 2005 Council had a net expenditure of \$3,351,500 on capital works, which is \$368,400 lower than at the same time last year when \$3,719,900 had been expended.

During December 2005 Council expended \$739,300 on capital works, which compares to \$875,400 during December 2004, a decrease of \$136,100.

Council's 2005/2006 total revised budget for capital works (excluding fleet replacement) is \$12,950,100, which leaves funds of \$9,598,600 unexpended at the end of December.

The following graph compares the accumulative monthly expenditure totals for capital works for financial years 2004/2005 and 2005/2006. It should be noted that the above analysis of capital works is net of income and is only relevant as it relates to the effect on Council's cash flow. Gross expenditure on capital works will be reported separately as part of quarterly financial review and reporting.



Portfolio Performance Average Return 2004/2005 versus 2005/2006

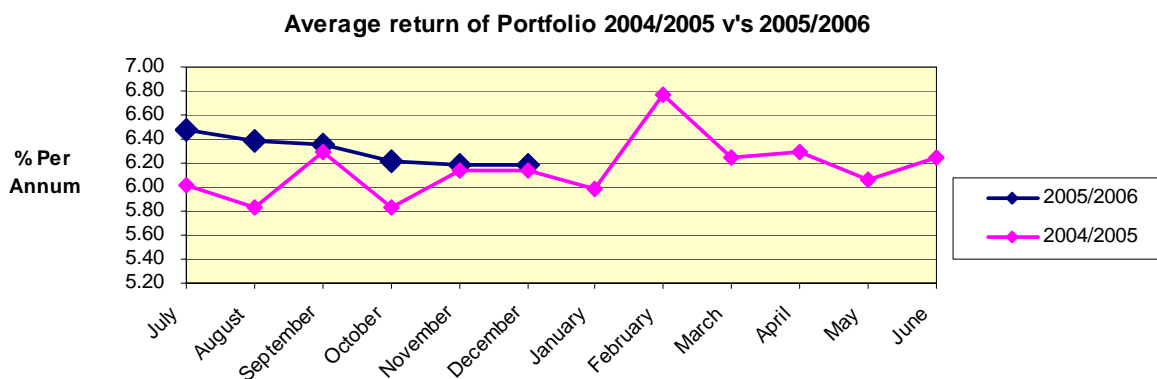
The following graph compares the monthly returns on Council's portfolio for the financial years 2004/2005 and 2005/2006.

In December 2005 earnings before fees were 6.18%, this compares to 6.14% in December 2004.

For the period July 2005 – December 2005 Council's average earnings before fees were 6.30%. This compares to 6.04% for the same period last financial year.

Item 9

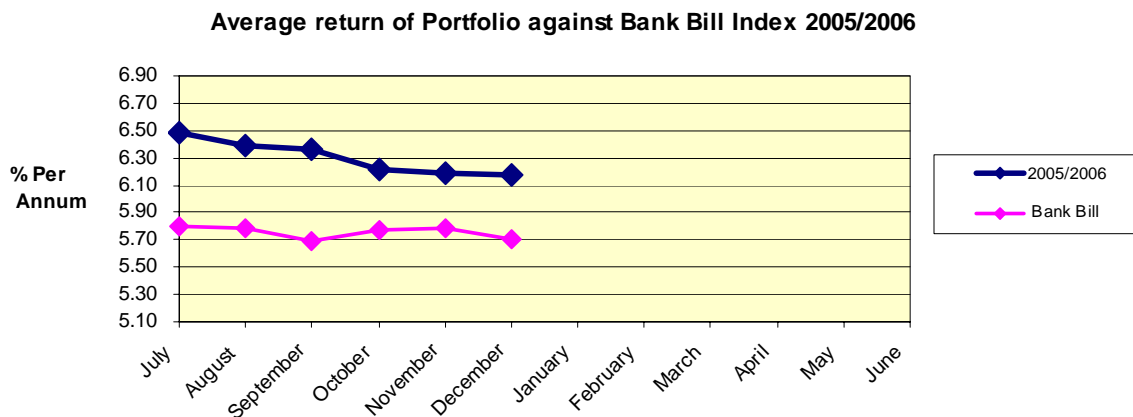
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2005/2006 Portfolio Performance against the UBS Bank Bill Index

Council's average portfolio performance (6.18%) performed above the UBS Bank Bill Index (5.71%) in December.

Returns above benchmark have been achieved in each of the six months this financial year. The average return of portfolio against Bank Bill is displayed in the following graph.



Item 9

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

There were six loan repayments made in December reducing total debt to \$10,534,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$689,022	\$310,978	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,690,000	\$910,000	5.87%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,430,000	\$1,170,000	5.87%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$973,437	\$1,626,563	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$718,313	\$1,881,687	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$384,360	\$1,497,640	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$203,600	\$1,596,400	6.36%	23-Jun-04	23-Jun-14
Westpac	134	\$1,600,000	\$59,261	\$1,540,739	6.05%	29-Jun-05	30-Jun-15
TOTAL		\$16,682,000	\$5,646,130	\$10,534,007			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

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

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 December 2005:

- Council's total investment portfolio is \$34,329,200. This compares to an opening balance of \$18,539,000 as at 1 July 2005, an increase of \$15,790,200.
- Council's General Fund interest on investments totals \$871,100. This compares favourably to the year to date budget of \$502,500.
- Council's total debt was reduced to \$10,534,000.

RECOMMENDATION

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

John Clark
Finance Manager

DRAFT SPORT IN KU-RING-GAI

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's endorsement of the Draft Sport in Ku-ring-gai Strategy.

BACKGROUND:

The Draft Sport in Ku-ring-gai Strategy has been prepared to provide a strategic approach to the overall provision and planning for sports facilities in Ku-ring-gai.

The pressure on Council's existing sportsfields is high and there are insufficient facilities to meet the current and anticipated demands. During the allocation process each season, local clubs and associations communicate with Council that their numbers are increasing and/or the demand to participate in their sport is high, but they are unable to accommodate further growth because of a lack of facilities.

COMMENTS:

The completion of a Sport in Ku-ring-gai Strategy is a key performance indicator in Councils 2005/2009 Management Plan.

The Draft Strategy identifies five key issues and suggests strategies and actions which will address each issue. Actions identified will both reinforce the continuation of existing programs and outline alternative and additional actions.

RECOMMENDATION:

That the Draft Sport in Ku-ring-gai Strategy be publicly exhibited and a further report brought back to Council addressing the outcomes of the consultation.

PURPOSE OF REPORT

To seek Council's endorsement of the Draft Sport in Ku-ring-gai Strategy

BACKGROUND

The pressure on Council's existing sportsfields is high, and there are insufficient facilities to meet current and anticipated demands. During the allocation process each season local clubs and associations communicate with Council that their numbers are increasing, and/or the demand to participate in their sport is high but they are unable to accommodate further growth because of a lack of facilities.

The Draft Sport in Ku-ring-gai Strategy has been prepared to provide a strategic approach to the overall provision and planning for sports facilities in Ku-ring-gai. Council has already adopted the Open Space Strategy and implemented the Capital Works Prioritisation Process, both of which are aimed at addressing the issues associated with provision and management of open space. The Draft Sport in Ku-ring-gai Strategy is consistent with both of these and takes an integrated, but more detailed approach, to examining the issues relating specifically to the provision of sports facilities and the development of sporting opportunities in Ku-ring-gai.

In 2002 Council recognised that the existing sportsfield asset was incapable of sustaining the current level of use without significant upgrade and implemented the Capital Works program as a means of addressing this issue in the long term. Now in its fourth year, this program has resulted in three sportsfields being refurbished and planning has commenced on the next two sites. The refurbishment program is a vital element in alleviating the issues of sustainability of our existing sportsfields. However there are other options and ideas that Council, local clubs, regional associations and other agencies can be involved in which will make a significant contribution in the short and medium term to addressing the supply, demand and sustainability problems currently being experienced and expected in the future.

COMMENTS

In 1997 Council adopted a Strategic Plan for Sportsfields/Courts, which focussed on the outdoor public sporting facilities in Ku-ring-gai. The purpose of the Strategic Plan was to provide direction on the use and development of Council's sportsground network over the next ten years.

Recognising that the 10 years identified in the 1997 plan was coming to an end and while a number of issues remain current there are also a number of issues facing sport and sports facility provision in Ku-ring-gai that have changed since 1997. The completion of a Sport in Ku-ring-gai Strategy was included as a key performance indicator in Council's 2005/2009 Management Plan.

The Draft Sport in Ku-ring-gai Strategy document consists of five key sections:

- What we have – outlining the existing facilities and their current configuration

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- What we know – summarises the current levels of use of the facilities, findings from other studies, relevant Council policies and strategies
- What's new? – outlines the issues which have arisen in recent years which were not foreseen at the time of the adoption of the 1997 plan.
- Key Issues for sport and recommended strategies
- Action Plan

In addition the Draft Strategy includes several appendices which summarise the information about the current facilities, player numbers and comments provided by clubs as part of the survey.

The initial preparation for the strategy was undertaken by a working party consisting of Council staff and 6 members of the Parks, Sport and Recreation Reference Group. This group reviewed the existing 1997 plan and determined that much of the research and actions identified remained relevant and as such determined that the 2006 strategy could be developed as a review and update of the previously adopted plan. In conjunction, the principles already identified in the Open Space Strategy and the Capital Works Prioritisation program were considered and included into the revised 2006 Strategy.

The working party developed the aims of the Sport in Ku-ring-gai Strategy as:

- Review and update the recommendations of the 1997 Strategy Plan for Sportfields/Courts
- Assess the current level of use of Council's outdoor sports facilities by formal sport
- Provide directions to ensure that as far as possible Council achieves the best use of existing sports facilities.
- Investigate options to improve the sustainability of fields, including improved management and maintenance practise by both Council and local clubs and associations.
- Develop a better understanding of emerging trends and changing demographics and the impact these will have on Council's current network of facilities.
- Investigate the need for additional facilities and options for the provision of these facilities within the constraints, geographical and others which exist in Ku-ring-gai.

To progress the development of the strategy the working party established the following tasks as necessary:

- Analyse the existing situation
- Create an updated inventory of sports facilities in Ku-ring-gai
- Develop a standard auditing process for each season to determine and analyse actual levels of use versus 'booked' time
- Evaluate current and future demands for formal sport at local, regional, state and national levels.
- Identify key issues
- Develop recommendations and an action plan to guide the future direction and management practices of sportsgrounds

A survey was developed by the working party which was distributed to all associations or clubs who hire Council owned or managed sports fields. Associations were asked to provide player

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numbers and a postcode breakdown for players which included all 6 Ku-ring-gai postcodes and 'other'. The survey was sent electronically to 36 associations, and 26 were returned. The results of this survey are included in the four appendices of the Strategy, (Attachment 1).

The Draft Strategy presented to Council has identified five key issues facing sport in Ku-ring-gai:

1. The number of fields/facilities available
2. The suitability of the fields/facilities available
3. The sustainability of the fields/facilities
4. The information and community liaison provided by Council to clubs, associations and other stakeholders.
5. Sports development and promotion.

Recognising these five key issues the Draft Strategy presents a number of strategies and actions to address each issue. Some of those actions will reinforce the continuation of existing programs such as Out in the Open, Sports Forums and the Capital Works Program, while others are suggesting alternative or additional actions, such as working with individual sporting codes to review opportunities and constraints affecting the development of their sport, and liaising with local schools to maximise the mutual benefits of community use of school facilities and school use of Council facilities.

While the scope of the action plan in the draft strategy is broad, it is proposed that comments and input received from sports associations, local clubs and the community will provide guidance as to the final priority of actions and the processes necessary to achieve them. The report to Council following public exhibition and consultation will include a table of intended means of implementation for actions.

CONSULTATION

Sports and association clubs were advised of the development of the strategy during the period that the questionnaires were distributed. Posters were displayed at the Festival on the Green, Tree Planting Day and the Spring Sports Forum which outlined the aims of the strategy.

A working party including 6 representatives from the Parks, Sport and Recreation Reference Group was established to provide ongoing input into preparation of the draft strategy.

Once on exhibition the Strategy will be advertised in Council's section of the North Shore Times, on Council's website and on posters displayed in libraries and bus stops. Posters will also be sent to all clubs who have a clubhouse. In addition the Strategy will be highlighted in the next edition of Out in the Open and a link provided to the document on Council's website.

All clubs and associations who hire Council's sportsfields will be sent a link to the draft document on Council's website, and a copy of the Draft Strategy will be sent to the NSW Department of Sport and Recreation, the Department of Planning, and NSROC, inviting their comments.

FINANCIAL CONSIDERATIONS

The draft strategy identifies a range of programs and projects that should be implemented over the short, medium and long term. Those actions which require funding will need to be considered in the development of future management plans and budgets. While implementation of all of the recommendations is beyond Council's ability to resource in the short term, the strategy will assist in the prioritisation of tasks over an extended period of time and inform Council of the priority of issues for inclusion in future Management Plans.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has not been undertaken with other Council departments in the development of this draft strategy.

SUMMARY

Council's vision for sports fields outlined in the Open Space Strategy is *'To sustainably manage a sportsground network that best meets the needs of organised activities, sport and games, and unorganised wider community use whilst minimising any negative impacts within sportsgrounds, on surrounding residents and upon adjoining land uses.'* The existing sportsground network is unable to meet the current and future increases in demand. Council has already implemented a number of actions to address this issue, including the Generic Plan of Management for Sportsgrounds, the Open Space Strategy and the Capital Works program. The Draft Sport in Ku-ring-gai Strategy will provide direction to ensure that the future management and development of our sportsgrounds will address the key issues in a manner which is consistent with the above vision and congruent with other relevant Council programs and strategic plans.

RECOMMENDATION

That the Draft Sport in Ku-ring-gai Strategy be publicly exhibited and a further report brought back to Council addressing outcomes of the consultation.

Morven Cameron
Senior Projects Officer

Carol Harper
Sport and Recreation Planner

Steven Head
Director Open Space & Planning

Attachments: Draft Sport in Ku-ring-gai Strategy - 577481

DRAFT COPY

Ku-ring-gai Council

Sport *in* Ku-ring-gai Strategy



Executive Summary

The pressure on Council's existing sportsfields is high, and there are insufficient facilities to meet current and anticipated future demands.

The Draft Sport in Ku-ring-gai Strategy has been prepared to provide a strategic approach to the overall provision and planning for sports facilities in Ku-ring-gai.

Council has already adopted the Open Space Strategy and implemented the Capital Works Prioritisation Process, both of which are aimed at addressing the issues associated with provision and management of open space. The Draft Sport in Ku-ring-gai Strategy is consistent with both of these and takes an integrated, but more detailed approach, to examining the issues relating specifically to the provision of sports facilities and the development of sporting opportunities in Ku-ring-gai.

In 2002 Council recognised that the existing sportsfield asset was incapable of sustaining the current level of use without significant upgrade and implemented the Capital Works program as a means of addressing this issue in the long term. Now in its fourth year, this program has resulted in three sportsfields being refurbished and planning has commenced on the next two sites. The refurbishment program is a vital element in alleviating the issues of the sustainability of our existing sportsfields.

However there are other options and ideas that Council, local clubs, regional associations and other agencies can be involved in which will make a significant contribution in the short and medium term to addressing the supply, demand and sustainability problems currently being experienced and expected in the future.

The Draft Strategy presented to Council has identified five key issues facing sport in Ku-ring-gai:

1. The number of fields/facilities available
2. The suitability of the fields/facilities available
3. The sustainability of the fields/facilities
4. The information and community liaison provided by Council to clubs, associations and other stakeholders.
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Recognising these five key issues the Draft Strategy presents a number of strategies and actions to address each issue. Some of those actions will reinforce the continuation of existing programs such as Out in the Open, Sports Forums and the Capital Works Program, while others are suggesting alternative or additional actions, such as working with individual sporting codes to review opportunities and constraints affecting the development of their sport, and liaising with local schools to maximise the mutual benefits of community use of school facilities and school use of Council facilities.



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Vision

'To sustainably manage a Sportsground network that best meets the needs of organised activities, sports and games, and unorganised wider community use whilst minimising any negative impacts within sportsgrounds, on surrounding residents and upon adjoining land uses and catchments.'

Ku-ring-gai Council owns and/or manages over 14,000 hectares of open space land. Approximately 11,000 hectares are natural areas or bushland. The remaining 300 hectares includes 42 sportsgrounds, 71 tennis courts, St Ives Showground, an outdoor swimming pool complex, over 250 parks, two golf courses, and an estimated 300,000 street trees.

In 1997 Council adopted a Strategic Plan for Sportsfields/Courts in Ku-ring-gai, which provided direction on the use and development of Council's sportsground network over the next 10 years.

The 1997 plan recognised that Council's key roles in managing sporting facilities within Ku-ring-gai are:

- policy making,
- planning,
- community liaison,
- facility provision,
- coordination and
- information provision.

Additionally the 1997 study found that the Ku-ring-gai community values sporting fields and facilities for the following reasons:

- opportunity for sport,
- visual amenity,
- habitat,
- quality of life,
- social benefits,
- increased property values, health/economic reasons,
- community benefit,
- development of youth,
- recreational opportunities and
- sporting facilities permit multiple uses besides sport.

Recognising that a number of issues facing sport and sports facility provision in Ku-ring-gai have changed and that the 10 years identified in the 1997 plan was coming to an end, Council's 2004/2009 Management Plan included the commencement of a Sport in Ku-ring-gai Strategy as a key performance indicator.

A sub-group of Council's Parks, Sport and Recreation Reference Group was formed to focus on the development of the Sport in Ku-ring-gai Strategy.



Introduction

Aim

The development of this strategy will provide Council with updated information regarding the current levels of use and anticipated future demands on our sportsground network and recommend actions and tasks which will assist Council in achieving the vision outlined above.

The Strategy aims to:

- Review and update the recommendations of the 1997 Strategic Plan for Sportsfield and Courts.
- Assess the current level of use of our sportgrounds and tennis courts for formal sport
- Provide direction to ensure that as far as possible Council achieves the best use of sportsgrounds and courts.
- Investigate options to improve the sustainability of fields, including improved management and maintenance practises by both Council and local clubs and associations.
- Develop a better understanding of emerging trends and changing demographics and the impact these will have on Council's current network of facilities.
- Investigate the need for additional facilities and options for the provision of these facilities within the constraints, geographical and others which exist in Ku-ring-gai.

The commencement of a Sport in Ku-ring-gai Strategy was listed in the 04/05 Management Plan and the completion of the Strategy is identified as a key performance indicator in the 05/06 Management Plan.



In November 2004 a working-group of the Parks, Sport and Recreation Reference group was formed to begin the preparation of the strategy and to discuss the scope of the strategy. During this initial stage the 1997 strategy was reviewed in conjunction with current issues facing sport facilities and sporting groups in Ku-ring-gai. Much of the research and direction of the 1997 plan remains relevant and therefore the working group determined that this strategy should evolve as a review and update of the 1997 plan.

Introduction (cont.)

The working group recognised that the 1997 Strategic Plan for Sportsfields and Courts was developed with a 10 year focus. Research undertaken was comprehensive and many of the issues discussed in the plan are still relevant. However, eight years on, a number of issues have risen which were not foreseen in 1997 but will, or are likely to have, an impact on sportsground use in the future including:

- The onset of drought conditions and subsequent water restrictions
- Projected population increases and changes in the demographic breakdown of the population
- Funding opportunities and availability of funds
- Risk management and public liability issues.
- Introduction of night games
- Improvements in technology
- Increased obesity levels and sedentary lifestyles
- Increased Government promotion and programs for active lifestyle activities



The working party determined the following tasks and objectives to be undertaken to assist in the collection and evaluation of the current situation in order to progress the review of the 1997 plan:

- Analyse the existing situation
- Create an updated inventory of sports facilities and opportunities in Ku-ring-gai
- Develop a standard auditing process for each season to determine and analyse actual levels of use versus 'booked' time
- Evaluate current and future demands for formal sport at local, regional, state and national levels
- Identify the key issues
- Develop recommendations and an action plan to guide the future direction and management practices of sportsgrounds.

What we have

Analysis of existing situation

Ku-ring-gai currently has sportsgrounds at 42 locations across the local government area, 71 tennis courts at 20 different locations of which 13 are adjacent to and form part of a larger sportsground facility, 6 locations are within parks, and the remaining one location is adjacent to the Council Library in Lindfield. There are 5 half court basketball facilities located in South Turramura, East Killara, Lindfield and 2 in Wahroonga.

Additionally, Council manages St Ives Showground, a large rural facility which is utilised by a number of local sports and recreation clubs including, Ku-ring-gai Mini Wheels, Ku-ring-gai Model Flying Club, Ku-ring-gai & Warringah Model Car Club, Northside Riding Club, Northern Suburbs Dog Training Club and the Ku-ring-gai District Soccer Association (KDSA). The Showground is the 'home' of the Northern Suburbs Agricultural and Horticultural Society and is also used regularly for large community events including an annual fireworks display, garden festival, youth camp, and a monthly craft fair.

A list of all sportsground locations and additional facilities are included as appendix 1 and 2 respectively of this strategy.

A review of the use of all sportsgrounds over the last 12 months identifies that during 2005 winter season the following sportsfields and courts were utilised;

- 22 full size soccer fields (includes Queen Elizabeth Reserve which was closed during winter 2005 for remediation following the discovery of trace amounts of asbestos)
- 25 junior soccer fields (15 under 7yrs and 10 under 9yrs)
- 10 rugby fields (all approximately full size)
- 2 dual use senior soccer and senior rugby sized fields. (including Barra Brui which during winter 2005 was closed for major renovation works to occur)
- 1 dual use senior soccer and hockey
- 16 baseball/softball diamonds 10 with permanent backnets)
- 1 hockey field
- 20 sealed netball courts
- 62 tennis courts
- 9 dual marked netball and tennis courts
- 1 AFL field

What we have (cont.)

Analysis of existing situation

During 2004/2005 summer season the following sportsfields and courts were utilised;

- 8 turf wickets
- 32 synthetic wickets
- 16 baseball/softball diamonds
- 27 cricket nets/batting cages
- 3 soccer fields (includes SISG)
- 71 tennis courts
- 1 athletics field
- 1 outdoor swimming complex (closes in April)

In addition to the seasonal use outlined above the activities below occur on Council facilities throughout the year.

- Archery **occurs on a soccer/cricket field
- Model Glider Flying **occurs on a baseball field
- 2 equestrian Areas *dedicated areas
- Model Aeroplane Flying *dedicate area
- 1 Mini Wheels Area *dedicated area
- 1 Model flying area *dedicated area
- 1 Model car track *dedicated area
- 4 Dog Training areas (3 are dedicated dog training rings and the fourth is sportsfield booked one day a week for the purposes of dog training)
- 1 skateboarding facility
- 2 golf courses
- 5 bowling clubs (leased)

In addition there are 21 clubhouses or clubrooms located on sportsgrounds. Council has licence agreements for the use of the buildings with many of the seasonal hirers at those locations or is in the process of negotiating licence agreements.

There are currently 89 clubs on the Open Space Department's mailing list of permanent or casual hirers excluding tennis hirers and schools. 36 schools booked sportsgrounds for school sport and after school training and games in 2005.

A number of sporting clubs also use the local school grounds for training and games. Currently these arrangements are made by the clubs with each school on an site by site basis.

Floodlights

22 sportsfields at 19 locations, 9 tennis courts at 3 locations, and 4 netball courts at 1 location have floodlights for night time use. In addition, the dual marked tennis/netball courts at St Ives Village Green, consisting of 4 tennis courts and 2 netball courts (training only) are floodlit.

Floodlights on 8 fields achieve the levels recommended for contact training or club matches as specified in Australian Standards 2560 (part 2.3 football all codes) and Level 1 control in Australian Standards 4282 (Control of Obtrusive Light).



What we know

Current levels of use

Tennis Courts

Council has 71 tennis courts distributed at 20 locations throughout Ku-ring-gai. Four locations have floodlights that enable night tennis to be booked until 10pm.

The courts are used by a wide variety of groups including permanent and casual hirers, coaches and schools. The courts can also be used for recreational activities that are suitable to be conducted on the court surface.

Tennis courts can be booked on either a casual (1 – 11 weeks) or permanent basis (12 -22 weeks).

In 2005 there were 167 hirers who made a permanent booking (132 - 22 week hirers including daylight saving hirers and 35 - 12 week hirers).

Tennis Courts with floodlights can be booked on either a casual basis or a 10 week period. There are currently 11 permanent hirers for floodlit courts.

17 schools booked tennis courts in 2005 both within school hours and also on weekday afternoons and Saturday mornings.

Council had 13 coaches registered to hire tennis courts in 2005. The coaches' level of use of the courts varies considerably, however as a group coaches booked an accumulated total of 3,700 hours in 2005.

Sportsgrounds

A survey of all clubs or associations who hire Council sportsgrounds was undertaken in June of 2005.

The survey was developed in consultation with the working group and was distributed electronically to 36 organisations. To date 26 surveys have been returned.

In order to avoid duplication of numbers the survey was sent to the governing bodies and associations, or to the groups which specifically hire sportsground from Council. A breakdown of the player number by each sport and the comments provided regarding general sportsfield issues is included in appendix 3 and 4 respectively.

Clubs were asked to provide information about membership numbers for the preceding season. Recognising that a number of clubs and associations administer sport across a number of local government areas they were asked to provide a breakdown of the postcodes for all registered players, in order for an assessment of the needs and demands of Ku-ring-gai residents to be undertaken. Additionally clubs were asked to outline their ground requirements for both training and competition.

Of the 26 returned surveys completed, a total of 28,405 players were registered for organised sport, with approximately 4,805 playing in summer 2004/05 and 23,600 playing in winter 2005. This number includes all registered players with associations and clubs who hire Council's sportsfields and is not necessarily representing the number of Ku-ring-gai residents who are registered to play.

As a percentage of total participation rates, 80% of people played in winter compared to only 20% summer. It should be noted that a number the cricket associations have not responded to the survey to date.

What we know (cont.)

Current levels of use

Sportsgrounds (cont.)

Additionally males had a much higher participation rate in organised sporting activities than females with a total of 19069 men playing compared to 8035 women.

The participation rates per age group did not drill down to individual sex. However, the information obtained shows a trend existing whereby participation rates decrease with age.

Participation rates were highest in the 'junior' age groups, where children are aged between 7 and 10. The early teenage years also shows a strong participation rate, however this decreases significantly as people enter their late teen years.

There was also a low participation rate of the 26 – 40 year age group. This is consistent with the wider demographics of Ku-ring-gai's population and is the peak age group where adults may have a young family and not have the opportunity to participate in organised sporting activity – rather their children do.

Similarly the participation rates of the middle – older age adult were strong, with the estimated group size of 41 – 60 years being 1,882.

The survey also asked clubs to identify the contribution that volunteers made to their local sporting clubs and associations. Often volunteers do not play but are integral to the operation of the club.

The survey identified a total of 11,514 volunteers, with the majority of these belonging to the netball (2,572) and soccer (7,200) associations.

The greatest number of volunteers were identified as coaches and ground staff. Many clubs acknowledged that volunteer roles were carried out on a roster basis rather than specific individuals undertaking the job for a full season.

Soccer had the largest number of registered players with a total of 14,731 people playing in winter 2005. This number is the total player registration for the Ku-ring-gai District Soccer Association (KDSA) which covers a large area including the local government areas of Ku-ring-gai, Hornsby, North Sydney, Willoughby and Lane Cove.

The postcode breakdown provided identifies 6230 residents are registered to play soccer with the KDSA.

Similarly the number of cricket and rugby clubs which failed to provide the requested information needs to be taken into consideration when analysing the ability of the facilities to meet the needs of each sporting code.

The survey demonstrated that a number of clubs are projecting that their numbers will remain constant or only increase slightly during the next five years.

It is unclear whether numbers were likely to remain constant because clubs had 'capped' their membership or whether clubs were aware of, or had taken into consideration, the estimated population increases likely to occur over the next 15 years.

What we know (cont.)

Current levels of use

Sportsgrounds (cont.)

The information provided by clubs needs to be taken in context. The total number of postcodes provided was significantly lower than the total number of players listed.

The total numbers of postcodes provided was 19078 from a possible 28,405 players.

Using the data available, more than 1 in 5 people who play within the clubs and associations are not residents in Ku-ring-gai.

The break down of player numbers by postcode is provided below:

- 2069 – 5.23%
- 2070 – 8.12%
- 2071 – 5.82%
- 2072 – 3.59%
- 2073 – 11.12%
- 2074 – 13.30%
- 2075 – 13.15%
- 2076 – 17.11%
- Other – 22.57%

It is also noted that postcode information was not provided for 32.8% of the registered players.

The detail of information provided in this first survey by associations and clubs was not sufficiently accurate for a true determination of how Council sportsgrounds are, or are not meeting the demands of the clubs. Predominantly this was due to the lack of postcode information provided by some clubs and the lack of response from others.

It is proposed that a similar survey be conducted annually, and become part of the annual allocation process. Similarly it is suggested that future surveys be sent to clubs who have teams based in Ku-ring-gai as opposed to the governing bodies of those sports to ensure a better return of postcode information.

Ground requirements for training

There was a varying range of data provided by the clubs between codes and within each sporting code in regards to their training needs.

The duration of time required per week per team for training ranged between 30 minutes and 6 hours. Across all sports, a trend was apparent that the time required for training increases with age. Generally an hour was the average time requested for junior sport with this increasing to 90 minutes for senior sport.

The flexibility for training sessions also differed with some clubs requiring specific week nights and time slots.

In addition to the survey information an audit of all floodlit fields used for training was conducted by Council staff during the 2005 winter season. Clubs were advised that over a three week period all fields would be visited in the evening and the use of the field recorded and compared to what had been booked.

The audit revealed that many fields had very large numbers of players using the entire area available. However a number of the sportsfields were not being fully utilised with only a section of the field being used by a small number of players, training predominantly in and around the goal mouths and try lines. When audited one location, although booked, was not being used at all on two occasions.

What we know (cont.)

Current levels of use

Sportsgrounds (cont.)

General Community Use

A general survey of residents regarding their use of sportsfields and recreational activities was conducted at two Council events, Festival on the Green (19 June) and National Tree Planting Day (31 July).

Similarly during this two month period a survey was posted on Councils "Have your Say" website which was open to anyone and requested information about their casual and informal use of sportsgrounds.

The results from these surveys found that the location of the sportsground in relation to their home was the most important factor in determining which sportsground they visited. Additionally respondents identified the ambience and 'feel' of the location as highly important as an issue that they considered when deciding which facility to visit.

As expected, the surveys identified that many respondents use local sportsgrounds for organised sporting activities as well as for informal sport and social/picnic use. The most important improvements needed at sportsgrounds were identified by respondents as better toilet facilities and more picnic/bbq areas.

Over the last 18 months Council has sent household surveys to every residential property in St Ives, Turramurra, Gordon and Pymble as part of the town centre master planning process. As part of these surveys residents were asked to outline their recreational use of sportsgrounds and their most popular activities.

The most popular recreational activity was walking, with golf, tennis and swimming all rated highly. Interestingly there was a relatively low response rate indicating participation in organised sport.

Football was rated 5th in the Turramurra survey and football/soccer 2nd in the Pymble survey; these were the only examples of organised sporting activities rating in the top 5 responses of any ward.



What we know (cont)

Previous studies

Since the adoption of the 1997 Strategic Plan for Sportsfields and Courts Council has adopted a range of strategies, policies and operational documents which contribute to the knowledge of current and future issues facing sport in Ku-ring-gai. These documents include;

Open Space Strategy (2005)

Council adopted the Open Space Strategy in September 2005. This Strategy is a unique document in that it has for the first time taken an integrated approach to the management and embellishment of all the open space land owned and managed by Council. As such, this strategy is the guiding or 'parent' document which outlines the principles and strategies to be incorporated into more specific documents such as this Sport in Ku-ring-gai Strategy.

Ku-ring-gai Open Space Distribution and Needs Study (2000)

This study was prepared as background material for the 2000-2003 Section 94 Development Contribution Plan for Ku-ring-gai. The study took a comprehensive look at both the quantity and quality of all of the open space land owned and managed by Council. In addition, the study looked at open space provision on a suburb by suburb basis and considered the provision of sports facilities at both local and district levels. Using traditional planning measures the study demonstrated that there is a need for additional sports facilities in Ku-ring-gai.

Ku-ring-gai Tennis Court Facility Business Plan (2002)

This plan was prepared to guide the future provision, development, management and marketing of Ku-ring-gai Council tennis court facilities. The research took a comprehensive look at the demand for tennis courts within Ku-ring-gai, the demographics of the users and the service provided by Council.

Plans of Management

The Local Government Act 1993 requires that all community land be managed in accordance with a plan of management. Plans of Management must categorise community land into one of the following: park, sportsground, natural area, area of cultural significance or general community use.

Plans of Management establish the basis for management; performance targets, action plans and review mechanisms for all Council owned and managed open space land.

Plans of Management can be prepared as either site specific plans or as generic plans covering a number of locations which have the same categorisation and similar management issues. An example of a site specific plan is the Plan of Management for Bicentennial Park, which has different categories of land covered in the one plan. On the other hand, the Sportsground Plan of Management is an example of a generic plan.

The Bicentennial Park Plan of Management was adopted by Council in August 2002. This plan is specific to Bicentennial Park site and identifies 14 issues relating to the ongoing and future management of the site including maintenance, access, and asset management.

The Sportsground Plan of Management, adopted in July 2003 identifies 19 issues including;

- Operating hours for organised sports activities and games
- Safety and risk management
- Traffic and parking
- The impact of sportsgrounds on surrounding residents and adjoining natural areas.

What we know (cont)

Previous studies (cont.)

Policies and Procedures

Council has reviewed or implemented new policies and procedures relating to sportsfield use over the last few years including;

- Wet Weather Policy - The previous policy was reviewed and updated prior to being adopted by Council in 2003.
- Draft Allocation, Leasing and Licensing Policy.
- Booking procedures have been reviewed and streamlined over the last three years, with the majority of booking correspondence now occurring electronically.

Capital Works Program

A detailed condition audit of all of Council's assets (including sportsgrounds) was undertaken in 2002. Council then adopted a prioritisation process for capital works on open space assets including playgrounds, parks, tennis courts and sportsgrounds. Sportsgrounds were prioritised using 14 criteria including the playing surface standard, the ability of recurrent maintenance programs to provide a satisfactory playing surface, the scope and level of use of the fields and the quality of supporting infrastructure such as floodlights, fencing, shade and seating. The process has been used to prioritise sportsground projects undertaken over the last two years.

The 2002 sportsground prioritisation process identified Bannockburn Oval as the highest priority followed by Barra Brui Sportsfield.

The playing field at Bannockburn was reconstructed and new floodlights installed in 2003 and the spectator area and surrounding area improved in 2004.

Stage one works at Barra Brui involved the upgrade of the floodlighting and stage two involving the reconstruction of the field and installation of a stormwater collection and recycling system is currently being completed.

In light of increased levels of use, recent drought conditions, ongoing water restrictions and potential sources of additional funding, the matrix used to prioritise sportsgrounds was reviewed in June 2005.

2005/2006 sportsground capital works encompass the completion of stage two of the project at Barra Brui Sportsfield and the remediation of Queen Elizabeth Reserve in West Lindfield. Additionally, during 2005/2006 planning will commence into the projects identified as the highest priority for the next two years, which are Lindfield no. 2 Oval and Auluba Oval (also known as Sir David Martin playing field).

Service and maintenance plans

These plans guide the daily activities of open space operational teams to ensure that:

- Built assets are managed and maintained to maximise their useful lives and/or their heritage significance.
- The biological components of the parks system are sustainably managed in accordance with their features and assets and,
- The safety of park users is a prime focus.

Service levels for particular sites vary according to their place within the open space hierarchy (local, district or regional facilities) and /or the intensity and type of their use.

What we know (cont)

Previous studies (cont.)

Ku-ring-gai Section 94 Contributions Plan for Residential Development 2004 - 2009

Coming into effect on the 1 July 2004, this plan outlines Council's policy for the assessment, collection, spending and administration of development contributions. The plan details the facilities that are likely to be needed as a result of residential development. The plan includes the estimated changes in population and demographics outlined in the "What's New – projected population increases and changes in the demographic composition of the population" section of this strategy. In addition the plan identifies funding for specific sites recognised as being impacted by additional development during the period of the plan.



NSW Department of Infrastructure, Planning and Natural Resources Recreation demand and opportunities report (August 2004)

In addition to Council reports and plans the NSW Department of Infrastructure Planning and Natural Resources have undertaken an assessment of the recreation demand and opportunities for Open Space land across the Sydney Metropolitan area. The study was undertaken in partnership with all of Sydney's Local Governments and many State Government agencies. Information was compiled from over 400 existing reports and used the expertise of local and state recreation managers to consider the city's recreational needs across Council and agency boundaries.

The Report's findings shows strong current and future demand for family recreation areas, cycling and walking tracks and access to water and natural areas. Additionally, the findings for Sydney's north identified there was a need for more youth-specific recreation facilities such as skate ramps and basketball half-courts.

The study reviewed the participation in sport and the demand for opportunities to participate in sport the northern Sydney region. The study found that on a regional level there is a lack of district sportsground facilities, and that this lack has been heightened by the increase in numbers participating in junior sport, over 35's teams, emerging sports (such as softball), women's football, and winter sports (especially soccer).

What's New?

The 1997 Strategic Plan for Sportsfields and Courts was developed with a 10 year focus. Research undertaken was comprehensive and many of the issues discussed in the plan are still relevant.

However eight years after the adoption of the 1997 plan there are a number of issues which were not foreseen in 1997. These now have, or are likely to have an impact on sportsground and court use in the future including;

- The onset of drought conditions and subsequent water restrictions
- Projected population increases and changes in the demographic composition of the population
- Funding opportunities and availability of funds
- Risk management issues and public liability issues.
- Introduction of night games
- Improvements in technology
- Increased obesity levels and sedentary lifestyles



Drought conditions and Water restrictions

Following the drought conditions in 2001/2002 level 2 water restrictions were introduced in November 2002 and subsequent restrictions (level 3) were introduced on 1st July 2005. These restrictions limit the times and days during which sportsgrounds can be watered.

The restrictions are such that not all fields can be watered during the permissible time periods and as a result only the 7 sportsgrounds which have automatic irrigation are being watered regularly.

It is unlikely that these restrictions will be removed in the near future, and it is equally likely that the use of town water for sportsgrounds will be further restricted in the future.

The ability of Ku-ring-gai's sportsgrounds to sustain the high levels of use, whilst receiving less water is one of the most critical issues facing our facilities. A number of initiatives have already been undertaken by Council to provide non town water for a number of fields. This includes the installation of a 250,000 litre tank to collect and reuse stormwater at Barra Brui sportsfield. The installation of similar systems has been identified for funding through Council's Environment Levy at an additional 8 locations.

Furthermore, investigation is currently underway into the possibility of sewer mining at one or both golf courses and the proposed North Turramurra Recreation Area (NTRA) which will adjoin North Turramurra Golf Course. This project could generate sufficient water to meet the needs of both the golf courses and produce additional water which could be used for neighbouring sportsfields.

Other investigations have included trialling chemical and irrigation options which offer better sustainability of the fields; in particular this has been trialled in high wear areas such as soccer goal areas.

What's New? (cont.)

Projected population increases and changes in the demographic composition of the population

The current population (2004) is estimated to be 108,830. Populations are counted and estimated in various ways. The most comprehensive population count available in Australia is derived from the Population and Household Census conducted by the Australian Bureau of Statistics, every 5 years.

The 1997 plan identified that between 1981 and 1991 the population of Ku-ring-gai increased by 2% resulting in an estimated population of 106,559 people in 1991.

Between this time and prior to the 1996 Census, the population of the Ku-ring-gai area had been generally declining. The results of the 2001 Census indicated that 1996 and 2001 the population of Ku-ring-gai increased at a steady rate of around 0.5% per annum.

Analysis of the population profile of Ku-ring-gai in 2001 and trends between 1996 and 2001 Censuses found that:

- The Ku-ring-gai population had increasing numbers and proportions of children in all age groups 0 – 14 years. The most significant absolute increase was for 5-9 year olds; while 0-4 years olds were the fastest growing population group.
- Between 1996 and 2001 the number and proportion of young people aged 15-24 years declined significantly, as did the population of adults aged 25-39.

- Between 1996 and 2001 the number and proportion of adults aged 40 and over increased. The greatest growth occurred in those aged between 50 and 64, who were the second fastest growing population in the area.
- In 2001 Ku-ring-gai had above average and increasing numbers and proportions of people in the older age groups (50-64 years) and very old age (65+) groups.

Although the current population figures have not increased significantly since the that identified in the 1997 plan, the projected increase in population has. Current predictions estimate that the Ku-ring-gai population will increase steadily to 114,823 by 2009 and 126,181 by 2026.

Based on these trends and the characteristics of new residential developments in Ku-ring-gai, the future population is likely to exhibit the following characteristics:

- A growing population of children and young people (0-15 years)
- A growing population aged 40 years and over
- A significant proportion of older people who are moving from larger family homes to medium density housing.
- An influx of new families taking the place of the 'older' people's family homes and replacing these dwellings with new family homes.
- The possibility of reversal in the decline of young people aged 18-24 years and 25-29 years with the development of multi unit housing around railway stations.

What's New? (cont.)

Funding opportunities and availability of funds

The 1997 Strategy outlined that \$517,625 had been allocated to capital improvements works on existing sporting facilities in 1996/1997, and that maintenance expenditure was in the region of \$998,000 including turf wicket and tennis court maintenance.

Records show that between 1996/1997 and 2002 only limited capital expenditure was allocated to Sportsground facilities.

The 1997 Strategy estimated that Council recovered 19% of the maintenance expenditure through user fees and charges on sportsgrounds, excluding tennis courts.

Maintenance expenditure in 2004/2005 was approximately \$2,605,500 including turf wickets and tennis court maintenance.

Council recovered approximately 20.5% of this expenditure through user fees and charges on sportsgrounds, excluding tennis courts.

In 2002 Council conducted an audit of all infrastructure assets including tennis courts and sportsgrounds and resolved to commit a minimum of \$320,000 per annum to the capital upgrade of sportsgrounds over the next ten years. Additional capital funding has similarly been allocated for tennis court refurbishment and the upgrade of West Pymble Pool.

Since 2002 Council has identified additional funding sources including Section 94 Development Contributions and the Environmental Levy. Both of these funding sources will generate additional income for specific locations and/or specific types of upgrade, such as water reuse/recycling projects.

Risk management issues and public liability issues

Increased awareness of insurance and risk management issues coupled with recent increases in the costs associated with public liability insurance has increased the demands placed on local clubs and coaches to ensure they are meeting their duty of care obligations.

To assist local clubs to implement systems and understand their obligations, Australian Standards has published 'Guidelines for Managing Risk in Sport and Recreation'. Furthermore, the NSW Department of Tourism Sport and Recreation offer a range of resources to assist clubs with general governance and risk management issues.

Council works closely with local clubs, governing bodies and with the NSW Department of Tourism Sport and Recreation to assist in the dissemination of information and advise about available resources, including hosting workshops relating to specific issues such as Child Protection.

Council currently requires that local clubs, organisations and individuals who hire facilities on a permanent or seasonal basis provide evidence of a minimum of \$10million in public liability insurance and a signed copy of the insurance inspection form.



What's New? (cont.)

Introduction of night games

Local rugby union clubs requested that Council allow the running of a one year seasonal trial where games could be played on Friday nights at 3 specific locations. As a result of this trial season, Council resolved in December 2004 to allow the playing of night games at selected locations providing a number of conditions were met.

Conditions of Council's Night Games Policy include:

- That floodlights meet the relevant Australian Standards
- The 'home' club provide local residents with the contact details for a community liaison representative
- The first year any location used for night games be considered a 'trial'
- The impact of these games be assessed at the conclusion of the season to determine the long term suitability of the site for night games.

Improvements in technology

Improvements in technology over the last 8 years have led to considerable changes and improvements to the way Council manages the sportsgrounds and courts on a day to day basis.

The increased use of the internet, email and mobile phones have all allowed for greater and better communication between clubs, coaches and Council.

Council's website contains general information about Council's sports facilities as well as wet weather conditions. In addition, Council's quarterly electronic newsletter "Out in the Open" offers Council the opportunity to inform subscribers about what is happening in and around the parks, sportsgrounds and bushland areas of Ku-ring-gai.

During the 2006 winter season group mobile phone/SMS will be used to contact nominated club representatives when wet weather occurs to advise that they must contact Council to discuss the need to close fields.

Another recent benefit from new and improved technology is the implementation of the 'Cloudmaster' system for controlling floodlights and automated irrigation systems.

At present Council has the Cloudmaster control system active at 8 sites including all tennis courts where lights are installed. The remaining sportsfield sites with lights will all have Cloudmaster control systems installed during 2006.

At locations with automatic irrigation Cloudmaster will also control the irrigation system, and provide reports about the volume of water dispensed during each irrigation period.

This system allows all floodlights and automatic irrigation to be controlled using CDMA communication from a centrally located computer. As a result sportsfield lights can be turned on and off within minutes of receiving a request. Previously Council used a system where timers were installed at each location and required a member of staff to visit the site to set and reset light controls.

What's New? (cont.)

Improvements in Technology (cont.)

This new technology has increased Council's ability to control the lights in a number of ways, including during wet weather. With the previous timer system lights could not be turned off when fields were closed, which often led to the lights being activated and the fields used when the 'home' clubs had recommended they be closed.

The Cloudmaster system also offers the opportunity for clubs to deactivate and/or activate lights within set times. Thus, if training finishes early the lights can be turned off. Additionally, where Council receives reports that lights are regularly on but no one is using the field, it will be necessary for clubs to take responsibility for turning lights on upon arrival at the field to ensure that they are only operated when required.

The system can report on the use of the lights at all locations which will provide Council with additional information regarding actual usage versus booked time.

The Cloudmaster system has also been installed at all tennis courts with floodlights. This has ensured that lights are only programmed to turn on in line with bookings, thus eliminating the problem of unauthorised use at night.



Increased obesity levels and sedentary lifestyles

In response to increased obesity levels and sedentary lifestyles there has been a great deal of advertising and promotion of active lifestyle activities, such as walking, swimming and gentle exercise options.

Much of the advertising and promotion has been from the NSW Department of Health, Department of Tourism, Sport and Recreation and the Australian Sports Commission. These Government departments have implemented a number of strategies and initiatives in an attempt to encourage greater participation in physical activity such as the current *Active After-school Communities Program*.

Summary

The information contained within the scope of this strategy identifies the changing nature of sport in Australia and the various issues that have and will impact on the usage and sustainability of sportsfields within Ku-ring-gai. The topography of Ku-ring-gai has resulted in the area having a unique distribution of sportsfields, where there is no major outdoor sporting facility but over 40 locations with predominantly only one field per location. This in itself, results in difficulties when trying to ascertain standard management and sustainability procedures and policies.

Sportsground capacity and sustainable management are now at the forefront of issues demanding attention within Ku-ring-gai. There has been a steady growth in the demand for sportsfields within Ku-ring-gai from both locally based clubs and those from outside the area. The survey results indicated that many clubs project steady rises in membership whilst some clubs and codes have already reached capacity. This problem will be further compounded with the forecasted rise in population derived from the increase in medium density homes planned for the area. Additionally, demand is being sought from non - traditional and emerging sports and there is the need to ensure that future allocations of fields continue to be undertaken in an equitable and fair manner. The development of an allocation, licensing and leasing policy will provide guidance for the management and resolution of these issues.

The professionalism of grass roots sports has resulted in the need for Council and clubs to adopt a more business like relationship to effectively manage a variety of issues including public liability insurance, coaching qualifications, child protection and liquor laws.

The survey results reinforce the amount of people who assist in the operation of any sporting club. Additionally, clubs within Ku-ring-gai often rely on the large volume of time and expertise provided by volunteers, many of who are retired or work part time. As the 'baby boomers' begin to relinquish these positions, volunteers will decline in number and there will be the need for Council to ensure the future of clubs and the relationships that have been developed.



Summary (cont.)

Communication distortion and breakdown still occurs between Council and clubs and results in not all information or the wrong message being received by staff, club representatives and players. The following initiatives have recently been implemented by Council to assist in improving communication between Councils, sporting clubs and members of the community.

Council's Parks, Sport and Recreation Reference Group (PSSRG) was established in August 2004 to ensure that community and stakeholder input is considered in Council's wider participation, input and consultation process. The role of the reference group is to provide Council with advice and feedback from residents, user groups and industry experts on matters relevant to parks, sport and recreation.

Two Sports Forums are held annually to provide residents, sports participants, coaches and officials the opportunity to participate in discussions and activities which will then assist Council in identifying future priorities and opportunities for parks, sport and recreation facilities in Ku-ring-gai.

Council has also developed a quarterly electronic newsletter dedicated to Open Space activities in Ku-ring-gai, including information about sport, parks, recreation and bushland facilities and activities. It includes regular updates on Council's Capital Improvement Program, local events, success stories and funding opportunities. There are currently over 350 registered recipients of "Out in the Open", however this number needs to be constantly increased so that the information reaches a greater cross section of the community.

It is important to identify the need for Council to constantly gather information from external agencies (such as NSW Department of Tourism Sport & Recreation, NSW Department of Planning and State sporting bodies etc.) to better plan and provide sport at a local, state and regional level. This is particularly relevant to such changes in society as increased populations, higher density housing and the growth in sports and their seasons.

Ku-ring-gai Council has already identified some of the threats that these changes are having on sportsfields. For instance, in 2001 floodlighting at 2 of only 18 floodlit fields met the Australian standards whereas currently, 20 fields now have floodlighting of which 10 meet the relevant standards. Additionally, to provide greater control of the use of the sportsfields for training a computerised lighting control system is being implemented. By the end of 2006 Council will have the ability to program the lighting schedules for all sportsfields. The 'Cloudmaster' system will therefore minimise unauthorised use of floodlit sportsfields during the night by ensuring that the lights are only turned on in conjunction with the specific dates and times booked.

Summary (cont.)

The frequency of use of Ku-ring-gai's sportsfields coupled with the impact of the drought and subsequent water restrictions has heavily impacted on the quality on the playing surfaces. Council has identified that maintenance practices, equipment and budgetary constraints have all limited the quality of surface and overall sustainability of sportsfields.

The impact of training and match play on the playing surface of fields is an issue that Council needs to address. Of particular importance is the need to share the demand each sportsfield receives. Currently, the majority of floodlit fields are those that are often requested for full weekend use during both the winter and summer seasons, thus preventing any effective rest periods. There is the need to investigate future options such as installing floodlights on 'junior' fields to provide a more equitable distribution of use on sportsfields to reflect asset quality.

On the other hand, a number of initiatives have been implemented by Council that go some way towards addressing the issues facing the present and future of sport in Ku-ring-gai. These include the environmental levy, the capital works program, improved irrigation and horticultural practices, soil testing and site specific maintenance plans.

In addition to the already high demand for formal use of sportsfields, recent Government initiatives have resulted in a growing awareness of the risks of sedentary lifestyles. There has been a push by all levels of Government to increase the level of activity Australians participate in, however little consideration has been given to how sportsfields and other open space areas will accommodate this higher usage. Furthermore, it provides an additional consideration for local planners of sport – the need for an equitable allocation of sportsfields for informal recreational activity by members of the local community.

Through the review of the information already existing, including the 1997 Strategic Plan for Sportfields and Courts and other more recent information, in conjunction with the information collected during the development of this document it is evident that there are five key issues facing sport in Ku-ring-gai:

1. The number of fields/facilities available.
2. The suitability of the fields/facilities available.
3. The sustainability of the fields/facilities.
4. The information and community liaison provided by Council to clubs, associations and other stakeholders.
5. Sports development and promotion

The following two sections of this document consider these five key issues and suggests a number of broader strategies and more detailed actions which if implemented will assist in addressing these issues.

The key issues for Sport in Ku-ring-gai

Five key issues facing Sport in Ku-ring-gai in 2006 have been identified as:

1. The number of fields/facilities available
2. The suitability of the fields/facilities available
3. The sustainability of the fields/facilities
4. The information and community liaison provided by Council to clubs, associations and other stakeholders
5. Sports development and promotion

Recommended strategies for addressing these five key issues are suggested below;

1. The number of fields/facilities available
 - 1.1. Establish an ongoing process to develop a better understanding of sporting needs and demands in Ku-ring-gai
 - 1.2. Investigate options for new sports facilities in line with expected population growth and in accordance with demonstrated needs
 - 1.3. Identify opportunities for alternative open space areas to be developed for active recreation opportunities
2. The suitability of the fields/facilities available
 - 2.1. Establish an ongoing process to develop and confirm that the configuration and current uses of existing sportsgrounds is most suitable
 - 2.2. Investigate opportunities for viable partnerships between compatible activities
 - 2.3. Balance the allocation and times of use of existing facilities to best meet the needs of the sporting clubs, coaches, schools and the wider community, while protecting the amenity of surrounding residents
3. The sustainability of the fields/facilities
 - 3.1. Investigate ways to better balance the spread of use across all sportsgrounds & facilities
 - 3.2. Promote innovative training methods which will have a reduced impact on the fields
 - 3.3. Continue to plan and implement capital works in accordance with Council's adopted program
 - 3.4. Continue to review service levels and maintenance practices
4. Information sharing and liaison between Council, clubs, associations and other stakeholders
 - 4.1. Actively communicate with clubs, associations and other stakeholders
 - 4.2. Council to work with clubs to facilitate education and information sharing on key issues
5. Sports development and promotion
 - 5.1 Identify the opportunities and constraints affecting the development of individual sports currently active in Ku-ring-gai
 - 5.2 Develop relationships with the governing bodies of sports and State and Federal Government departments to ensure the ongoing development and promotion of sport and physical activity

Action Plan

Addressing the key issues and implementing the recommended strategies requires the application of realistic and achievable action plans, with clearly identified resources, responsibilities and timelines. Furthermore this strategy is one of a number of strategic and corporate planning documents which Council adopt to provide long term direction on the management of community assets. The actions must be congruent with the recommendations and actions of other documents, in particular the Open Space Strategy, and must be integrated annually with the Council's management plan and relevant plans of management.

The following action plan incorporates the recommended strategies outlined above with a range of actions, with priority ratings, funding sources, performance targets and responsibilities for implementation.

Actions have been given a high, medium, low and/or ongoing priority rating, which has been broadly attributed according to the following criteria.

High priority actions are urgent, mandatory/statutory requirements; outstanding actions from previous studies and plans; and/or suggested to occur within 1 – 2 years

Medium priority actions are important but not urgent; reliant on other high priority actions being undertaken; subject to other agencies, and/or suggested to occur within a 3 – 5 year timeframe.

Low priority actions are reliant on high and medium priority actions being undertaken and/or suggested to occur within a 5+ year time horizon.

Ongoing priority actions are action of high to low importance which require ongoing rather than 'time limited' management attention.

The bases for the Sport in Ku-ring-gai Strategy will change over time, for this reason the Strategy is likely to have a 'useful life' extending no more than 8 years.

Action Plan

1. The number of fields/facilities available

1.1 Establish an ongoing process to develop a better understanding of sporting needs and demands in Ku-ring-gai				
Actions	Priority	Responsibility	Funding	Performance Indicator
Conduct a compulsory annual membership survey of all clubs and associations hiring Council grounds	High & Ongoing	Council, Clubs and Associations	Council	Annual summary report to the Parks, Sport and Recreation Reference Group (PSRRG)
Establish an audit process to ensure level of use booked is consistent with actual use	High & Ongoing	Council	Council	
Monitor the population predilections and breakdown for the area in conjunction with State and National participation and trends	Ongoing	Council	Council, State and Federal Govt. Agencies	
Regularly update anticipated demands for sportsgrounds	Ongoing	Council	Council	

1.2 Investigate options for new sports facilities in line with expected population growth and in accordance with demonstrated needs				
Actions	Priority	Responsibility	Funding	Performance Indicator
Continue the planning for the development of North Turramurra Recreation Area (NTRA)	Ongoing	Council & PSRRG sub group	Council, S94, Grants	Facilities provided in accordance with need
Identify initial formal sports uses for NTRA in conjunction with actions in 1.1 and 2.2	High	Council & PSRRG	Council	Initial sports uses identified
Examine opportunities for development as identified in the 1997 strategic plan	High	Council & PSRRG sub group	Council, S94, Grants	Site inspection of identified locations completed and update reported via PSRRG
Examine opportunities for the development of any other sites as they arise	Ongoing	Council, Clubs and Associations	Council, S94, State Govt. Agencies	Opportunities investigated as required
Work with school principals to maximise the mutual benefits of community use of school facilities and school use of Council facilities	High & Ongoing	Council & clubs	Council, State Govt, Local Schools	Provision of additional facilities through partnership arrangements

1.3 Identify opportunities for alternative open space areas to be developed for active recreation opportunities.

Actions	Priority	Responsibility	Funding	Performance Indicator
Use District Park Landscape Master Plans, Open Space Strategy and other Council initiatives to identify opportunities for alternative open space areas	Ongoing	Council	Council, S94, Grants	Complimentary recreation facilities provided and/or improved
Use the recommendations of the open space acquisition strategy to identify additional opportunities for informal recreation areas	Ongoing	Council	Council, S94	Implementation of Acquisition Strategy

Action Plan

2. Suitability of the fields/facilities available

2.1 Establish an ongoing process to develop and confirm that the configuration and current uses of existing sportsgrounds is most suitable

Actions	Priority	Responsibility	Funding	Performance Indicator
Compare annual summary report for 1.1 with field configuration	Medium	Council, PSRRG, clubs & associations	Council	Comparison included in report outlined in 1.1

2.2 Investigate opportunities for viable partnerships between compatible activities

Actions	Priority	Responsibility	Funding	Performance Indicator
Establish principles for evaluating opportunities for relocating compatible activities to increase efficiency and effectiveness of locations	Medium	Council, PSRRG, clubs & Associations	Council	Principles established in consultation with sports
In conjunction with Capital Works programs and club projects evaluate opportunities for the strategic relocation of compatible activities in accordance with above principles	Ongoing	Council, clubs & Associations	Council Clubs, Grants	Investigate opportunities which support the above principles

2.3 Balance the allocation and times of use of existing facilities to best meet the needs of the sporting clubs, coaches, schools and the wider community, while protecting the amenity of surrounding residents

Actions	Priority	Responsibility	Funding	Performance Indicator
Adoption of the Allocation Policy	High	Council	Council	Policy adopted & implemented
Utilise improvements in technology and communication to further protect the amenity of residents	High	Council & Clubs and Competition organisers	Council, Clubs	Resident's amenity protected
Establish and promote Club Community Liaison Officers	High & Ongoing	Clubs & Associations, Council	Clubs & Assoc.	Increase in the number of liaison officers
Liaise with Governing bodies and Competition organisers regarding Council's allocation process and policy limitations	Medium	Council, Clubs, & Governing Bodies	Council	Distribution of allocation policy and guidelines
Consider allocation and levels of use on a site by site basis, where necessary develop a site specific action plan to address issues	Medium & Ongoing	Clubs & Association surrounding residents, Council.	Council & Clubs	Allocation restrictions reviewed and amended where possible

Action Plan

3. The sustainability of the fields/facilities

3.1 Investigate ways to better balance the spread of use across all sportsgrounds & facilities.				
Actions	Priority	Responsibility	Funding	Performance Indicator
Monitor and report levels of use and scheduling annually	Ongoing	Council & Clubs	Council	New booking system and reporting mechanisms implemented
Allocate fields in accordance with identified carrying capacity of specific locations	High	Council & clubs	Council	Liaise with clubs to confirm carrying capacity & utilise new booking system to implement
Increase number of fields lit for training and games	High	Council, clubs	Council, Clubs, Grants	Increased number of floodlit fields
Identify alternative sites and surfaces that are suitable for recreational activity	High	Council, coaches, clubs	Council	Alternative sites and surfaces identified and booked for recreational activity

3.2 Promote innovative training methods which will have a reduced impact on the fields.				
Actions	Priority	Responsibility	Funding	Performance Indicator
Investigate opportunity to develop training areas off the main field of play where possible	High	Council, clubs & Associations	Council, clubs & Assoc Grants	Training areas identified and implemented off the main field of play
Implement better control of lighting at all new locations, such as half field lighting	High & ongoing	Council, clubs & Associations	Council, clubs & Assoc Grants	Better lighting control on all new projects
Liaise with governing bodies and State agencies to offer education to clubs about alternative training locations and methods	Medium	Council, clubs & Associations, Governing Bodies, Government Agencies	Council, clubs & Associations, Governing Bodies, Government Agencies	Education programs and material provided

3.3 Continue to plan and implement capital works in accordance with Council's adopted Program				
Actions	Priority	Responsibility	Funding	Performance Indicator
Capital works programs planned and implemented using sustainable design principles	High & Ongoing	Council, clubs	Council, S94, Environmental Levy, Grants	Capital works completed in accordance with program
Investigate innovate water re-use and sustainable irrigation options	High	Council	Council, Environmental Levy, Grants	Increase use of recycled water
Investigate opportunities for viable partnerships to upgrade sportsfields or facilities	Ongoing	Council, clubs, Govt Agencies	Council, clubs & Assoc, Governing Bodies, Government Agencies	Viable partnerships initiated and fields and facilities upgraded
Consider opportunities for synthetic training facilities in the future	Low	Council	Council, clubs & Assoc, Governing Bodies, Government Agencies	Synthetic training facilities considered when appropriate

3.4 Continue to review service levels and maintenance practices				
Actions	Priority	Responsibility	Funding	Performance Indicator
Site specific maintenance/service plans developed in accordance with capital works program	Ongoing	Council & Clubs	Council & Clubs	Service plans implemented for sites which have had capital works completed
Review maintenance programs and implement total asset management practices	Ongoing	Council	Council	Maintenance carried out in accordance with specific asset management requirements
Promote opportunities for viable partnerships with clubs for ongoing maintenance of fields	Medium	Council & Clubs	Council & Clubs	Increase opportunities for partnership identified and investigated

Action Plan

4. Information sharing and liaison between Council, clubs, associations and other stakeholders.

4.1. Actively communicate with clubs, associations and other stakeholders				
Actions	Priority	Responsibility	Funding	Performance Indicator
Parks, Sport and Recreation Reference Group meetings held 5 times per year	Ongoing	Council & PSRRG members	Council	Meetings held and minutes reported to Council and available on Council's website
Hold Bi-annual Sports Forums	Ongoing	Council, Clubs & Associations	Council	Sports Forums held and well attended
Quarterly Electronic newsletter distributed 'Out in the Open'	Ongoing	Council and clubs	Council	Increased distribution of newsletter
Investigate alternative and/or additional methods of communication	Medium	Council, Clubs & Associations	Council	Alternative methods investigated and implemented
Liaise with neighbouring local government areas to discuss issues affecting sport at a regional level	High	Council, other Councils, Governing Bodies, Government Agencies	Council, other Councils, Governing Bodies, Government Agencies	Regular meeting structure or communication network developed and implemented.

4.2 Council to work with clubs and other agencies to facilitate education and information sharing on key issues				
Actions	Priority	Responsibility	Funding	Performance Indicator
Develop partnerships and support clubs with information, assisting with grant applications and planning processes	High & Ongoing	Council, clubs & Associations, Governing Bodies, Government Agencies	Council, clubs & Associations, Governing Bodies, Govt. Agencies	Increase partnerships and assistance to clubs
Identify issues or areas of concern for clubs and facilitate education & training	Medium	Council, clubs & Associations, Governing Bodies, Government Agencies	Council, Clubs, Governing Bodies, Govt Agencies	Education programs and material provided
Liaise with other government agencies to identify education and training opportunities	Medium	Council, , Governing Bodies, Government Agencies	Council, Governing Bodies, Govt Agencies	Education programs and material provided

Action Plan

5. Sports Development and Promotion

5.1 Identify the opportunities and constraints affecting the development of individual sports currently active in Ku-ring-gai				
Actions	Priority	Responsibility	Funding	Performance Indicator
Work with individual sports and associations currently active in Ku-ring-gai to identify opportunities and constraints affecting their development	High and ongoing	Council & Clubs and Associations	Council, Clubs and Associations	Work with at least one sporting code each year to develop long term strategic plans for the development and promotion of that sport
Integrate opportunities and strategies identified above to address constraints restricting the development of individual sports into Councils Planning and sports development processes	Medium	Council	Council	Sport specific development strategies integrated into Council's planning process including the capital works prioritisation process.

5.2 Develop relationships with the governing bodies of sports and State and Federal Government department to ensure the ongoing development and promotion of sport and physical activity				
Actions	Priority	Responsibility	Funding	Performance Indicator
Identify opportunities to promote and develop sport through Council's Active Ku-ring-gai program	High and Ongoing	Council, local clubs and associations	Council, State & Federal Govt (grants)	New programs developed Programs become self funding within the identified time period
Liaise with government agencies to identify sports development and promotion opportunities	Ongoing	Council	Council, State and Federal Govt.	Development and promotion opportunities investigated and implemented where appropriate
Develop partnerships and opportunities to support the administration and governance of local clubs	Ongoing	Council & local clubs	Council, Local clubs and NSW Dept of Sport & Recreation	Increase partnerships and assistance to clubs

Glossary of Terms

ORGANISED ACTIVITIES, SPORTS AND GAMES

- Any group of people (more than 5 people, or one that is commercially based) who are using any Council owned or managed land on a regular basis (at least once in any eight week period) will be considered a regular and organised group and will therefore be required to comply with Council's Open Space Conditions of Hire.

CLUB/ASSOCIATION/ORGANISATION – Is a group or association of people with common aims or interests to administer recreational activities or the playing of sport.

TARGET GROUPS – any social group identified by local, state or federal bodies as being under represented or having very low participation in sport, recreation or physical activities, current target groups would include but not be limited to; youth, elderly, people from non-English speaking backgrounds (NESB), people with a disability.

MINORITY SPORTS – Any of the sports or activities which play an important role in the provision of opportunities in the Ku-ring-gai area but which through the nature of the activity or any other reason do not have high numbers of participants, such as equestrian activities, or croquet.

EMERGING SPORTS – are sports or activities that may not have a strong historical base in the Ku-ring-gai but are increasing in popularity as a result of changing social trends, demographics for example. Sports such as BMX riding or skateboarding may be considered emerging sports.

INCORPORATED – is any club, association or organisation with a separate legal entity.

COUNCIL – Ku-ring-gai Council and its staff.

PLAN OF MANAGEMENT - Is a Council document, which is required under the Local Government Act detailing how community land is to be used and managed.

SPORTSGROUND - A sportsground is defined as including the sportsfield and sports surrounds.

SPORTS FIELD - A sports field is the defined area marked for activity. Any one of 46 sports fields and required infrastructure such as cricket wickets or goal posts or 29 sealed netball courts and goal posts designated by the Generic Plan of Management for Sports Grounds for the primary purpose of playing sport or participating in active recreation.

SURROUNDS - Area that falls outside the defined area marked for activity.

ON-FIELD FACILITIES – the facilities for sports which Council provides which are on the field of play. For example, cricket wickets (synthetic & turf), goal posts, and back nets.

OFF-FIELD FACILITIES – the buildings, amenities and additional structures allowing for an increase or diversification in the utilisation of the sportsfield. For example, a toilet block, changing rooms and showers, clubhouses, canteen/kiosks, storage areas and cricket nets.

Glossary of Terms (cont)

SUMMER – the seasonal period identified by Council, during which time summer sports will be eligible to hire sportsfields and facilities on a seasonal basis at a seasonal hire rate in accordance with the seasonal conditions of hire.

WINTER – the seasonal period identified by Council, during which time winter sports will be eligible to hire sportsfields and facilities on a seasonal basis at a seasonal hire rate in accordance with the seasonal conditions of hire.

ANNUAL HIRER – most commonly schools or clubs whose sports do not follow a structured winter or summer season. For example the Archery club or Model flying club. Annual Hirers will be allocated grounds specific to their requirement in accordance with the allocation policy and allocation matrix.

SEASONAL HIRER – An individual, club or organisation who book a sportsfield or a number of Sportsfields on a season basis. This definition allows such hirers to take advantage of lower 'seasonal' charges. Allocation of grounds to specific seasonal hirers will be carried out in accordance with the allocation policy and allocation matrix. Seasonal hirers must agree to and sign the seasonal conditions of hire relevant to their sport or activity

SCHOOL HIRER – Any school that books a sportsfield or a number of sportsfields during core school hours. School use outside regular school hours is classified as Seasonal or Casual hire, and will be required to agree to and sign the applicable conditions of hire.

CASUAL HIRER – An individual, club or organisation who books a sportsfield or number of sports fields on no more than 10 occasions, throughout any one calendar year. Within the realms of Casual hire there are two distinct types of organisations hire facilities, community organisations and commercial organisations.

COMMUNITY HIRER – An organisation whose main business is community driven as opposed to profit driven. For example, playgroups, religious groups, hospital groups etc.

COMMERCIAL HIRER – An organisation whose main business is profit and commercially orientated, such as company functions, private training companies etc.

References

- Ku-ring-gai Bicentennial Park Plan of Management (2002)
- Ku-ring-gai Capital Works Prioritisation Program
- Ku-ring-gai Draft Allocation, Leasing and Licensing Policy.
- Ku-ring-gai Open Space Distribution and Needs Study (2000)
- Ku-ring-gai Open Space Strategy (2005)
Plans of Management
- Ku-ring-gai Section 94 Contributions Plan for Residential Development 2004 – 2009
- Ku-ring-gai Service and maintenance plans
- Ku-ring-gai Sports Grounds Generic Plan of Management (2003)
- Ku-ring-gai Strategic Plan for Sportsfields and Courts (1997)
- Ku-ring-gai Tennis Court Facility Business Plan (2002)
- Ku-ring-gai Wet Weather Policy (2003)
- NSW Department of Infrastructure, Planning and Natural Resources Recreation demand and opportunities report (August 2004)

Appendix 1 – Sportsground Locations in Ku-ring-gai

Sportsground Playing Areas (hectares)	Name of Sportsground	Address	Suburb	Summer Sports	Cricket Nets	Winter Sports	Winter Sports Australian Rules	Winter Sports	Floodlights	Irrigation Yes/No	Other Facilities On Site	Clubhouse/ Canteen	Storage	Playground	Parking
1.50	Acon Sportsground	Acon Road	St. Ives	Cricket (Turf/Wicket)	No	Australian Rules	1	Yes	Yes	QCV		Yes		No	Off Street
0.70	Allan Small Park	Salea Road	East Killara	Cricket (Synthetic) Covered	No	Soccer	1 Full	No	No	NIL	4 Tennis Courts	No		Yes	Off Street
1.60	Auluba 1 & 2 Sportsground Sir David Martin Reserve	Auluba Rd, off Kissing Point Road	South Turramurra	Cricket (Synthetic) Not Covered	2	Soccer	2 x Junior (7) 1 Full	Yes	Yes	AUTO		Yes		No	On Street
0.80	Auluba 3 Sportsground Kissing Point Village Green	Vernon Street off Kissing Point Road	South Turramurra	Baseball	No	Soccer	2 Diamonds	No	No	NIL		Small Canteen		Yes	On Street
2.00	Barnockburn Road Sportsground	cnr. Selwyn St.	West Pymble	Cricket (Synthetic) Covered & athletics	No	Soccer & athletics	?	No	No	AUTO		Yes		Yes	Off Street (Limited)
0.90	Barra Buai Sportsground	Burraener Ave.	St. Ives	Cricket (Synthetic) Covered	No	Rugby/Soccer	1 Full	Yes	Yes	AUTO		Yes		No	Off Street
0.55	Brown's Field Sportsground	Campbell Drive	Wahroonga	Cricket (Synthetic) Covered	No	Soccer	1 Junior (9)	No	No	NIL				Yes	On Street
0.65	Byce Avenue Sportsground	End of Byce Ave	St. Ives	Cricket (Synthetic) Not Covered	No	Soccer	2 Diamonds	No	No	NIL		No		No	On Street
2.00	Canoon Road Sportsground	Canoon Road	South Turramurra	Baseball	No	Netball	25	No	No	NIL	Tennis 9 Dual Marked Courts	Yes		No	Off Street
0.55	Carrington Road Sportsground	cnr. Coonabarra & Carrington Roads	Wahroonga	Cricket (Synthetic) Not Covered	No	Soccer	2 Junior (7)	No	No	NIL		No	No	No	On Street
1.60	Cliff Avenue Sportsground	End of Cliff Avenue off Boundary Road	North Wahroonga	Baseball	No	Top Field Rugby	1 Full	No	No	AUTO		Yes		No	Off Street
1.00	Comenara Sportsground	Nimbin Street	South Turramurra	Cricket (Synthetic) Covered	2	Soccer	1 Full	Yes	Yes	NIL				Yes	Off Street
0.65	East Gordon/Danley Sportsground	Mount Ida Street	Gordon	Cricket (Synthetic) Covered	No	Soccer	1 Junior (7) & 1 Junior (9)	No	No	NIL				Yes	Off Street (Limited)
0.60	Edenborough Sportsground	off Bent Street	Lindfield	Cricket (Synthetic) Covered & archery	No	Soccer & archery	1 Full	No	No	NIL		No		Yes	On Street
0.60	Fiddens Wharf Road Sportsground	South end of Fiddens Wharf Road	Lindfield	Cricket (Synthetic) Covered	No	Soccer		No	No	NIL		No		No	On Street
0.40	Friar's Field	Gerrain Road	Pymble	Cricket (Synthetic) Covered	No	Soccer	1 Junior (9)	No	No	NIL				No	Off Street
1.00	George Christie Sportsground	end of Yanilla Ave, off the Broadway	Wahroonga	Cricket (Synthetic) Covered	No	Soccer	1 Full	No	No	NIL		No		No	Off Street
1.65	The Glede Sportsground	Koora Ave.	Wahroonga	Cricket (Turf/Wicket)	2	Soccer	1 Full + 2 Junior (7 & 9)	No	No	QCV	2 Tennis Courts & 12 Basketball Court			Yes	Off Street (Limited)
3.40	Golden Jubilee Sportsground	Eak Street	North Wahroonga	Baseball	No	Front Field Soccer/Baseball	1 Full/1 Diamond	No	No	NIL				Yes	Off Street
2.15	Hassell Park Sportsground	cnr. Monie Vale Road & Maxson Street	St. Ives	Cricket (Synthetic) Not Covered	5	Rugby		Yes	Yes	AUTO		Yes		No	Off Street (Limited)
1.40	Howson Avenue Sportsground	Howson Ave. off Comenara Parkway	Turramurra	Cricket (Synthetic) Covered	No	Soccer	1 Full	No	No	NIL		Derralt	Yes	No	Off Street
0.80	Karuah Road Sportsground	Karuah Road	Turramurra	Cricket (Synthetic) Not Covered	2	Soccer	3 Junior (7) + 1 Junior (9)	No	No	NIL	Dog Off Leash Area (not on sportsfield)	Modified Changing Room		No	On Street
0.80	Kent Road Sportsground	off Sprunwood Road	Turramurra	Cricket (Synthetic) Covered	No	Soccer	1 Full	No	No	NIL	2 Tennis Courts & Dog Off Leash Area (not on sportsfield)	No		Yes	Off Street (Limited)
4.00	Koola Park Sportsground	Koola Avenue opposite Churchill Road	East Killara	Cricket (Turf wicket & 2 Synthetic) Covered	3	Rugby/Soccer	1 Full	No	No	NIL		Yes		No	Off Street (Limited)

Appendix 1 – Sportsground Locations in Ku-ring-gai (cont)

Sportsground Playing Areas (hectares)	Name of Sportsground	Address	Suburb	Summer Sports (Turf Wicket)	Cricket Nets	Winter Sports	Winter Sports	Winter Sports	Floodlights	Irrigation Yes/No	Other Facilities On Site	Clubhouse/ Canteen	Storage	Playground	Parking
1.30	Lindfield Memorial Park Sportsfield 1	Tryon Road	East Lindfield	Cricket (Turf Wicket)	2	Rugby	Rugby	1 Full	Yes	QCV	2 Floodlight Tennis Courts	Yes		Yes	Off Street
0.75	Lindfield Memorial Park Sportsfield 2			Cricket (Synthetic Covered)		Rugby	Rugby	1 Full	Yes	NIL					Off Street
0.70	Bicentennial Park	cnr Lobberg & Yanko Roads		Cricket (Synthetic Covered)	3	Rugby	Rugby	1 Full	Yes	NIL	Swimming Pool, Dog Off Leash Area, Playgroup, Bowling Club, Community Hall, BBQs	Yes			Off Street (Limited)
0.30	Bicentennial Park	28a Lobberg Sportsfield	West Pymble	Cricket (Synthetic Covered)	No	Netball	Netball	4 Full	Yes	NIL			Yes	Yes	On Street
0.85	Bicentennial Park	Lobberg Road near Rye Road		Cricket (Synthetic Covered)	No	Soccer	Soccer	1 Full	Yes	QCV		Yes			Off Street (Limited)
0.40	Loyal Henry Sportsground	West end of Bromborough Road	Roseville	Cricket (Synthetic Covered)	2	Soccer	Soccer	1 Junior (9)	No	NIL	2 Tennis Courts, BBQ			Yes	On Street
1.00	Rofe Park	Mimosa Road near Carina Road	Turrumura	Cricket (Synthetic Covered)	No	Soccer	Soccer	1 Full	No	NIL		No		Yes	Off Street (Limited)
1.20	Princes Park	cnr Princes Street & Highfield Road	Lindfield	Cricket (Synthetic Covered)	No	Soccer & mid week dog club	Soccer & mid week dog club	1 Full	Yes	AUTO		Yes	Yes	Yes	On Street
0.60	Queen Elizabeth Sportsground	cnr Charles Street & Bradfield Road	Lindfield	Cricket (Synthetic Covered)	No	Soccer	Soccer	1 Full	No	AUTO	4 Tennis Courts	No		Yes	On Street
0.75	Regimental Park Sportsground	cnr Pacific Hwy & Lorne Ave	Killara	Cricket (Synthetic Not Covered)	No	Soccer	Soccer	4 Junior (7) + 2 Junior (9)	No	NIL	5 Tennis Courts, 2 Croquet Lawns			No	On Street
1.25	Roseville Chase Sportsground	Off Ormonde Ave.	Roseville Chase	Cricket (Turf Wicket)	No	Rugby (Hockey Training)	Rugby (Hockey Training)	1 Full	Yes	QCV		Yes		No	Off Street
1.00	Roseville Park Sportsground	Clanville Road	Roseville	Cricket (Turf Wicket)	2	Hockey	Hockey	1 Full	No	AUTO	7 Tennis Courts, Dog Off Leash Area, BBQs			Yes	On Street
0.80	North Turramurra Park	Bobbin Head Road	North Turramurra	Cricket (Synthetic Covered)	No	Soccer/ Netball Training	Soccer/ Netball Training	1 Full	Yes	NIL				Yes	On Street
	St Ives Showground	Mona Vale Road	St Ives	Equestrian/ Multi - purpose											
0.70	St Ives Village Green Sportsground	Memorial Avenue	St Ives	Cricket (Synthetic Not Covered)	No	Soccer	Soccer	4 Diamonds	Yes	?	4 Floodlight Tennis Courts, dual marked for Netball, Showjumping, Community Halls				On Street
2.00	William Cowan Sportsground	Cowan Road	St Ives	Cricket (Synthetic Not Covered)	No	Soccer	Soccer	5 Diamonds	Yes	QCV		Yes		Yes	On Street
3.00	Surgeon White Reserve	Off Lawson Parade	St Ives	Equestrian	No	Equestrian	Equestrian	n/a	No	NIL				No	Off Street (Limited)
0.50	Toolang Road Sportsground	cnr Warimoo Ave & Toolang Road	St Ives Chase	Cricket (Synthetic Not Covered)	No	Soccer	Soccer	2 Junior (7)	No	NIL		No		No	On Street
1.50	Turrumura Park Sportsground	cnr Eastern and Kanuahi Roads	Turrumura	Cricket (Turf Wicket) & Athletics (track 347m)	2	Rugby	Rugby	1 Full	Yes	QCV	4 Tennis Courts, Ewenslie	Yes		Yes	On Street
1.15	Killara Park	Koola Ave.	Killara	Cricket (Turf Wicket)		Hockey/ Junior AFL	Hockey/ Junior AFL	1 Full Hockey	No	QCV	2 Tennis Courts & Dog Off Leash Area (Tracked area)	Yes		Yes	Off Street (Limited)
1.00	Warimoo Ave. Sportsground	Warimoo Ave. opposite Gould Ave.	St Ives Chase	Cricket (Synthetic Covered)	No	Soccer	Soccer	1 Full	Yes	AUTO	3 Tennis Courts	Yes		Yes	Off Street
1.15	East Lindfield Park	cnr Wellington & Carlyle Roads	East Lindfield	Cricket (Synthetic Covered)	No	Soccer	Soccer	1 Full	Yes	RING MAIN/QCV				No	On Street
0.80	Claude Cameron Grove Westbrook Sportsfield	cnr Westbrook Ave & Kintore Street	Wahroonga	Cricket (Synthetic Not Covered)	No	Soccer	Soccer	?	No	NIL	1/2 Basketball Court			No	On Street

Appendix 2 – Additional Sport Facilities in Ku-ring-gai

Name of Recreational Facility	Address	Suburb
Allan Small Park – Tennis Courts (4) & Half Court Basketball	Saiala Road	East Killara
Canoon Road – Tennis Courts (9)	Canoon Road	South Turramurra
East Roseville Bowling Club Limited	Warrane Road	Roseville
The Glade – Tennis Courts (2) & Half Court Basketball Facility	Koora Ave.	Wahroonga
Gordon Recreation Grounds – Tennis Courts (4)	Weronia Avenue	Gordon
Hamilton Park – Tennis Courts (3) & Half Court Basketball Ball	Barellan Avenue	Turramurra
Kendall Street – Tennis Courts (2)	Kendall Street	West Pymble
Kent Road – Tennis Courts (2)	Kent Road	North Turramurra
Killara Park – Tennis Courts (2)	Koola Avenue	East Killara
Lindfield Community Centre – Tennis Courts (2)	Pacific Highway (behind Lindfield Library)	Lindfield
Lindfield Park – Tennis Courts (2)	Tryon Road	East Lindfield
Morona Avenue – Tennis Courts (4)	Morona Avenue	Gordon
Pymble Park – Tennis Courts (4)	Alma Street	Pymble
Queen Elizabeth Reserve – Tennis Courts (4) & Half Court Basketball Facility	Bradfield Road	Lindfield
Regimental Park – Tennis Courts (5)	Cnr Pacific Hwy & Lorne Ave	Killara
Richmond Park – Tennis Courts (2)	Rosedale Road	Gordon
Roseville Park – Tennis Courts (7)	Clanville Road	Roseville
St Ives Village Green – Tennis Courts (4)	Memorial Avenue	St Ives
St Ives Bowling & Recreation Club Limited	Killeaton Street	St Ives
Thomas Avenue – Tennis Courts (2)	Thomas Avenue	Roseville
North Turramurra Golf Course	Bobbin Head Road	North Turramurra
Turramurra Park – Tennis Courts (4)	cnr Eastern and Karuah Roads	Turramurra
Warrimoo Avenue – Tennis Courts (3)	Warrimoo Ave, opposite Gould Ave.	St Ives Chase
Westbrook Sportsfield (includes Half Court Basketball)	Cnr. Westbrook Ave & Kintore Street	Wahroonga
West Lindfield Sport and Recreation Club Co-op Ltd.	Highfield Road	Lindfield
West Pymble Bowling Club Ltd	Prince of Wales Drive	Pymble
West Pymble Pool	Prince of Wales Drive	Pymble

Appendix 3 – Player numbers by sport

Total Numbers																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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Appendix 4 – Comments provided by Clubs regarding sportsfields and facilities

<p>Kuringai needs basketball courts as a matter of priority</p> <p>Needs 50 m swimming pools</p> <p>Needs synthetic athletics track</p> <p>As stated in the body of the survey the majority of our teams are able to train and play on private school grounds. The team numbers indicated will show the total number of teams per sport that. (Not necessarily those that will play on council grounds).</p> <p>Whenever we request a council ground it is only as a result of not being able to accommodate all teams on school fields.</p> <p>We certainly appreciate the efforts that the Open Space team go to to accommodate our requests.</p> <p>Improvement in the quality of preparation of turf wickets.</p> <p>Additional club room facilities (space & storage)</p> <p>Secure space for tractor</p> <p>Control of dogs on ovals, especially when pitch area is wet</p> <p>Mostly covered.</p> <p>Always a need for more fields for the sport.</p> <p>Help to fix parking at schools where sportsfields are used, for both the school & sport who all use the facilities there.</p> <p>The cricket nets at sportsfield are not really suitable. Firstly there are only 2, and if all the teams attempt to have training, then the 2 are simply not enough. It would be more ideal if there were 4. Also they face east to west meaning that the batsmen are facing the setting sun, making it very difficult to see the ball, even slightly dangerous to bat in such conditions. Also the run ups for the bowlers are very uneven.</p> <p>The oval is frequented by dog owners even though there is a dog park next door. Also many locals like to walk the oval passing near by the nets which is possibly dangerous for flying balls. Also when we do field training we would prefer if these people were off the field for safety reasons. Would would like to explore putting some training facilities at sportsfield.</p> <p>Ultimately we would like 2-3 turf training nets, 2 concrete nets and a flat oval that is not too busy with our clubhouse nearby.</p> <p>For many years club activities have been constrained by the available facilities. There are three age groups provided for at most Centres that we cannot presently accommodate. We use a smaller than standard oval track that inhibits tactical training of distance runners and is unsuitable after most children reach their mid teens. We have no facility for normal competitive relay training. That we have only two compromise long jump run-ups severely impacts on our program and performances. Our second long jump pit is of non standard construction and has no run up tracks. We cannot store sufficient high jump bags of the current safety dimensions to allow us to replace our old bags.</p> <p>It has previously been established that provision of a 400m athletics track is a high priority for Ku-ring gai. The club does not believe that this 400 metre track needs to have an artificial surface. We strongly support the development of the NTRA as a multi-sports centre including athletics.</p> <p>Club requirements of such a development would be:</p> <p>A standard size, 400m, eight lane, athletic oval grass track; two separate straight grass tracks with eight standard width lanes for hurdles and running events up to 100m; long jump pits with four standard run-up tracks for long and triple jumps; space for three standard discus circles, three shot put circles and a javelin area; space for five high jump sets. All the above facilities need to be usable simultaneously. An adequate canteen that can be safely approached by children without being accompanied by their parents. Adequate storage that will allow us to up-grade equipment in line with increasing safety requirements.</p> <p>We would also like to be able to respond to growing requests for another athletics facility, to provide parents with an alternative out of the heat of Saturday morning and to encourage the ongoing participation of athletes after they reach their teens.</p> <p>Conditions are currently satisfactory.</p>	
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Appendix 4 – Comments provided by Clubs regarding sportsfields and facilities (cont.)

The Club has been in continuous operation in Wahroonga since 1991.

The back oval is ideal for glider and electric flight training and operations but we require approaches for landing on at least two sides of the oval to allow for safe operations in all typical wind directions - therefore the clubs use of council facilities would be dramatically affected by any tree planting on the northern or eastern boundaries of the field, and likewise dramatically affected by any erection of fences, practice nets or baseball nets at the northern or eastern field boundaries.

The club member's enjoyment of the sportsfield would be enhanced by access to public BBQ facilities.

The club require two Rugby Ovals for at least 9 home games, on Saturdays from 9am to 5pm each.

Some attention to the state of the Grounds.

The condition of the sportsfield is very poor - many visiting Clubs complain about the lack of turf.

The cricket pitch is dangerous to players - numerous players have suffered sprains, torn ligaments & tendons and broken ankles due to the hard patch. Also countless grazes and scratches every week from being tackled on this area. No work is done to break down the soil during our season so it is extremely hard. There are also large areas elsewhere on the field where there is no grass due to lack of maintenance. These areas become very dusty and dry causing players to breathe in this dust in some tackle situations. These issues have been highlighted to council on numerous occasions over the years yet nothing has been done and players are continuing to injure themselves as a result.

Will not be sustained given degradation of playing surface due to over use by new sporting codes. Lack of watering also increases risk

At the moment, sportsfield will meet our needs for 2005-2006.

As we build in size older teams exist, a back net will be required for baseball.

Will need alternative, if sportsfield is not available in 2006-2007.

Generally facilities that the club uses in Ku-Ring-Gai are very good. The one significant fault is the very undulating playing surface on the sportsfield, which is now unsatisfactory due to ground subsidence. The Clubs efforts to arrange a solution with Council staff have not been fruitful to date. Indeed almost the opposite. The Club's plans to try and assist have not been assisted by Council. Our Club notes with significant disappointment that the council has no plans to conduct remedial activity until 2012, despite at one point, Council stating the remediation was a priority over the next few years.

Recent improvements made by Council have made sportsfield a standout facility for junior AFL in our Association which comprises:

- over 2500 playing members and 16 junior clubs extending throughout the north shore, north west to the eastern suburbs.
- Better maintained toilets, car park and access road. Removal of all rubbish such as cuttings from surrounding trees

The Canteen and toilet facilities are inadequate and in poor condition - often vandalised. Vandalism, broken glass and urine/faeces found on Saturday mornings prior to comp is disgusting and dangerous. Broken glass has been found on our main diamonds in the sliding quadrants around the bases. General ground condition is good, stormwater harvesting and therefore more watering would make the grass surface better. Spring coring and top dressing of sportsfields would leave out any 'dips' and holes that players can trip over and prepare for cricket in summer. Leaving this to end of cricket means that the ovals don't have the growing season to settle.

Today: Ku-ring-gai Council provides a superb facility for a minority sport. As such the club is regarded as an outstanding place for young people to develop riding and social skills that prepare them for adult life. Recent negotiations with Council has deepened the relationship with the Council where operating and management principles have been agreed that suit both needs. Tomorrow: Club is a training club that develops deep and complex skills for each rider. LOW speed skills are probably the most important skill to develop in young riders and as such, the discipline associated with MotoTrials is paramount. To this end, club would be very appreciative if the Council would consider providing access to 'waste' grounds on a year by year basis where the club could hold special Trials events (around 30 riders from the club) to develop their skills. examples of such grounds might be disused quarries, old landfill sites, cleared land under powerlines, building sites pending development and so on.

<http://www.trials.com.au/whatis.shtml> Why: The NSW RTA has recognised the need for training and competency tests for vehicular operators. the mandatory NSW RTA's M.O.S.T. Test conducted at HART opposite the St Ives Showground is evidence of this. the activities at club develop social and motorcycle skills in advance of this... hence lowering accident rates and providing a valuable resource to the community.

The club has from 300-600 members (number fluctuate through the year). The Council's facilities are adequate for our needs and well maintained.

TREE PRESERVATION ORDER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the status of the Tree Preservation Order (TPO) Review, including the proposed draft order, and guidelines for tree assessment and tree replenishment, and make recommendations concerning the exhibition of the draft order.

BACKGROUND:

Council has recently completed a community consultation programme involving focus groups of industry representatives, community action groups and general community representatives. A draft order and guidelines has subsequently been completed. The finalisation of the TPO review is a task within Council's current Management Plan.

COMMENTS:

In order to finalise the review of the TPO and guidelines, it is recommended that the draft order be exhibited. Consideration of the draft order, guidelines and endorsement of these documents for public exhibition is sought from Council.

RECOMMENDATION:

That Council endorse the exhibition of the draft order and tree assessment and replenishment guidelines as outlined in this report, and that the draft TPO be included in the Town Centres DCP when on exhibition, and that the draft TPO be included in the Town Centres DCP when on exhibition.

PURPOSE OF REPORT

To advise Council of the status of the Tree Preservation Order (TPO) Review, including the proposed draft order, and guidelines for tree assessment and tree replenishment, and make recommendations concerning the exhibition of the draft order.

BACKGROUND

On 17 December 2002, Council resolved to establish a Steering Committee to oversee the process for the review of Council's Tree Preservation Order (Attachment 1).

A Tree Preservation Order Review Working Party was duly established, consisting of interested Councillors, community representatives, industry representatives and Council staff. The initial meeting of the Committee was held on Wednesday 19 March 2003, with subsequent meetings held on 10 April, 3 July, 31 July, 4 September 2003 and 1 March 2004. These meetings raised and discussed numerous issues associated with the Tree Preservation Order review process and desired outcomes.

To facilitate the review, an initial issues paper was prepared and a draft TPO working document was also developed by staff prior to the commencement of the review.

At the final meeting of the Working Party in March 2004, it was agreed that there were still a number of issues to be addressed but that these would need to be taken up at an appropriate time following Council elections.

A further report was provided to Council in February 2005 which provided an overview of the issues considered by the working party, and made recommendations to progress the review.

The report considered that, given the contentious nature of tree preservation issues, it was critical to the progression of the review that opportunities be provided for significant public input into the review and for Council to seek an understanding of the various views held by the community.

The report noted that although numerous issues and portions of the draft discussion paper have been considered by the working party, input from the general community and focused input from representative groups had not been obtained.

Therefore, it was considered that broad based community feedback be sought which reflects the diversity of opinions in the community in relation to the TPO and provides some guidance in relation to the key issues for consideration.

Consultation was undertaken by way of three separate workshops with representatives from community groups, general community representatives and industry representatives.

An electronic resident survey was also undertaken. A presentation of the consultation results and summary discussion paper was presented to the Planning Committee meeting of 9 November 2005. A summary paper together with draft tree assessment and tree replenishment guidelines were

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distributed to Councillors in attendance at this meeting for comment, and subsequently distributed to all other Councillors.

COMMENTS

A number of themes and issues have emerged during the review and consultation process. Comments and analysis of the major themes and issues are discussed under the relevant heading.

Support for TPO

There was a strong level of support for the TPO in general across all consultation groups. Trees were acknowledged as important both environmentally and aesthetically, and tree protection was seen as important as was tree replenishment. There was a high level of concern regarding the loss of vegetation in Ku-ring-gai, with the role of development in this regard having primacy.

It was apparent in regard to vegetation loss, that there was some confusion concerning the role of tree preservation orders, and the relationship between such orders and the development process. There was a degree of expectation that the TPO could or should be a means to prohibit or curtail development applications which may result in substantial tree removal.

Tree preservation orders prohibit certain works to trees protected under a TPO, unless those works are approved by Council.

This is not related to the Development Application process, where the overall merit of the development, including the implications for vegetation is considered under the development application.

The tree works application is based purely on the merit of the application and specific tree(s) in question, while considering all reasons outlined in the application it focuses particularly on issues of tree health and stability.

Nonetheless the Order does provide general protection for trees that are to be retained on development sites, as do the specific conditions of development consent.

Flexibility

There was strong feedback from the resident survey concerning a lack of flexibility of the TPO, or at least in the way it is applied by Council. This was particularly relevant where “dangerous trees” were concerned.

This feedback is not considered surprising as tree issues do polarise opinions and the issue of hazard and concern and apprehension about trees is a constant factor in a majority of applications for removal of large trees.

Council’s assessment of trees focuses firstly on establishing whether there are structural or health problems and therefore if a tree is likely to be hazardous. Where trees are considered healthy, stable

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and not hazardous then such applications are normally refused. Where Council's Tree Management Officers assess trees as being "dangerous", then tree removal would be approved.

This may be seen as inflexible from the applicant's point of view, particularly where the applicant acknowledges the tree is healthy but is fearful nonetheless.

Orders by their very nature need to be clear in relation to their provisions. The ability to provide a degree of flexibility in relation to the implementation of such an order is best dealt with by way of guidelines for the implementation of the Order.

Guidelines for Tree assessment (Attachment 3), have been developed as part of the TPO review. The guidelines provide a degree of clarity in relation to tree assessment issues, documenting reasons which may validly be considered for tree works and situations not considered of significance in this regard.

Guidelines have also been developed in regard to tree replenishment, (Attachment 4) allowing for greater diversity and options in regard to replacement considerations, and a more focussed and strategic approach concerning replenishment in particular situations and areas.

Complexity

Some feedback in regard to improvements to the Order included a concern that the Order is complex, and that it should be kept as simple as possible. The Order currently identifies vegetation which it protects, and vegetation and situations which are exemptions to the Order.

The Order currently is relatively simple in content but is not presented in an easily followed or understood format. The Order also lacks basic definitions, for example, "What is a tree under the Order?"

It is proposed that most sections of the Order will remain and some are expanded, for example, definition of tree, pruning over rooflines, and definition of injury. However the ease of interpretation has been considerably improved by a reorganisation into a more logical format with information grouped under headings in a "frequently asked questions" format.

Promotion / Education

There was strong support for more community education concerning the value of trees, information on aspects of tree maintenance, planting and tree related promotions.

Feedback included the need to more actively promote the value of trees to new residents, and at the grassroots level of schools.

Council does currently undertake general environmental educational works concerning trees, eg National Tree Day plantings with schools, Arbour Day, the tree nurturer's program, and is therefore actively involved in tree promotion.

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Council also has information on trees and bushland on its website as well as specific frequently asked questions concerning the current TPO.

However, it is considered that more information on the benefits of trees, tree management and maintenance, and planting, whether included on Council's website and /or as stand alone information, would certainly be of benefit.

Definition of a Tree under the Order

Currently, the TPO does not define a tree for the purposes of the Order, only defining a height (5m) and canopy spread (4m) to identify trees addressed by the TPO. Better definitions and clarity of guidelines was identified as an issue in the general consultation, and in particular, by the arborist group.

There was strong support in the resident surveys for the height of a tree under the Order to be dependent on species, although this was not a major theme within the other consultation groups.

While it is possible to vary the height definition from tree species or type to type, this would be a complicated set of criteria not easily applied and there was no particular information presented as to what trees and what heights should be exempt.

It is considered that a general height as well as a trunk diameter, while not perfect, does provide a good basis for a simple definition of a tree for the purposes of the Order.

The definition also enables the inclusion of vegetation types sometimes argued as 'not trees' eg. Palms, large tree ferns and the like.

A definition of a tree is included in the proposed draft Order (Attachment 2)

Definition of prohibited works

Currently the TPO prohibits "the ringbarking, cutting down, topping, lopping, pruning, removing or wilful destruction of a tree as defined under the Order".

Consideration has been given to widening the definition of the scope of works likely to cause damage to trees. Such works could include soil level changes (fill and cut), root severance, changes to soil condition, eg excessive compaction and significant changes to drainage affecting trees. The wording in the draft reflects this.

This is consistent with general feedback in relation to enforcement issues, as it makes explicit and clearer the range of works which are prohibited under the Order.

These suggestions have been incorporated into the draft order.

Tree replenishment

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There was general support from the resident survey for the replacement of trees removed under the Order, however support was divided in regard to replacement with larger canopy trees.

Currently, tree replenishment is restricted to the larger 13m or more canopy species.

There was overwhelming support for the use of smaller canopy trees where appropriate. This is also relevant to comments about greater flexibility in the way the Order is applied as well as the importance of encouraging replenishment and tree care.

In this regard, guidelines for tree replenishment could target specific canopy replenishment requirements in identified sensitive areas, (such as identified bio – linkage corridors, riparian zones, conservation areas) but plantings may not be restricted only to large canopy trees if a site cannot reasonably sustain such large trees.

In some instances smaller understorey trees may be a better choice for the preservation of biodiversity and more readily accepted by property owners.

Tree replenishment requirements should also consider the realistic and practical site capability.

Such an approach would mean that the replenishment undertaken can potentially be more strategic and targeted and also more responsive to site capability.

The draft order will refer to a requirement to plant replacement trees, and guidelines (Attachment 4), have been developed concerning this issue.

Pruning of Trees

There was strong support in the resident survey for a percentage based exemption from the TPO for general pruning. At present all pruning except for deadwood or live branches over rooflines of residences requires TPO application and assessment by Council.

The issue of a degree of exemption for general pruning has been considered as part of the TPO review. Currently many metropolitan Councils have a general 10% annual exemption for pruning. This is not considered desirable as it allows for annual pruning to no specific standard and of any trees species.

Council's tree management officers and industry best practice suggests that general pruning of healthy trees is not desirable and can compromise tree health and form. It is noted that applications for pruning only is relatively uncommon, with pruning applications largely being included together with applications to remove trees.

Other suggestions in relation to this issue have been made during the consultation process and have included, the idea of an exempt tree works form which would be filled out by the contractor and tree owner and sent to Council, or the establishment of an approved contractors register for contractors allowed to undertake certain types of pruning as an exemption to the Order.

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It was considered that both ideas have merit, however there are a number of issues and concerns regarding such exemptions.

Both suggestions would require considerable amount of additional staff time to administer, and this would impact on the operational resources related to actual tree assessment, and would not necessarily offset potential savings in time not assessing tree pruning applications.

In particular there would be difficulties in ensuring enforcement of the required standards given the general poor standard of tree contractors, and difficulties in Council proving a breach of the guidelines.

The establishment and maintenance of a register of approved contractors able to undertake pruning without Council approval as an exemption under the Order is likely to be complex, time consuming and potentially very contentious.

Further it is considered that the requirement to apply for pruning does discourage applications for obviously frivolous or unnecessary pruning.

Enforcement

The issue of enforcement was seen as important from the perspective of ensuring compliance with the TPO.

Interestingly, there was also feedback that the Order and its administration should not overly concentrate on “prohibition”, but should also enable encouragement and incentives to grow and nurture trees on private property.

In regard to enforcement the draft order clarifies and substantially expands the category of works prohibited under the Order as well as more clearly defining a tree under the Order. In particular, the use of a trunk diameter at ground level will ensure that prosecution may be pursued even where only a stump is sighted as the Order no longer relies on a tree height.

Council continues to pursue the issuing of Penalty Infringement Notices for some breaches of the Order, and has had discussions with The Penalty Infringement Bureau in this regard. The fine for a breach would \$600. Establishment of the relevant infringement codes and training is currently being negotiated by Council’s compliance area with the Bureau.

Exempt Species

There was some support for an expansion of the exempt species under the Order. However, of those supporting the expansion the choice of species was extremely variable, including dangerous trees, non native trees, gum / Blackbutt, pine, Pittosporum, Cocos Palm. There was no clear trend in this regard with the responses reflecting both general concerns (hazardous trees) to specific species.

Changes in line with previous working party discussions will be made to the classification for Liquidambar. At present Liquidambar trees up to 15m in height are exempt. The exempt height has been reduced to 12 m so that trees of height greater than 12m are now subject to protection under

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the Order. Camphor Laurel would not be exempt where in excess of 15m in height or on a heritage property.

The draft order would also refer to any other tree which may be included as an urban environmental weed under Council's weed policy, and in this way will be made consistent with this policy.

Exemption for pruning over roof lines

There was strong support from the survey for this exemption. The draft order includes modifications to the current exemption for pruning of tree canopies over the roof of a dwelling.

The exemption now requires that pruning over roof lines be consistent with the relevant Australian Standard for pruning of Amenity Trees. This will assist in avoiding concerns expressed during the TPO review discussions in regard to severe pruning and subsequent removal of trees under this exemption.

Where pruning of tree branches over a roof line would be beyond the parameters of the standard, such pruning would no longer be an exemption. Pruning in such cases would require an application under the TPO.

Exemption for trees within 3m of dwelling

This existing exemption was strongly supported and remains in the draft order. Modifications have been made to more clearly define how the 3m measurement is made, and what structures are not included, for example balconies, decks, verandas and carports.

Incentives

There were a range of comments from the consultation concerning the need to encourage an understanding of the positive benefits of trees, the planting and nurturing of trees and how the present Tree Preservation Order and its administration supports this principle.

Comments included the need for the Order to have less emphasis on prohibition and a greater emphasis in general on reasonable management of trees and encouraging tree planting and replenishment.

There was some feedback concerning incentives such as free trees, education on the value of trees, carbon credits and rates discounts related to the number of canopy trees on a property, financial support for maintenance of very significant trees, and so on.

These issues will be investigated further including inclusion within the draft 2006 – 2010 Management Plan.

Town Centres DCP

The draft standard LEP released by the Department of Planning in September 2005 requires that tree preservation provisions be included as DCP controls rather than as a stand alone order. As a

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consequence, the TPO will eventually need to be integrated within the new comprehensive LEP and DCP which Council is required to prepare over the next 5 years.

The draft town centres LEP is currently being prepared under the standard LEP template. It is therefore necessary to incorporate the provisions of the TPO into the new draft town centres DCP if it is to continue to have effect on land covered by the LEP.

DRAFT ORDER

The proposed draft order, (Attachment 2), has been organised in a more user friendly manner with headings in a “frequently asked question style”, and has been kept as simple as possible while ensuring that the critical components of the Order are included.

The Order in essence defines and identifies works to trees for which approval of Council is required. The Order relies on internal processes and procedures and Council policies in terms of its detailed administration. This approach is consistent with Council’s Tree Management Policy.

Note that the existing Order has been provided (Attachment 1) to enable a direct comparison.

Changes to the Order include :

- “FAQ” format
- A new introduction concerning the purpose of the Order and explicit aims of the Order.
- Definition of “tree” under the Order
- Deletion of existing Exemption 5 in relation to trees in the path of services.
- Substantial expansion of tree works prohibited under the Order.
- Change to pruning exemption over rooflines to include Australian Standards.
- Reduction in exemption clearance for electrical service lines
- An improved definition concerning the 3m exemption from dwellings
- Acknowledgement of Council tree works as an exemption subject to Council policy requirements.
- Acknowledgement of approval for tree works under development consent.
- Acknowledgement of exemption for tree works approved under the Rural Fires Act.
- Specific reference to an appeal process.

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- Specific reference to tree replacement.
- Linking of exempt species list with Council's Weed Management Policy.

CONSULTATION

Ongoing consultation with Councillors and community has been undertaken throughout the TPO review process.

To facilitate the review an initial issues paper was prepared by staff during 2003, prior to the commencement of the review and a draft TPO working document was also developed in conjunction with the working party. Both of these documents were circulated to Councillors, at the time, for comment.

A further TPO working document was circulated to Councillors prior to the Planning Committee meeting on 1 March 2005.

Numerous issues and portions of a draft discussion paper were considered during 2000/2001 by the original working party which consisted of community, Councillor, industry and staff representatives. Consultation with industry and community focus groups, and a general electronic resident survey was also undertaken in 2005, as has been outlined in this report.

It is proposed that the draft TPO be available for comment during the exhibition period at Council's libraries, on Council's website, and also by way of the Mayoral Column in the local paper.

The comments received will be summarised in a report to Council following the completion of the exhibition period.

FINANCIAL CONSIDERATIONS

There are no significant financial implications concerning the exhibition of the draft order.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Tree Preservation Order Review is being undertaken jointly by the Open Space and Planning and Environment Departments.

SUMMARY

Consultation with focus groups and general consultation by way of an electronic survey have been completed. Councillors have been informed of issues by way of various summary papers during the review process. A draft Tree Preservation Order and guidelines documents have been developed.

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To finalise the review of the TPO it is proposed that the draft TPO be exhibited for comment for 28 days during March 2006, followed by a report to Council. The report will include a summary of submissions, and a final TPO for endorsement and subsequent Gazettal.

RECOMMENDATION

- A. That Council note the information provided in regard to the recent community consultation, and the proposed draft Tree Preservation Order and endorse the exhibition of the draft Tree Preservation Order and draft guidelines for tree assessment and tree replenishment in this report.
- B. That the draft TPO provisions be included within the draft St Ives Town Centres DCP prior to the exhibition of the draft DCP.

Ian Francis
Team Leader
Landscape & Tree Assessment

Craige Wyse
Senior Urban Planner

Steven Head
Director Open Space &
Planning

- Attachments:**
- 1. Existing Tree Preservation Order - 577416**
 - 2. Draft Tree Preservation Order - 562538**
 - 3. Tree Assessment Guidelines for Private Lands - 562536**
 - 4. Tree Replenishment Guidelines - 562537**

KU-RING-GAI COUNCIL

Tree Preservation Order

In accordance with Council's stewardship of natural heritage and commitment to the principles of Agenda 21 and to ensure the long term survival of Ku-ring-gai's treed landscape, a Tree Preservation Order applies to the whole of the area. The Order is particularly aimed towards the preservation of Ku-ring-gai's indigenous tree canopy. This prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any tree having a height greater than 5.0 metres or a canopy spread of 4.0 metres except with the written consent of Council unless the tree is exempt from Order. Contravention of the Order can incur a penalty under section 126 of the Environmental Planning and Assessment Act 1979.

The following exemptions to the Order apply:

1. All completely dead trees and dead branches may be removed.
2. All trees of a height less than 5.0 metres and with a canopy spread of less than 4.0 metres.
3. Tree branches which directly overhang the roof of a dwelling, garage or commercial building may be pruned back to the nearest branch junction/collar to clear the roof, providing the owner of the trunk of the tree is in agreement. (Detached garages, detached carports and ancillary buildings are not included within this exemption).
4. All trees within 3.0 metres of an existing dwelling or proposed building with a development consent from Ku-ring-gai Council. This 3.0 metres is measured from the centre of the trunk of the tree to the external wall of the dwelling. To be exempt, both the tree and dwelling must be located within the one property. (Verandahs, detached garages, detached carports and ancillary buildings are not included within this exemption.)
5. All trees that are located within the path of roadways, sewerage and drainage works, and works by public authorities which have been approved by Council and inspected by an officer of the Department of Open Space.
6. All branches within 2.0 metres of electric powerlines.
7. *All of the following species are exempt:*

<i>Acer negundo</i> "Variegatum"	.....	Variegated Box Elder
<i>Acer negundo</i>	.....	Box Elder
<i>Ailanthus altissima</i>	.....	Tree of Heaven
<i>Alnus jorullensis</i>	.....	Evergreen Alder
<i>Cinnamomum camphora</i>	.....	Camphor Laurel
<i>Eriobotrya japonica</i>	.....	Loquat
<i>Erythrina x sykesii</i>	.....	Coral Tree
<i>Ficus elastica</i>	.....	Rubber Tree
<i>Ligustrum species</i>	.....	Small and Large Leaved Privet
<i>Liquidambar styraciflua</i>	.....	Liquidambar (with a height of less than 15.0 metres)
<i>Olea europaea subsp. africana</i>	.....	African Olive
<i>Populus nigra</i> "Italica"	.....	Lombardy Poplar
<i>Robinia pseudoacacia</i>	.....	Black Locust
<i>Robinia pseudoacacia</i> "Frisia"	.....	Golden Robinia
<i>Salix species</i>	.....	All Willows
<i>Schefflera sp.</i>	.....	Umbrella Tree
<i>Toxicodendron succedaneum</i>	.....	Rhus Tree

PLEASE NOTE:

- Notwithstanding the above exemptions, Ku-ring-gai Council may at times overrule these exemptions in regard to a particular tree, trees or geographical area containing trees.
- An application form will need to be completed for all works required on trees that are not included in the above exemptions.
- The administration fee charged for inspection of trees is detailed on the enclosed application form. This fee is non-refundable.
- A twelve (12) month expiry date applies to consents contained within Tree Preservation Order permits.
- Council will require the planting of replacement trees as a condition to consents issued under the Tree Preservation Order unless sufficient existing trees remain on the property in accordance with Council's Tree Replenishment Policy.
- Consideration of applications will take into account the number of trees currently on the property.

Resolution of Council - Dated 3 June 2003

Most trees in Ku-ring-gai are protected by a TREE PRESERVATION ORDER prepared under the provisions of the Environmental Planning & Assessment Act 1979.

Only the owner of the property or their authorised agent (proof of authority required) can apply for a tree assessment and an application must be accompanied by the prescribed fee.

All trees, which are the subject of this application, will be assessed by a competent arborist to determine the general health, stability and safety of the tree/s. Where a tree/s is/are in themselves considered to be stable and structurally sound the application will normally be refused. Where trees are in themselves considered to be unhealthy, unstable or structurally unsound the application will normally be approved, partially approved or approved subject to conditions.

Where the applicant disputes the determination made in relation to an application, there is a review process available. The review process involves consultation with Ward Councillors and notification of interested parties and allows for a broader assessment of circumstances associated with the application.

ADVICE ON CHOOSING AN ARBORIST/TREE SURGEON

Ku-ring-gai Council does not maintain a register or make specific recommendations regarding contractors for arboriculture work. The following list provides some worthwhile advice to consider when choosing an arborist or tree surgeon:

- Obtain a minimum of three (3) quotes.
- Sight the contractor's Public Liability and Worker's Compensation Certificates (Public Liability Insurance should be for a minimum of \$10,000,000.00).
- Check contractor's qualifications and/or industry associations (a contractor should at least possess formal qualifications from a recognised institution).
- Ask for references or recommendations from previous clients.
- Agree on the extent of the work to be undertaken.
- Obtain a written quote that includes all proposed work.
- Pay contractor only upon satisfactory completion of the work.

KU-RING-GAI COUNCIL

Tree Preservation Order

Introduction

This Tree Preservation Order, made under the provisions of the Environmental Planning and Assessment Act 1979, establishes a framework for the submission and assessment of applications for tree works in Ku-ring-gai, to ensure the proper management, replenishment, and long term survival of Ku-ring-gai's tree resource both native and exotic.

The order defines Council's responsibilities and requirements with respect to the protection, retention and replacement of trees in Ku-ring-gai.

On what legislative basis has this Order been made ?

This order is made pursuant to section 26(e) of the Environmental Planning and Assessment Act 1979.

Aims of the Order

To manage Ku-ring-gai's tree resources in a sustainable manner.

To protect, and enhance biodiversity values and identify replenishment opportunities.

To recognise, protect and enhance aesthetic and heritage values.

To secure and maintain amenity.

To sustain and enhance the tree canopy.

To prohibit unnecessary injury or destruction of trees.

To encourage responsible management of trees within an urban environment

To What Land does this Tree Management Order apply ?

This order applies to the whole of the local government area of Ku-ring-gai with the exception of those lands dedicated as National Park.

What is a Tree Under this Order ?

A Tree under this Order means a plant with any one or all of the following criteria :

A perennial plant with at least one self supporting woody, fibrous stem, whether native or exotic, which is 5 metres or more in height or

has a trunk diameter of 150mm or more measured at ground level

What Tree Works are Prohibited?

This Order prohibits the injury of any tree protected under this Order without the written consent of Council.

Injury under this Order means damage to a tree and includes :

removal of a tree

pruning, damaging/tearing of live branches

lopping (height reduction) topping of a tree

poisoning including but not limited to, the application of substances damaging to trees such as herbicides, other chemicals toxic to trees, spilling and or directing contaminants such as oil, petroleum, paint, cement, and similar to the root zone.

Ringbarking, or otherwise damaging the bark including the attachment of objects using invasive fastenings, tree climbing spikes, and the fastening of materials around the trunk of trees which may result in a detrimental impact on tree health.

The growing of vines to the trunk and branches of trees which is or will result in a detrimental impact on tree health.

Damaging the root zone of a tree by way of compaction, including storage and stockpiling of materials,

Changes to ground levels within the root zone of a tree by way of excavation, trenching, or filling.

When is Council's Consent Required ?

A consent from Council will be required to undertake works to trees protected under this Order.

What is an Offence under this Order ?

A person who contravenes or causes or permits to be contravened the provisions of this order shall be guilty of an offence.

What are the penalties for an offence of this Order ?

A person who contravenes the provisions of this order will be liable to prosecution and penalties in accordance with the Environmental Planning and Assessment Act, 1979.

When is Council's Consent not Required ?

Works that do not require consent are called exemptions.

The following exemptions to the order apply :

1. Dead trees and branches.

Removal of completely dead trees and dead branches.

2. Tree branches directly over roof lines

Removal of Tree branches which directly overhang the roof of a residence or commercial building, may be pruned back to the nearest branch junction or collar to clear the roofline, provided the owner of the tree is in agreement.

Pruning must be consistent with the Australian Standard for Pruning of Amenity Trees (AS4373-1996), and must not result in a detrimental impact to the future health or stability of the tree or compromise the form of the tree.

Detached Garages, all carports and ancillary buildings are not included in this exemption

3. Trees within 3.0metres of an existing dwelling.

Removal of trees within 3.0m of an approved, existing residential building. The 3.0m metres is measured from the centre of the trunk of the tree at ground level to the external wall of the building. The trunk of the tree must be located on the

same property. Verandas, all carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks are not included within this exemption.

4. Branches and trees near electrical wires.

Works consistent with the provisions of section 48 of the Electricity Supply Act 1995. For electrical service lines to properties, this would apply to branches within 0.5m of these lines. This exemption applies to tree branches not trunks.

5. Trees on Council land

Tree works undertaken by Council or Council's authorised agents, on Council owned land, providing these works are consistent with Council's policies and internal guidelines.

The removal or trimming of trees in accordance with the Roads Act 1993, when undertaken by council or council's authorised agents, council owned or managed parks or bushland, providing these works are consistent with Council's policies and internal guidelines.

6. Trees approved for removal under a development consent

Trees works for which consent has been granted in accordance with a valid development consent upon release of a Construction Certificate.

8. Exempt tree species

All of the following species are exempt :

Acacia saligna, Golden, Wreath wattle

Acer negundo, Box Elder

Ailanthus altissima Tree of Heaven

Alnus jorullensis, Evergreen Alder

Cinnamomum camphora, Camphor Laurel -

Except where 15m in height or more, or where located on a property listed as a heritage item under the Ku-ring-gai Planning Scheme Ordinance

Celtis sp. Celtis, Nettle tree

Aracatum romanzoffianum, Cocos Palm

Eriobotrya japonica, Loquat

Erythrina x sykesii, Coral Tree

Erythrina crista-galli, Cockscomb Coral Tree

Ficus elastica, Rubber Tree

Ligustrum species, Small and large Leaved Privet

Liquidambar styracifolia Liquidambar (with a height less than 12m)

Olea europaea subsp. "Africana" African Olive

Populus nigra Italica, Lombardy poplar

Robinia pseudoacacia, Black Locust

Salix sp., Willows

Schefflera sp., Umbrella Tree

Toxicodendron succedaneum, Rhus

Other tree species listed from time to time in Councils Weed Management Policy as Urban Environmental Weeds.

Other tree species listed from time to time as noxious for Ku-ring-gai under the Noxious Weeds Act (1993).

9. Rural Fires Act 1997

Tree works for which an order or permit has been issued under the Rural Fires Act 1997.

Who can apply ?

Only the owner of the trunk of the tree or their authorised agent (proof of authority required) can apply for consent for tree works under this order.

How do I Apply ?

An application is required to be completed and forwarded to Council for all works on trees where an exemption does not apply. The application must be accompanied by the prescribed fee.

Can the permit lapse ?

The Tree works permit is valid for 12 months from the date of issue unless otherwise specified. Upon application Council may allow an extension of time.

Can I appeal Council's decision ?

An application for review of Council's decision, under section 82A of the EP&A Act, may be lodged with Council on Council's Tree Review Application form where Council has refused an application , or an appeal may be lodged with the Land & Environment Court of NSW.

Will Council require replacement trees?

Council will require the planting of replacement of trees and may specify the number, species, location and stock size.

DRAFT

Tree Preservation Order Tree Assessment Guidelines for private lands

1.0 Guidelines for tree assessment decisions - general

Councils Tree Management Policy 20/04/99, (1.1.2 Appreciation of Trees), requires that tree works decisions have a focus on retaining and protecting trees, unless there is strong justification for removal.

2.0 Criteria considered strong justification for tree works or removal

The following criteria are considered to provide strong justification for tree removal :

- 2.01 Where there is substantial evidence that the tree is structurally unstable, and therefore there is a high likelihood of tree failure, and a high degree of hazard particularly where but not limited to trees located in proximity to a high target area (such as a dwelling, or regularly used external area), and remedial actions to mitigate hazards are not feasible or practical.

(Arborist report and testing may be required for significant trees)

- 2.02 Where the tree is in poor and declining health with a Safe Useful Life Expectancy of < 5 years and there are no reasonable options to mitigate or reverse the decline in health of the tree.

- 2.03 Where the tree is causing substantial and continuing structural damage to a dwelling or substantial structure, and remedial actions other than tree removal are not feasible or practical.

(Evidence such as a structural engineering assessment may be required to support this criteria)

- 2.04 Where the tree is proven to be directly causing substantial personal ill health, such as severe allergies, and this is supported by specific expert medical evidence linking the health condition to the tree, and where all other reasonable medical or other solutions have been explored.

3.0 Considerations which may be justification for tree removal or Pruning

These are considerations which may be sufficient reason for approval of tree works dependant on an assessment of the overall merit of the application, and the significance of the tree.

- 3.01 Tree assessed as in general declining health or has poor form (eg poor vigour, poor shape, heavily suppressed by other trees), vigour or structure with no feasible means to redress health or form issues.
- 3.02 A tree which has or structural defects which while not being hazardous may render the tree only suitable for retention in the short term, particularly where the tree is not deemed significant. and replacement may result in a better environmental outcome.
- 3.03 The tree produces fruit or other matter which may be hazardous to people and opportunities for remedial actions are not feasible or practical, or reasonable, dependent on the type and frequency of actions required, the significance of the tree its location and the degree of potential; hazard.
- 3.04 Pruning to improve form and vigour, or to alleviate a nuisance issue in a manner consistent with Australian Standard For Pruning of Amenity Trees, AS4373 1996 and with other accepted horticultural practices.
- 3.05 Tree located in an unsuitable position where for example predictable typical growth potential will result in major damage to a dwelling or substantial structure and there are no practical means to mitigate such future damage.

4.0 Criteria not generally considered justification for tree removal

These are common reasons for tree removal or tree works which would generally not be considered substantive by themselves, and would generally only be considered where there are proven to have significant health, safety or hazard or property damage implications or where trees are in poor health as noted in 3.01, 3.02.

- 4.01 Flower, leaf or fruit fall causing nuisance .
- 4.02 To increase general natural light
- 4.03 To enhance views
- 4.04 To allow for a proposed development
Note : vegetation removal would be considered under the development assessment process, and is not a valid reason for removal under the Tree Management Order
- 4.05 To reduce shade created by a tree.
- 4.06 To reduce fruit, resin or bird/bat droppings on vehicles.
- 4.07 Insect/animal nuisance
- 4.08 Minor lifting of driveways, paths and paving

- 4.09 Damage to fences due to branch failure
- 4.10 Minor damage to roof structures, outbuildings, garden structures, walls.
- 4.11 Damage to underground services (such as sewer lines, water services and the like), where there are feasible alternatives to mitigate or solve problems & retain the tree, and the tree is significant.
- 4.12 Construction of fences
- 4.13 Tree does not suit the existing or proposed landscape
- 4.14 Unsubstantiated fear of tree failure.
- 4.15 To allow for landscape works
- 4.16 Tree removal for Fire hazard/ hazard reduction, where land is not within bushfire prone lands as defined by Council's Bushfire Prone Land Map.
(Removal of Trees or other vegetation on bushfire prone lands for reasons of fire hazard would be dealt with by way of an application to Council for a hazard reduction permit under Rural Fire Act. Bushfire issues alone are not considered a reason for removal by themselves in areas not classified as high fire hazard.)
- 4.17 Dropping of dead wood
(Deadwood may be removed as an exemption under the order)
- 4.18 Tree too large or high.
- 4.19 Pruning to reduce height except where hedge.

Definitions :

Substantial evidence to indicate tree hazard and decline

Evidence of Tree hazard

Including but not restricted to : obvious instability of root plate, such as evidence of soil heave, loss of structural roots, root decay, poor structural integrity of trunk due to significant wood decay, large cavities, internal cracking,, poor large branch attachments such as severe bark inclusions, poor attachment of regrowth after lopping/ storm damage.

Evidence of Tree decline

Including but not restricted to : large areas of dieback of canopy, and poor live crown ratio(eg <30%), dead and decaying wood in trunk, sparse live canopy, substantial epicormic growth on branches and trunk, substantial insect attack, multiple areas of wood decay lesions in branches and trunk,

Significant Tree

A Tree which

has high degree of visibility in the local area and/or for surrounding properties and

is healthy, of good form and structurally stable

or

A tree which is healthy and is a horticulturally rare specimen for Ku-ring-gai , or is an endangered species, or has local heritage significance.

A tree or trees which are healthy and structurally sound ,and are ecologically significant as they make a contribution to the canopy and bio - linkage of the local area, or provide substantial habitat value for native fauna ,or form part of an endangered ecological community.

DRAFT

Tree Preservation Order Guidelines for Tree Replenishment

1.0 General

Council will require the replacement of trees approved to be removed under the order and may in certain areas specify the species and location of replacement plantings.

The replacement of trees is required to ensure consistency with the following Aims of the Tree Preservation Order :

- *To manage Ku-ring-gai's tree resources in a sustainable manner.*
- *To protect, and enhance biodiversity values and identify replenishment opportunities.*
- *To recognise, protect and enhance aesthetic and heritage values.*
- *To secure and maintain amenity.*
- *To sustain and enhance the tree canopy.*

2.0 Tree replenishment criteria

Where a tree is removed, Council will generally require replacement with a locally occurring canopy tree within 28 days of tree removal.

However Council's Tree Management officer will take into account various criteria when determining the number location and type of tree for each permit

Replanting does not necessarily have to occur in the same position as the original tree or trees.

2.1 Criteria

General site capability in regards to replacement including :

- The site conditions, including slope, geology, soil depth moisture, orientation.
- The number, size location and canopy spread of existing canopy trees on the site and overhanging the site.

- The character of the surrounding area, and neighbouring properties
- Whether bushfire prone land
- Whether the site is heritage listed or within a heritage conservation area. (consideration of appropriate species and location required)
- The significance of the removed tree.
- The available planting area.

3.0 Replenishment in special areas

Specific provisions will apply for species and locations of planting required for replacement/replenishment of trees within known environmentally sensitive areas.

3.1 Environmentally Sensitive Areas

Planting of locally occurring native tree species will be a requirement for, but not restricted to, the following areas:

- areas within a designated riparian zone as defined in Council's Riparian policy, or sites associated with such zones
- within 100 metres of bushland areas.
- within designated bio linkage corridors as identified in Council's biodiversity strategy

3.2 Heritage areas

Planting of appropriate species in regard to the special character of the site and surrounding area whether exotic or native will be required in the following areas :

- Properties listed under local state or federal heritage listings.
- Local Heritage conservation areas

4.0 Tree replenishment timing

Replacement planting is normally required within 28 days of the removal of the tree(s), and this is stated as a condition within the permit.

4.1 Planting prior to commencement of works

Council may require replanting prior to commencement of the actual tree works.

In such circumstances which is analogous to a “deferred commencement”, Council will issue a letter outlining replenishment requirements and then issue a permit for works once the required planting has been satisfactorily completed.

Circumstances where this provision may be applied :

- Where a particularly significant tree is to be removed, and there is scope and it is appropriate to replant elsewhere on the property prior to removal.
- Where it is apparent that previous replanting requirements have not been fulfilled.

5.0 Tree replenishment audit procedures

Council will keep a record of tree replenishment requirements and plantings will follow up replenishment requirements for applications on a regular basis.

When consent is issued a letter (standard letter ##) concerning Council's tree replenishment requirements is sent after 28 days where the applicant has not informed Council of the replacement planting.

This letter which includes a self stamped addressed envelope and form is filled out by the applicant. and sent back to Council indicating replacement plantings undertaken, species and location. Alternatively Council may be informed by phone.

Where tree removal is of substantial nature or deemed environmentally and or socially significant Council will undertake site auditing of replenishment requirements and may do so on an ongoing basis.

6.0 Tree replenishment – exempt trees

Where Council is aware of the removal significant trees either as an exemption (eg, dead trees) or trees which may have been poisoned or the like, it is Council's policy that replacement planting be undertaken. Recognising that where a tree is exempt there is a need for co - operation of the tree owner.

NSROC SUB-REGIONAL PLANNING STRATEGY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of NSROC's draft Northern Sydney Sub-Regional Planning Strategy and to seek Council's endorsement for exhibition of the document.

BACKGROUND:

The draft NSROC Strategy was adopted in principle at the NSROC conference held in October 2005. Representatives of the member Councils agreed at that time that endorsement for exhibition would be sought from each Council with a view to public exhibition early this year.

COMMENTS:

The draft NSROC Strategy contains discussions on the future role of the Northern Sydney region, strategic planning policy statements, key sub-regional strategic planning issues and plans for major infrastructure and land use proposals and strategy maps. If adopted, it will be a valuable tool in future planning and communications with the State Government.

RECOMMENDATION:

That Council advises the Northern Sydney Regional Organisation of Councils of its endorsement of the draft Northern Sydney Sub-Regional Planning Strategy for public exhibition in early 2006 by the NSROC Councils. That a further report be brought to Council following the exhibition of the draft NSROC Strategy.

PURPOSE OF REPORT

To advise Council of NSROC's draft Northern Sydney Sub-Regional Planning Strategy and to seek Council's endorsement for exhibition of the document.

BACKGROUND

Ku-ring-gai Council is one of seven councils in the Northern Sydney Regional Organisation of Councils (NSROC), which also includes Hornsby, Lane Cove, Hunters Hill, North Sydney, Willoughby and Ryde. As part of NSROC, Ku-ring-gai Council contributed to a submission to the then Department of Infrastructure, Planning and Natural Resources in response to the Metropolitan Strategy Discussion Paper, which was released in September 2004 as the initial step in preparing the Metropolitan Strategy itself.

The Metropolitan Strategy, proposed as the primary document for guiding growth and change in the Sydney Metropolitan Area over the next thirty years, was at that time generally supported by NSROC. In line with the Discussion Paper, NSROC proposed six priorities for action in Sydney's Northern region to address the role of commercial centres, sustainable transport infrastructure, open space and agricultural land, employment and housing growth, funding and governance.

The Department of Planning released the final Metropolitan Strategy ("City of Cities: A Plan for Sydney's Future") in December 2005. In response to the Metropolitan Strategy, the NSROC councils have collaborated to prepare a draft Northern Sydney Sub-Regional Planning Strategy (Attachment) that will guide the preparation of the councils' comprehensive local environmental plans and development control plans required under the Department of Planning's planning reforms.

The draft NSROC Strategy was adopted in principle at the NSROC conference held in October 2005. Representatives of the member councils agreed at that time that endorsement for exhibition would be sought from each Council. NSROC anticipates that the draft Strategy will be exhibited early this year.

COMMENTS

The draft NSROC Strategy is a six-part document comprised of an introduction, a discussion on the future role of the Northern Sydney region, strategic planning policy statements, a description of key sub-regional strategic planning issues, discussion on major infrastructure and land use proposals and strategy maps. A summary of each section follows.

1. Introduction

The introductory section of the draft NSROC Strategy explains that the document is not a legal document and that it is intended to be consistent with State environmental planning instruments. Within the council context, the strategy is intended to help with preparation of the Hornsby - Ku-ring-gai sub-regional plan, local environmental plans and corporate management plans.

This section also notes that the focus of the Strategy is limited to the three key change factors which underpin the Metropolitan Strategy: population; dwellings; and employment. The primary strategic elements of the draft NSROC Strategy are listed in this section as:

- a) strategic planning policies for the management of land uses and infrastructure improvements;
- b) a sub-regional structure plan to 2034 indicating the planned changes in population, dwellings and employment as well as major infrastructure improvements required to respond to the planned changes;
- c) a series of maps showing projected key changes at ten (10) year intervals; and
- d) an outline of the primary planning issues facing the sub-region over the next thirty years.

This section also notes that the Strategy will be reviewed regularly to address changing circumstances and community aspirations, and to ensure that it is consistent with relevant changes at local, state and federal levels of government.

2.0 The present and future role of the Northern Sydney Region within the Metropolitan Region

Part 2 of the draft NSROC Strategy notes the NSROC councils' commitment to sustainable land management and describes the population, economy and development history in the area. It notes, in particular, that the NSROC councils together cover an area of some 700 km², have a (growing) population of over half a million and have a productive economy (with 11 % of the gross state product coming from the region).

This section also provides some detail on the series of reports that have been commissioned by NSROC to examine current trends and circumstances and to inform the draft NSROC Strategy.

3.0 Northern Sydney Sub-Regional Strategic Planning Policy Statements

This Part contains 22 policies that underpin the Strategic Plan to guide decision-making regarding the planned outcomes. It addresses issues regarding environmental sustainability, economy and employment, transport, infrastructure, social capital and governance:

- a) Environmental Sustainability – Aiming to ensure that development and economic growth occur in an environmentally sustainable manner and that the valuable natural and built environments are protected.
- b) Economy and Employment – Aiming to ensure that: development contributes to the region's good economic performance and that the businesses in the area meet the needs of the community; employment lands that are currently appropriately located and serviced are

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protected to ensure that future job growth requirements of the sub-region are met; and maintenance of the existing commercial centres' hierarchy.

- c) Housing – Aiming to ensure that new housing development meets the needs of the current and future residents and that there is an appropriate balance between housing and job growth with protection of neighbourhood character.
- d) Transport – Aiming to ensure quality, sustainable transport that offers a convenient and viable alternative to private vehicle use, including through locating housing and employment close to transport services and facilities.
- e) Infrastructure – Aiming to ensure that infrastructure meets the needs of population, housing and employment growth.
- f) Social Capital – Aiming to ensure that community facilities (including sporting, educational, health and other facilities) meet the needs of the population and that cultural diversity and heritage are celebrated and protected.
- g) Governance – Aiming to ensure that: decisions about the future of the area are made in consultation with the local community and affected organisations; strong partnerships exist with State and Federal government agencies and private sector infrastructure providers; and regular monitoring and review of the NSROC Strategy is undertaken.

4.0 Sub-Regional Strategic Planning Issues

Part 4 lists the key strategic planning issues that would need to be addressed over the lifetime of the Strategic Plan (to 2034). The issues would require cross-regional community discussion, further information and further commitment of resources in order to resolve them. They include:

- the effect of Macquarie Park on other employment and business centres, including in relation to transport;
- the future of industrial areas in the region;
- the hierarchy and sustainability of business centres;
- the completion of the Parramatta – Chatswood rail link;
- the need for improved intra-regional public transport including as a way of reducing road network issues
- more sustainable energy use including the need to upgrade utilities;
- comprehensive and integrated water conservation;
- the demand on aged persons accommodation and care facilities;
- setting quality of life and environmental standards;
- protection and improvement of biodiversity;
- ensuring that public transport is a viable alternative to use of private vehicles;
- continuous improvement to significant education and medical facilities;
- acknowledging and planning for cultural diversity including the traditional inhabitants; and
- ensuring that rural lands are identified for their important economic, environmental and social values.

5.0 Major Infrastructure and Land Use Proposals

Part 5 lists the key infrastructure projects required in order meet the objectives of the draft NSROC Strategic Plan. Projects relevant to Ku-ring-gai include: Parramatta – Chatswood Rail Link; rail Station / Interchange upgrades (Gordon and Turramurra); Chatswood – Warringah light rail link / bus-only transit way (may traverse a small area in Ku-ring-gai; regional cycle network and light rail network; Sydney Metropolitan Strategy bus corridors; and revitalisation and expansion of public schools.

6.0 Northern Region Strategy Maps

This part includes a series of maps showing population, housing and employment projections to 2034. The maps also identify major centres and industrial areas, major infrastructure improvements and a sub-regional structure plan for 2034.

The projections for the Ku-ring-gai local government area are consistent with Council's targets provided to the Department of Planning and the Minister under the Residential Development Strategy Stage 1 (LEP 194 and LEP 200) and Commercial Centres Stage 2 and show Council's commitment to:

- a potential increase in the number of dwellings from 35,537 in 2001 to 50,983 in year 2034;
- a population increase from 107, 819 in 2001 to 132,557 persons in year 2034; and
- an increase in potential employment levels from 27,372 people in 2001 to 29,000 in year 2034.

The Major Infrastructure and Land Use Improvement maps illustrate the location and timing for works described in Part 5 of the Strategy.

Implications for Ku-ring-gai Council

It is intended that the draft NSROC Strategy will form a basis for discussion with the Department of Planning about dwelling targets and employment growth for each of the NSROC Councils and the future Ku-ring-gai – Hornsby sub-regional plan. It is also intended that the Strategy will inform the preparation of Council's comprehensive LEP, which must be prepared within five years in accordance with the State Government's planning reforms.

The policy statements, strategic goals and issues, and infrastructure and land use proposals contained in the draft NSROC Strategy are consistent with studies and commitments previously undertaken by Ku-ring-gai Council, particularly with regard to its residential development strategy.

The draft NSROC Strategy is a clear statement of commitment to potential population, employment and housing growth and infrastructure improvements in Northern Sydney. It is considered to be an appropriate platform from which to lobby the State Government for funding assistance through the Planning Reform Funds Program. It is therefore recommended for Council to resolve to exhibit the draft NSROC Strategy for public comment at the same time as the other NSROC councils.

CONSULTATION

The draft NSROC Strategy has been prepared in collaboration with the other six NSROC councils – Hornsby, Ryde, Hunters Hill, Lane Cove, North Sydney and Willoughby. It was developed from a series of forums at which the NSROC councils were represented by senior planning and other technical specialist officers.

Councillors were provided with a copy of the Draft NSROC Subregional Plan 2004-2034 in October 2005.

Should Council resolve to endorse exhibition of the draft NSROC Strategy, the document will be exhibited for community and industry comment in a coordinated approach by the Councils of the NSROC Planners Group. Further comment will also be sought from Council officers. Submissions will be assessed by NSROC and preparation of the final NSROC Strategy will follow.

FINANCIAL CONSIDERATIONS

There are no financial implications at this stage.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Ku-ring-gai Council's input was prepared in consultation with officers from the Planning Department. Should Council resolve to exhibit in accordance with the recommendation, further comment will be sought from Council officers.

SUMMARY

The draft NSROC Strategy was prepared by the seven NSROC councils in response to the Metropolitan Strategy Discussion Paper released in September 2004. The draft NSROC Strategy is a sub-regional plan intended to guide the preparation of the individual councils' comprehensive LEPs and DCPs as required by the State Government planning reforms. It is also intended as a tool for discussion with and lobbying of the State Government by each member council.

The draft NSROC Strategy is consistent with Council's planning studies and commitments with respect to policy, population and housing density, employment growth and plans for infrastructure improvement. The Strategy policies are also consistent with Council's approach at the regional level.

The draft NSROC Strategy was adopted in principle at the NSROC conference held in October 2005. It was agreed at that time that it would be presented to each of the seven member councils for endorsement for exhibition. Resolution to endorse for exhibition at this time would enable Ku-ring-gai Council to exhibit the document at the same time as other NSROC councils.

RECOMMENDATION

- A. That Council advises the Northern Sydney Regional Organisation of Councils of its endorsement of the draft Northern Sydney Sub-Regional Planning Strategy for public exhibition in early 2006.
- B. That a further report be brought to Council following the exhibition of the draft NSROC Strategy.

Antony Fabbro
Manager Urban Planning

Steven Head
Director Open Space and Planning

Attachments: Draft NSROC Strategy - circulated separately - 575906

NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS

DRAFT

**NORTHERN SYDNEY
SUB – REGIONAL PLANNING STRATEGY**



2004 - 2034

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- 16. NSROC Sub Regional Structure Plan 2034

I. INTRODUCTION

I.1 The councils of Hornsby, Ryde, Ku-ring-gai, Hunters Hill, Lane Cove, North Sydney and Willoughby have jointly contributed to the preparation of a Sub-Regional Planning Strategy covering the NSROC group of Councils.

The NSROC Strategy is to form the basis of the NSROC Sub-Regional component of the Metropolitan Strategy. It is expected that the NSROC Strategy will be endorsed and adopted by the State Government.

I.2 The main Strategic Plan elements are:

- 1) Strategic Planning Policies underpinning the Strategic Plan for the management of land uses and infrastructure improvements;
- 2) A Sub-Regional Structure Plan to 2034 indicating the planned changes in population, dwellings and employment as well as major infrastructure improvements that are necessary to respond to the planned changes.
- 3) A series of plans showing the projected key changes for the years, 2014, 2024 and 2034 along with the progressive infrastructure phasing that will be required to match the new planned changes.
- 4) A summary of the main Sub-Regional Planning Issues that are identified in the Strategy and which require:
 - Effective planning and cooperation between the Councils contributing to the Strategy;
 - Partnerships with the State Government and its agencies to deliver or assist in the delivery of the required infrastructure changes;
 - Close cooperation with Councils adjoining the Strategy Area to integrate their Strategic Plans with the NSROC Strategy, particularly where interdependencies and common issues occur.

I.3 The Strategic Plan is not a legal document. It is intended to be consistent with State Planning Policies, inform Local Environmental Plans and guide Corporate Management Plans.

I.4 The purpose of this Sub-Regional Strategic Plan is to:

- a) Guide the preparation of each Councils individual planning instruments, particularly in terms of each Councils comprehensive LEP and DCP adopting consistent planning objectives and controls to achieve the Strategy outcomes across the Sub-Region;
- b) Establish a framework for the review of land use zoning and other special controls to enable the planned outcomes to be realised.

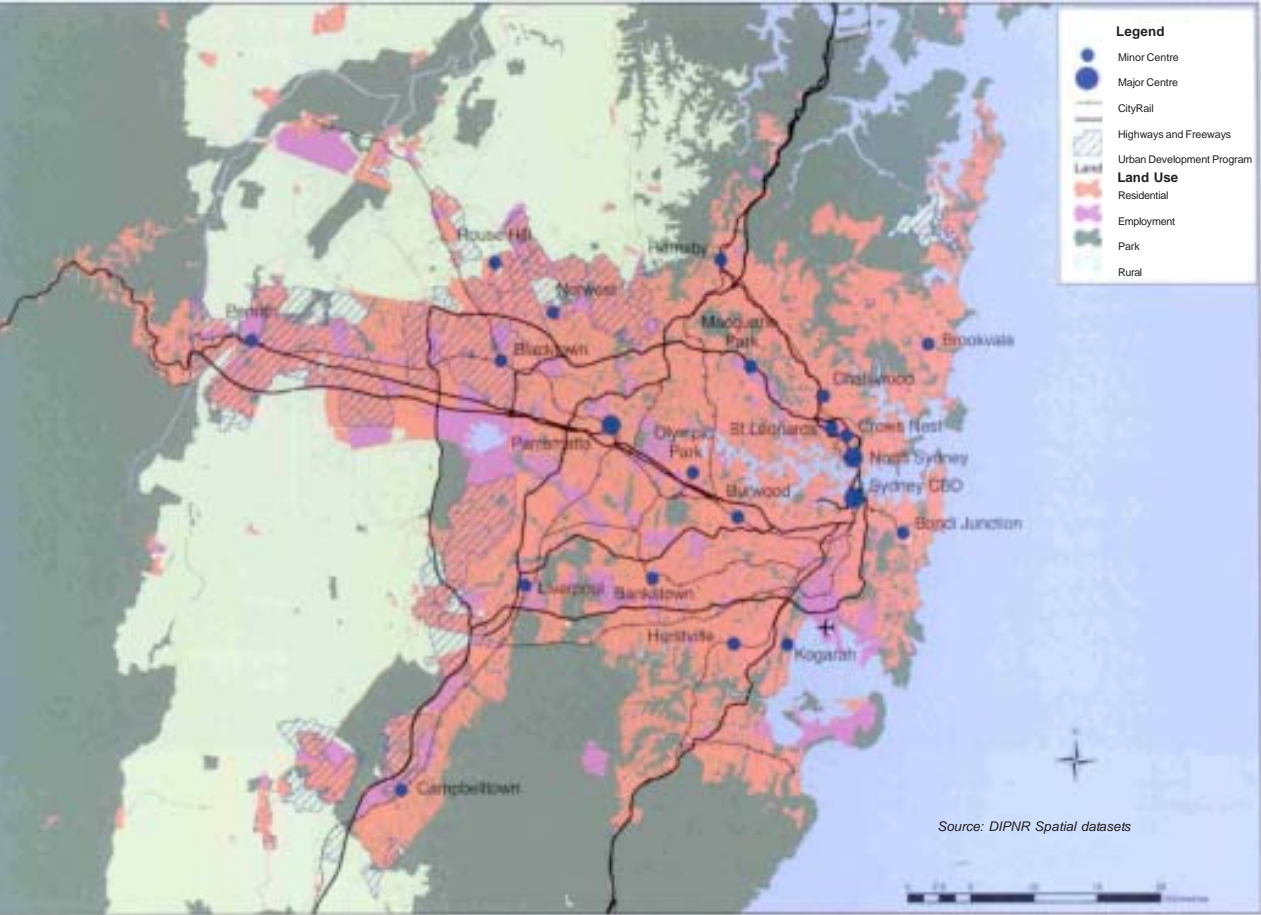


Figure 1 The Metropolitan Context of the Sub-Regional Strat-

- c) Inform each Councils Corporate Management Plan in terms of setting 5 year workprograms and budgets for infrastructure and services delivery over the term of the Plan either as single Council projects or as joint projects across multiple Council areas.
- d) Provide input to the finalisation of the Northern Sydney component of the Metropolitan Strategy.



- 1.5 It is expected that the preparation of each Councils comprehensive LEP and subsequent Corporate Management Plans will provide for extensive community consultation to communicate, challenge and refine the Strategy.
- 1.6 The planned outcomes and projections in the Strategic Plan are not set in stone and they may be influenced by changes in Federal, State or Local Government policy, private sector initiatives, economic cycles and changing community values.

The Strategy will be monitored and reviewed every 10 years to address changing circumstances and community aspirations.

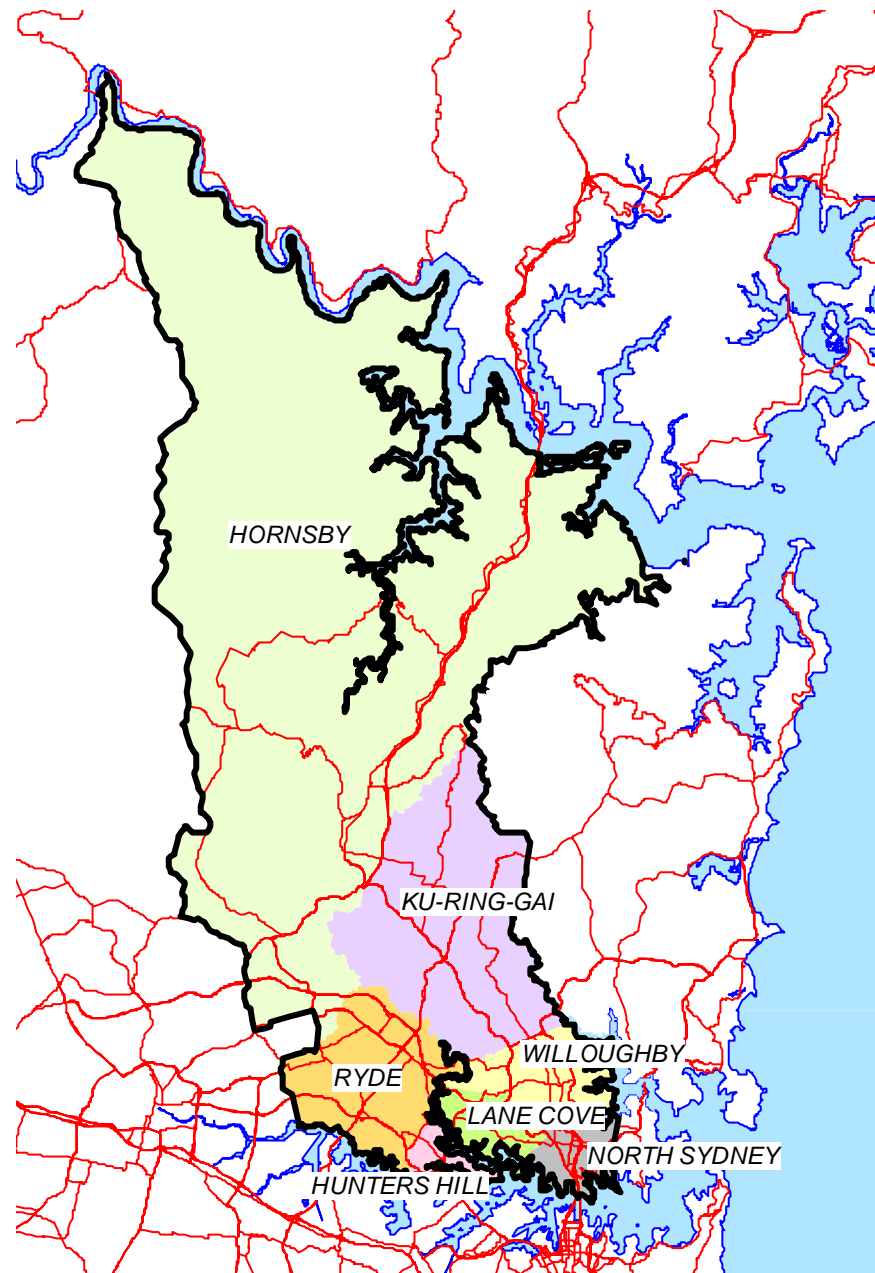


Figure 2 NSROC and Northern Sydney Sub-Region

1.7 Methodology and Background

This Strategy has been developed from the results of several forums with representation by Senior Planning and other technical specialist officers from the NSROC Councils. The strategy has also drawn from research and technical studies commissioned by NSROC (refer Section 2.0 below) as well as work undertaken in the preparation of the NSROC Submission on the Metropolitan Strategy Discussion Paper.

Each Council has also brought to the Strategy current plans and local strategies, research and reports on their areas including:

- S.94 Contributions Plans;
- State of Environment Reports;
- Residential Strategies;
- Commercial and Industrial Lands Studies;
- Infrastructure and Asset Management Plans;
- Social Plans and Cultural Policies;

This Strategy is limited in its focus to the three key change factors underpinning the Metropolitan Strategy being:

POPULATION DWELLINGS AND EMPLOYMENT

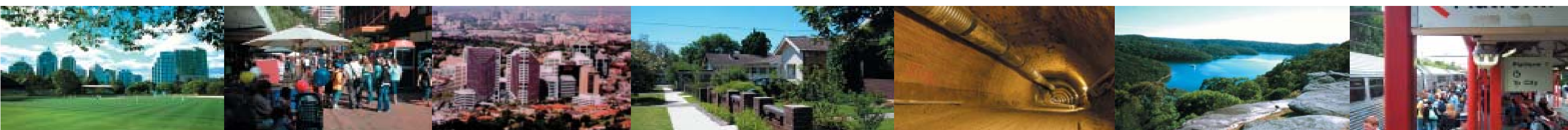
Subsequent revisions of the Strategy will allow for other key regional issues to be covered so that the Strategy will be comprehensive and holistic.

The data assembled for this Strategy, particularly the projections to 2034, is the result of review of available statistics, trends and development patterns as well as detailed local knowledge about each of the Council Areas.

The assumptions underlying the projections have had regard to:

1. Current and likely future rates of dwelling occupancy (expected to decline to an sub-regional average of 2.3 persons per dwelling) on the basis of current trends and greater percentage of new dwellings being multi-unit housing types.
2. Analysis of potential development yields under Residential Strategies and current land use zoning;
3. Extrapolation of growth trends, particularly for the later stages of the Strategy term considering property cycles, the different potential for redevelopment/new development in each LGA, demographic projections in population ageing and “juvenescence” (NSROC Social Report, GML Social Research 2005), changes in housing tenure as types and employment trends by industry category and rates of employee occupancy per square metre.
4. S.94 Contributions Plans including projections and infrastructure planning.

The projections and Strategy maps do not indicate the detail of sites for future residential development. The location of development to realise the dwelling and employment projections will be determined in each Councils local plans and residential strategies.



2.0 THE PRESENT AND FUTURE ROLE OF THE NORTHERN SYDNEY REGION WITHIN THE METROPOLITAN REGION

2.1 General

The Northern Sydney Regional Organisation of Councils (NSROC) encompasses the seven Local Government Areas (LGAs) of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde and Willoughby. NSROC is a voluntary organisation of local government established to provide strong local government leadership; to work co-operatively for the benefit of the Northern Sydney region; and to effectively advocate on agreed regional positions and priorities.

The NSROC councils are committed to the sustainable management of an area which covers nearly 700 square kilometres, and they serve a population of over half-a-million people. The region is home to a diverse collection of landscapes and communities, ranging from scenic waterways, bush land parks and areas of historical significance through to residential high-rise living and thriving commercial and retail centres.

2.2 Population

The population of the NSROC region has grown by an average of 1 per cent per annum over the last five years. This is similar to the five year average population growth experienced in Sydney and the state of 1.1 per cent and 1.2 per cent respectively. The NSROC region has a relatively high population density, with 778 people per sq km compared to 322 people per sq km on average in Sydney. (Source: Economic Contribution of the NSROC Region. Centre for International Economic, 2004, Sydney)

2.3 Economy

The NSROC region is a highly productive region, producing a significant proportion of the output from Sydney and gross state product (GSP) for New South Wales. The NSROC region is estimated to contribute approximately 16 per cent of Sydney's gross regional product (of \$208 billion), 11 per cent of New South Wales' estimated GSP (of \$283 billion) and 4 per cent of national output or gross domestic product (of \$787 billion). (Source: Economic Contribution of the NSROC Region. Centre for International Economic, 2004, Sydney)

The NSROC region produces a sizeable 11 per cent of the state's GSP, despite only accounting for 8 per cent of its population and less than 1 per cent of its total area (ABS census data, ABS 2002 and NSROC Organisation 2002).

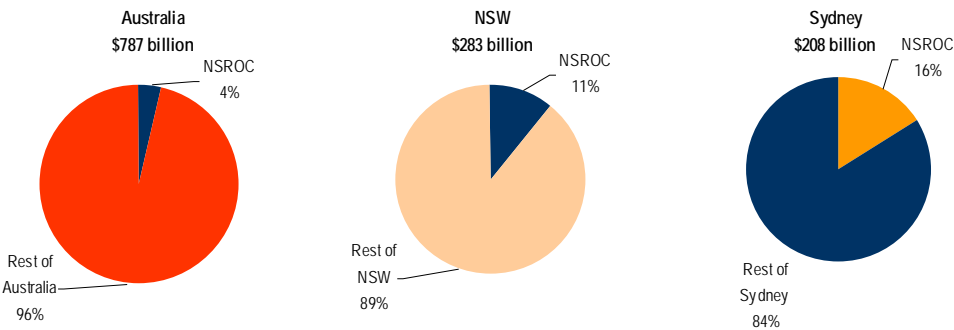


Figure 3 Productivity of NSROC Region

2.4 History of Development

The history of non-indigenous settlement in the region starts immediately after Sydney was first colonised in the late 18th century, however substantial settlement did not occur until almost a century later. In this period development followed the railway lines and the main arterial roads linking Sydney city with the small settlements on its outskirts. Substantial tracts of the lower NSROC region were initially devoted to farming and timber harvesting until a more profound period of suburbanisation occurred in the late 19th century and through to the 1950s in a succession of development booms.

While more intensive development occurred in the lower NSROC region, particularly with the construction of large numbers of unit blocks and apartments in the North Sydney region, the adjoining suburbs to the north were characterised by large leafy gardens surrounding substantial free standing dwellings popularly identified as the 'garden suburbs'. Further north towards the Hawkesbury, the pace of development was much slower and large tracts of bushland remained undeveloped and subsequently became national or regional parks.



In more recent times, the NSROC region, like the rest of Sydney, has been under substantial and continual pressure to accommodate a quickly growing population. Residents in the region have been active in ensuring that the natural heritage values of the region are protected and sustainably managed in the on-going push for further urban consolidation. The high property values in the NSROC region are in part a reflection of the region's success in retaining its outstanding environmental attributes and ensuring that there is a proper balance maintained between conserving our natural and cultural heritage and enabling growth and change to occur.

Employment in the Metropolitan region is increasingly affected by the globalisation of business and industry as well as access to good transport linkages by road and rail.

The strongest rates of job growth, particularly in professional jobs, is expected to occur in the arc stretching from Botany Bay to Macquarie Park (Sydney's 'Global Arc') which includes substantial areas of the Northern Region.

Figure 4 - Northern Sydney Region and the Global Arc



2.5 Research

As part of the process of planning for the Northern Sydney Region’s future, NSROC has commissioned a series of reports examining current trends and circumstances as well as the impacts of anticipated change in the region that will occur over the next 30 years.

To date the following 3 reports have been completed:



Economic Contribution Of the NSROC Region (Centre for International Economics 2004)



NSROC Regional Special Report (GML Social Research 2005)



Potential Environmental Impacts of Population Growth In the Northern Sydney Region (The MiddleWay Pty Ltd 2005)

NSROC has also made a Submission on the Metropolitan Strategy Discussion paper with recommendations as to how the Strategy should address the changes and challenges for the Northern Sydney Region.

A copy of the 3 reports and the NSROC Submission on the Metropolitan Strategy Discussion Paper are available on the website www.nsroc.org

This Sub-Regional Planning Strategy has been prepared taking into consideration the 3 NSROC reports and the Submission. Those documents should be read as companion reports and supporting data to this Strategy.

The following Policies underpin the Strategic Plan and all future decisions involving implementation of the planned outcomes.

ENVIRONMENTAL SUSTAINABILITY

- Policy 1** Development and economic growth is to occur in an environmentally sustainable manner particularly to:
- a) be within natural resource limits and minimise the ecological footprint of our activity;
 - b) protect and enhance biodiversity, air, water and agricultural land;
 - c) provide quality living places;
 - d) provide housing choice for now and in the future;
 - e) provide employment opportunities;
 - f) provide universal accessibility;
 - g) provide for the cultural needs and equitable provision of community services;
 - h) provide fair and transparent decision making.
 - i) protect the heritage of the region.
- Policy 2** Conserve the natural and built environment that is identified as having high ecological and community value particularly environmentally sensitive places that need to be protected.
- Policy 3** All infrastructure projects, public domain works and private developments are to be planned and undertaken in a way which will always improve the landscape and urban design quality of places throughout the sub-region. The northern sub-region will be promoted and developed as a highly desirable and attractive place to work and live.
- Policy 4** Development must minimise pollution impacts and lead to a net improvement in the health and quality of air, water, habitat and noise conditions.
- Policy 5** Rural land will be safeguarded from redevelopment for other land uses and from environmental harm for its agricultural, ecological, social and scenic value. Rural settlement, only in so far as it is consistent with this policy, can occur in appropriate and planned locations.

ECONOMY AND EMPLOYMENT

- Policy 6** Contribute to the economic performance and success of the sub-region as well as the Metropolitan Area though its role in the “global arc” and promoting businesses that meet the needs of our communities.
- Particular priority will be given to:
- a) promoting knowledge based businesses that diversify the economic base and support the emergence of new commerce in the region;
 - b) protecting the viability of the rural economy and agricultural industry within the sub region.



- Policy 7** Support a Commercial Centres hierarchy comprising neighbourhood centres, villages, town centres and major centres with clearly defined roles, appropriate land uses and established relationships between centres in the sub-region as well as within the metropolitan region.
- Policy 8** Development is not to occur unless it contributes to the cost or physical provision of community facilities, public services, transport, infrastructure, environmental works and any other requirements that are made necessary by and are directly related to the proposed development.
- Policy 9** Appropriately located and serviced employment lands for industry, retail and commercial office use will be protected from changes of use to other land uses in order to meet the future job growth needs of the sub-region and in the context of the sub-regions role in the metropolitan region. Furthermore, rezoning of additional land for employment generating purposes is only to occur if existing areas are protected, the viability of other areas in the region is not adversely affected and no other existing zoned land is available.

HOUSING

- Policy 10** Enable the development of additional housing that meets the current and future needs of residents as well as the planned additional population through:
- a) adaptable housing;
 - b) increased housing choice in appropriate locations;
 - c) affordable housing;
 - d) special needs housing;
 - e) good access to employment, transport and services; and
 - f) efficient and sustainable use of urban land.
- Policy 11** Ensure that there is a balance between housing and job growth in appropriate locations and protection of established single dwelling house neighbourhoods where change should be limited.

TRANSPORT

- Policy 12** Promote quality, sustainable transport that offers a convenient and viable alternative to private vehicle use through public and other active transport modes, supports integrated transport services, facilitates equitable access for everybody and co-locates higher intensity business and housing with good public transport services.

INFRASTRUCTURE

- Policy 13** Population, housing and employment growth in the sub-region is to proceed concurrently with delivery of infrastructure so that it will:
- a) meet the needs of that growth when it occurs; and
 - b) minimise any impacts on existing communities.

- Policy 14** Utilities such as water supply, stormwater management, energy and telecommunications will be planned and delivered in a sustainable and cost effective way to meet the needs of the current and projected population and businesses in the sub-region.

- Policy 15** Waste Management will apply the principle of Reduce, Reuse and Recycle to make the sub region self-sufficient for management of its own waste and support alternative waste technology to reduce waste to landfill and reclaim waste as a resource.

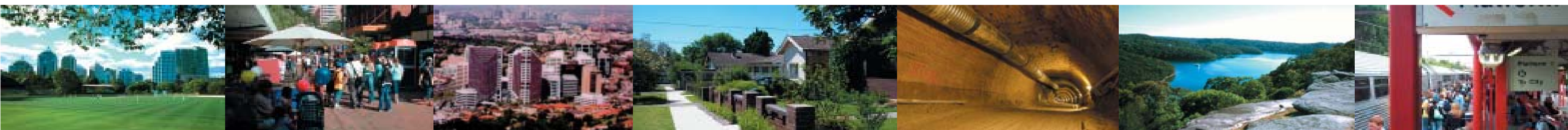
SOCIAL CAPITAL

- Policy 16** Existing sport grounds and playing fields that are meeting the recreational and public open space needs of residents in the sub-region will be protected and additional facilities to meet the future populations needs will be planned for and provided.
- Policy 17** The cultural diversity and heritage of our sub-region, including our special aboriginal culture, will be celebrated and protected.
- Policy 18** NSROC will actively lobby for the improvement and delivery of education, health and other public services that are provided by other agencies to meet the current and future needs of the sub-region.

The disposal of public land that is used for schools, hospitals or other community purposes will not be supported unless there are demonstrated and tangible benefits to the sub-region directly arising from the disposal.

GOVERNANCE

- Policy 19** Adopt and apply Council Planning Instruments and controls so as to pursue the sub-regional strategies in a consistent and effective way.
- Policy 20** Decisions about the future of the sub-region, and implementing the changes required to achieve this Strategic Plan, will occur in consultation with local communities and organisations that may be affected by the proposed changes.
- Policy 21** NSROC will establish and build strong partnerships with State and Federal Government agencies as well as private sector infrastructure providers that are essential to achieve the Strategic Plan.
- Policy 22** The Strategic Plan will be monitored and reviewed every 10 years to assess the success of the Plan and to revise the Plan if necessary to reflect any major changed circumstances or changed community aspirations. Strategic Plan Performance Indicators will be adopted to measure and report on the Plans progress.



The preparation of this Strategic Plan and review of the NSW Governments Metropolitan Strategy Discussion Paper have identified a series of key issues that will need to be addressed over the implementation time-frame of this Strategic Plan.

These issues reflect the interdependency of the Northern Sydney Region with other regions and the significant role that the Northern Sydney Region plays as part of the metropolitan region.

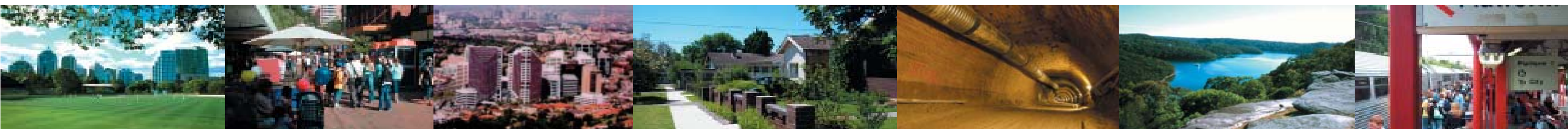
The following list of items does not purport to represent all of the issues that currently face or will face the Northern Sydney Region.

They are presented here as key strategic planning issues that need cross-regional community debate, further information and a commitment of resources to be resolved.

KEY STRATEGIC ISSUES

1. The impact of Macquarie Park as a new major employment and business destination on other Centres within the sub-region and in relation to the 'global arc'. Impacts include:
 - private vehicle traffic generation and the importance of promoting use of the new rail connection;
 - affect on commercial office futures and vacancy rates in other major centres of North Sydney, Chatswood and St Leonards.
2. The future of industrial areas in the sub-region and loss of the employment base in those areas from pressure to redevelop for residential or office uses.
3. Establishing a hierarchy of Centres that takes account of their competitive position against other centres, their distinctive functions and long term prosperity.
4. The future of Hornsby Town Centre as a new major Sub-Regional Centre for retail, office and cultural services at the crossroads of major transport corridors.
5. Ensuring the completion of the Parramatta to Chatswood Rail Link.
6. Improving east-west and north-south inter and intra-regional access using better public transport services. In particular, the future of Dee Why or Brookvale in the SHOROC area needs to be determined as a major Sub-Regional Centre for employment to reduce peak hour trips using the primary north-south road network.
7. Promoting more sustainable energy consumption and where appropriate upgrading utilities to meet the significant increased demand that is projected to occur.
8. Promoting water conservation as a comprehensive and integrated sub-regional program.
9. Addressing the medium to long term demand for aged persons accommodation and care facilities.

10. Setting levels-of-service standards for air, noise, water quality, open space, recreation, community facilities and employment that set targets for the improvement to the quality of life for everyone in the region and for the environment.
11. Ensuring that the biodiversity of the sub-region's natural environment is protected and improved.
12. Improving the quality of all public transport modes to offer a viable alternative to escalating private vehicle use so that a better transport 'choice' is available.
13. Determining a long term plan for the continuous improvement of the significant medical and education facilities within the sub-region that contribute to the prestige of the area and our quality of life.
14. Acknowledging and planning for the significant cultural diversity of the regions people, including the traditional Aboriginal inhabitants.
15. Providing a clear vision for rural lands that identifies their important economic, environmental and social values rather than a perception of "land awaiting future residential development".



The Sub-Regional Structure Plan for 2034 is based on the premise that the achievement of the projected population, housing and jobs growth is dependent upon the delivery of several major infrastructure and development projects over the life of the strategy. The projects have not been costed nor have detailed design plans been prepared. Some projects are already underway. The following schedule lists the key infrastructure and development projects (in no order of priority) as well as major studies that need to be carried out to advance this Strategic Plan.

INFRASTRUCTURE PROJECTS

- A. Parramatta to Chatswood Rail Link.
- B. Lane Cove Tunnel.
- C. Rail Station/Interchange Upgrades at Hornsby, Epping, Gordon, Turramurra, Artarmon, Chatswood.
- D. New Rail Stations at Macquarie Park, Delhi Road, Macquarie Uni, Crows Nest, North Sydney.
- E. Rouse Hill to Beecroft Rail Link.
- F. M2 Link.
- G. Light Rail or Bus Only Transit Way from Chatswood to Warringah.
- H. Upgrade of the Royal North Shore Hospital, Ryde Rehabilitation Hospital and Hornsby Hospital.
- I. Development of a comprehensive and integrated regional cycle network and light rail network.
- J. A transport tunnel under Pacific Highway to bypass Chatswood CBD from Boundary Street to Mowbray Road.
- K. Revitalisation of Victoria Road.
- L. New Railway Harbour Crossing.
- M. Sydney Metropolitan Strategy Bus Corridors.
- N. Priority Sewerage Programs: Mount Kuringai Industrial Scheme and Brooklyn and Danger Island Scheme.
- O. Revitalisation and Expansion of Northern Region Public Schools.

STUDIES

NSROC and all member Councils have undertaken studies to guide and plan for change in the sub-region. Sections 1.0 and 2.0 above have listed some of the studies that have been done. Other work such as a regional State of the Environment Report, regional waste plans and regional transport plans are to be developed.

The following 6 studies require urgent funding assistance through the Planning Reform funds program to prepare study briefs and commence research so that the planning and implementation stages for the Strategy can be resolved.

- 1. Delivery Plan for all infrastructure projects tied to growth thresholds, particularly for transport services.
- 2. Residential Zoning and Density Study to identify locations for higher density development and ensure that a consistent approach is applied across the Sub Region.
- 3. Study of Industrial/Employment Lands and growth to identify areas, trends, conflicts and long term plans for support services, transport, marketing and management particularly:
 - revitalisation of the Victoria Road Enterprise Corridor;
 - Staging and regional impacts of Macquarie Business Park;
 - Impediments to development of Hornsby as a major future city;
 - Measures to protect existing industrial lands from office or residential development;
 - Securing the long term viability of North Sydney and Chatswood as major commercial office centres.
- 4. NSROC Planning Study to review actions required to achieve cross-Council consistency and of new Corporate Management Plan programs to achieve the Strategic Plan objectives, including:
 - car parking controls;
 - sustainability;
 - water conservation;
 - affordable housing;
 - provision of regional recreation facilities; and
 - aged care services and housing.
- 5. A Macquarie Park Corridor Study to assess transport, access, employment, lifestyle and 'global arc' centres implications of development in the corridor through each development phase.
- 6. Undertake a study to determine the long term implications of Housing Densification in terms of:
 - Social capital demands;
 - Accessibility;
 - Local services delivery; and
 - Urban design.



6.0 NORTHERN REGION STRATEGY MAPS

The following series of Maps provide data on projections for population, dwellings and jobs, they show locations of major centres and industrial areas, identify major infrastructure improvements and provide a Sub-Regional Structure Plan for 2034.

The series of Maps are:

1. Major Centres and Industrial Areas

This map shows the location of Major Centres and Town Centres as well as the main industrial/business park areas within the sub-region.

2. Population

These maps show population data for 2001 and projections to 2034 for each of the Local Government Areas. The projection Year 2034 Map also provides summary figures on the population totals and percentage change 2001 – 2034.

3. Dwellings

These maps show numbers of dwellings for 2001 and projections to 2034 for each of the Local Government Areas.

The projection Year 2034 Map also shows summary figures on the Dwelling totals for the sub-region and percentage change 2001 – 2034.

4. Employment

The Employment Projection Map shows the number of jobs in 2001 and projected jobs in 2034 with summary total figures and percentage change.

5. Major Infrastructure and Land Uses

These Maps show the major infrastructure projects and land use changes that are proposed to occur, or are needed to occur, to match the timing of the increases in population and activity over the time periods:

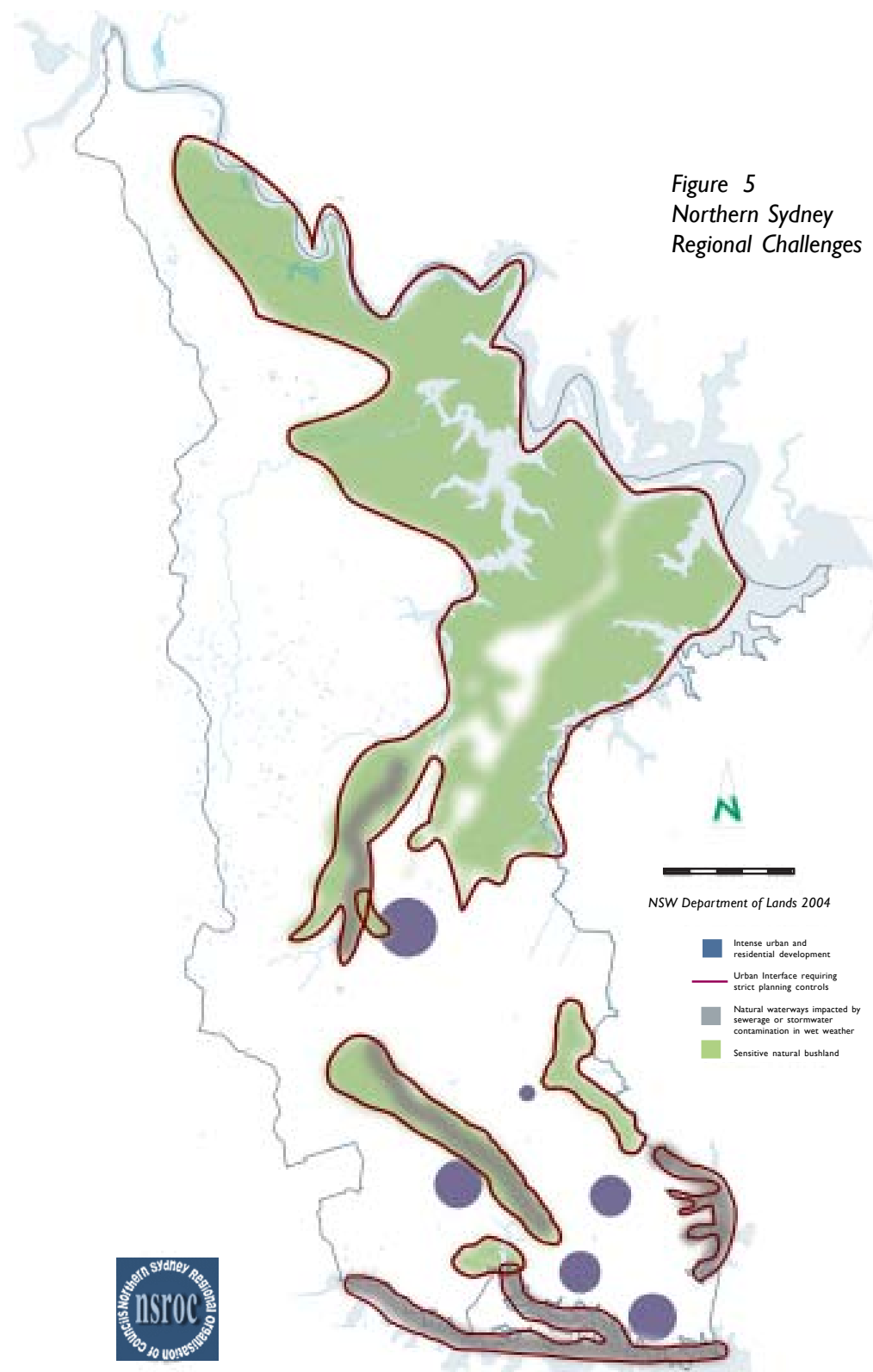
- 2014
- 2024, and
- 2034

If the projects do not occur then there are likely to be unacceptable social, environmental or economic impacts that may require review of the projections and the Strategy outcomes.

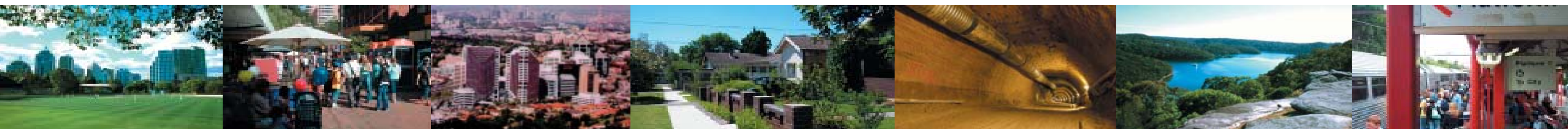
6. Sub-Regional Structure Plan 2034

This map is a composite plan of the proposed population and dwelling changes, major infrastructure projects and land uses planned to occur by 2034. It summarises the key 'structural' changes within the sub-region and where these are linked to adjoining sub-regions that need to be planned and implemented by the Councils or with other delivery agencies.

Figure 5
Northern Sydney
Regional Challenges



Source: The Middle Way Pty Ltd 2005

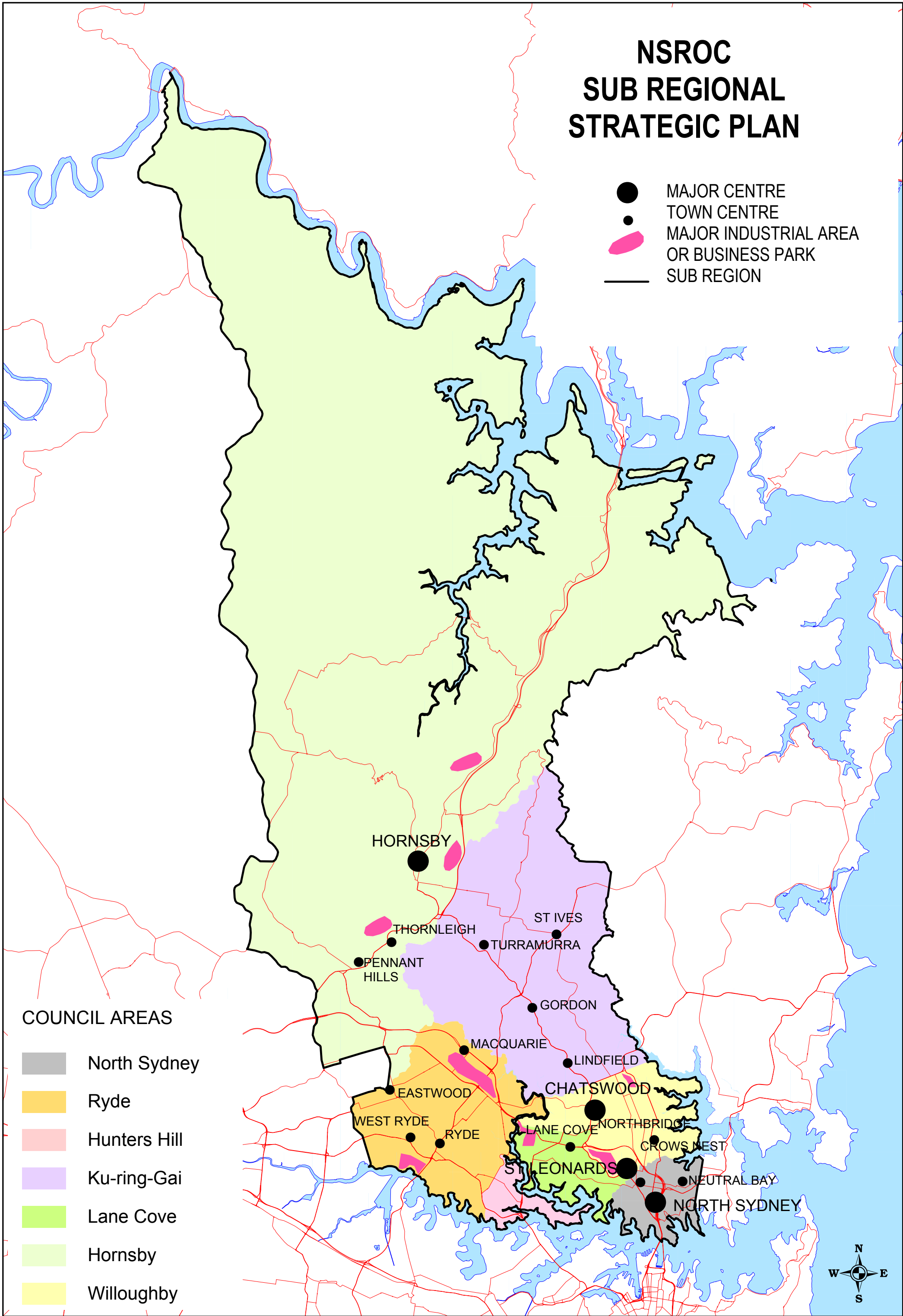


NSROC SUB REGIONAL STRATEGIC PLAN

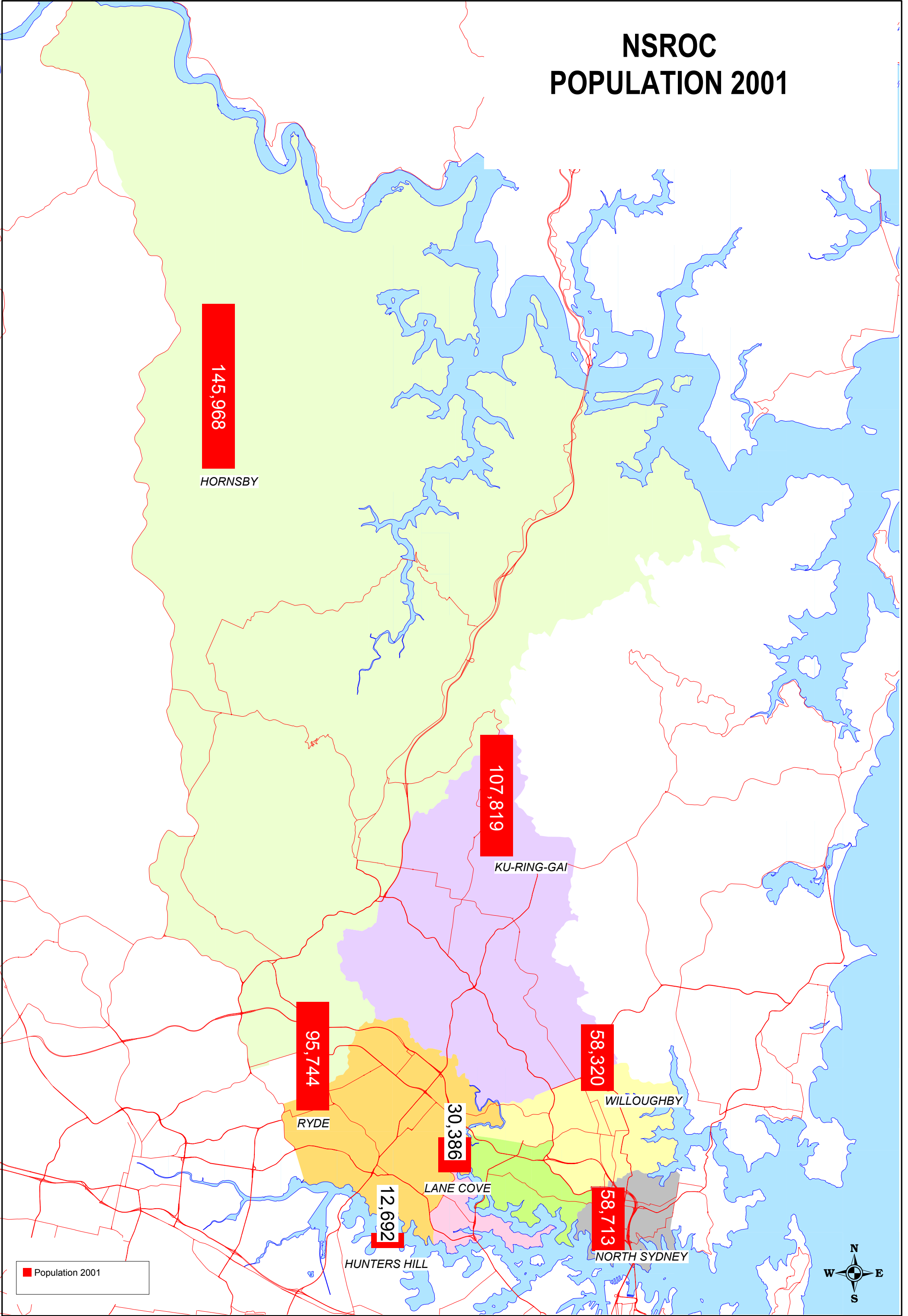
- MAJOR CENTRE
- TOWN CENTRE
- MAJOR INDUSTRIAL AREA
OR BUSINESS PARK
- SUB REGION

COUNCIL AREAS

- North Sydney
- Ryde
- Hunters Hill
- Ku-ring-Gai
- Lane Cove
- Hornsby
- Willoughby

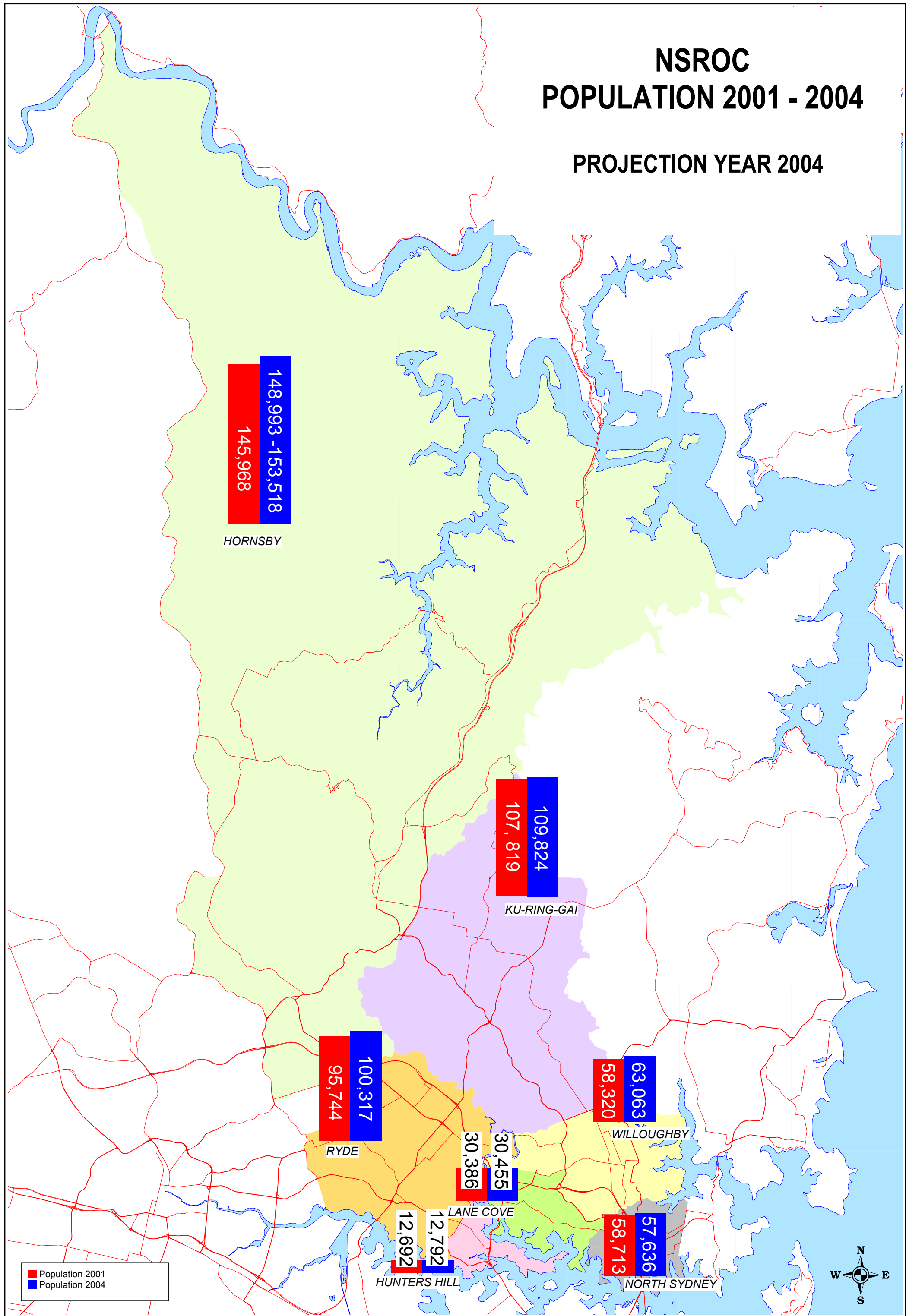


NSROC POPULATION 2001



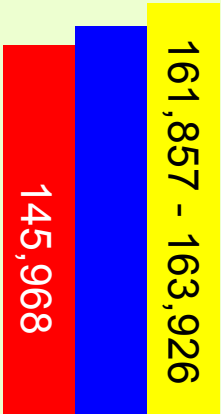
NSROC POPULATION 2001 - 2004

PROJECTION YEAR 2004

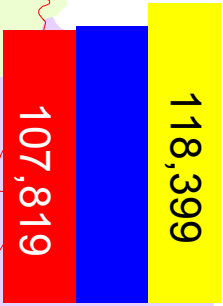


NSROC POPULATION 2001 - 2014

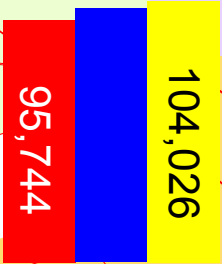
PROJECTION YEAR 2014



HORNSBY



KU-RING-GAI



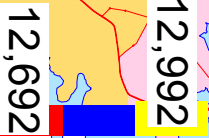
RYDE



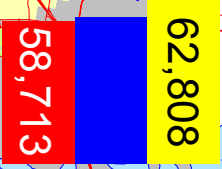
WILLOUGHBY



LANE COVE



HUNTERS HILL



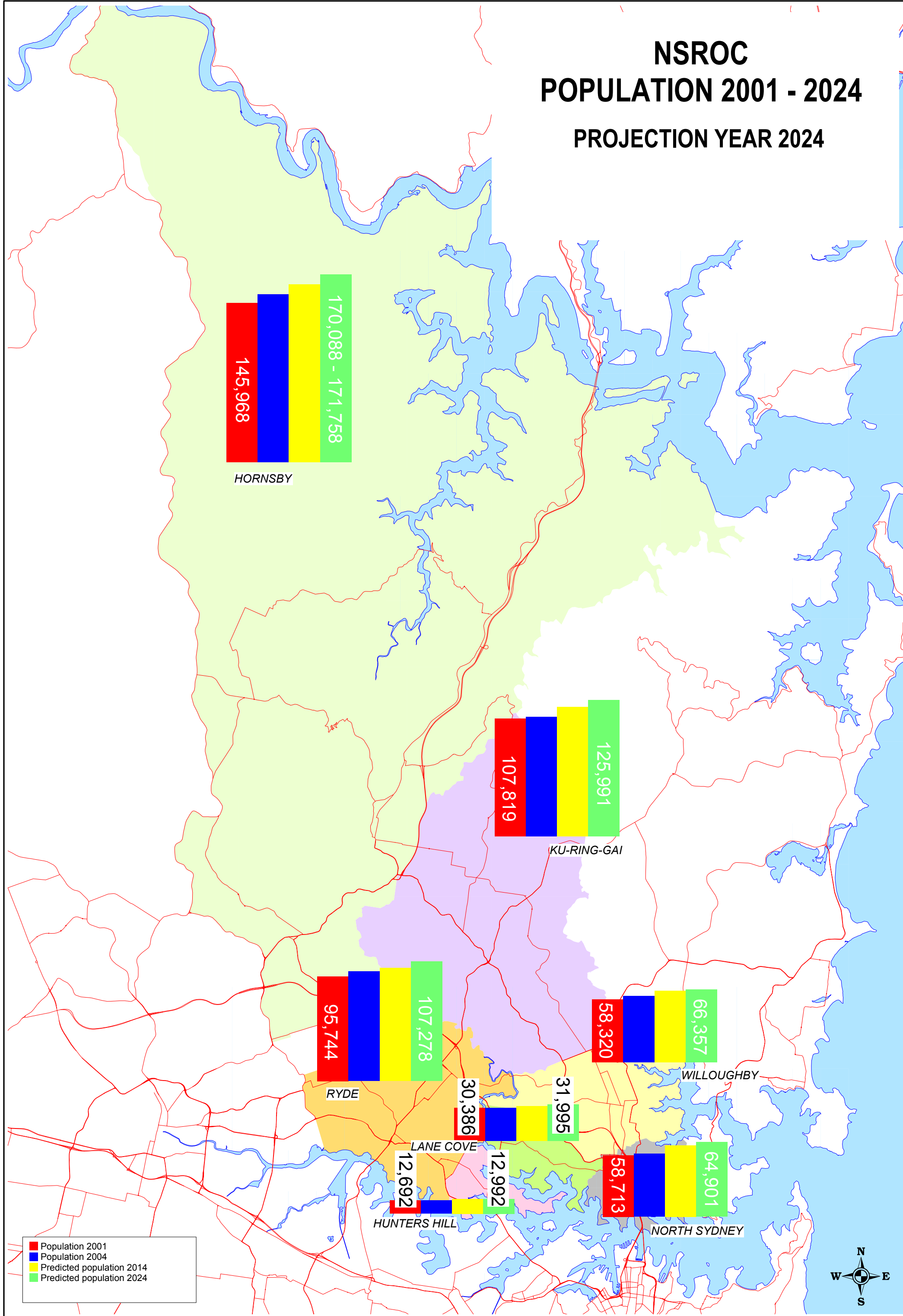
NORTH SYDNEY

■ Population 2001
■ Population 2004
■ Predicted population 2014



NSROC POPULATION 2001 - 2024

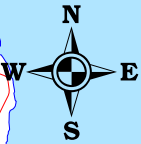
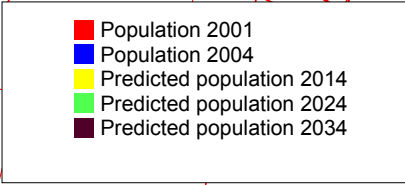
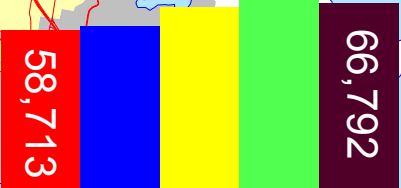
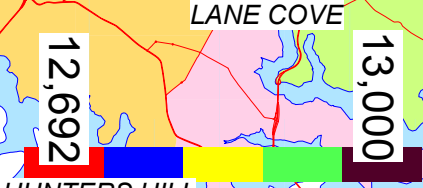
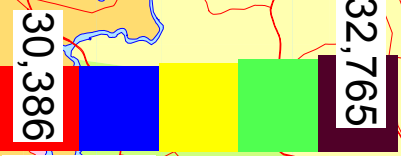
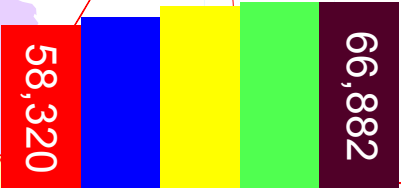
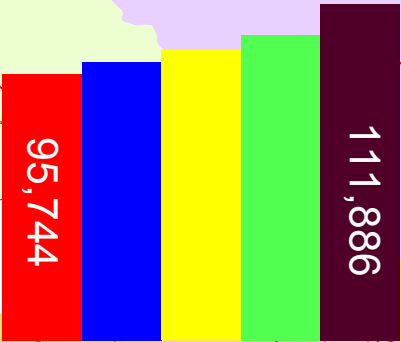
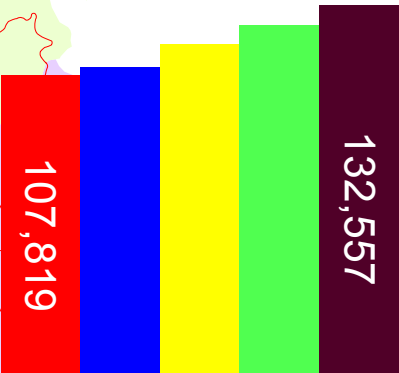
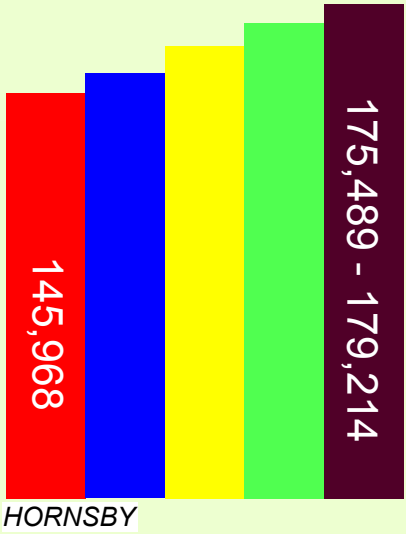
PROJECTION YEAR 2024



NSROC POPULATION 2001 - 2034

PROJECTION YEAR 2034

Sub Region Population	2001	509,642
Sub Region Population	2034	601,233
Sub Region Percentage Change		18%



NSROC DWELLINGS 2001

49,688
HORNSBY

35,537
KU-RING-GAI

35,335
RYDE

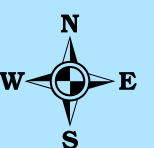
24,593
WILLOUGHBY

12,865
LANE COVE

28,507
NORTH SYDNEY

4,600
HUNTERS HILL

Dwellings 2001



**NSROC
DWELLINGS 2001 - 2004**
PROJECTION YEAR 2004

52,163 - 54,247
49,688

HORNSBY

36,299
35,537

KU-RING-GAI

40,126
35,335

RYDE

27,300
24,593

WILLOUGHBY

12,900
12,865

LANE COVE

29,557
28,507

NORTH SYDNEY

4,737
4,600

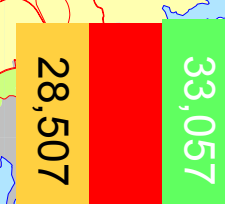
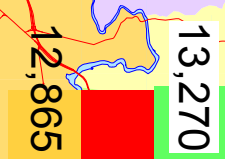
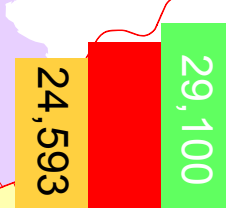
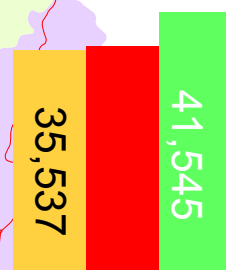
HUNTERS HILL

Dwellings 2001
Dwellings 2004

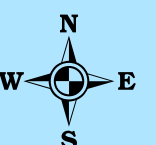


NSROC DWELLINGS 2001 - 2014

PROJECTION YEAR 2014

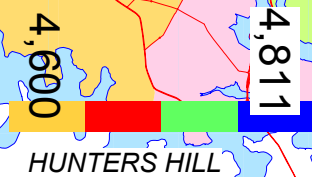
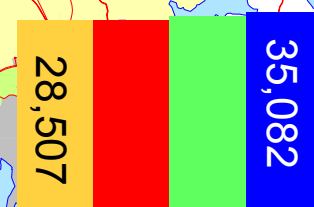
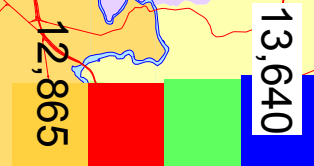
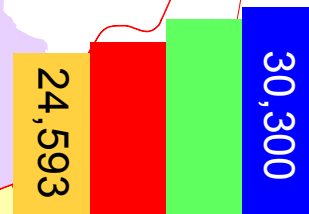
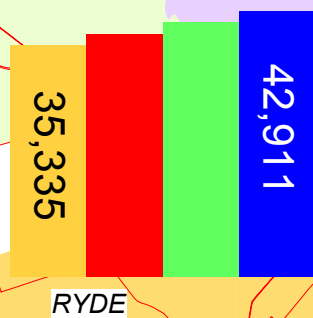
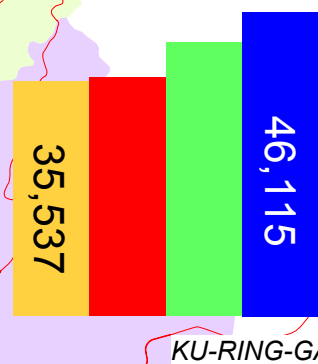
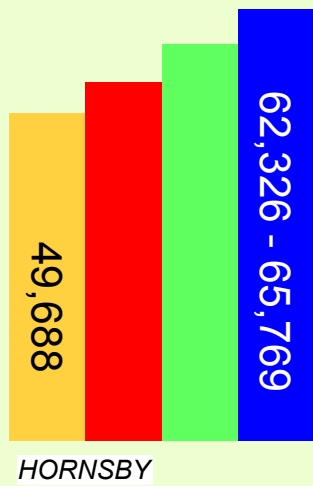


■ Dwellings 2001
■ Dwellings 2004
■ Predicted dwellings 2014

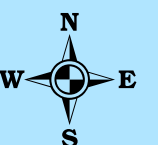


NSROC DWELLINGS 2001 - 2024

PROJECTION YEAR 2024



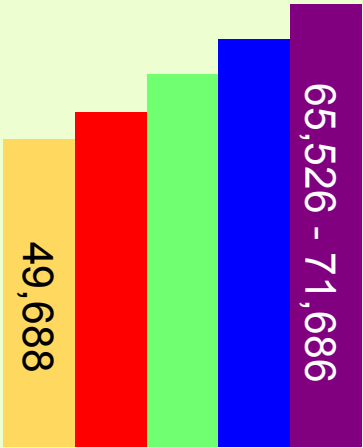
■ Dwellings 2001
■ Dwellings 2004
■ Predicted dwellings 2014
■ Predicted dwellings 2024



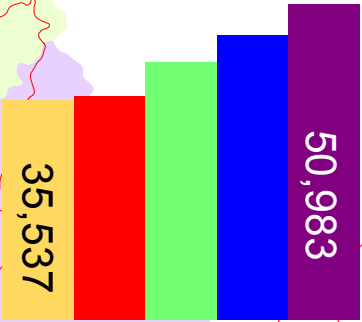
NSROC DWELLINGS 2001 - 2034

PROJECTION YEAR 2034

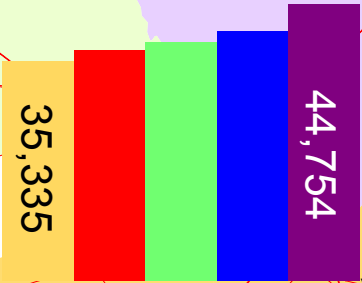
Sub Region Dwellings	2001	191,125
Sub Region Dwellings	2034	251,750
Sub Region Percentage Change		31.7%



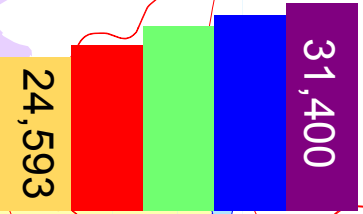
HORNSBY



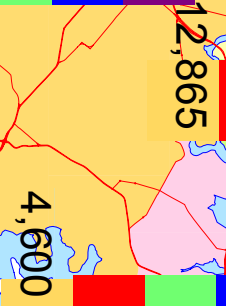
KU-RING-GAI



RYDE

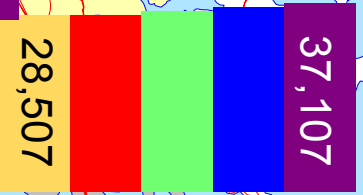


WILLOUGHBY



HUNTERS HILL

LANE COVE



NORTH SYDNEY

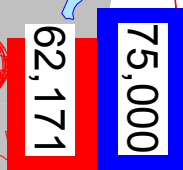
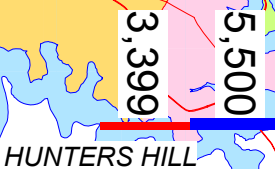
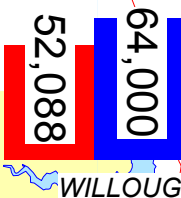
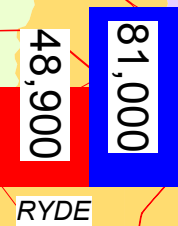
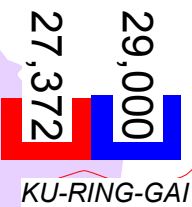
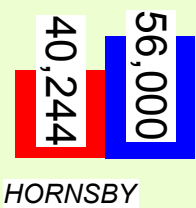
- Dwellings 2001
- Dwellings 2004
- Predicted dwellings 2014
- Predicted dwellings 2024
- Predicted dwellings 2034



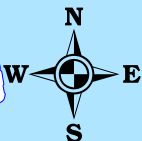
NSROC EMPLOYMENT PROJECTION 2001 - 2034

PROJECTION YEAR 2034

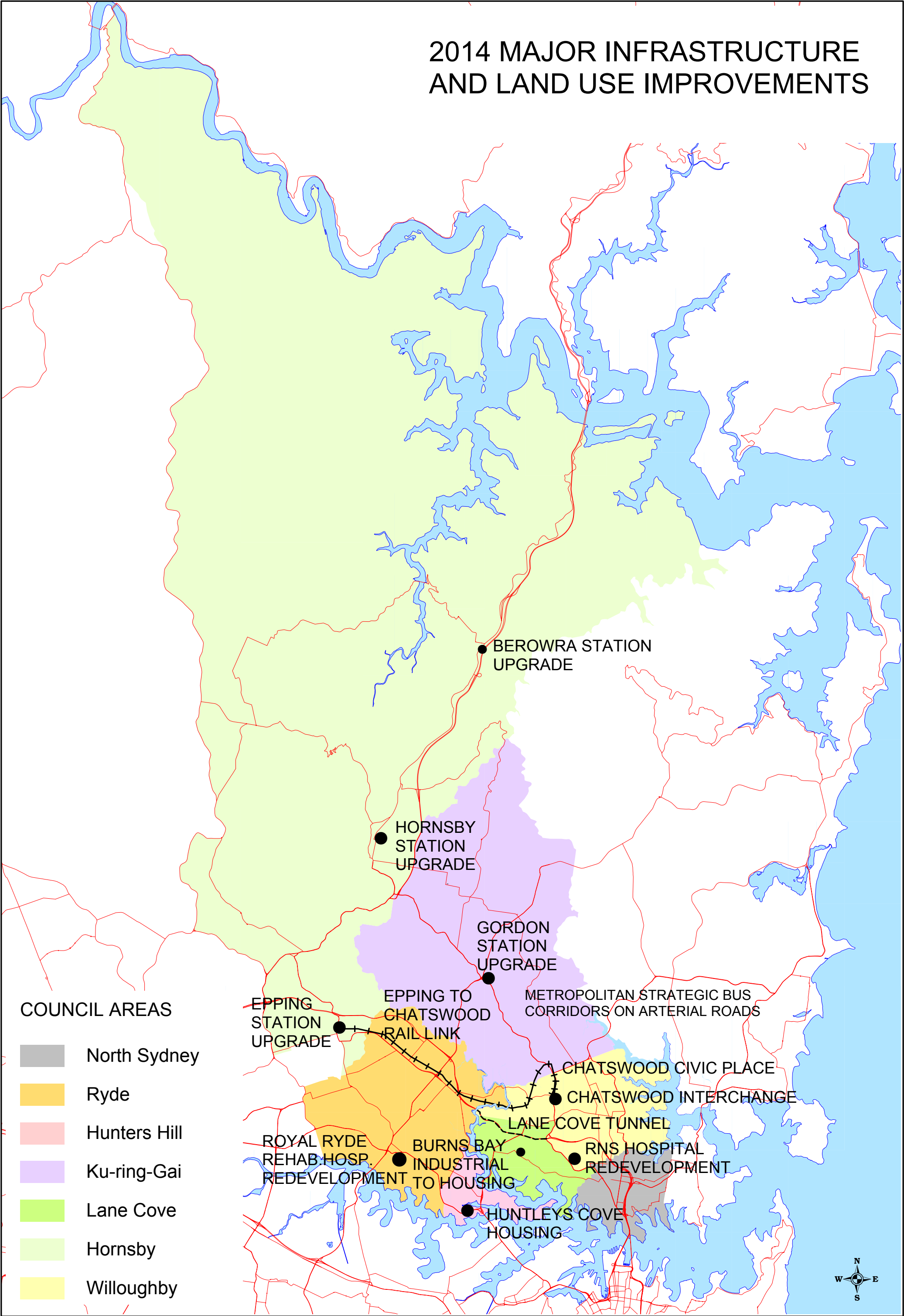
Sub Region Employment 2001 251,531
Sub Region Employment 2034 339,700
Sub Region Percentage Change 35%



Jobs 2001
Jobs 2034



2014 MAJOR INFRASTRUCTURE AND LAND USE IMPROVEMENTS



2024 MAJOR INFRASTRUCTURE AND LAND USE IMPROVEMENTS

COUNCIL AREAS

- North Sydney
- Ryde
- Hunters Hill
- Ku-ring-Gai
- Lane Cove
- Hornsby
- Willoughby

MT KURINGGAI
PRIORITY SEWERAGE
PROGRAM

HORNSBY TO
NEWCASTLE
FAST RAIL LINK

BROOKLYN
PRIORITY SEWERAGE
PROGRAM

ROUSE HILL
TO BEECROFT
RAIL LINK

M2 LINK
BEECROFT
STATION UPGRADE

NSROC REGION
CYCLE NETWORK

WARRINGAH/
BROOKVALE
LIGHT RAIL OR
BUS TRANSIT WAY

EPPING TO
PARRAMATTA
RAIL LINK

MACQUARIE
PARK
DEVELOPMENT

ST. LEONARDS
RESIDENTIAL/
COMMERCIAL
REDEVELOPMENT

RYDE
CENTRE
REDEVELOPMENT

VICTORIA ROAD
REVITALISATION

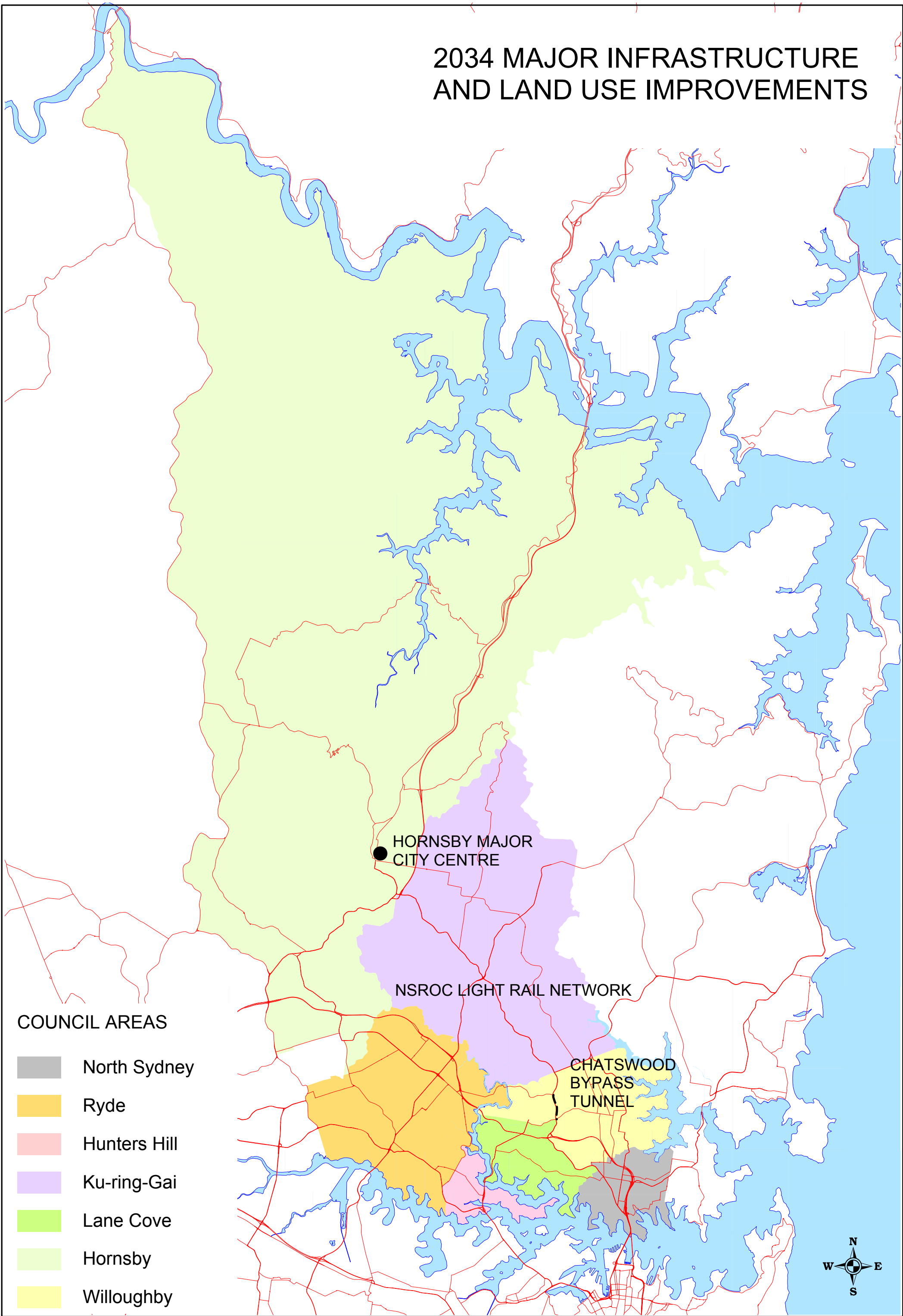
CROWS NEST
RAIL STATION

VICTORIA CROSS
RAIL STATION

NEW HARBOUR
CROSSING



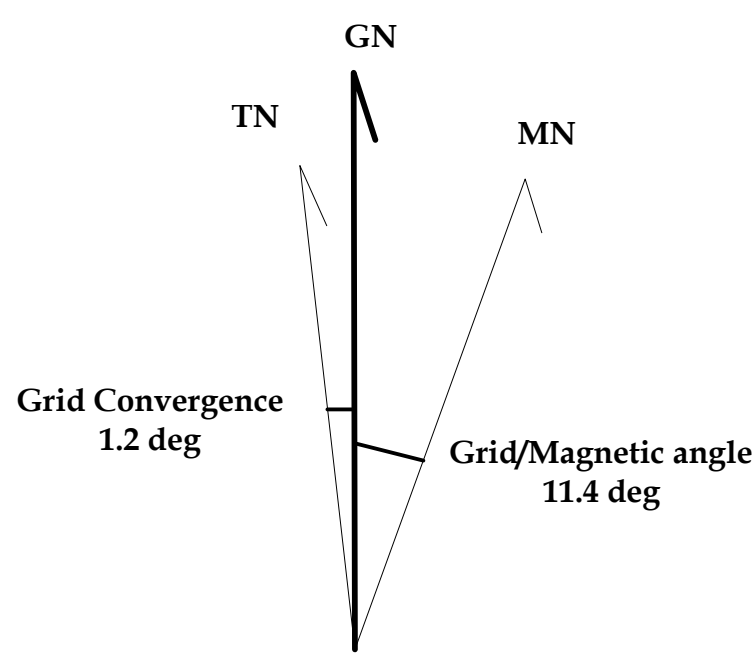
2034 MAJOR INFRASTRUCTURE AND LAND USE IMPROVEMENTS



Projection.....Map Grid of Australia 1994 (MGA 1994)
Universal Transverse Mercator on GRS80 ellipsoid
Horizontal Datum.....Geocentric Datum of Australia 1994 (GDA 1994)
(UTM projection using GRS80 ellipsoid)
Vertical Datum.....Australian Height Datum

True North (TN), Grid North (GN)
and Magnetic North (MN) are
shown diagrammatically for the centre of the map.
(MN) is correct for 1988 and moves easterly by less
than 0.1 deg in 10 years.

Source Australian Geological Survey Organisation



NSROC SUB REGIONAL STRUCTURE PLAN 2034

KEY:

- INDUSTRIAL AREAS AND BUSINESS PARK
- RESIDENTIAL SITE
- MAJOR CENTRE
- HOSPITAL, EDUCATION CENTRE, SPECIAL USE
- RAIL LINK
- TRANSPORT LINK
- NEW STATION

601,233 PROJECTED LGA POPULATION 2034
251,750 PROJECTED LGA DWELLINGS 2034

RURAL LANDS

PRIORITY SEWERAGE PROGRAM

175,409 - 179,214
65,526 - 71,686

PRIORITY SEWERAGE PROGRAM

HORNSBY CITY

STATION INTERCHANGE

HORNSBY HOSPITAL UPGRADE

STATION UPGRADE

132,557
50,983

GORDON CENTRE AND STATION UPGRADE

WARRINGAH / BROOKVALE
LIGHT RAIL OR BUS ONLY
TRANSIT WAY

ERPPING STATION UPGRADE

MACQUARIE UNI

UTS

MACQUARIE PARK

CHATSWOOD CITY

66,882
31,400

CHATSWOOD TUNNEL

ST. LEONARDS CITY

66,792
37,107

RNS HOSPITAL

NORTH SYDNEY CITY

NEW CROSSING

COUNCIL AREAS

- North Sydney
- Ryde
- Hunters Hill
- Ku-ring-Gai
- Lane Cove
- Hornsby
- Willoughby

National Parks

111,4880
44,754

RYDE

VICTORIA ROAD UPGRADE/ REVITALISATION

ROYAL RYDE REHAB.HOSP. REDEVELOPMENT

GLADESVILLE HOSPITAL

HUNTLEYS COVE HOUSING

13,000
4,900

32,765
14,000

LANE COVE TUNNEL

TOWN CENTRES PLANNING WORK PROGRAMME

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide for Council a programme for completion of the Town Centres Planning, taking into account feedback from the Department of Planning and required tasks.

BACKGROUND:

This report outlines a programme of Council's approach to completing planning for the 6 town centres.

COMMENTS:

A timeframe and milestones for completion are put forward including the consultation steps.

RECOMMENDATION:

That Council adopts the timeframe and processes for the Town Centres and that an extraordinary meeting of Council be held on 27 March 2006 to consider the proposals for Turrumurra Town Centre LEP.

PURPOSE OF REPORT

To provide for Council a programme for completion of the Town Centres Planning, taking into account feedback from the Department of Planning and required tasks.

BACKGROUND

Following discussion with senior staff from the Department of Planning and correspondence with the Minister regarding Council's progress in the development of the Town Centres LEP, it has been indicated to Council that the pace of completion of the programme is not meeting expectation.

This report outlines a programme of work that will meet the Minister's requirements to have all six town centres exhibited as draft LEPs prior to the end of this year (December 2006).

Currently St Ives Town Centre has been resolved to exhibit as a draft LEP and DCP, with Council awaiting a Section 65 Certificate from the Department to authorise that exhibition. Staff are scheduled to meet departmental staff to brief them on the draft as adopted by Council.

A draft LEP for the Turramurra Town Centre will be considered by Council at an extraordinary Meeting of Council in late March.

Initial work has commenced on both Gordon and Pymble Town Centres, mostly in the form of early consultation and site analysis whilst work on Lindfield and Roseville has not commenced.

A review of work completed to date, including a draft Town Centres LEP along with the adoption of LGA-wide studies such as the Retail Strategy will assist Council in the completion of the remaining work.

COMMENTS

Attachment 1 provides an overview of the proposed work programme to ensure completion of all projects within the year. It should be noted that the indicated timeframe will place a heavy demand on Council and available resources.

Some changes to the project methodology used for the St Ives and Turramurra plans will be required to meet the timeframes. A single land use recommendation will be presented to Council following initial consultation and review of the relevant studies. Consultation will continue to seek involvement by the local community and relevant stakeholders.

To achieve some efficiency in the process, Gordon and Pymble will be undertaken in tandem as will Lindfield and Roseville. As all centres are covered by the one LEP and DCP, and each centre presents an amendment to that LEP and DCP, this approach is appropriate.

Item 13

S04151
30 January 2006

Single briefs have been prepared to address remaining traffic and economic feasibility studies and heritage assessments to ensure that components of each project that can begin immediately, will do so.

Attachment 1 also outlines key milestones for reporting of projects to Council. Assumptions have also been made with regard to timeframes required for certain matters not within Council's control. These include Section 64 requests for approval to exhibit. Compromises to these assumptions will create difficulty for Council in meeting the deadlines. Staff will note any delays outside of Council's control and will follow up with appropriate agencies. These will be reported to Council through the monthly Planning Committee meetings. Overall progress against the resolved timeframe will also be discussed at each Planning Committee.

CONSULTATION

A key component of Council's approach has been to seek significant community input into the development of town centre LEPs. Within the constraints provided by the overall programme, it is recommended to continue seeking involvement. The use of email and web based surveys has proven to be a very successful tool in providing information and seeking feedback and input.

Accordingly, use of email and the web is integral to the consultation approach outlined in this report. Providing for those without email access will still occur.

It is proposed that the initial survey posted to all addressees within the relevant centre be continued with some changes to focus. Only Lindfield and Roseville remain to be completed.

This enables the establishment of a comprehensive database of interested people from which people can be drawn for further consultation and information provision.

A single workshop of 70 people is proposed in the development of a vision for each town centre which comprise 50 people randomly selected from the database and 20 positions left to a general expression of interest from interested parties.

Two email / web based surveys will be undertaken during each project to further gain input from the community prior to the formal exhibition of a draft LEP and DCP.

It is intended to provide more information and updates on the web including alerts to those on relevant databases. Planning Committee meetings are open to the public and this forms an additional opportunity for the community to receive information about each project and its progress.

A statutory process of exhibition and consultation is also undertaken for each centre once a draft LEP and DCP has been adopted for each centre.

A briefing on the programme has been provided to Councillors.

FINANCIAL CONSIDERATIONS

Additional staff and consultants are being sought to ensure resources are available for the completion of these projects. It is anticipated that costs will be contained within existing Planning Projects budgets identified for this work within the Management Plan.

Council has recently signed off on a Memorandum of Understanding to receive \$200,000 towards the cost of Council's Town Centres LEP which will eventually form the basis of a new comprehensive LEP for Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments involved in the development of plans for each Town Centre have been involved in the development of these timeframes.

SUMMARY

Council faces a challenging task to complete (to exhibition) six town centres by the end of this calendar year (2006).

A programme of work has been proposed that clearly outlines key dates and processes that will provide Council with the opportunity to meet the deadlines.

Additional resources, within available financial allocations are being engaged to deliver against the indicated programme.

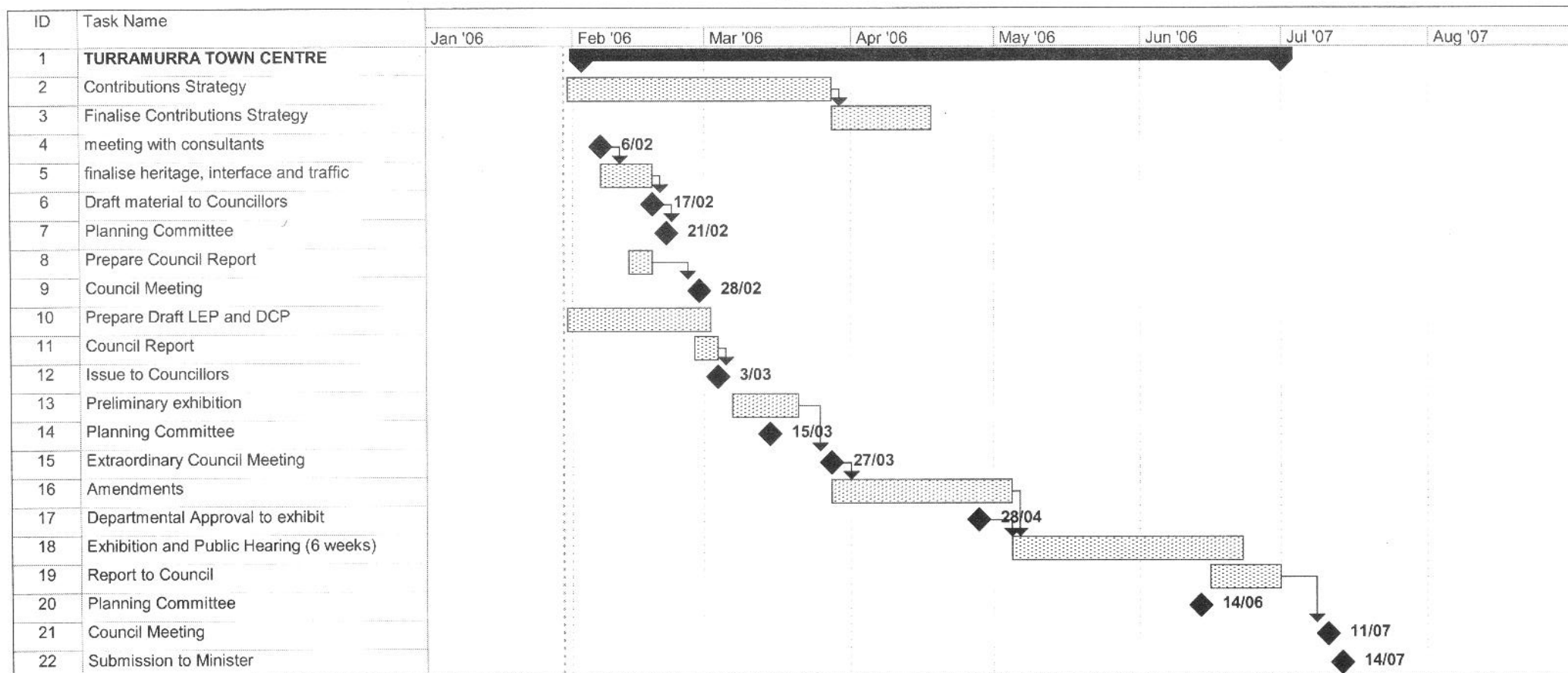
RECOMMENDATION

- A. Council adopts the timeframe and processes outlined in the Report for the completion of Town Centre Planning.
- B. That an extraordinary meeting of Council be held on 27 March 2006 to consider amendments to the Town Centres LEP which encompass proposals for Turrumurra Centre.

Antony Fabbro
Manager Urban Planning

Steven Head
Director Open Space & Planning

Attachments: Overview of the proposed Work Programme - 577520



Project: Turramurra Project Plan 2701
Date: Mon 30/01/06

Task



Milestone



External Tasks



Split



Summary



External Milestone



Progress

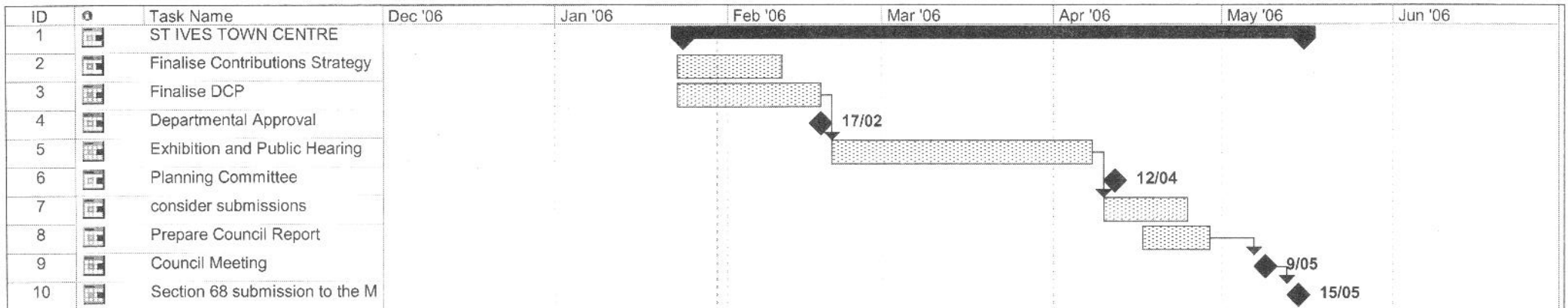


Project Summary



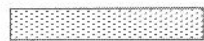
Deadline





Project: St Ives Project Plan 270106 a
Date: Mon 30/01/06

Task



Milestone



External Tasks



Split



Summary



External Milestone



Progress

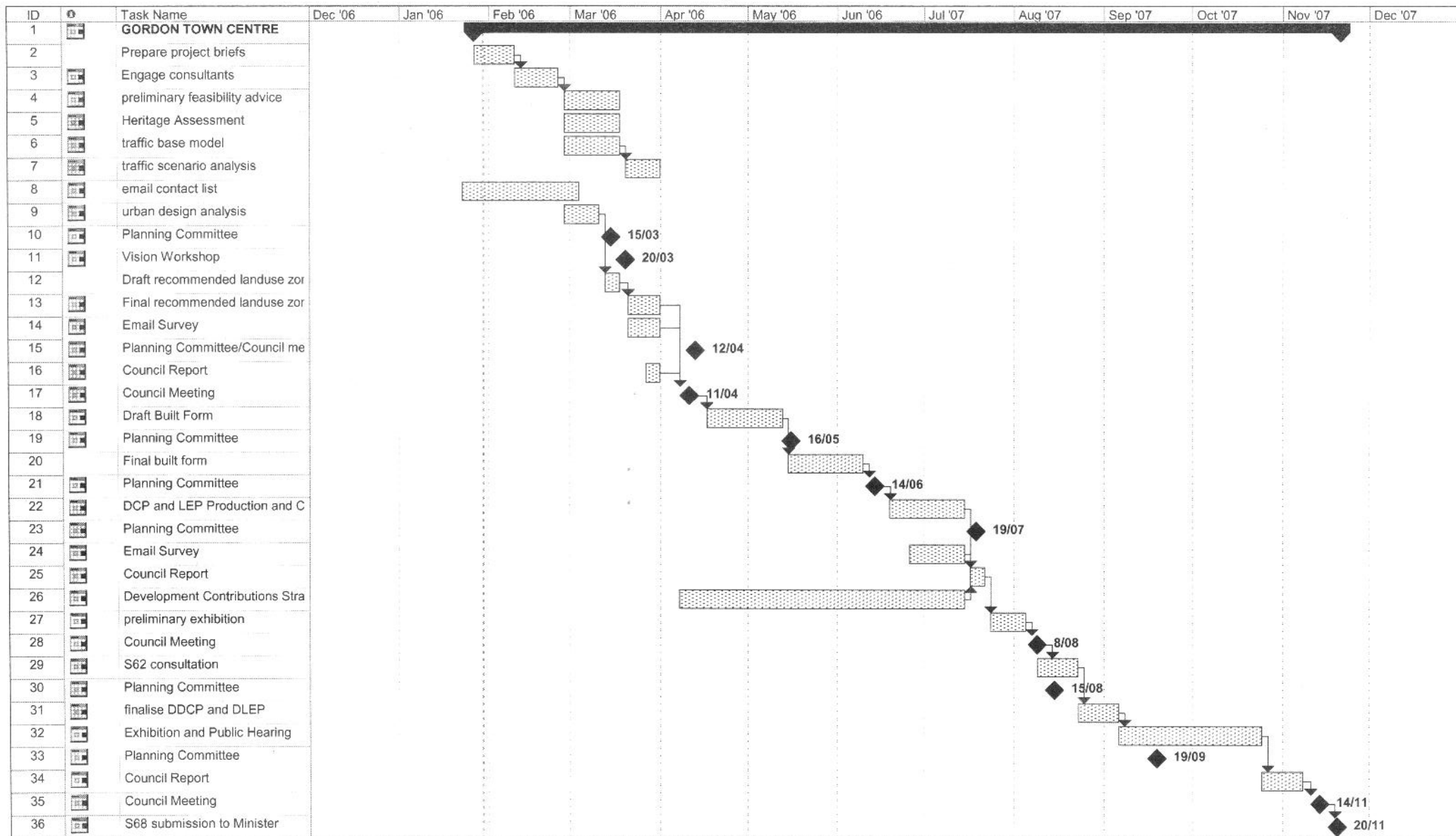


Project Summary



Deadline





Project: Gordon Project Plan 300106 a
Date: Mon 30/01/06

Task



Milestone



External Tasks



Split



Summary



External Milestone



Progress

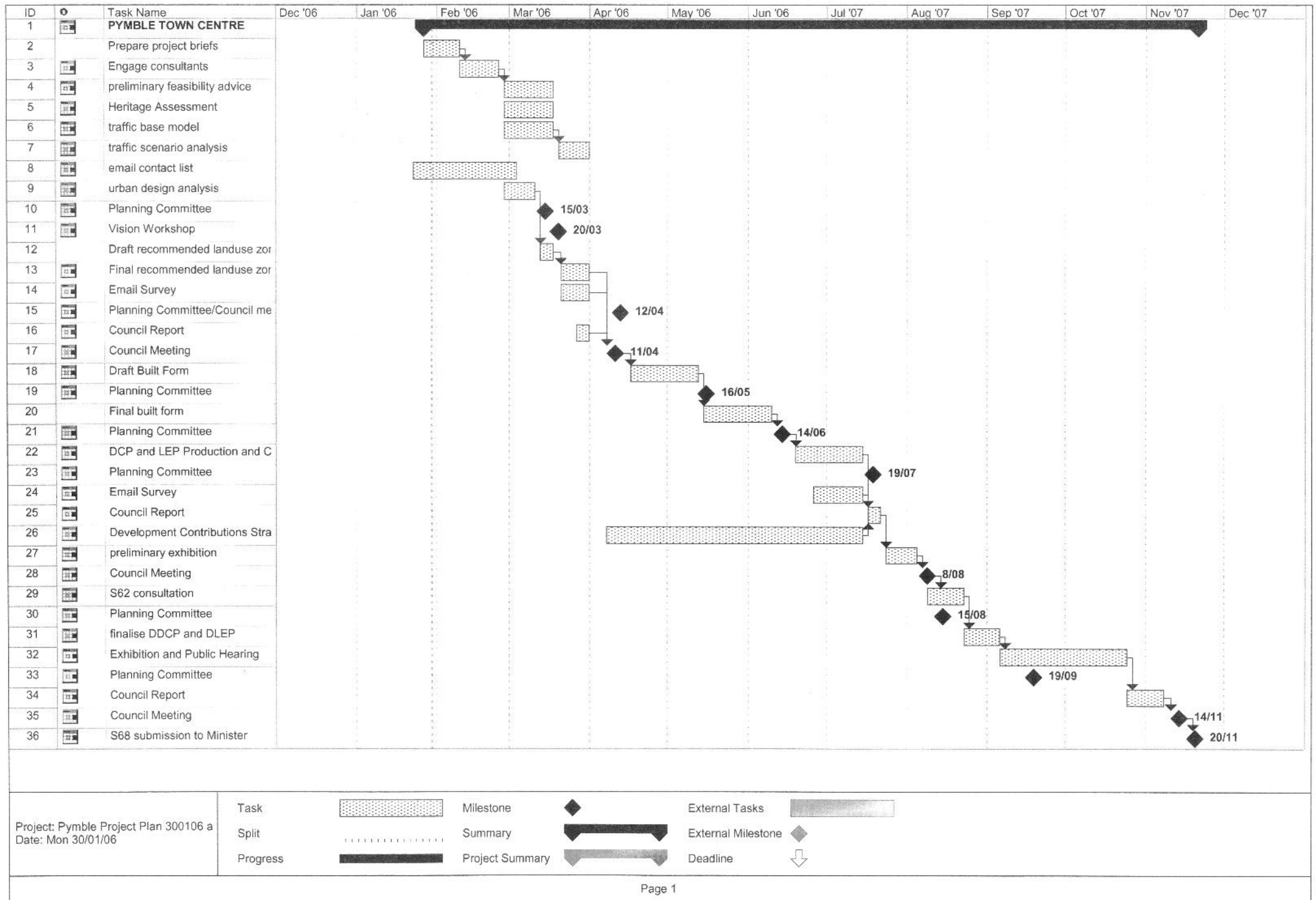


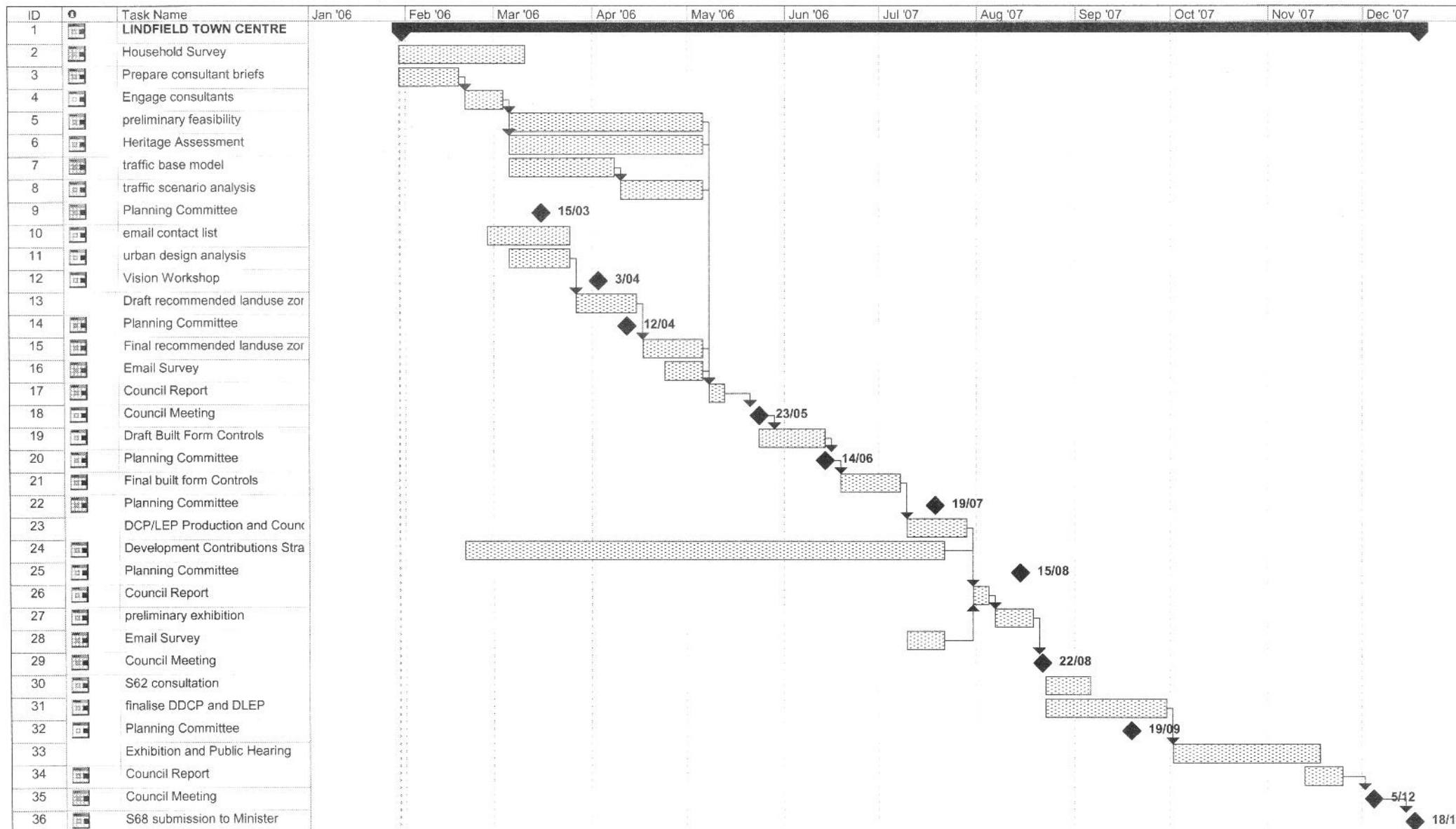
Project Summary



Deadline

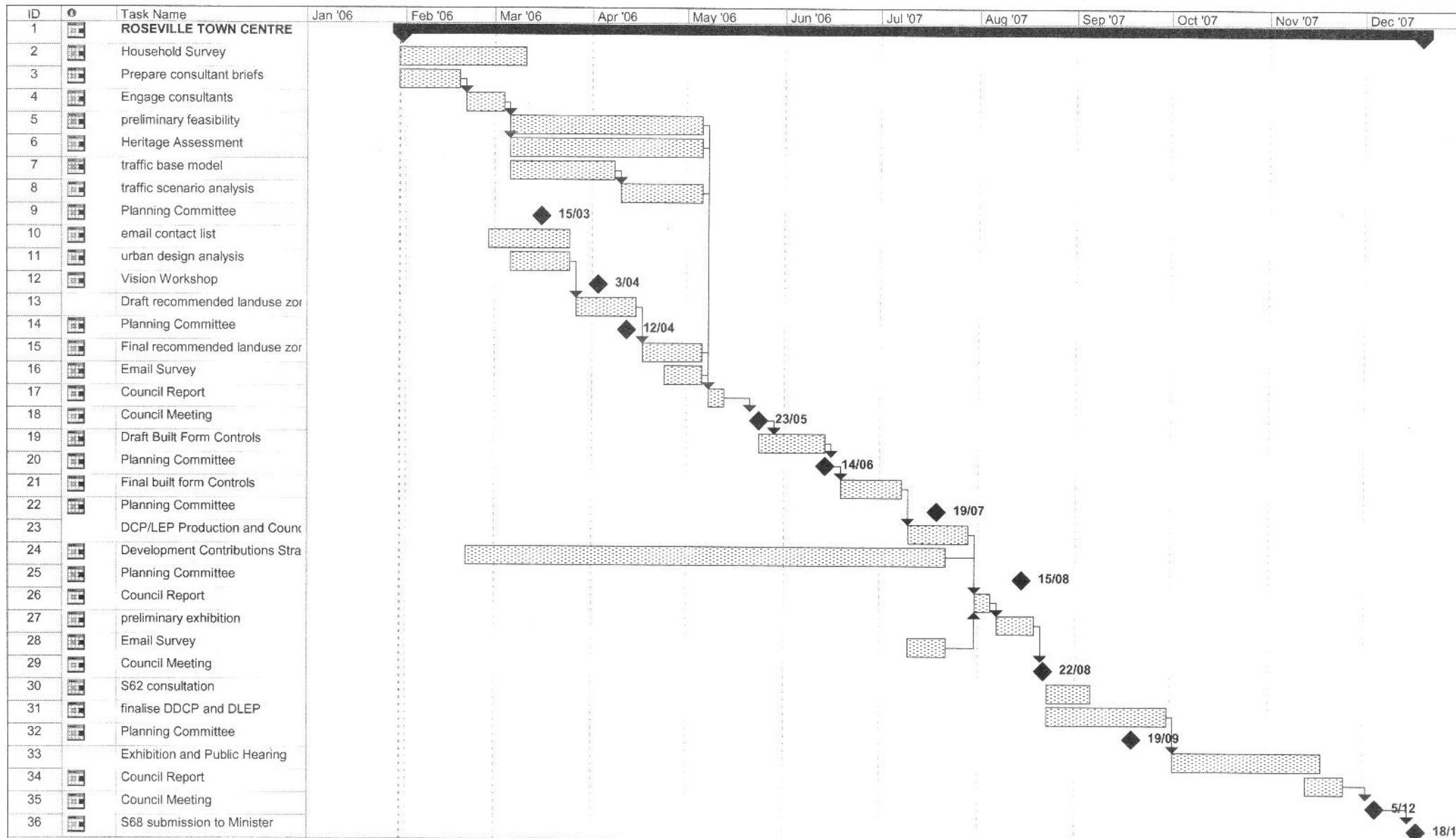






Project: Lindfield Project Plan 270106
Date: Mon 30/01/06

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	



Project: Roseville Project Plan 300106
Date: Mon 30/01/06

Task



Milestone



External Tasks



Split



Summary



External Milestone



Progress



Project Summary



Deadline



DRAFT AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO 28 - ADVERTISING SIGNS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

BACKGROUND:

Development Control Plan No 28 was adopted in March 1996. On 23 August 2005 Council resolved to review the DCP to ensure consistency with the adopted Dining and Footpath Trading Policy.

COMMENTS:

Amendments have been made to draft DCP 28 to ensure draft internal consistency, improved useability and consistency with other Council documents.

RECOMMENDATION:

That Council exhibit draft Development Control Plan No 28 - Advertising Signs for a period of 28 days and that a report be brought to Council following the exhibition.

PURPOSE OF REPORT

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

BACKGROUND

Development Control Plan No 28 – Advertising Signs (DCP 28) was adopted on 27 March 1996. On 23 August 2005, Council resolved to adopt a new policy on outdoor dining and footpath trading. In order to ensure consistency between Council's documents it was also resolved to review DCP 28.

COMMENTS

A new section (see Section 7) has been inserted into DCP 28 containing controls for advertising on outdoor dining furniture and footpath trading equipment. The controls bring DCP 28 into line with Council's Policy on outdoor dining and footpath trading. They permit business identification in most circumstances but do not permit third party advertising except on furnishings, utensils and the like. If business identification signs are to be employed on planter boxes, draft DCP 28 requires that they be fully incorporated into the design of the planter boxes.

Several definitions have also been added, including: "furnishing", "business identification" and "third party advertising"

The document has also been amended to improve format, clarity, internal consistency and overall useability as it has not been reviewed since its original adoption in 1996. A copy of the original 1996 DCP is also attached. Note: No formal changes to the overall DCP are proposed. These will be considered in detail under the Comprehensive DCP process. Advertising and signage is also covered in Council's standard LEP Template and DCP for the Town Centres and these controls will apply to each centre as adopted.

CONSULTATION

The amendments to DCP 28 are consistent with Council's adopted Outdoor Dining and Footpath Trading Policy, for which considerable consultation was undertaken. A major review of the Advertising DCP will be undertaken as part of Council's comprehensive DCP.

FINANCIAL CONSIDERATIONS

Council costs relate primarily to staff time required in reviewing the document and are covered by the Planning Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments was not considered necessary as the amendments are consistent with an adopted Council policy for which considerable consultation was undertaken.

SUMMARY

Draft DCP 28 has been prepared in accordance with Council's resolution of 23 August 2005 to amend Development Control Plan No 28 – Advertising Signs for consistency with Council's Outdoor Dining and Footpath Trading Policy.

The amendments proposed also improve the overall useability of the document.

RECOMMENDATION

- A. That Council exhibits draft Development Control Plan No 28 – Advertising Signs for a period of 28 days in accordance with the provisions of the EP&A Act.
- B. That a report be brought to Council following the exhibition.

Antony Fabbro
Manager
Urban Planning

Steven Head
Director
Open Space and Planning

Attachments:

- 1. Draft Development Control Plan No 28 - 577435**
- 2. Original DCP No. 28 - adopted March 1996 - 577734**

Ku-ring-gai Council
Development Control Plan No. 28

Advertising Signs

Adopted by Council: XX XXXXXXX 2006

Effective: XX XXXXXXX 2006

DRAFT

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DRAFT

Introduction

1.1 Name of this DCP

This plan is known as “Development Control Plan No 28 – Display and Erection of Advertisements and Advertising Structures”.

1.2 Commencement Date

This Development Control Plan (DCP) was adopted by Council resolution on _____ 2006 and came into effect on _____ 2006.

1.3 Land to which this Plan applies

This plan applies to all land within the Local Government Area of Ku-ring-gai including land under the care, control or management of State or Federal Government Bodies.

1.4 Objectives

- a) Preservation and enhancement of the predominantly residential character of the Ku-ring-gai area.
- b) An appropriate balance between the established streetscape character and the commercial need to advertise goods and services.
- c) Advertisements and advertising structures that are compatible with the architectural style of the built environment.
- d) Advertisements and advertising structures that do not disrupt vehicular or pedestrian traffic flow.

1.5 Relationship to other planning instruments

This DCP is created under Council's principle environmental planning instrument, the *Ku-ring-gai Planning Scheme Ordinance* (KPSO).

1.6 Advertising signs that require approval

All proposals for advertising and advertising structures must be submitted to Council for assessment as a development application unless the advertising / advertising structure is **exempt or complying development** under the KPSO.

Note 1: Some advertising signs may also require building approval under Section 68 of Chapter 7 of The Local Government Act 1993.

Note 2: Applications granted consent by Council do not exempt the applicant from compliance with other statutory requirements.

1.7 Making an application

Development applications should be prepared in accordance with Council's Development Application (DA) Guide. All applications for advertising and /or advertising structures should contain the following information:

-
- i. Precise location of the proposed signage.
 - ii. Type, nature and size of the sign.
 - iii. Purpose of advertising.
 - iv. If relevant, qualifications of the organisation being advertising as a local charitable or community service organisation.
 - v. If temporary or part-time, the time(s) and date(s) of their erection.

1.8 Definitions

Above-awning sign means a sign attached to the upper side of an awning (other than the fascia or return end).

Advertising panel means any advertising structure other than those defined in this DCP which is not illuminated, including a hoarding, bulletin board or billboard.

Business identification sign means a sign or a logo that identifies the nature of the business carried out by the person or business, at the premises or place at which the sign or the logo is displayed, but does not include third-party advertising.

Floodlit means illumination by an external source of artificial light.

Flush wall sign means a sign other than a hoarding that is attached to the wall of a building which does not project horizontally more than 50mm from the wall.

Furnishing means furniture, appliances and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.

Illuminated sign means any sign that is internally illuminated.

Pole or pylon sign means a sign that is erected on a pole or pylon independent of any building or other structure.

Projecting wall sign means a sign that is attached to the wall of a building (other than the transom of a doorway or display window), that projects more than 50mm from the wall to which it is attached and that has a width greater than its height.

Roof sign means any sign displayed above the on the roof or parapet of a building.

Third party advertising means any advertising other than that which identifies the business undertaken at the subject premises.

Top hamper sign means a sign that is attached to the transom of a doorway or display window of a building.

Under-awning sign means a sign that is attached to underside of an awning (other than the fascia or return end).

2 General Controls

- a) The advertising sign must comply with all relevant provisions of:
 - *State Environmental Planning Policy No. 64 – Advertising and Signage*;
 - the *Environmental Planning and Assessment Act 1979*;
 - the *Ku-ring-gai Planning Scheme Ordinance*; and
 - the *Local Government Act 1993*.

-
- b) The advertising must be of a design that is in sympathy with the character of the building to which they are affixed.
 - c) The proposed advertising must not be the dominant visual element on the subject building, group or buildings or streetscape.
 - d) Advertising affixed to heritage items or located within heritage conservation areas must complement and enhance the visual quality of the building and streetscape.

3 Advertising Structures

Note: The following advertising styles are considered to be inappropriate and are discouraged by Ku-ring-gai Council:

- flashing signs, moving signs, balloon signs or the like
- signs advertising an activity or trade other than that associated with the building to which the sign is attached
- sandwich boards
- hoarding signs, painted bulletins, stickers, or advertisements in the nature of posters other than those described in this DCP
- any advertisement that would, in the opinion of Council be unsightly, objectionable, or injurious to the amenity of any streetscape, landscape, foreshore, public reserve or public place
- painted window or wall signs above awning height
- the painting of buildings in corporate colours
- signs on stationary vehicles used principally for the purpose of advertising
- fluorescent colours
- all signage in residential areas not specified in this DCP

3.1 Under-awning signs

Not more than one under-awning sign may be erected per business / shop and under-awning signs:

- a) must not exceed 2.5 metres in length and must not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building;
- b) must not exceed 0.3 metres in depth;
- c) must be not less than 2.6 metres from existing ground level at any point.
- d) must be erected at right angles to the property boundary of the building to which the awning is attached;
- e) must be located within 3.0 metres of the centre of the building façade;

3.2 Above-awning signs

Above-awning signs may only be erected where they are compatible with the building style and locality, and where:

- a) they are parallel to the fascia or return end of the awning;
- b) they do not project beyond the edge of the awning;
- c) if lettering is of a skeleton style, they
 - do not exceed 0.9 metres in height, and

- have a base that is affixed directly to the awning and that is not more than 0.2 metres in height; and
- d) if lettering is of a solid style, they
 - have a maximum advertising area of 2.2m²
 - have a maximum height of 1.5 metres, and
 - the base of the lettering is not more than 2.4 m above the roof of the awning.

3.3 Top hamper signs

Top hamper signs

- a) must not extend more than 3.7m above the ground; and
- b) must not project more than 150mm beyond the face of the shop front and/or the building alignment.

3.4 Pole and pylon signs

Pole and pylon signs:

- a) must not project over any road;
- b) must not be less than 2.6 metres from existing ground level at any point;
- c) must have a maximum advertising area of not more than 4m² on any single face; and
- d) must not be more than 6m above the existing ground level at any point.

3.5 Flush Wall Signs

Flush wall signs:

- a) must not project above the top of the wall to which they are attached;
- b) must not extend above awning height; and
- c) must be of a size and shape that relate to the architectural design of the building to which they are attached.

3.6 Projecting Wall Signs (Vertical)

Where the height of a projecting wall sign is greater than its width, the projecting wall sign:

- a) must project from the wall to which it is attached in accordance with the following scale:

Height of advertising sign base	maximum allowable projection
2.6 – 3.7 metres above ground level	0.5 metres
3.7 – 4.6 metres above ground level	0.75 metres
> 4.6 metres above ground level	1.0 metres

- b) must not project above the top of the wall to which it is attached;
- c) must be at least 2.6 metres above the ground; and
- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.

3.7 Projecting Wall Signs (Horizontal)

Where the height of a projecting wall sign is less than its width, the projecting wall sign:

- a) must be erected at right angles to the wall of the building to which it is attached;
- b) must be at least 2.6 metres above the ground level at every point.
- c) must project from the wall to which it is attached in accordance with the following scale:

Height of advertising sign base	maximum allowable projection
2.6 – 3.7 metres above ground level	0.5 metres
> 3.7 metres above ground level	0.75 metres

- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.
- e) must have a projection not greater than 3.0 metres.

3.8 Roof signs

Applications for roof signs will be considered on merit.

3.9 Advertising Panels

- a) Newsagents' headline advertising in the form of placards, posters of headlines and the like etc must be in frames fixed to the facade of the subject premises.
- b) All ancillary advertising for charitable functions and Christmas and New Year decorations and the like, shall be subject to Council approval prior to display.

3.10 Floodlit Signs

- a) Floodlit signs which project over public roads must not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

3.11 Illuminated Signs

- a) Where illuminated signs are located within 61.0 metres of a traffic control signal, the advertising sign must not have lighting coloured red, amber, green or blue unless:
 - permission has been granted by the Roads and Traffic Authority, and
 - the sign is not less than 9.0 metres above road level.
- b) Illuminated signs located within 122 metres of a traffic control signal where by reason of a grade or curve the signs would be in line with a driver's vision of the signal or where, within this distance, the signs could be interpreted on approach as traffic control signals may only be erected with permission from the Roads and Traffic Authority.

4 Controls for advertising in business centres

4.1 General

- a) Signs must be designed with regard to the history and period of the buildings to which they are affixed.
- b) Above-awning signs must of a design that is appropriate to the building style and surrounding townscape elements.

4.2 Shop front signs

- a) All shop front signs must be located at or below the level of the awning.

4.3 Fascia signs

- a) Fascia signs must be professionally produced painted, screen printed or other flush wall signs.

4.4 Upper-fascia and above-awning signs

- a) Upper fascia and above-awning signs must be lettering on windows only with a maximum letter height of 300mm.
- b) Panels attached to the upper fascia or above the awning must not exceed more than 25% of the upper fascia / above-awning wall area.
- c) The signs must not be illuminated.

5 High Rise/Corporate Centres

- a) Signage on high rise and corporate centres must be corporate logos only on the frontage of the building.
- b) The area of the signs shall not exceed 25% of the solid wall area of the face upon which they are displayed of the top-most level.

Note: The solid wall area excludes glazed areas.

- c) Illuminated signs located in residential areas must be fitted with automatic timing devices to ensure that they may be set to minimise disturbance to residents.

6 Service Stations

- a) Pole, emblem and price signs must not be greater than 6.0 metres in height as measured from ground level.
- b) All signs must be wholly contained within the allotment.
- c) The total area of all signage on the property must not exceed 1m² per 3m of the primary road frontage.
- d) Canopy fascia signs must contain trade name details and corporate identification only.
- e) Subsidiary signs must be of a number, size and style that is compatible with the size of the operation as determined by Council.
- f) Illuminated and floodlit signs may only operate during approved trading times.

7 Advertising on Outdoor Dining Furniture or Footpath Trading Activities

Advertising associated with outdoor dining furniture or footpath trading activities must comply with the following controls:

- a) Advertising on furnishings other than business identification must not exceed third party advertising of one business other than the primary business at the premises.

-
- b) If business identification is used on planter boxes, the advertisement must be fully incorporated into the design of the planter boxes.
 - c) Display stands used in footpath trading areas must not contain third party advertising.

Note: Business identification is permitted on display stands.

8 Home occupation identification signs

Signs erected to identify home occupation businesses do not require consent from Council if they comply with Council's exempt development provisions.

9 Residential Identification Signs

Residential identification signs do not require development consent from Council if they comply with Council's exempt development provisions.

10 Temporary Signs

10.1 Real Estate Signs

- a) Not more than one real estate sign per real estate agency may be erected on any frontage of any premises.
- b) The real estate signage must advertise only the premises and/or land to be sold or leased.
- c) All signs are to be removed within fourteen (14) days of sale or auction of the property.
- d) The size of internally illuminated signboards is not to exceed:
 - i. 1.15 m² where residential premises are being advertised for sale (other than sale by auction) or rent;
 - ii. 2.25 m² where residential premises are being advertised for sale by auction;
 - iii. 4.5 m² where commercial and industrial premises are being advertised.

Note: Illuminated signs must be fitted with automatic timing devices to ensure a maximum illumination period of four hours from dusk.

Note: All Real Estate advertising signs not complying with this plan may be:

- impounded by Council.
- held by Council for seven (7) days after the advertiser or agent has been notified in writing Council has impounded the sign.
- be made available to the advertiser or agent upon payment of all costs associated with the impounding with a minimum fee of \$50.00 per sign being payable.

Signs not recovered within the seven (7) day period may be disposed of at Council's discretion. Where the advertiser or agent fails to recover signage Council may still seek to recoup any cost incurred.

10.2 Sporting and Special Events Signs

Signs for sporting and special events such as cultural and entertainment activities will be considered by Council on individual merit. Council recognises these activities as an important element in community use of commercial precincts and special consideration will be given to permit departures from provisions of this plan provided that such departures do not significantly impact on the locality.

-
- a) Signage must be displayed for a period not greater than fourteen (14) days prior to the event and must be removed on the day following the event.
 - b) Not more than two (2) organisations' advertising may be displayed at any one (1) set of approved banner poles.
 - c) The advertising must be that of recognised local organisations or organisations of a charitable or community service nature.

Note: All unauthorised advertising will be impounded by Council.

10.3 Other Advertising

- d) Council may grant consent to other advertising structures not described in this Plan provided that they are temporary advertising only.
- e) Temporary signs to which Council grants consent under this section may not be erected for a period of more than two (2) months.

11 Maintenance

- f) A sign shall not be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.
- g) All signs shall be maintained to the satisfaction of Council at all times.



ADVERTISING SIGNS

DEVELOPMENT CONTROL PLAN No. 28

**"DISPLAY AND ERECTION OF
ADVERTISEMENT AND ADVERTISING
STRUCTURES"**

AS ADOPTED BY COUNCIL ON 27 MARCH 1996

Certified on this SEVENTEENTH Day of APRIL 1996

I Glendinning
DIRECTOR
DEVELOPMENT CONTROL & HEALTH SERVICES

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

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DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

1. CITATION

This document may be cited as Development Control Plan No. 28 - Display and Erection of Advertisements and Advertising Structures.

2. LAND TO WHICH THIS PLAN APPLIES

This plan applies to all land within the Ku-ring-gai area.

3. AIMS AND OBJECTIVES

3.1 The general aims of the plan are:

- a. To provide guidelines for the erection and display of advertisements and advertising structures and to supplement the provisions of:
 - The Environmental Planning & Assessment Act, 1979 and Regulations.
 - The Ku-ring-gai Planning Scheme Ordinance, 1971.
 - The Local Government Act, 1993
- b. To maintain a balance between the established built form and character of the streetscape and commercial need to advertise goods and services.
- c. To preserve and enhance the predominately residential character of the Ku-ring-gai area.
- d. To ensure that advertisements and advertising structures erected or displayed do not unnecessarily intrude into and detrimentally effect the visual amenity of the area.
- e. To ensure that advertisements and advertising structures erected or displayed are compatible with the architectural styles of the building and compatible with the adjoining built environment.
- f. To ensure that advertisements and advertising structures do not disrupt vehicular or pedestrian traffic flow.
- g. To assist developers, applicants and the community in becoming aware of the philosophies and objectives of Council and enable Council's Officers to provide accurate and consistent advice to the community.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

4. RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENT

The erection and display of advertisements and advertising structures are permissible only with development consent except where specifically exempted by Clauses 13 and 14.5.

Note: Some signs may also require building approval under Section 68 of Chapter 7 of The Local Government Act, 1993. Council's application form will be a combined development/ building application and one consent will be issued on successful applications.

5. APPLICATION OF DEVELOPMENT CONTROL PLAN

- 5.1 This plan will be considered by Council in assessing all applications for consent to erect or display an advertisement or advertising structure.
- 5.2 The provisions of this plan have been drafted to reflect the aims and objectives set out above regarding the range of sign types which may be erected or displayed on premises with particular uses.
- 5.3 Compliance with the plan does not necessarily imply that approval will be given to any application. Each application will be considered on its own merits having regard to the heads of consideration pursuant to Section 90 of the Environmental Planning and Assessment Act, 1979.

6. AMENDMENT TO THE DEVELOPMENT CONTROL PLAN

This plan may be amended from time to time by the Council. Proposed amendments are required to be advertised and exhibited in draft form and submissions will be considered by Council, before any consideration is adopted.

7. APPLICATIONS

- 7.1 All applications for permission to erect an advertising structure in the Ku-ring-gai area shall be generally in accordance with the requirements of this Development Control Plan.
- 7.2 The approval of Council is to be obtained prior to the erection of an advertising structure or display of an advertisement on any land within the Ku-ring-gai area including land under the care, control or management of Statutory Authorities, State or Federal Government Bodies.
- 7.3 Applications shall be made in writing on the prescribed application form to the General Manager and accompanied by the prescribed fees in accordance with the scale of fees adopted by Council.
- 7.4 Applications approved by Council do not exempt the obligation of the advertiser to comply with other statutory requirements, eg, Roads & Traffic Authority, Sydney Electricity.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

- 7.5 Any person aggrieved by the decision of Council in relation to a specific application has a right of appeal to the Land and Environment Court within twelve (12) months after the receipt of notice of Council's determination of the application.

8. CRITERIA FOR CONSIDERATION

- 8.1 In particular, but without limitation, the Council shall consider the following matters when determining an application to erect or display an advertisement or advertising structure.

- a. The class of advertising structure, eg. awning sign, fascia sign, roof sign, pole or pylon sign etc.
- b. The siting, location, size, colour, materials and wording of the proposed structure and the number of advertising structures proposed.
- c. The architectural qualities, appearance and visual impact on the local environment.
- d. Purpose of the sign (identity or advertisement).
- e. The multiplicity of existing signs on the premises:

- 8.2 Compliance with the general aims of the plan and in particular:

- a. Advertisements should be designed in sympathy with the needs and character of the building to which they are to be affixed. Different type of signs are described in Schedule 1 of this plan.
- b. Advertising signs should not become the dominant visual element on a building, a group of buildings or a streetscape.
- c. Special attention shall be taken in the design of signage on buildings that are listed as heritage items or that are within heritage conservation areas to ensure that they compliment and enhance the visual quality of the building and streetscape generally.

- 8.3 Compliance with this development control plan, the Environmental Planning and Assessment Act, 1979, and the Ku-ring-gai Planning Scheme Ordinance, 1971, and the Local Government Act, 1993.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

9. PROHIBITIONS

9.1 The following advertising structures and signs shall not be permitted:

- a. flashing signs, moving signs, balloon signs or the like, or any bunting, flag sign or those made of canvas, calico, textile or the like; (This does not prevent the approval of temporary banner signs under Clause 15).
- b. signs advertising an activity or trade other than that associated with the building to which the sign is attached;
- c. advertising structures of a portable nature such as sandwich boards or the like placed in, on or over a public place without the approval of Council in special circumstances;
- d. hoarding signs, painted bulletins or advertisements in the nature of posters, (except newsagents headline placards placed in accordance with Item 9 of Schedule 1) stickers affixed to the exterior of the building;
- e. any advertisement that would, in the opinion of Council be unsightly, objectionable, or injurious to the amenity of any streetscape, landscape, foreshore, public reserve or public place.
- f. painted wall signs above awning height.
- g. signage affixed to or attached to telephone booths, trees, poles, signs, shelters, sheds and the like.
- h. the painting of buildings in corporate colours.
- i. the erection and display of signage on land zoned open space unless otherwise approved by Council.
- j. signs on stationary vehicles used principally for the purpose of advertising.
- k. painted window signs above awning level.
- l. fluorescent colours on signs or buildings.
- m. All signage in residential areas except as permitted by Sections 13, 14 and 15 of this plan.

10. BUSINESS CENTRES

The following particular requirements for signage in business zones shall apply:

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

10.1 General.

Signs will be restricted to display at awning level or below. Consent may be granted for fascia signs, fascia return signs and border awning signs in accordance with Clause 10.5. Applicants are encouraged to provide signs that have regard to the history and period of the building. Illuminated non-flashing window signs are encouraged.

- 10.2** Above awning signs will be considered on their merits and will only be permitted where it is appropriate to the building style and surrounding townscape elements.

10.3 Shop Fronts

No painted window signs shall be permitted above awning level. Under awning signs, threshold and pavement signs are encouraged.

10.4 Fascias

Restricted to painted or other appropriate signs forms such as computer cut outs or screen printed signs, colours to be controlled.

10.5 Upper Fascia and Above Awning Height

Restricted to lettering on windows, maximum 300mm letter height. Applied panels which do not exceed more than 25% of the upper fascia wall area may be permitted. No illuminated signs allowed. Other signs appropriate to the period style of building will be considered on their merits.

11. HIGH RISE/CORPORATE CENTRES

- 11.1** Signage is restricted to corporate logo only to be erected on the frontage of the building. The area of the sign shall not exceed 25% of the solid wall area of the face upon which it is displayed of the top most level. Solid wall area excludes glazed areas.

- 11.2** Illuminated signs may be considered subject to specific controls such as automatic timing devices to limit impact to adjoining residential properties.

12. SERVICE STATIONS

The following particular requirements shall apply to service station signage.

12.1 Pole Signs - Emblem/Price Signs.

- 12.1.1** The top of the sign or pole shall not be higher than 6000mm above ground level.


- 12.1.2** The sign shall be totally contained within the allotment.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

- 12.2 Total sign area for the site is not to exceed an area in total calculated to a ratio of 1m^2 over 3m of lineal frontage to the primary street/road.
- 12.3 Canopy fascia signs to be limited to trade name details and corporate identification.
- 12.4 Subsidiary signs to be of a number, size and style compatible with the size of the operation to the satisfaction of Council. All subsidiary signage to be included in any application to Council.
- 12.5 Illuminated signs and floodlighting of work and service areas are not to be used outside of approved trading times.

13. "AS OF RIGHT" SIGNS IN RESIDENTIAL ZONES -

Signs on residential premises shall be restricted to -



Commercial signs for professional or trade purposes with respect to home occupations on residential premises are restricted to one (1) single posted signs with a surface area of not more than 0.24m^2 (600mm x 400mm) and a maximum height of 1.5 metres above nature ground level. ~~Signs on residential premises should be parallel to the street alignment and placed wholly within the boundaries of the allotment.~~

Sign colours should be subdued and sensitive to the surrounding environment.

Commercial signs as described above are 'as of right' signs and do not require approval.

Signs displayed by building contractors pursuant to Council building conditions are 'as of right' provided the signs conform to the specifications above.

14. TEMPORARY SIGNS - REAL ESTATE SIGNS.

- 14.1 Only one sign per real estate company may be erected on any frontage of any premises.
- 14.2 All signage to be erected within the confines of the property to which it refers. Bunting and sandwich boards may be used on the day of sale by auction provided that they are within the property and promptly removed after the sale.
- 14.3 The size of internally illuminated or non illuminated signboards is not to exceed: .
- 14.3.1 On residential premises advertising the proposed sale or letting, 1.22m in length and 0.915m in height or equivalent area.
- 14.3.2 On residential premises advertising the proposed sale by auction, 1.83m in length and 1.22m in height or equivalent area.

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- 14.3.3** On commercial and industrial premises 2.44 metres in length and 1.83 metres in height or equivalent area.

Note: Internally illuminated signs shall be time switched to provide a maximum period of illumination of four hours from dusk.

- 14.4** The erection of signs on telegraph poles, street trees, sign posts, road traffic facilities or the like, is prohibited.
- 14.5** Real estate signs conforming with Clauses 14.2 and 14.3.1 to 14.3.3 do not require an application for approval.
- 14.6** Real estate signs (such as double sided above awning signs, floodlit signs or oversize signs) which do not fall into the categories listed in Clauses 14.3.1 to 14.3.3 require approval as temporary signs under Clause 16.
- 14.7** All signs are to be removed within ten (10) days of sale or auction of the property and in no instance is any sign to be used for general advertising.
- 14.8** All Real Estate advertising signs not complying with this plan may be:
- 14.8.1** Impounded by Council.
 - 14.8.2** Held by Council for seven (7) days after the advertiser or agent has been notified in writing Council has impounded the sign.
 - 14.8.3** Be made available to the advertiser or agent upon payment of all costs associated with the impounding with a minimum fee of \$50.00 per sign being payable.
 - 14.8.4** Signs not recovered within the seven (7) day period may be disposed of at Council's discretion.
 - 14.8.5** Where the advertiser or agent fails to recover signage Council may still seek to recoup any cost incurred.

15. TEMPORARY SIGNS - SPORTING, CULTURAL AND ENTERTAINMENT ACTIVITIES

Sporting, cultural and entertainment activities will be dealt with on individual merit. Council recognises these activities as an important element in community use of commercial precincts and special consideration will be given to permit departures from provisions of this plan provided that such departures do not significantly impact on the locality. This may include banner type signs.

- 15.1** Signs must not be displayed without the approval of Council being obtained before hand. No application fee is prescribed for genuine non commercial advertising of cultural or community entertainment activities.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

15.2 All applications should contain the following information:

15.2.1 Precise location of the proposed signage.

15.2.2 Type and nature of the sign.

15.2.3 Purpose of advertising.

15.2.4 Qualifications of the organisation as a local charitable or community service organisation.

15.2.5 Time of display.

15.3 Signage may only be displayed for a period of not more than fourteen (14) days prior to the event and to be removed on the day following the event.

15.4 A maximum of two (2) organisations will be permitted to display signage at any one (1) location.

15.5 A maximum of four (4) locations within the Ku-ring-gai area maybe approved for display of signage by any one (1) organisation or event.

15.6 Approval may only be granted for display of advertising be recognised local organisations of a charitable or community service nature.

15.7 All unauthorised advertising will be impounded by Council.

16. OTHER TEMPORARY ADVERTISING STRUCTURES

16.1 Council will be prepared to permit in exceptional circumstances signs not otherwise conforming in this plan subject to those signs being approved as temporary advertising structures.

16.2 Temporary signs shall not be erected or displayed on private land or public land to be visible from a public place unless a written application has been made to Council and a written approval issued.

16.3 Any conditions of the Council on approvals for temporary advertising structures shall be complied with or the approval will be cancelled by notice in writing and the sign removed within the time specified by the notice.

16.4 An approval for a temporary sign shall not exceed two (2) months duration and shall be subject to renewal at the expiry of that period.

16.5 An application fee as prescribed shall accompany each application.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

17. MAINTENANCE

17.1 A sign shall not be altered in any way (except for removal) after approval unless permission in writing for such alteration is obtained beforehand from Council.

17.2 All signs shall be maintained to the satisfaction of Council at all times.

18. SPECIFICATIONS AND CONDITIONS

18.1 All signs shall satisfy the specific requirements relating to advertising structures as described in Schedules 1 and 2 of this plan.

19. EXISTING NON-CONFORMING SIGNS

Owners/occupiers of premises displaying existing signs or advertising structures which do not comply with the standards adopted by this plan are encouraged to amend or alter their advertisements in compliance with the plan.

Adopted by Resolution of Council 2 April 1996

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

SCHEDULE 1

CLASS & DESCRIPTION OF ALLOWABLE ADVERTISING STRUCTURES

ITEM	CLASS OF ADVERTISING STRUCTURE	DESCRIPTION OF ADVERTISING STRUCTURE
Item 1	Under Awning Sign	Attached to underside of an awning (other than the fascia or return end).
Item 2	Above Awning Signs	Advertisements displayed above awnings.
Item 3	Top Hamper Sign	Attached to the transom of a doorway or display window of a building.
Item 4	Pole or Pylon Sign	Erected on a pole or pylon independent of any building or other structure.
Item 5	Flush Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window) and not projecting horizontally more than 0.3 metres from the wall.
Item 6	Projecting Wall Sign (Vertical)	Attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3 metres from the wall and having a height greater than its width.
Item 7	Projecting Wall Sign (Horizontal)	Attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3 metres from the wall and having a width greater than its height.
Item 8	Roof sign	Any sign displayed on the roof of a building.
Item 9	Advertising Panel	Any other advertising structure which is unilluminated, including a hoarding or bulletin board.
Item 10	Floodlit Sign	Illuminated (as to any part of the advertising area) by an external source of artificial light and whether or not included in any other class of advertising structure.
Item 11	Illuminated Signs	Any sign internally illuminated.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

**SPECIFIC REQUIREMENTS RELATING TO
ADVERTISING STRUCTURES**

ITEM 1 - UNDER AWNING SIGNS

(Advertisements displayed under awnings)

Under awning signs -

- a. Shall not exceed 2.5 metres in length.
- b. Shall not exceed 0.3 metres in depth.
- c. Shall be erected approximately horizontal to the ground and at no point less than 2.6 metres from the ground.
- d. Unless the Council otherwise approves, shall be erected at right angles to the building to which the awning is attached.
- e. Shall not project beyond the edge of the awning except in the case of an awning wholly within the boundaries of the allotment occupied by the building.
- f. Unless the Council otherwise approves, only one (1) under awning sign per shop front is permitted and shall have its centre at least 3.0 metres from the centre of any other awning sign to which this item applies.

ITEM 2 - ABOVE AWNING SIGNS

(Advertisements displayed above awnings)

Shall only be permitted in particular circumstances where Council is satisfied that the signage is appropriate having regard to the building style and its location.

The above awning sign shall:

- a. Be parallel to the fascia or return end of the awning.
- b. Shall not project beyond the edge of the awning.
- c. Where a skeleton letter type, shall not exceed 0.9 metres in height.
- d. Where of a skeleton letter type, shall have a base -
 - (i) affixed directly to the awning; and
 - (ii) not exceeding 0.2m in height;
- e. Where of a solid type, shall have a maximum advertising area of 2.2m²; and
- f. Where of a solid type, shall not -

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

- (i) exceed 1.5m in height; or
- (ii) be more than 2.4m above the roof of the awning.

ITEM 3 - TOP HAMPER SIGNS

(Attached to the transom of a doorway or display window of a building)

A top hamper sign

- (a) Shall not extend below the level of the head of the doorway or window above which it is attached, and
- (b) Shall be not more than 3.7m above the ground.
- (c) The lettering to project not more than 150mm beyond the face of the shop front and/or the building alignment.

ITEM 4 - POLE OR PYLON SIGNS

(Erected on a pole or pylon independent of any building or structure)

A pole or pylon sign shall be considered by Council on its individual merits and, subject to approval by Council -

- (a) Shall not project over any road alignment.
- (b) Shall not be less than 2.6m above the ground.
- (c) Shall have a maximum advertising area of 4m² on each face.
- (d) Shall not be more than 6m above the ground.

ITEM 5 - FLUSH WALL SIGNS

- a. Where it is illuminated, shall not be less than 2.6 metres above the ground.
- b. Shall not extend laterally beyond the wall of the building to which it is attached.
- c. Shall not project above the top of the wall to which it is attached.
- d. Shall not extend above awning height.
- e. For flush wall signs above awning height in compliance with Clause 10.3.

ITEM 6 - PROJECTING WALL SIGNS (VERTICAL)

Where the height of a projecting wall sign is not less than its width, the projecting wall sign -

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

- a. May project from the wall to which it is attached in accordance with the following scale:

Lowest part of sign Above ground Level	Maximum Allowable Projection
2.6 metres and not more than 3.7 metres	0.5 metres
Exceeding 3.7 metres and not more than 4.6 metres	0.75 metres
Exceeding 4.6 metres	1.0 metre

- b. Shall not project above the top of the wall to which it is attached.
- c. Shall be at least 2.6 metres above the ground.
- d. Unless the Council otherwise approves, shall not extend or project beyond a point 0.6 metres within the vertical projection of any kerb alignment.
- e. Shall not have an advertising area in square metres, greater than 0.5 times the distance measured in metres between the lowest part of the sign and the ground.
- f. Where the advertising area of the sign occupies more than three (3) faces of the sign, it shall have faces of equal dimensions.

ITEM 7 - PROJECTING WALL SIGNS (HORIZONTAL)

Where the depth of a projecting wall sign is not less than its width, the projecting wall sign -

- a. Shall be erected at right angles to the wall of the building to which it is attached.
- b. Shall be at least 2.6 metres above the ground.
- c. Shall have its maximum height determined in accordance with the following scale:
- | Lowest part of sign
Ground Level | Maximum
Depth |
|-----------------------------------------|------------------|
| 2.6 metres and not more than 3.7 metres | 0.5 metres |
| Exceeding 3.7 metres | 0.75 metres |
- d. Shall not project beyond a point within 0.6 metres of the vertical projection of the kerb alignment.
- e. Maximum projection 3000mm.

DEVELOPMENT CONTROL PLAN N° 28
Display and Erection of Advertisements and Advertising Structures

ITEM 8 - ROOF SIGNS

Generally not permitted, however applications shall be considered on individual merit and be of a size as approved by Council.

ITEM 9 - ADVERTISING PANELS

An advertising panel shall be considered by the Council on its individual merits.

NEWSAGENTS HEADLINE PLACARDS

- a. All placards posters of headlines etc must be in frames fixed to and not merely placed against the facade of the premises.

Ancillary Advertising

All ancillary advertising for charitable functions and Christmas and New Year decorations and the like, shall be subject to Council approval prior to display.

ITEM 10 - FLOODLIT SIGNS

Shall all be considered by Council on their individual merit.

- a. Any floodlit sign which projects over a public road shall not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

ITEM 11 - ILLUMINATED SIGNS

Restrictions on colours which may be used in close proximity to Traffic Control signals.

Signs employing red, amber, green or blue lighting effects shall not be erected in the following positions except with the written consent of the Roads and Traffic Authority.

- i. Within 61.0 metres of a traffic control light signal; except where the sign is erected at least 9.0 metres above road level. (NOTE - Council would not normally permit the erection of a sign at such a height above road level).
- ii. Within 122 metres of a traffic control signal when by reason of a grade or curve, the sign would be in line with a driver's vision of the signal; or where, within this distance, the sign may be interpreted as a traffic control signal whilst the driver is approaching.

17 TO 19 NEWHAVEN PLACE ST IVES - ALTER TERMS OF EXISTING COUNCIL'S DRAINAGE EASEMENT

Ward: St Ives

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request by the owner of 17-19 Newhaven Place, St Ives to alter the terms of the Council's drainage easement over the downstream property to permit discharge into a Council pipeline.

BACKGROUND:

The applicant intends to develop the property at 17-19 Newhaven Place, St Ives and was advised that the drainage easement (LD3733) which traverses the downstream property at No.30 Stanley Street, St.Ives, required to be amended as the property has no legal benefit to the easement to drain surface water. There is an existing physical connection of the stormwater system between the property and the easement.

COMMENTS:

No.30 Stanley Street is burdened by a Council's drainage easement and requires the terms to be amended. The owner's consent has been granted by virtue of 88B Instrument and Plan that was submitted. The documentation was reviewed by Council's solicitor and is considered satisfactory. The applicant has agreed to pay all Council's legal costs and disbursement

RECOMMENDATION:

That the proposal be approved subject to the conditions under recommendation A to D of this report.

PURPOSE OF REPORT

To consider a request by the owner of 17-19 Newhaven Place, St Ives to alter the terms of the Council's drainage easement over the downstream property to permit discharge into a Council pipeline.

BACKGROUND

The applicant intends to develop the property at 17-19 Newhaven Place, St Ives and has submitted a Development application No. DA1003/05 to Council. The DA assessment by Council's Development and Regulatory Services is not completed at this time.

A 375mm diameter Council stormwater pipeline is located within the easements along the western side boundary of No.15 Newhaven Place (LD4022) and No.30 Stanley Street, St Ives (LD3733), shown as **Attachment 1**. Street runoff from Newhaven Place enters a road pit outside No.15 Newhaven Place and is conveyed downstream to Stanley Street. The stormwater runoff from the subject site drains to the easement through an interallotment easement system along the rear boundary.

The applicant advised that the subject site does not have a legal benefit to the downstream drainage easement in No.30 Stanley Street as shown in the site plan **Attachment 2**.

Formalisation of the drainage easement will be a condition of approval for the submitted DA. The applicant has submitted the following documentation:

- Formal request to council to alter the terms of the council's easement over the downstream property.
- A signed document by the downstream property owner a 88B Instrument and Plan prepared by a licensed surveyor necessary for registration with Land Title Office.
- Written agreement to pay all legal costs necessary for the checking of all legal documentation by Council's solicitor.
- Application fee of \$375.

COMMENTS

Council's legal document LD 3733 reveals that the easement located downstream of the subject property within No.30 Stanley Street, St.Ives, was created to drain street water from Newhaven Place only. The subject property does not have a legal benefit to the easement.

The alteration of the term of easement only involved one downstream property of No.30 Stanley Street. The submitted signed document of the 88B Instrument and Plan is in accordance with Council's requirements. The altered terms of the easement will allow the easement to be used to drain surface and stormwater from Newhaven Place and any other property to which the Council may grant authority for connection. The existing 915mm width of the easement remains unchanged.

Item 15

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30 January 2006

This is considered acceptable as no new pipework will be constructed. The document has been reviewed and checked by Council's solicitor and is considered satisfactory.

A capacity check of the existing stormwater system within the easement is not required at this time. The study will be required when the DA is assessed and conditioned accordingly by the Development Engineer.

CONSULTATION

Technical Services has consulted with Council's solicitor Fox and Staniland in relation to the terms of the submitted legal documentation.

FINANCIAL CONSIDERATIONS

No community benefit results in approval to alter the terms of the easement and as such costs for legal, survey and council's administrative costs should be borne by the applicant. The applicant has provided written agreement to pay all costs associated with the altering of the terms of the drainage easement.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services have consulted with the Engineering Assessment Unit from Environment and Regulatory Services

SUMMARY

The applicant has submitted a development application No. 1003/05 to develop 17-19 Newhaven Place, St Ives. The DA assessment has not been completed.

The property currently drains stormwater through 30 Stanley Street via a 375mm pipe contained in a Council easement (LD 3733). Under the terms of this easement the subject site has no legal benefit. To rectify this, the applicant has submitted a formal request to alter the terms. A signed 88b Instrument and Deposit Plan has been submitted and is in accordance with Council's requirement.

RECOMMENDATION

- A. That Council grants approval to alter the terms of the Council Easement LD3733 burdening No.30 Stanley Street, St Ives.
- B. That authority be given to affix the Common seal of the Council to the appropriate instrument for the alteration of the easement.

Item 15

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30 January 2006

- C. That altering the terms of the Easement to Drain Water be carried out by the applicant's solicitor and all legal, survey and Council's administrative costs be borne by the applicant.
- D. That Council approves the connection of the stormwater drainage pipeline from 17-19 Newhaven Place, St Ives to Council's drainage easement.

Eng Tan
Drainage Assets Engineer

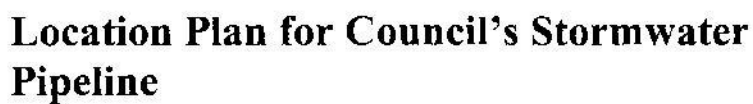
Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments:

- 1. Council's Stormwater System - 574870**
- 2. Site Location & Easement - 574872**

Attachment 1



Location Plan for Council's Easements

NOTICE OF RESCISSION

TURRAMURRA TOWN CENTRE PREFERRED LAND USE OPTIONS

Notice of Rescission from Councillors N Ebbeck, A Andrew, T Hall, A Ryan & M Lane dated 27 January 2006.

We move:

"That Parts A, L & P of Council's resolution for Turramurra Town Centre (6 December 2005) be rescinded (Vide Minute No. 522)."

We further move:

- "A. Turramurra will be a local Centre with a total of approximately 21,500sqm NFA of retail including shop front commercial.
- Two main retail centres, one on the south of Pacific Highway and the other on the eastern side around the Gilroy Lane and Turramurra Avenue area; small retail and shop front commercial in the Ray Street precinct.
 - Community facilities are located around the Ray Street precinct to create a community hub
 - Two expanded supermarkets with a combined total of 4,500sqm.
 - Future consideration given by Council of a leisure centre
 - Strip shops are retained fronting onto Pacific Highway with commercial and retail uses
 - New cafes restaurants and specialist shop at the rear of the centre facing north onto new public spaces
 - Total of 5000sqm NFA commercial (located on the upper floors rather than ground floor) to cater for small local businesses, professional services, medical service and the like.
 - Residential shop top housing in all retail areas.
- L. That a best case traffic plan be prepared for Option E, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.

That creation of new roads generally as indicated on the map in attachment H be further considered by Council prior to inclusion in the Draft LEP and Draft DCP.

Item 1

S04038
27 January 2006

- P. That the Aquatic Study come to Council at the earliest opportunity with recommendations for an indoor pool/leisure centre."

RECOMMENDATION

That the above Notice of Rescission as printed be adopted.

Cr Ebbeck
Wahroonga Ward

Cr Andrew
Comenarra Ward

Cr Hall
St Ives Ward

Cr Ryan
Gordon Ward

Cr Lane
Gordon Ward