



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 14 JUNE 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

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 24 May 2005

Minutes numbered 180 to 206

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Inspections Committee

File: S02131

Meeting held 11 June 2005

Minutes to be circulated separately

GENERAL BUSINESS

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

GB.1 1 to 9 Woniora Avenue, Wahroonga

1

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File: DA1364/04

To address matters raised at the site inspection of 14 May 2005 and for Council to determine a development application for the demolition of the existing structures on site and construction of 58 dwellings within three separate buildings; associated access, basement parking and landscaping and strata subdivision.

Recommendation:

That the additional information be noted, and that the application be approved, subject to conditions.

GB.2 10 to 16 Marian Street, Killara - Supplementary Report

118

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File: DA1388/04

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

Recommendation:

Approval

GB.3 **1, 3, 5 and 7 Newhaven Place, St. Ives** **264**

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File: DA1294/04

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.4 **Draft Ku-ring-gai Access Policy & Disability Discrimination Act Action Plan 2005-2009** **390**

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File: S02114

To present to Council the draft Ku-ring-gai Access Policy & Disability Discrimination Act (DDA) Action Plan 2005-2009.

Recommendation:

- A. That the draft Ku-ring-gai Access Policy & Disability Discrimination Act Action Plan 2005-2009 be placed on public exhibition for a period of 28 days then reported back to Council.
- B. That an amount of \$40,000 be allocated for the implementation of recommendations within the DDA Action Plan over the next 4 years.

GB.5 **Sponsorship Proposal - Network North Business Connection** **418**

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File: S02095

To advise Council of a request to sponsor the Network North Business Connection. (Network North).

Recommendation:

That Council determine whether it will provide Gold Sponsorship for the Network North Business Connection for \$5,500.

GB.6 Parks, Sport and Recreation Reference Group - Minutes of Meeting Held Thursday, 28 April 2005 424

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File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 28 April 2005.

Recommendation:

That the Minutes of the Park, Sport and Recreation Reference Group be received and noted.

GB.7 Application for Rezoning 3 to 5 Water Street (Prouille School), 33 to 41 Billyard Avenue (Holy Name Church) and 39 Chilton Parade, Wahroonga (Convent) 432

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File: S03746

To consider an application for the rezoning of Church/School/Convent lands at 3 to 5 Water Street (Prouille School), 33 to 41 Billyard Avenue (Holy Name Church and seminary) and 39 Chilton Parade, Wahroonga (Convent).

Recommendation:

That Council resolve to prepare an appropriate Draft Local Environmental Plan as set out in "A" of the recommendation and place it on public exhibition in accordance with the statutory requirements.

GB.8 Draft Development Control Plan No 57 - Child Care Centres 464

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File: S03420

To report to Council on the formal exhibition of Draft Development Control Plan No 57 - Child Care Centres (DCP 57) and to present the final DCP for adoption.

Recommendation:

To adopt Draft Development Control Plan No 57 - Child Care Centres as attached to this report.

GB.9 Options for Disposal of Material from St Ives Former Landfill Site 517

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File: S02687

To consider options for disposal of material from the St Ives former land fill site.

Recommendation:

That Council not proceed with the removal of material from the former land fill site at St Ives and continues to manage the site.

GB.10 Concrete Works, 2005 to 2006 - Schedule of Rates Contractor List 526

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File: S04162

To consider the appointment of tenders to a list of Schedule of Rates Contractors for Concrete Works for 2005/2006.

Recommendation:

Acceptance of tenders and inclusion of tenderers in list of contractors.

GB.11 2005 to 2006 Roads and Traffic Authority Block Grant Agreement 531

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File: S02585

To consider acceptance of the 2005/2006 Block Grant for assistance from the Roads and Traffic Authority for works on Regional Roads.

Recommendation:

That the General Manager be authorised to accept the Roads Component of \$178,000 and the Ex 3x3 component of \$82,000 and not accept the Traffic Facilities component of the Regional Roads Block Grant for 2004-2005.

GB.12 17 Highbridge Road, Killara - Connection to Council Stormwater Pipeline and Easement 538

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File: DA1011/03

To consider a request by the owners of 17 Highbridge Street, Killara to alter the terms of the Council drainage easement over the downstream property and to permit the discharge into a Council pipeline.

Recommendation:

That the proposal be approved subject to the conditions under recommendations A-D of this report in relation to costs and construction.

GB.13 Management Plan 2005-2009, Incorporating Budget and Fees and Charges 2005/2006 545

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File: S03096

For Council to adopt the Management Plan 2005-2009, incorporating the Budget, Environmental Levy and Fees and Charges 2005/2006.

Recommendation:

That Council adopt the Management Plan 2005-2009, incorporating the Budget, Environmental Levy and Fees & Charges 2005-2006.

GB.14 2A & 2B Killara Avenue, Killara

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File: DA1334/04

Report by Director Development & Regulation (to be circulated separately)

EXTRA REPORTS CIRCULATED AT MEETING**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

NM.1 11 Woniora Avenue, Wahroonga - Preparation & Exhibition of Draft LEP to Rezone to Residential 2(D3) under the Ku-ring-gai Planning Scheme Ordinance 684

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File: P63533

Notice of Motion from Councillor N Ebbeck and Councillor I Cross dated 24 May 2005.

We move:

- "A. That Council prepare and exhibit a draft LEP to rezone 11 Woniora Avenue, Wahroonga to Residential 2(d3) under the Ku-ring-gai Planning Scheme Ordinance.
- B. That Council notify the Department of Infrastructure, Planning and Natural Resources as required under Section 54 of the Environmental Planning and Assessment Act 1979 No 203 and consult with relevant authorities as required under Section 62 of the Environmental Planning and Assessment Act 1979 No 203.

- C. That Council use its delegation under Section 65 of the Environmental Planning and Assessment Act 1979 No 203 to exhibit the draft LEP.
- D. That a report be brought back to Council following the completion of the exhibition period."

NM.2 Meetings with the Minister or DIPNR

685

File: S02315

Notice of Motion from Councillor E Malicki dated 6 June 2005.

I move that:

I move that all Councillors be notified in advance of any meeting with the Minister or DIPNR, and that they receive a written report on each and every meeting held with the Minister or DIPNR representatives within one week of such a meeting. This should include attendees as well as the content and outcomes of the meeting.

NM.3 Purchase of Environmentally Sensitive Land

686

File: S02006

Notice of Motion from Councillor L Bennett dated 6 June 2005.

I move that:

- A. Council write, as a matter of urgency, to state and federal ministers of the environment to seek joint funding for the purchase of 100-102 Rosedale Road, St Ives
- B. Council agree, in principle, to part of the proceeds of the sale of the property in St Johns Avenue, Gordon being allocated to the purchase of 100-102 Rosedale Road St Ives. The amount as resolved in confidential.
- C. Council seek a valuation of the 100-102 Rosedale Road and the valuer be briefed on all matters pertinent to the development potential of the property including the need for asset protection zones, the presence of endangered ecological communities and be given copies of recent court decisions concerning the property.
- D. If negotiations in "A" above are unsuccessful, that a further report is brought back to Council to progress the matter.

NM.4 Raising the Profile of Our Planning for Town Centres

687

File: S04151

Notice of Motion from Councillor E Malicki dated 6 June 2005.

I move that:

Council should raise the profile of the planning process we are undergoing in our Town Centres. This should include displaying posters in every library, in Council buildings and throughout the Town Centres with co-operation from our Business Community.

These should be personalised for each centre, with a theme similar to: "Creating a Better Turramurra". They should be accompanied by a brochure or postcard to be distributed throughout each centre giving details of the project, as well as updates of the stage reached, including where to see any design work, and the consultation sessions available. The Council's Website should also include information about the process being undertaken for each centre as well as give an opportunity for feedback and interaction.

I further move that we attempt to involve anyone who is interested in the consultation process to avoid the situation where people who wish to be more involved are being turned away. Methods to deal with consultation and to include anyone who wishes to be involved should be discussed at the next meeting of the Planning Committee.

NM.5 Undergrounding of Car Parks and S94 Contributions

688

File: S02073

Notice of Motion from Councillor L Bennett dated 6 June 2005.

I move that:

A. Council seek advice as a matter of urgency from a planner/lawyer who has experience in S94 issues on the following questions

"(i) Could the partial or total undergrounding of Council car-parking between the Village Green and the Shopping Centre (as part of the redevelopment of the CBD) and its replacement with landscaping be considered a public domain improvement and attract s94 contributions on that basis?"

If the answer to (i) is positive:

"(ii) Given the various land use options under consideration what proportion of the costs of undergrounding car parking (partial or total) might be recouped from a S94 plan for residential/retail/commercial redevelopment as per the land use options given in Part B of the motion.

- B. That the consultant be provided with the detailed land use options (A, B1, B2 and C) for the St Ives Town Centre
- C. That recent public domain/s94 plan decisions in the Land and Environment Court be specifically addressed in the advice provided to Council.

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

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

- C.1 **Waste Disposal Negotiations**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

1

File: S02418

Report by Director Technical Services dated 26 May 2005.

Brian Bell
GENERAL MANAGER

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Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

1 TO 9 WONIORA AVENUE, WAHROONGA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To address matters raised at the site inspection of 14 May 2005 and for Council to determine a development application for the demolition of the existing structures on site and construction of 58 dwellings within three separate buildings; associated access, basement parking and landscaping and strata subdivision.

BACKGROUND:

Council at its meeting of 10 May 2005 deferred consideration of the application pending a site inspection.

COMMENTS:

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

RECOMMENDATION:

That the additional information be noted, and that the application be approved, subject to conditions.

PURPOSE OF REPORT

To address matters raised at the site inspection of 14 May 2005 and for Council to determine a development application for the demolition of the existing structures on site and construction of 58 dwellings within three separate buildings; associated access, basement parking and landscaping and strata subdivision.

BACKGROUND

An assessment report was prepared and considered by Council on 10 May 2005, wherein Council resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday 14 May 2005. The following matters were raised:

Council staff to detail the nature of the habitable rooms and location of window openings at No 11 Woniora in relation to the proposed development.

An inspection was made of the neighbouring dwelling 2/11 Woniora Avenue, at which it was established that the windows served (from south to north) a study, a bathroom, and a kitchen/dining area.

The amount of excavation and stability of adjoining sites is to be re-examined by Council staff, particularly in relation to claims by residents of unstable basalt flows prevailing in the area. Also, potential impacts are to be re-examined by Council staff in relation to the rear of the property at No 96 Coonanbarra Road.

The application was accompanied by a geotechnical investigation report prepared by Coffey Geosciences. The investigation comprised three boreholes drilled along the frontage of the site, which encountered some 1 to 2 metres of residual clay soils overlying Hawkesbury Sandstone to depths of about 9 metres. The boreholes were drilled to 3 to 4 metres below the proposed lower basement level. Groundwater levels were measured at 1.3 to 2 metres below the existing ground surface.

Some 5 to 6 metres of excavation will be required to achieve the proposed basement level. It is anticipated that the soils will be able to be battered in the short term at slopes of 1.5H:1V (about 30 degrees), whilst vertical excavation in the sandstone is expected to stand unsupported. These recommendations will require modification if groundwater is encountered in the excavation above the soil/rock interface, in which case retaining structures will be required, or if unfavourable jointing is evident in the rock mass, rock anchors or propping will be used to support the excavation.

In either case, the closest the excavation to any site boundary will be about 3 metres at the eastern and western boundaries.

Excavation in the medium strength sandstone will require considerable effort and the report contains recommendations for vibration monitoring and dilapidation survey of the existing residences at 11 Woniora Ave (see **Conditions 88 and 89**). There are ways of minimising vibration

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effects during this type of work, including the use of rock saws which allows the sandstone to be removed in blocks and re-used.

Regarding the possibility of volcanic inclusions being encountered on this site, this is very remote. The Hornsby Quarry is a diatreme, the largest volcanic neck in the Sydney area, is 100 metres deep and has a plan area of approximately 10 hectares. If an igneous intrusion were present at the subject site, it would most likely be a dyke, which is formed when magma is forced through joints in the parent rock. If a dyke does cross the property, it is likely to be a more weathered material than the sandstone and would probably be dealt with during excavation as a joint in the sandstone and anchored or otherwise retained.

No igneous intrusions are shown on the Sydney 1:100 000 geological map in the immediate vicinity, including near the F3 Freeway.

In respect of No. 96 Coonanbarra Road, there are two trees, being 4 metres and 6 metres high, inside the boundary of this property. Discussion has been undertaken between Council's Landscape Development Officer and Development Engineer who advise that no impact is expected on these two trees because they are upstream from the development and because they are dry sclerophyll trees not requiring a lot of soil moisture.

Impacts upon the hydrology patterns of Spring Gully Creek are to be further investigated by Council staff in relation to any likely adverse impacts generated by the proposed development.

Spring Gully Creek is a Category 3 stream on the Map of Riparian Systems in Council's Riparian Policy, which runs through the western portion of Woniora Avenue. It does not traverse the subject site. Riparian management objectives for these streams, as applicable to the subject site which is within the catchment but not contiguous to the creek, are treatment of stormwater before discharge and detention of stormwater before discharge.

The objectives of Council's DCP 47 *Water Management* encompass appropriate, integrated water management, sustainable use of water, management and conservation of waterways and a high standard of residential amenity and safety. The DCP aims to achieve these objectives by a combination of stormwater retention and re-use, on site detention where appropriate and permanent stormwater quality control measures for larger developments.

The stormwater management system proposed for this development incorporates retention of roof runoff and re-use of retained water inside the development (see **Conditions 75, 76, and 78**). As a result, there will be a smaller total volume of runoff leaving the site post-development than is currently the case. Roofwater stored in the system will leave the site via the sewer after re-use in the toilets and washing machine cold taps. This is an intended consequence of the DCP.

Some of the retained roofwater or stormwater will be used for irrigation. This retained water is more likely to leave the site as evaporation or evapo-transpiration (from leaves).

Runoff will be treated before leaving the site (see **Condition 76**). The objectives are contained in Section 8.3.1 of DCP 47.

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The outflow rate will be attenuated by the provision of the on site detention component, also as required by DCP 47. The factors used in Council's calculation sheet for permissible site discharge were developed to provide pre-development flows at downstream discharge points in Council's system.

The treatment train for this site will therefore involve collection of roofwater and re-use inside the building, collection of runoff from landscaped areas if likely to otherwise concentrate into downstream private properties and re-use for irrigation, overflow of stored runoff into the on site detention tank, treatment of runoff, discharge into the street drainage system (pipe) which then discharges into Spring Gully Creek.

Maintaining a relatively large deep soil zone on such sites also allows for attenuation of flows and for some percolation of runoff (although this is limited in the clayey soils of Ku-ring-gai).

With regard to groundwater conditions, a perched water table was encountered in two of the boreholes, approximately at the soil/rock interface. The geotechnical investigation addresses this as follows:

"Dewatering will cause reduction in the groundwater levels in the immediate vicinity of the site. Drawdown at the site boundary could range from 4m to 5m below existing groundwater levels. Settlement impacts related to drawdown are assessed to be low (less than 1mm) but there could be a potential impact in vegetation due to drawdown.

The area proposed to be occupied by the apartment buildings is sloping with near surface clayey soils yielding little opportunity to provide recharge to the underlying sandstone. It is likely that the existing water table within the residual soil profile will remain as a perched groundwater table at a level similar to the current groundwater levels. A separate, lower water table is expected to develop within the sandstone bedrock."

Council's Development Engineer has discussed this matter with the applicant's geotechnical engineer, who advises that the water table in the sandstone is also likely to be perched. Sandstone is permeable where joints and fractures exist, that is at shallow depths where weathering has occurred, but the rock mass is generally impermeable. Council's Development Engineers are in agreement that the basement excavation for the development is extremely unlikely to affect groundwater flows into Spring Gully Creek, which is some 80 metres away.

Council staff are to confirm (and summarise) the setback of the top floor of the development from the front boundary of the site. The rear setback to adjoining properties and the setback from the fifth floor to the fourth floor also be summarised.

Setbacks are summarised as follows:

	Setbacks from Woniora Avenue		Setbacks to rear	
Building A	17.7 metres to wall	14.2 metres to balcony	14.8 metres to wall	11.2 metres to balcony
Building B	16.6 metres to wall	14.2 metres to balcony	13.6 metres to wall	11.4 metres to balcony
Building C	17.8 metres to wall	14.2 metres to balcony	14.8 metres to wall	11.4 metres to balcony

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	<i>Front (south) setback to Woniora Avenue</i>	<i>Side (western) setback</i>	<i>Rear (north) setback.</i>	<i>Side (eastern) setback.</i>
<i>Building A</i>	<i>2.4-3.5 from 4th floor below.</i>	<i>2.2-1.6m from 4th floor below.</i>	<i>2.3-3.5m from 4th floor below.</i>	<i>2.2m from 4th floor below.</i>
<i>Building B</i>	<i>1.2-2.4 metre setback from 4th floor below.</i>	<i>2.5-4.5m from 4th floor below.</i>	<i>1.2-2.4m from 4th floor below.</i>	<i>2.8m from 4th floor below.</i>
<i>Building C</i>	<i>2.4-3.5 from 4th floor below.</i>	<i>1.8-3.0m from 4th floor below.</i>	<i>2.4-3.5m from 4th floor below.</i>	<i>2.6m from 4th floor below.</i>

A condition of consent be imposed requiring the undergrounding of the powerlines.

Condition 83 requires that the powerlines be relocated underground.

Any amended plans be accessible to affected residents at Council chambers and via Turramurra Library.

The amended plans (dated 12 April 2005) have been available for inspection at Council chambers and Turramurra Library from 25 May 2005.

A compliance table be provided, summarising the non-compliances with LEP194 and DCP55.

The following has been provided from the Council report of 10 May 2005.

Ku-ring-gai Planning Scheme Ordinance (KPSO) – LEP 194

No non-compliances.

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.3 Setbacks:		
Setback of ground floor terraces/courtyards to street boundary (min): • 11m	8.0 metres to landscaped courtyard	NO
% of total area of front setback occupied by private courtyards (max): • 15%	34%	NO
Part 4.4 Built form and articulation:		
Façade articulation: • Wall plane area <81m ²	Block A west elevation 107.6m ² + 108.76m ² Block C east elevation 92.68m ² + 96.96m ²	NO NO

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.5 Residential amenity		
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 	9 metres between Blocks A/B/C at ground to fourth floor 7.5m between Block A and No. 1/11 Woniora Avenue, <i>(has minor windows on the eastern elevation, and a courtyard).</i> 8.0m between No. 2/11 Woniora Avenue (habitable room windows) and Block A 9.5m between No.3/11 Woniora Avenue and Block A <i>(no habitable room windows on the eastern elevation)</i>	NO YES NO YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> • >90% of units are to have a 4.5 star NatHERS rating with the remainder achieving at least 3.5 star rating 	4.5 star rating = 7% (4/58)	NO

Any scope for additional landscape treatment upon the verge be examined by staff, particularly in relation to the removal of the existing driveways. The extent of canopy overhanging the verge also be clarified.

The nature strip is to be replanted and replenished with native endemic tree species. These will be maintained as formal avenue planting to maintain the broader streetscape character, and it is not envisaged that additional trees could be accommodated without stifling their growth. As the trees mature there will be upper canopy limbs which will overhang both the site and the nature strip. The mature spread of the six *Angophora Costata* (Sydney Redgum) to be planted will be of approximately 10 metres. The canopy spread will extend into Woniora Avenue to provide for a tree lined streetscape as envisaged within LEP194 and DCP55.

Investigate any possibility of relocating the pathway alongside Block C so as to maximise the landscaped area to properties adjoining the site on Coonanbarra Road.

In its present location the pathway allows for screening to the neighbouring properties at Coonanbarra Road and the residents of Block C. The relocation of the pathway closer to Block C

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will result in potential privacy impact to those residents of Block C. However, it should be noted that **Condition 53** requires the reduction of this pathway to a maximum width of 1.0 metres.

It should be noted that further submissions from the following have been received since the previous Council meeting of 10 May 2005 until the 31st of May at the time of writing this report:

- *Griff Thomas, 28 Woonona Avenue, Wahroonga*
- *B.D. Brown, 4/1 Brown Road, Wahroonga*
- *Jean L. Ford, 1/4 Woniora Avenue, Wahroonga*
- *Miss R. Phelan, 2/11 Woniora Avenue, Wahroonga*
- *Nerida King, Unit 1, 25-29 Millewa Avenue, Wahroonga*
- *Ian and Susan Ramage, 2/25-29 Millewa Avenue, Wahroonga*

These submissions raise the following issues:

A mistake has been made with the zoning of Number 11 Woniora Avenue. The State Government should be advised that a mistake has been made and a compromise should be reached – maybe three storeys high is the answer.

As noted within the original Council report, the zoning of number 11 Woniora Avenue is unfortunate and will not result in good planning outcomes. This zoning cannot be resolved within the scope of this application.

Action is being taken to rezone 11 Woniora Avenue, to allow for Residential 2(d3) development. A resolution to this effect was made by Council on 24 May 2005. It is possible that the Department of Infrastructure Planning and Natural Resources will allow for this rezoning within the next 6 months. However, this current development application needs to be considered on its merits now.

A large amount of material will be required to be removed off site, accounting for a possible 850 heavy truck movements. What impact will this have on Woniora Avenue and the pavements? Drilling and blasting will be required for the basement – this is not the best in the presence of pre-school children. These points were made in a previous letter but not taken into account in the Council report.

The necessary demolition, construction and traffic movements for these works were considered within the original report, and by Council's Development Engineer. A number of conditions are recommended to ensure that the demolition and construction are carried out in a suitable and safe manner. (refer to **Conditions 87-92** in particular).

The proposal has a number of non-compliances, as set out in the Council report of 10 May 2005. They appear to show significant departure from the required standards. How can it be accepted?

It is highly unlikely that any application will be fully compliant with every single requirement under SEPP65, LEP194 and DCP55, given the variety of sites that the plans seek to control. A merit-based assessment has been undertaken of the non-compliances, and it is advised that the non-compliances comply with the underlying objectives of the controls and will not result in an

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unacceptable development or in adverse impacts upon the residential amenity of either the neighbouring or intended residents.

Infrastructure in the area is not geared to accommodate an influx of people and cars to this degree. The State Government has not given any proper consideration for the adequacy of the infrastructure or shown any regard for the safety of local children. Lifestyle in the area will suffer, as will property prices.

The issues relating to infrastructure were addressed within the previous Council report. Property values are not a planning consideration under the terms of s79C of the Environmental Planning and Assessment Act.

The distance between habitable room windows from Block A to dwelling 2/11 Woniora Avenue does not comply. How can landscaping mitigate any adverse effect? What are the responsibilities of the developer as far as landscaping is concerned? There is also confusion about what will actually be removed along the boundary of 2/11 Woniora Avenue – the representative on site at the meeting advised that all of the existing vegetation is to be removed, whereas elsewhere in the application it states that much of the vegetation is to remain.

It is acknowledged that the proposal does not meet with the recommended setbacks between habitable room windows as prescribed in the Residential Flat Design Code and DCP55.

However, landscaping will be able to be achieved to a height that will screen these windows at 2/11 Woniora Avenue. Planting along this boundary will be comprised of eight *Gordonia yunnanense* (Silk Screen) to a height of 10 metres, seven *Camellia Sasanqua* (Camellia) to a height of 4 metres, and 5 *Magnolia Soulangiana* (Solang's Magnolia) to a height of 4 metres. Furthermore, there will be a fence to a height of 1.8 metres, which will extend between the site and 2/11 Woniora Avenue. The windows at 2/11 Woniora Avenue will therefore not be seen from the subject site.

With regard to landscaping along this boundary, the landscaping plan does not indicate any trees to be retained – the vegetation will be comprised of the new trees as outlined above.

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 DA1364/04 for the demolition of existing structures on site and the construction of 58 apartments within three separate buildings, associated access, basement parking, landscaping and strata subdivision on land at 1-9 Woniora Avenue, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

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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- DA01 Site Plan, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA02 Ground Floor Plan, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA03 Level 1 Floor Plan, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA04 Level 2 Floor Plan, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA05 Level 3 Floor Plan, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA06 Level 4 Floor Plan, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA07 Basement Level 1, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA08 Basement Level 2, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA09 Block A – East and West Elevations, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA10 Block B – East and West Elevations, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA11 Block C – East and West Elevations, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA12 South and North Elevations, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA13 Section A-A, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA14 Site Analysis Plan, Issue D, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA15 Shadow Diagram 9:00am-12:00pm 21 March, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA16 Shadow Diagram 3:00pm 21 March – 9:00am 21 June, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA17 Shadow Diagram 12:00pm – 3:00pm 21 June, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05, and lodged 12.04.05.
- DA18 Site Areas Calculations, Site Management Plan, Survey, Issue D, by Owen and Gilsenan Architects, Dated 05.04.05 Received 12.04.05
- LDA101 Landscape Plan (Ground Floor Plan), Issue C, by Site Image Landscape Architects, Dated 14.12.04, Revised 11.04.05, and lodged 12.04.05..
- LDA201 Landscape Planting Plan (Ground Floor Plan), Issue C, by Site Image Landscape Architects, Dated 14.12.04, Revised 11.04.05, and lodged 12.04.05..
- LDA202 Landscape Planting Plan (Upper Levels Plan), Issue A, by Site Image Landscape Architects, Dated 15.12.04, Revised 15.12.04, and lodged 12.04.05..
- LDA301 Landscape Plan (Ground Floor Plan), Issue C, by Site Image Landscape Architects, Dated 14.12.04, Revised 11.04.05, and lodged 12.04.05..
- LDA302 Landscape Soils Plan (Upper Levels Plan), Issue B, by Site Image Landscape Architects, Dated 15.12.04, Revised 16.03.05, and lodged 12.04.05..

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- LDA401 Landscape Details, Issue A, by Site Image Landscape Architects, Dated 26.11.04, and lodged 12.04.05..
 - LDA402 Landscape Details, Issue A, by Site Image Architects, Dated 26.11.04, and lodged 12.04.05.
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. 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).*
 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 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.

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9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. 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.
12. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. 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.
15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.

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

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or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

24. 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.
25. 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.
26. 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.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. 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.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Fire hoses are to be maintained on site during the course of demolition.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. 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.
33. 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.
34. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.
35. 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:

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- 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to Council's stormwater pit in Woniora Avenue. 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.
39. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. DCP47 is available in hard copy at Council and on the Council website. A mains top-up shall be provided for periods of low rainfall.
40. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
41. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
43. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control*

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Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

44. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
45. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
46. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
47. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
49. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
50. The relocation of the sewer main is to be carried out in accordance with the requirements of Sydney Water.
51. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the report by Coffey Geosciences dated 16 December 2004 and the subsequent geotechnical investigations carried out for construction purposes.

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52. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

53. Landscape works shall be carried out in accordance with Landscape Drawing No LDA101 Rev C, LDA201 Rev C, LDA202 Rev A, LDA301 Rev C, LDA302 Rev B, LDA401 Rev A and LDA402 Rev A prepared by Site Image and dated 14/12/2004 submitted with the Development Application, except as amended by the following:
- The proposed planting of *Angophora costata* (Sydney redgum) adjacent to the south west site corner/Woniora Ave is to be relocated 10m to the east so that it is away from the proposed electricity substation
 - The proposed stepping stones located within the grassed areas at the rear of the site are to be deleted.
 - The proposed gravel and stepping stone path adjacent to the western site boundary/Block A is to be hard paved and reduced to a maximum width of 1.0m until it reaches the rear building line.
 - The proposed stepping stone within grass path located adjacent to the eastern site boundary/Block C is to be hard paved and reduced to a maximum width of 1.0m until it reaches the rear building line.
 - The proposed planting of *Syncarpia glomulifera* (Turpentine) located on each side of the proposed vehicular entry/egress point are to have a minimum setback from the driveway of 4.0m
 - To maintain biodiversity, the proposed tree planting of 13 *Syncarpia glomulifera* (Turpentine) located adjacent to the rear site boundary is to be a variety of tree species from both Sydney Bluegum High Forest and Sydney Turpentine Ironbark Forest, and consist of a mix of the following tree species; *Eucalyptus saligna* (Bluegum), *Eucalyptus pilularis* (Blackbutt), *Angophora floribunda* (Rough barked apple), *Eucalyptus paniculata* (Grey Ironbark).
54. REMOVAL/PRUNING of the existing trees located on Council's Woniora Ave 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. Following removal of the trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
55. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting

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agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

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

Tree/Location	Radius From Trunk
Beneath the canopy drip line of ANY tree to be retained located on site or adjoining properties	

57. 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.
58. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Woniora Ave. The trees are to be planted as an evenly spaced, formal avenue planting. The tree/s used shall be 25 litre container size specimen/s:

Tree Species
Angophora costata (Sydney redgum) x6

59. 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.
60. The colour, texture and substance of all external materials shall be generally as detailed in the application.
61. One hundred and nineteen (119) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
- 104 - Residential
 - 15 – Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. *(Reason: To ensure that adequate parking facilities to service the development are provided on site)*

62. At least one visitor parking bay shall be provided with a tap, for car washing purposes, in accordance with DCP55 Part 5.
63. Fencing, lapped and capped to a height of 1.8 metres, shall be provided to either side boundary and to the rear. Fencing shall extend to the front boundary on the eastern side of the

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property, and to the front setback of 1/11 Woniora Avenue on the western side of the property.

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

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

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

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

68. 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 53 ADDITIONAL DWELLINGS IS CURRENTLY \$1,063,719.40. 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	\$6,574.28
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	1.3persons

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

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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.

70. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing five lots. 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. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
71. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.
72. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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73. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
74. The Applicant must carry out the following infrastructure works in the Public Road:
 - Construct new footpath and kerb and gutter for the full site frontage.
 - Construct a 1.8 metre kerb inlet pit and 375mm diameter pipe to connect the site to Council's street drainage system.

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, together with a covering letter stating the full address of the property and the accompanying DA number.

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75. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater retention/detention system. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design may be generally in accordance with the stormwater concept plan prepared by B.T. Ryan & Associates, advanced as necessary for construction issue purposes.
76. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, car-washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use shall be shown on this design to a detail suitable for installation by the plumbing contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. **Water quality measures are to be provided, as required by Section 8.3 of DCP 47.**
77. A dedicated car-washing area is to be shown on the Construction Certificate plans. The waste collection vehicle manoeuvring area or a visitor parking bay may be used for this facility. The plans are to be approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
78. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the public drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.
79. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a design detailing the provision of an interceptor drainage system. This system is to capture and convey all stormwater runoff arriving at the subject property from upslope areas to a formal drainage system, bypassing any on-site stormwater detention systems. Design details are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and shall comprise suitable inlet pits, grated drains, pipes and channels. This drainage system is to be designed for storm events up to and including the 100-year ARI and in accordance with Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

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80. **Prior** to the issue of a Construction Certificate the applicant shall lodge a **\$50,000** (fifty thousand dollars) public infrastructure damage bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - Works in the public road associated with the development are to an unacceptable quality.
81. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.
(Reason: To ensure quality built form of the development).
82. The following energy efficiency devices are to be installed within the development:
- Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralised gas hot water heating system.
 - Dual flush toilets.
 - Low flow taps and showerheads.
- Details are to be submitted for approval with the Construction Certificate.
(Reason: To promote the use of energy efficient appliances)
83. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. *(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).*
84. Any exhaust ventilation from the car park 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).

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84. Six (6) 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).*
85. 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).*

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

86. 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.
87. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (including photos) and structural condition of Woniora Avenue including full road width, any kerb and gutter and the intersection with Coonanbarra Road. The report must be completed by a consulting structural/civil engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.
88. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the existing structure at 11 Woniora Avenue.

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

89. Prior to the commencement of any excavation works on site, the applicant must submit to the Principal Certifying Authority the results of vibration monitoring as recommended in the report by Coffey Geosciences. This is to ensure that vibration created by the method of construction does not adversely impact on the surrounding properties and infrastructure. A qualified and practising geotechnical engineer must oversee the vibration monitoring and all associated investigations. Excavation is to proceed in accordance with the recommendations of the geotechnical engineer.

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

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

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

Traffic Control Plan(s) for the site:

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

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

- 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.

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- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

91. Deliveries are not to be made to the site between the hours of 8.00am to 9.30am and 2.30pm to 4.00pm.
92. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' along the Kings Avenue frontage of the site. Further, 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 and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.

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

93. An easement for waste collection must be created. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
94. 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.
95. 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:

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- 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 retention/ detention facility. This must be on the standard Council on-site detention/ retention 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.

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

96. 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.
97. 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).
98. 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

99. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
100. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying

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correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

101. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

- Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
- Construction of new concrete footpath and kerb and gutter over the entire site frontage of Woniora Avenue.
- Construction of piped discharge from the site to Council's street drainage pit.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

102. Prior to issue of an Occupation 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 retention/detention facilities (including all ancillary reticulation plumbing) on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of on-site retention/detention facilities (DCP47 appendix 14) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate.

103. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as recommended in the report by Coffey Geosciences 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.

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

- A copy of the approved Construction Certificate stormwater retention/detention design for the site, and

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- A copy of the works-as-executed drawing of the as-built on-site retention/detention system, and
- 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/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

105. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
106. Prior to issue of an Occupation Certificate a certification and a works-as-executed (WAE) plan, in relation to the installed rainwater retention/detention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to specifically state compliance with each of the relevant controls set out in appendix 6.2 of Council Water Management Development Control Plan 47. The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:
- As constructed levels in comparison to design levels
 - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
 - Dimensions of all retention tanks/devices
 - Top water levels of storage areas and RL's at overflow point(s).
 - Storage volume(s) provided and supporting calculations/documentation.

For any on-site detention control installed, a separate certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
 - As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
 - As built locations of all pits and grates in the detention system, including dimensions.
 - The size of the orifice or pipe control fitted.
 - Dimensions of the discharge control pit and access grates
 - The achieved capacity of the detention storage and derivative calculation.
 - The maximum depth of storage over the outlet control.
 - Top water levels of storage areas and RL's at overflow point(s)
107. Prior to issue of an Occupation Certificate the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

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- Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, 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.

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

- a. As built reduced surface and invert levels for all drainage pits and connection points.
 - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
 - c. Gradients of drainage lines, materials and dimensions.
108. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and the parking layout plans approved for the Construction Certificate.
109. 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 structure at 11 Woniora Avenue.

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.

110. Prior to issue of the Occupation Certificate the applicant shall submit **to Council** a follow up dilapidation report on the visible (including photos) and structural condition of Woniora Avenue including full road width, kerb and gutter and the intersection with Coonanbarra Road. The report must be completed by a consulting structural/civil engineer. The structural conditions of all structures originally assessed prior to the commencement of works, must be assessed and the results submitted to Council.

BUILDING CONDITIONS

111. 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. Retaining walls and associated drainage.
- d. Wet area waterproofing details complying with the Building Code of Australia.
- e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- 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.

112. 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.

113. 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.

114. 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.

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

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

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

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

Kerrin Lithgow
Executive Assessment Officer

Mark Leotta
Team Leader
Development Assessment - North

Matthew Prendergast
Manager
Development Assessment Services

Michael Miocic
Director
Development & Regulation

Attachment: **Council Report of 10 May 2005**

10 TO 16 MARIAN STREET, KILLARA - SUPPLEMENTARY REPORT

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 22 December 2004.
- Council considered a report at its meeting on 10 May 2005.
- Consideration pending site inspection which took place on 14 May 2005.
- Minutes of the Inspections Committee presented for confirmation on 24 May 2005.

COMMENTS:

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

RECOMMENDATION:

Approval

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 on 22 December 2004.
- Council considered a report at its meeting on 10 May 2005.
- Consideration pending site inspection which took place on 14 May 2005.
- Minutes of the Inspections Committee presented for confirmation on 24 May 2005.

COMMENTS

1. **That a summary of the non compliances detailed in the Council Officers report in respect of LEP No 194 and DCP No 55 be incorporated within the supplementary report to Council.**

Non-compliances in respect of the KPSO

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Zone Interface <ul style="list-style-type: none"> • 3rd and 4th floors setback 9m from land not zoned 2(d3) 	Buildings 1, 2 and 5: 7 metres	NO

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.

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.

The proposal does not comply with the development standards prescribed in clause 25L(2) of Ku-ring-gai Planning Scheme Ordinance which requires that:

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The third and fourth storey of any building on land within Zone No. 2 (d3) must be set back at least 9 metres from any boundary of the site of the building with land (other than a road) that is not within Zone 2(d3).

Clause 25L(1) states the following objective for the zone interface development standard:

The objective of this clause is to provide a transition in the scale of buildings between certain zones.

As far as the setback standard is concerned, the proposal is deficient in regard to small elements of Buildings 1, 2 and 5 that encroach into the 9 metres zone interface by up to 2 metres. The extent of the departures is shown in Diagrams 1 and 2 below and summarised as follows:

- Building 1: 21.7 m² (13.1 m² balcony and 8.6 m² building) which equates to 4.6% of the total footprint per level (levels 3 and 4), is in breach of the 9 metres setback.
- Building 2: 19.15 m² (balcony only) which equates to 5.7% of the total footprint per level (levels 3 and 4), is in breach of the 9 metres setback.
- Building 5: 5.52 m² (balcony only) which equates to 1.1% of the footprint per level (levels 3 and 4), is in breach of the 9 metres setback.



DIAGRAM 1

Item 2

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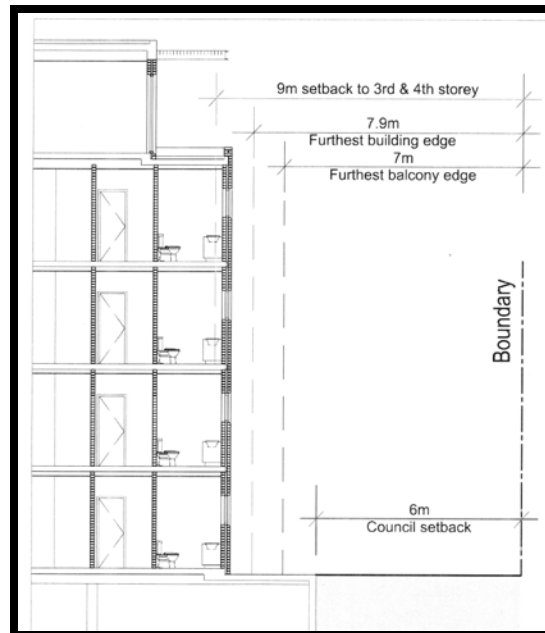


DIAGRAM 2

- a. The SEPP 1 objection prepared by Robinson Urban Planning Pty Ltd maintains that notwithstanding variation, the proposal satisfies the objective of the standard:
 - i. *“The non-complying elements do not adjoin any low density (detached) residential zones or development. The affected adjoining uses are:*
 - *An existing residential flat building at 18 Marian Street which is zoned 2(b) (Buildings 1 and 2)*
 - *The Marian Street car park which is zoned Special Uses.*

The need for a transition in the scale of buildings is therefore reduced.
 - ii. *As pointed out earlier, the extent of the departure is minor and in addition to the reduced need, the non-compliances are more than offset by:*
 - *The provision of increased setbacks at Levels 1 and 2. DCP 55 requires a setback of 6 metres whereas minimum setbacks of 7 metres to the balcony edge and 7.9 metres to the building edge are proposed.*
 - *The provision of setbacks greater than 9 metres for sections of Buildings 2 and 5 (all levels).*
 - *The configuration of Buildings 2 and 5 do not coincide with any building. A distance of 14 to 22 metres separates Building 1 from the adjoining flat building at 18 Marian Street. Consequently the variation does not lead to any significant loss of privacy.*

Notwithstanding the departure from the setback standard, the proposed development is consistent with the underlying objective of the standard as demonstrated above.

- b. The SEPP 1 objection also indicates that compliance with the development standard would not be consistent with the aims of the Policy and would tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act:*
 - i. Alternate placement of Building 5 would jeopardise the retention and future health of significant trees.*
 - ii. Alternate placement of Buildings 1 and 2 would reduce opportunities for landscaping as it would require the relocation of the driveway closer to No. 8 Marian Street.*
 - iii. Amending the configuration of the buildings will reduce the residential amenity of affected apartments in terms of the quality and quantity of outdoor living space.*
- c. Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:*
 - i. The non-complying elements of Buildings 1 and 2 adjoin a Residential flat building(zoned 2(b) which at 3/4 storeys is not as sensitive to the scale impacts of other residential flat buildings;*
 - ii. The non-complying elements of Building 5 adjoin a car park (zoned Special Uses). Car parks are not sensitive to the scale impacts of residential flat buildings;*
 - iii. The non-complying elements do not adjoin any single detached dwellings which are more sensitive to the scale impacts of residential flat buildings and*
 - iv. The extent of the non-compliance is minor and more than offset by the provision of greater setbacks at Levels 1 and 2."*

The SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied. In this instance the objective is to *provide a transition in the scale of buildings between certain zones*. The non-complying elements impact on two different land use zones. The first, the existing apartment building (zoned Residential 2(d)), is of a similar scale and bulk as that of the proposal. The zone transition requirement is therefore much reduced and the proposed setback between the two sites would satisfy this objective. The second land use zone affected is the Special Uses zone which is developed with a Council car park. The need for a transition zone is again reduced.

The SEPP 1 Objection has established that compliance with the zone interface development standard would tend to hinder the attainment of objects specified in Section 5(a)(i) and (iii) of the EP &A Act as would it detrimentally affect significant remnant trees, would impact on the amenity of the property at No. 8 Marian Street and would also adversely affect some of the units within the development.

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The SEPP 1 Objection has shown that compliance with the standard is unreasonable or unnecessary in the circumstances of the case as the departure is minor and will still result in a development compatible with that of the surrounding properties. Furthermore, the proposal will not result in any undue environmental impacts on adjoining properties. Privacy will be maintained, no unreasonable overshadowing will occur and neither of the two affected properties' development potential is unduly prejudiced.

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.

Non-compliances in respect of DCP 55

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) 150m ² per 1000m ² of site area = 1590m ²	2 x areas of 800m ² each	NO
Part 4.3 Setbacks:		
Street boundary setback (min): 13 - 15 metres (<40% of the zone occupied by building footprint)	Building 1: 12 metres to basement car park 12 - 15 metres to balconies	NO
Side boundary setback (min): 6m	Building 1: 6 metres Building 2: 8 metres Building 3: 4.485metres Building 5: 1.940 metres	YES YES NO NO
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms	9 metres (Between Building1 and 2, 3, 4 and 5) and 9.5 metres (No. 8 Marian Street) 9.5 metres (No. 8 Marian Street) No direct relationship	NO YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
5th Storey		
18m b/w habitable rooms	17 metres (Building1 and 2)	NO
13m b/w habitable and non-habitable rooms	15 metres (Building 1 and No. 8 Marian Street)	YES
9m b/w non-habitable rooms	No direct relationship	YES
	No direct relationship	
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
>90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating	4.5 star rating = 25% 3.5 star rating = 100% (4 star average)	NO YES

Part 4.1 Landscape design:

The application fails to comply with Control C-1 of Part 4.1, which requires a single minimum landscaped area of 1590m² concentrated within one area, towards the rear or middle of the site. The application provides for two pockets of landscaped area which measure more than 800 m² each. These areas are located to the rear and front of Building 3.

The application is otherwise compliant with all of the requirements of section 4.1. In particular, the proposal provides for deep soil landscape zones in the street frontage and at the side and rear of the property. The application also provides for a large amount of tree retention and tree replenishment.

While the application does not provide for one central landscaped area, it will still provide large pockets of landscaping and good sized communal areas of deep soil landscaping, which are adequate for the amenity of residents and considered for the retention of the treed character of the locality. For these reasons, the landscape design is satisfactory.

Part 4.3 Setbacks:

The proposed buildings provide a variety of front, side and rear setbacks in order to achieve good articulation and interest to the streetscape.

Building 1 fails to comply with the front setback to Marian Street as a setback of 12 metres is proposed to the basement car park. The facade of the Marian Street elevation of the building measures 30 metres in length and the building line setback is broken down as follows

53% of the elevation - 15 metres setback
33% of the elevation - 13 to 14 metres setback
14% of the elevation - 12 metres setback

Accordingly, more than 85% of the building elevation to Marian Street will be set back in excess of 14 metres.

The upper floor will be recessed from the perimeter of the building and further set back from the Marian Street frontage to between 17 and 19 metres. The ground floor of the building will be largely concealed from the street due to the fall of the site away from Marian Street and landscaping within the setback, reducing the overall height of building when viewed from Marian Street.

The location of the driveway (within the side setback) does not comply with Clause 4.1 C-3 of DCP 55 but is supported due to mitigating site circumstances. The site, although large, is constrained because of its awkward, battle axe configuration that concentrates the bulk of the developable area (70%) to the rear. This is further exacerbated by 500 metres of site boundaries which reserves more than 33% (3300m²) of the site as side and front setback requirements. The five building configuration, although reducing building length and ensuring an appropriate scale, necessitates an extensive driveway located at grade. The driveway is located along the eastern site boundary to ensure maximum separation between No. 8 Marian Street and Building 1. This configuration also ensures that Building 2 is set back more than 20 metres from the private open space of No 8 Marian Street and also maintains a setback of 7 metres to the apartment building at No 18 Marian Street.

DCP 55 requires a side setback of 6 metres to the eastern boundary but a setback of 8.5 metres is provided, of which 2 metres satisfies deep soil requirements and can be adequately landscaped and screened. A condition is imposed requiring the construction of a 50 metres long masonry fence along this boundary to ensure that any adverse impacts are further minimised (*Refer Condition No 39*). The fence will be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 10.4 metres from the street boundary. A further condition is imposed that relocates the driveway entry 2 metres to the west of its proposed position. This increases the side setback adjoining the Marian Street frontage to 5.15 metres providing a greater area for deep soil landscaping to enhance the streetscape. (*Refer Condition No 38*)

Building setbacks to the rear and side boundaries are largely compliant except for minor variations where the basement car park and part of a drainage culvert projects into the setback area. This equates to an area of 31m² on the eastern boundary (Building 5) and an area of 5m² on the western boundary (Building 3) where the car park tapers to approximately 2 metres from the boundary. Approximately 18m² of the culvert along the northern elevation of Building 5 projects into the setback area. These 'pinch points' are acceptable in the circumstances as the building façades are compliant with minimum setbacks that vary from 6 to 7 metres. Sufficient landscaping can also be established within these setbacks.

Part 4.4 Visual privacy:

This minor numerical variation is addressed by the applicant through privacy measures shown on the elevation plans that were lodged with the application. These privacy measures

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will ensure a more controlled environment to reduce any cross viewing between Buildings 3, 4 and 5. With regard to the amenity of Buildings 1 and 2, adjustable louvres to the windows to bedrooms in Building 1 and louvres to Building 2 balconies will ameliorate any privacy impacts. These measures satisfactorily address the privacy objective behind the setback control.

The variation in respect of the impacts on No 8 Marian Street is addressed in Part 4.3 above and is also dealt with in the reply to Question 8 of this report. The conditions requiring the construction of a masonry wall along the common boundary, relocated driveway and the super advanced planting proposed for this area will reduce adverse impacts on this property. **(Refer Conditions No's 38 and 39)**

Part 4.8 Resource, energy and water efficiency:

DCP55 requires 90% of units to meet with the NatHERS rating of 4.5 stars and above. The application proposes 100% of units which meet with the 3.5 star NatHERS rating but only 25% of units which comply with the NatHERS 4.5 star rating. On average, the development achieves a rating of 4 stars.

The response to Question 4 further elaborates on this point which details how substantial compliance can now be achieved. Given that all of the apartments are provided with at least 3 hours of sunlight and that the majority will have at least two aspects with good cross ventilation, it is thought that the non-compliance (78% vs. 90%) is minor and in the circumstances, acceptable. **Conditions No's 103a and 122a** is recommended to ensure that the window treatment as suggested is complied with in order to achieve the 4.5 star rating to 47 (78%) of the units.

2. Objectors concerns in relation to safety and traffic implications be further reviewed by Council's staff, particularly in relation to the cumulative traffic impacts of the proposed development and future developments in the locality.

Council's Engineering Assessment Team Leader, Robin Howard, has commented as follows:

The development has been recommended for approval based on a thorough engineering assessment of the predicted traffic generating impacts of this proposal. There have been no valid traffic engineering issues raised (based on a professional traffic engineering assessment) to suggest the proposal will create new traffic problems in this location.

Traffic counts have been undertaken by the applicants traffic consultant. The number of peak hour trips on Marian Street ranged from 50 to 95 at the pm peak per hour, west of Culworth Ave, on a typical working day.

The maximum peak hour volume of traffic for local streets identified in the RTA Guide to Traffic Generating Developments is 300 vehicles per hour (Section 4, table 4.6). Traffic generation has been assessed using the Guide, resulting in an additional 29 peak hour trips above existing. This figure does not include a deduction in traffic

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movements for those residents that will use the train station some 200 metres away for commuting. The figure is therefore overly conservative.

The expected vehicle movements over the post developed driveway crossing (using the RTA Guide to Traffic Generating Developments) are 1 vehicle every 1.6 minutes over the peak hour, in and out combined. This is not significant movement across a driveway into a local road.

Considering future development permissible in Marian Street, the maximum of 300 vehicles per peak hour on a local street (Marian Street) is not expected to be reached (or nearly reached). The traffic assessment report submitted by the applicant has modelled the existing and post-developed intersection performances with the development traffic of this proposal assigned. The affected intersections remain at a 'good' level of service post development.

In terms of safety, Marian Street is straight and sight distances in both directions are adequate from the proposed driveway crossing. It is expected that all drivers leaving or entering the site will abide by the traffic rules and common sense. Comments from Councils Traffic Engineer are as follows:

As discussed, I have checked the most recent 5 years of available recorded accident history for Marian Street. There were 2 accidents - 1 at each end, and involved vehicles leaving the carriageway to the right and colliding with an object or parked vehicle. Given that they occurred at each end, it may indicate that those motorists were not turning the corner with due care and may have lost control. Also, one of the accidents occurred at about midnight on a Friday morning. Both were of low severity.

The accident history on Pacific Highway near Marian Street doesn't indicate that there is a problem with exiting Marian St onto Pacific Highway. There were no recorded accidents along the length of Marian St.

Overall, the accident history is not adverse.

Finally, it must be considered that this site is approximately 200 metres from Killara Rail Station. The future use of public transport is envisaged, encouraged and is inherent in the LEP 194 rezoning. It is not unreasonable to assume a significant portion of residents in the post developed area will commute via the rail network, as intended by the LEP.

3. Council staff to confirm (and summarise) the setback of the top floor of the development from the front boundary of the site.

Staff are to also examine/clarify the scope for additional landscape treatment upon the verge particularly in relation to the removal of the existing driveways. It was also requested that the extent of canopy overhanging the verge be clarified for Council's consideration.

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The setback of the 5th floor to the front boundary measures 17 metres at its closest point (eastern corner) and tapers to a maximum of more than 19 metres at its western corner as shown in Diagram 2a.

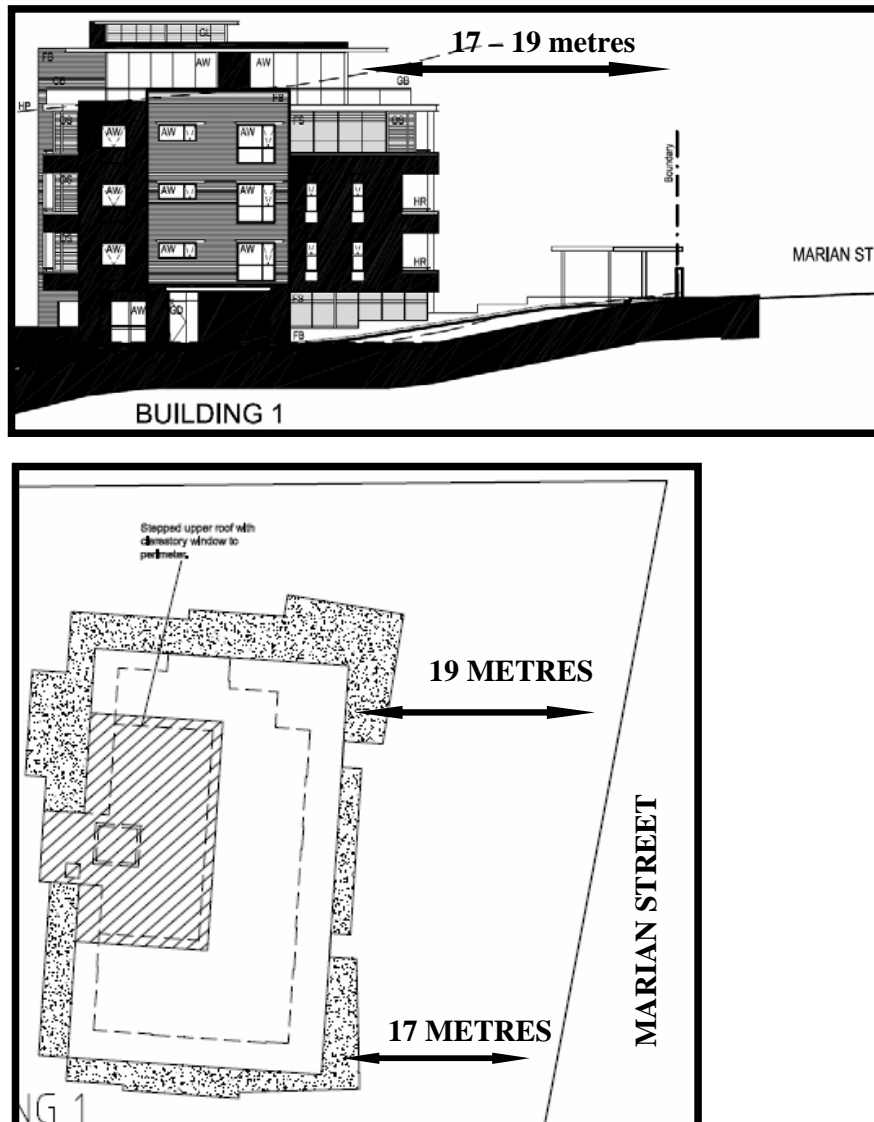


DIAGRAM 2A – Building 1 top floor setback to Marian Street

With regard to the second part of the question, Council's Landscape and Tree Assessment Officer, Geoff Bird, commented as follows:

The proposed development will result in the existing Marian St nature strip being replanted with five Jacaranda mimosifolia (Jacaranda) trees in front of the development site. This species is consistent with the existing streetscape character and will provide visual softening/screening of the development. The trees are to be planted with a

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minimum 25 litre pot size. The nature strip will otherwise be grassed/turfed, which again is characteristic of the existing streetscape character.

Other tree plantings adjacent to the site boundary include trees that will overhang Council's verge. The largest being a Grey Gum that will as it matures overhang the verge by approximately 5.0m. This will be at height and not interfere with pedestrian access. Other trees proposed adjacent to the site frontage are small and have adequate setbacks so as not to impede public pedestrian access.

4. Staff to re-examine the departure from Councils energy efficiency controls and provide a more detailed summary of compliance and offer a more detailed explanation as to why full compliance cannot be achieved.

As submitted the proposal provides:

- 38% of apartments with a >4.5-star average (of which 57% being 5-star rating).
- 62% of apartments with a > 3.5-star rating.

By making some minor adjustments to the apartments (in particular the provision of heavy drapes and pelmets), the applicant can achieve near compliance with the 90% 4.5 star rating requirement in DCP 55. (Refer attached NatHERS table - Option 2). The adjusted results are as follows:

- 78% (47) of apartments comply with a 4.5 star average of which 44% (26) apartments are 5 star rated.
- 22% (13) of apartments achieve a 3.5 star rating being ground floor apartments which are penalised in the formula because of the basement area under.

Condition No's 103a and 122a will ensure compliance with additional requirements in order to achieve the improved and largely compliant NatHERS ratings.

5. Staff to provide further hydrological assessment, particularly in relation to the alterations to the stormwater run off patterns and any adverse impacts upon the ground water flows that the development may have upon Selkirk Creek. Staff are to specifically investigate the cumulative impacts of this and adjoining developments upon the surrounding riparian system.

Council's Engineering Assessment Team Leader, Robin Howard, commented as follows:

In term of groundwater, the site is underlain by shale and clays which have extremely low to nil permeability. Borehole investigation indicated no seepage of groundwater in the boreholes. The development and basement structures are not expected to have any adverse impact upon groundwater flow regimes, given the low to nil permeability of the founding material and the absence of any noted groundwater. No groundwater extraction is proposed. A tributary of Rocky Creek is approximately 700m away from the site and to the best of my engineering knowledge there would be nil impact from the proposal on groundwater flows that influence this nearest riparian system.

There are nil riparian zones identified in the vicinity of the site on Council's riparian zone identification map – adopted by Council in December 2004. The nearest riparian area is approximately 700 metres away (on the other side of the railway line) as stated. As such, there are no tangible impacts on any recognized or identified riparian zone in the vicinity of the site. Importantly, the existing drainage system through the site and downstream from this site is piped for a considerable distance before the natural watercourse system is encountered. It is not identified as having riparian significance in Council's adopted Riparian Policy.

The development complies in full with Council's DCP47 for Water Management (DCP47) in terms of water retention (re-use) and detention (controlling runoff) on site. The controls of DCP47 are designed to manage runoff rates to best mimic state of nature flows in the downstream system and to cater for the finite capacity of pipes downstream. In conjunction, the objectives and controls of DCP47 have been developed to best protect downstream riparian zones when development occurs. Where the development complies with the relevant DCP covering this issue, no further downstream investigations are warranted. This is particularly in light of the significant distance to the nearest downstream riparian area for this site.

In terms of cumulative impacts, provided each relevant development complies with DCP47 then it is envisaged that the cumulative hydrological impacts will be managed to an acceptable level. It must also be considered that the existing areas to be developed in future will generally have no stormwater management measures in terms of runoff and water quality control. Runoff from all new development under LEP 194 will be managed and controlled through the requirements of DCP 47. The cumulative impact of development may therefore result in an improvement to the existing runoff regimes, bringing them cumulatively closer to "state of nature" conditions.

Further, DCP38 permits development on up to 60% of the total site area. LEP 194 has a deep soil requirement of 50%. The effect of this is less hard surface area generating runoff, and hence less impact on the natural hydrology, over the long term.

- 6. Staff are to provide clarification in relation to the processing of Council's landscaping comment dated 1 April 2005, and reasons why these comments where not assessed in their entirety be explained. A response to this inconsistency is to be provided in the supplementary report to Council.**

The preliminary comments by Council's Landscape officer, Geoff Bird were fully assessed and have been taken into account in the determination of the application. Council should be aware that Mr Bird, after discussions with his team leader, Ian Francis and development assessment staff, reviewed his initial comments and agreed that the modification to the basement was an overly onerous request given the minor nature of the breach. The comment as it appears in the report to Council is the final opinion of Council's Landscape department. As pointed out at the site inspection and discussed in the attached Council report, the non-compliance referred to is minor. Diagram 3 illustrates the extent of the non-compliance. It relates to a triangular shaped intrusion measuring 31m² on the eastern boundary (Building 5)

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where the car park tapers to approximately 2 metres from the boundary. This 'pinch point' is acceptable in the circumstances as the building façade is compliant with minimum setbacks of 6 metres. Sufficient landscaping can also be established within this setback. It should also be noted that this only affects the proposed residential flat building at No's 6-8 Culworth Avenue (DA1369/04) currently under assessment and no objection has been received from the owners of that property.

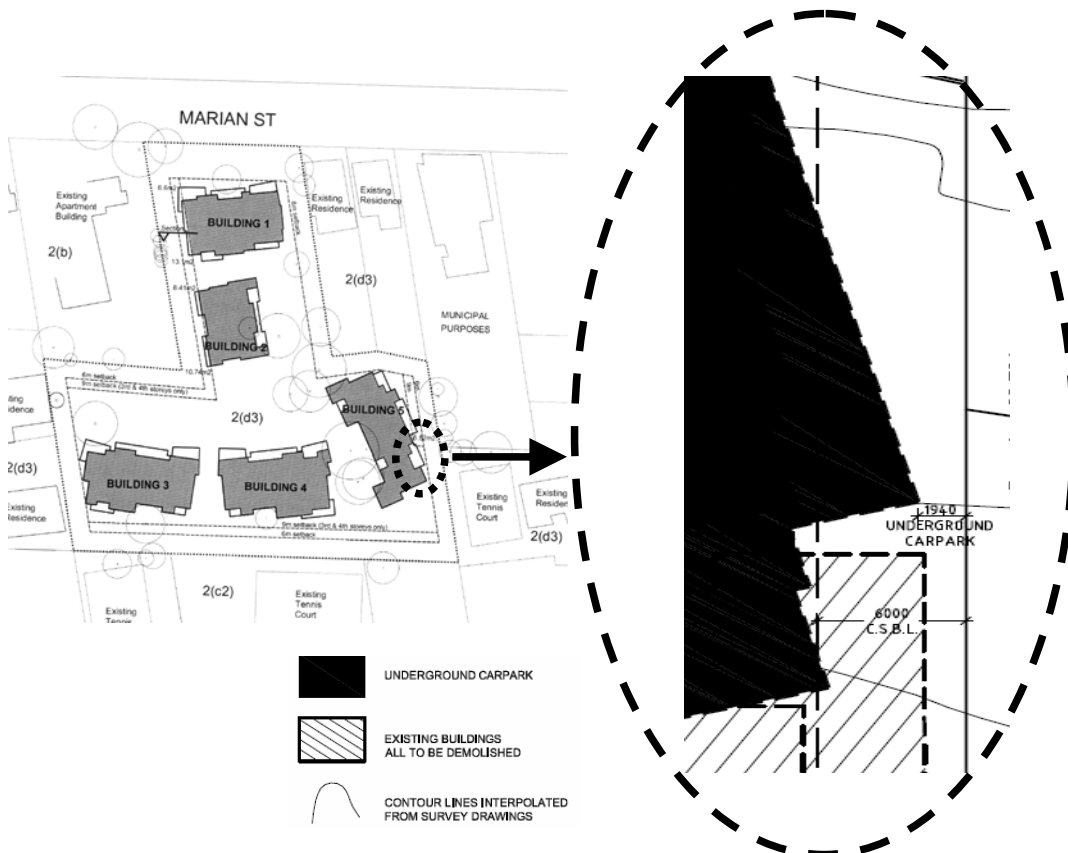


DIAGRAM 3 – Extent of the basement car park intrusion

7. **A condition of consent is to be imposed requiring the undergrounding of the powerlines. Staff are to confirm whether or not the condition in relation to grounding the powerlines would be the responsibility of the developer or only require the provision of the infrastructure at a later date.**

Council's Engineering Assessment Team Leader, Robin Howard, commented as follows:

Council officers rely on Energy Australia, as the power supply authority, to decide whether undergrounding of power cables is practical and feasible. The general (Statutory) policy of Energy Australia is that undergrounding of power lines is desirable – and Energy Australia do require underground cabling for larger developments where it can be facilitated in the context of the surrounding power

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delivery infrastructure. It is envisaged that Energy Australia will direct the undergrounding of cables for this development.

However, Council officers are not in a position to include a blanket requirement via condition to direct the undergrounding of power lines, which may be contrary to the utility requirements of Energy Australia. The onus is therefore on the developer to liaise with Energy Australia and to meet their requirements in relation to power supply from the grid.

Condition No. 94 is recommended to addresses this issue:

“Prior to issue of the Construction Certificate the applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. 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 shall be met in full prior to issue of the Occupation Certificate.”

8. **The likely impact of the proposed works along the boundary to No 8 Marian (adjoining the dwelling) be clarified, particularly in relation to the existing landscaping and any impact from level changes.**

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

Existing trees adjacent to 8 Marian Street are being retained and the driveway construction, suspended slab, will minimise adverse impacts to the tree root systems and maintain existing ground levels adjacent to the site boundary. These methods have been detailed within the consulting arborist’s report. Proposed planting will result in screening shrubs that can attain 4.5m in height along with screening tree species that grow greater than 10m in height. This will, as the landscape matures result in a layered evergreen screen planting that with reasonable care and maintenance result in total screening of the development from 8 Marian Street.

Diagram 4 below shows the extent of the ground level changes in the vicinity of the boundary with No. 8 Marian Street. The level changes vary from 300 to 700mm and are limited to the actual driveway only. No level changes are proposed in close proximity to the boundary line. Numerous trees are proposed to be retained in this area and these will be protected during construction (**refer Condition No’s 64 & 69**). To further protect the amenity of that property a stepped, 1.8 metres high, masonry wall will be constructed for a length of approximately 50 metres on the boundary as shown in Diagram 5.

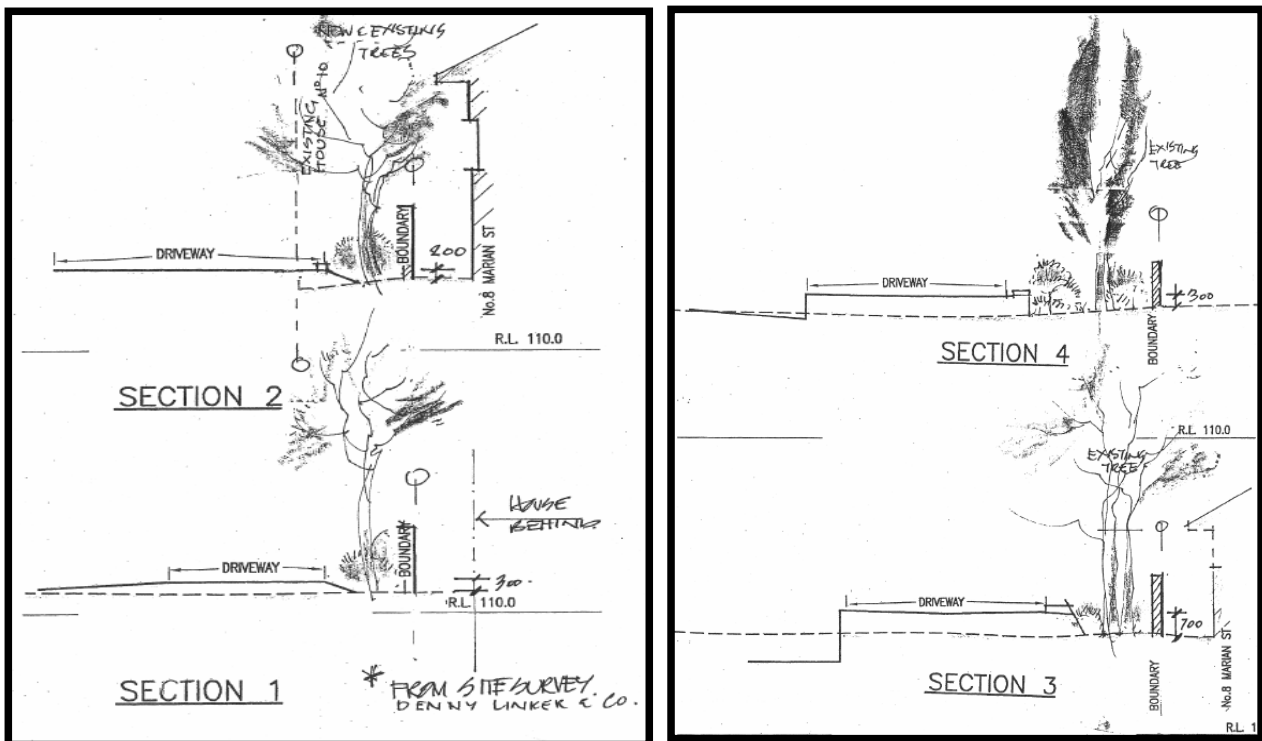


DIAGRAM 4 – Changes to ground level in the vicinity of No. 8 Marian Street

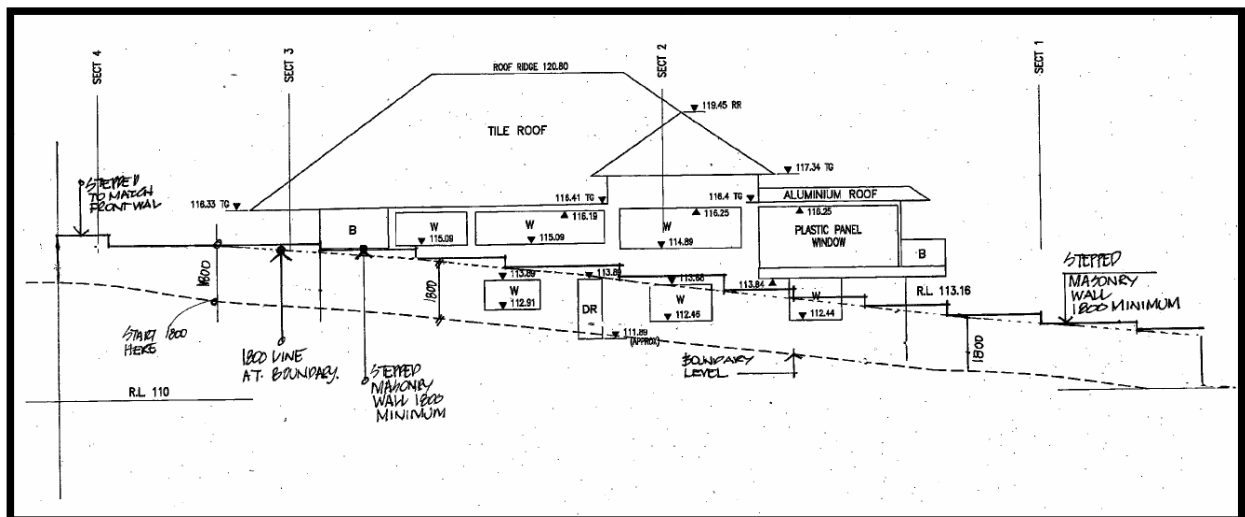


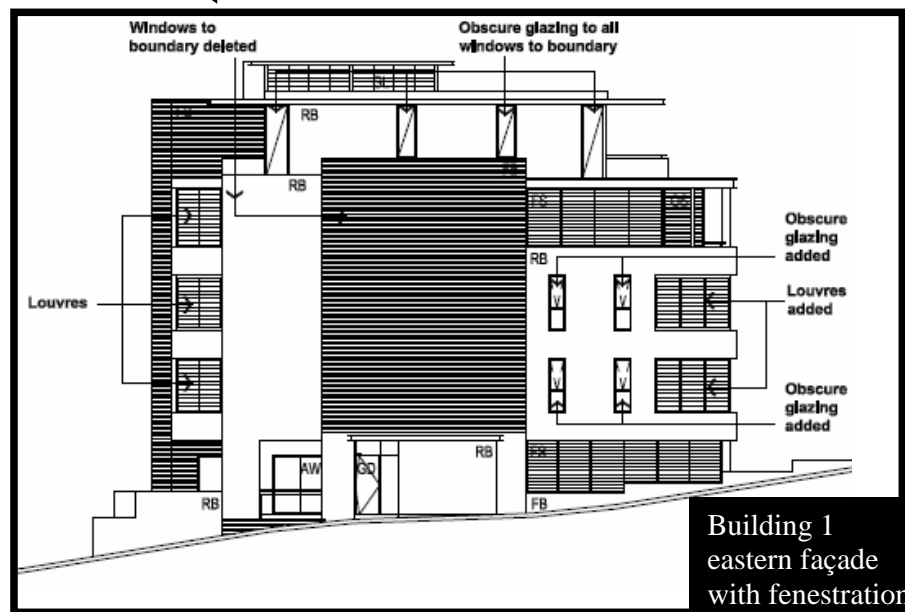
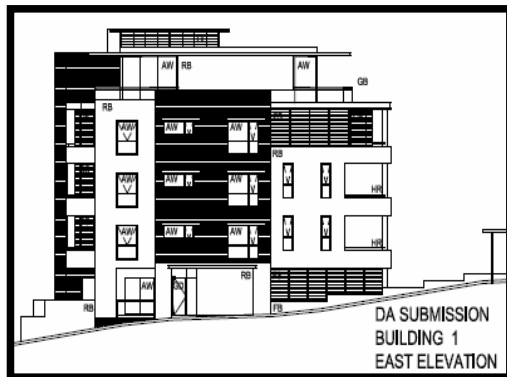
DIAGRAM 5 – Elevation of proposed masonry wall in relation to No. 8 Marian Street

To further ameliorate the concerns of the residents at No. 8 Marian St, changes have been incorporated into the eastern façade of Building 1 to remove any potential cross viewing between Building 1 and No. 8 Marian St. This has been achieved by reducing the number of windows to Level 1 – 4 from 23 to 16; introducing additional louvres and using obscure glass. On Level 5, all

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trafficable balconies are set back from the edge of the building, the number of windows is reduced to the east elevation and obscure glass introduced. These amendments are shown in Diagram 6 below.



Building 1
eastern façade
with fenestration
amendments

DIAGRAM 6 Fenestration amendments to Building 1

In summary, amenity impacts on No. 8 Marian Street are addressed through the following measures which are reflected in the amended plans:

- i. A condition is recommended requiring the construction of a 50 metres long masonry fence along the eastern boundary as advanced in the amended plans. The fence will be

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- 1.2 metres high in the front setback area but will step up to 1.8 metres approximately towards the rear of the property as shown in Diagram 5. (**Refer Condition No 39**).
- ii. Numerous existing trees within the landscape strip adjacent to the driveway will be retained. Screening will be augmented with super-advanced species detailed in the landscape plans.
 - iii. Extensive amendments to the fenestration of Building 1 as shown in Diagram 6.

9. Staff are to clarify concerns in relation to the viable retention and effective reintroduction of vegetation in relation to the post developed altered state of the site, particularly having regard to altered levels and associated hydrology impacts. Also staff are to clarify the extent of vegetation to be retained at the rear of Building No 2 and to possibly require a rehabilitation plan for these trees.

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

Although not detailed within specifications submitted to Council as part of the DA (as it is common practice/required to have these details at the CC stage), it is common/standard practice as part of major development/landscape works that the existing soils are rejuvenated through cultivation and the addition of organic materials such as cow manure and compost, and mulched after planting to ensure the establishment and viability of the proposed/new landscape works. This ensures that there is a very high percentage (80%+) of plant survival. It should also be noted that development sites such as this have a minimum 12 month establishment/replacement period within the contract to the landscape company where they have to replace any planting that does not establish or survive. In this way the developer (and Council) can be assured that the landscape as proposed will have every opportunity to establish and grow.

Given that the majority of the centre of the site around the drainage depression will remain unaltered, there will only be negligible changes to surface moisture regimes. The existing planting remaining within these unaltered areas will also ensure the effective reintroduction of additional vegetation to the site. This must be taken in conjunction with the site's tree protection measures remaining in place during the demolition/construction process.

Only two trees are being retained at the rear of Building 2. Being #162 Eucalyptus saligna (Bluegum) and #3 Phoenix canariensis (Canary Island Date Palm). The Bluegum is located within a large soft landscape area with most of the works located outside of its canopy drip line and non within the critical root zone. As such there should be minimal if any adverse impacts on the tree, subject to tree protective measures remaining in place. The canary Island Date Palm is a very hardy species and adaptive to many growing environments, as is evident by its ability to be transplanted readily and very high success rate. Paving works are proposed around the tree but they are porous and soft landscape area is being maintained within the critical root zone. No concern is raised to the ongoing viability of the Palm.

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As there are only two trees being retained, of which one is a palm and the other in good health with minimal impacts, it is considered that there is no need for a rehabilitation plan.

- 10. Staff are to ensure additional planting is provided along the side boundary to No 14A Stanhope to afford adequate future amenity and privacy.**

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

Planting adjacent to the rear site boundary of 14A Stanhope Rd as proposed includes; one Blackbutt, one Grey Gum, one Sydney Bluegum, one Rough Barked Apple, numerous Lillypilly hybrids at 700mm centres able to grow 5.0m high, and the retention of existing trees and thirty one other medium sized evergreen shrubs able to grow to 3.5m, all within a generous 4.0m wide garden bed. The planting as proposed is substantial; multi layered and will ensure total privacy as the landscape matures. Landscape Services believes this planting to be more than adequate. It should be noted that this is the northern aspect of No. 14A Stanhope Road and further screening will increase overshadowing onto their property.

- 11. Staff are to clarify/confirm compliance with Council's setback controls specifically in relation to habitable rooms of adjoining properties along that part of the site adjoining No 22 and 22a Marian Street.**

22a Marian Street: Diagram 6 shows that habitable room windows (on Levels 1-4 of Building 3) are sited more than 12 metres from the adjoining dwelling at 22a Marian Street. Habitable rooms on the 5th floor are separated by more than 18 metres. The separation to No. 22a Marian Street therefore complies with the requirements of DCP 55 which requires 12 metres separation between habitable rooms (Levels 1 to 4) and 18 metres between habitable rooms on the 5th floor. The trafficable terrace area on the 5th Level is set back approximately 4 metres from the edge of the building in order to reduce overlooking of No's 22a and 22 Marian Street.

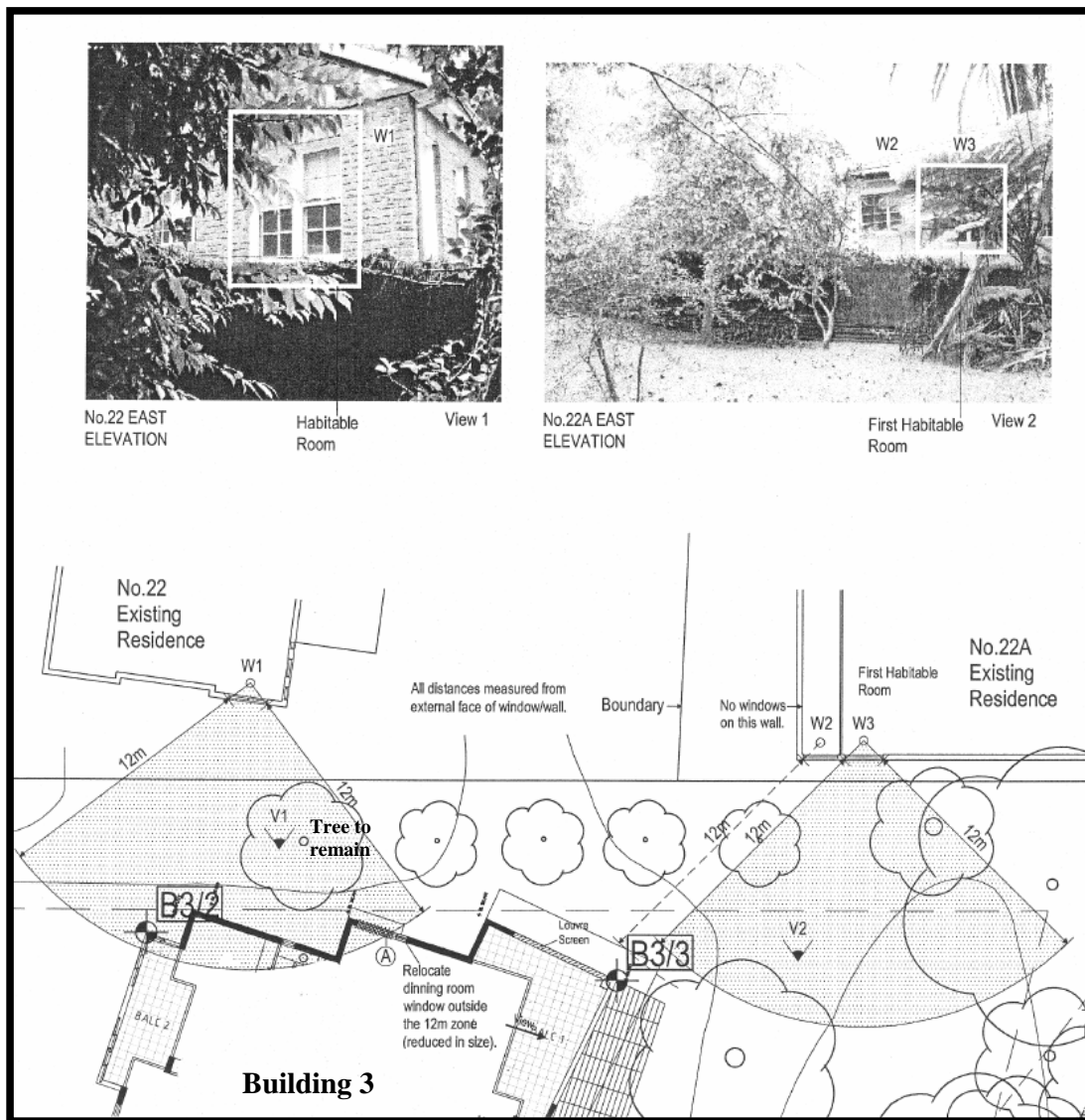


DIAGRAM 6 – Separation to No.'s 22 and 22a Marian Street

22 Marian Street: Diagram 7 below shows that the the proposed wall of Building 3 has limited fenestration: two windows (on each floor) facing west - one to the bathrooms and one to the dining rooms. Direct cross-view is also interrupted by an existing tree which is proposed to remain (shown in Diagram 6 above).

To ensure the privacy of No. 22 Marian Street is maintained, additional privacy measures have been included in amended plans. These are illustrated in Diagram 8 and are described as follows:

- a. The proposed bathrooms are glazed with obscure glass;

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- b. The dining room windows are orientated away from the window at 22 Marian Street but are also reduced in size and relocated outside of the 12 metres zone (as shown by Diagrams 3 and 8).

DIAGRAM 7

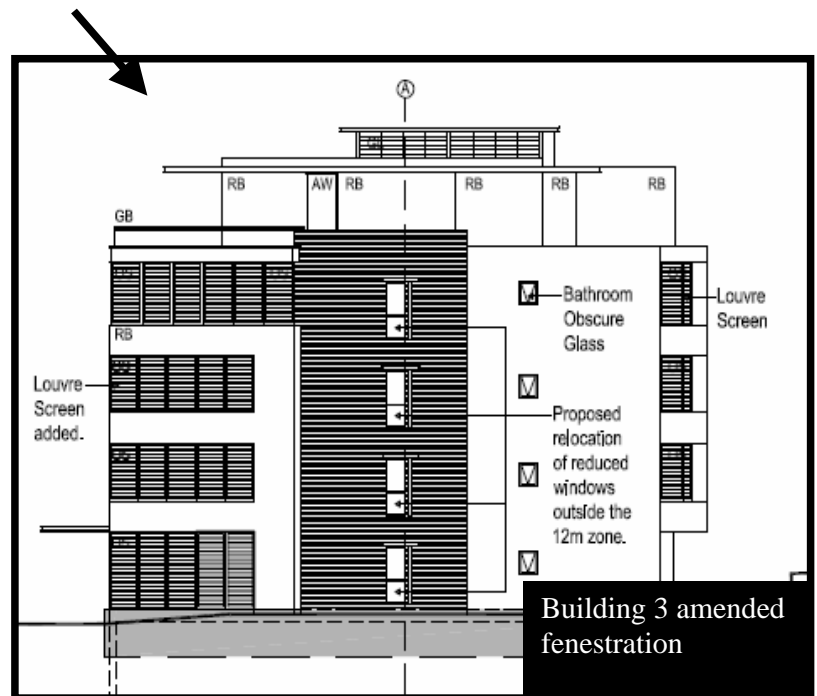
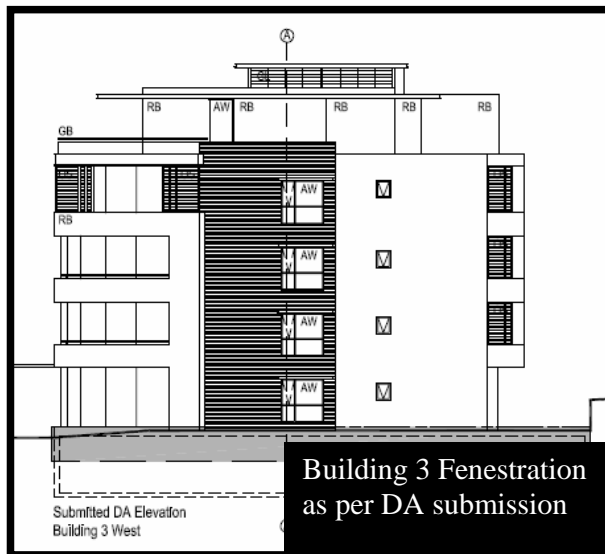


DIAGRAM 8 Fenestration as per the amended plans

12. Staff are to draft a condition requiring the recording of the dwellings to be demolished along with recording and detailing of important landscaping aspects of the surrounding gardens and/or curtilage areas of the dwelling.

Conditions No's 34 and 106 are recommended in this regard.

13. Staff are to ensure that the removal of the existing screening vegetation (Elders etc.) adjoining Building 3 be staged to ensure optimum privacy for adjoining residents until completion and replacement vegetation is planted. Clarification by Council staff is also sought in relation to the type of vegetation to be planted and it is requested that evergreen species be provided.

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

Staged removal of the Evergreen Alders (Alnus jorullensis) significantly limits the establishment and viability of new planting. The species has an aggressive root system, and is moisture hungry, which is one of the reasons why Council has identified the species within its Weed Policy and TPO. In addition, the existing trees have grown together as one grouping with an interconnecting canopy, rather than as individual specimens, as such the removal of some trees will potentially render the remaining trees being susceptible to failure or significant damage due to winds being able to penetrate within the outer canopy. Evergreen Alders are a very fast growing, short lived species (20 years) and as a result are not particularly strong and as such are prone to wind/storm damage.

To replenish the area after removal of the Evergreen Alders, it has been conditioned/required that ten (10) native endemic tree species that are consistent with Blue Gum High Forest be planted within the same area. These are then, as proposed, to be underplanted with indigenous understorey as detailed on the landscape plan. Existing indigenous understorey planting is proposed for retention, along with the removal of existing noxious weeds and undesirable species.

14. Any amended plans be accessible for affected residents at Council chambers.

All plans were available for viewing at Council chambers.

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 Zone Interface standard (cl. 25L) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the

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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 1388/04 is consistent with the aims of the Policy, grant development consent to DA 1388/04 for the demolition of existing structures and construction of 5 residential flat buildings comprising 60 dwellings including, basement parking, landscaping, storm water reticulation and strata subdivision on land at 10, 10a, 12, 14 and 16 Marian Street, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

- 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 03-	Rev A	Site Plan	HPA Architects	31 May 2005	2 June 2005
DA 04-	Rev A	Basement Plan	HPA Architects	Nov. 2004	2 June 2005
DA 05-	Rev A	Level 1 Plan	HPA Architects	31 May 2005	2 June 2005
DA 06-	Rev A	Level 2 & 3 Plan	HPA Architects	31 May 2005	2 June 2005
DA 07-	Rev A	Level 4 Plan	HPA Architects	31 May 2005	2 June 2005
DA 08-	Rev A	Level 5 Plan	HPA Architects	31 May 2005	2 June 2005
DA 09-	Rev A	Roof Plan	HPA Architects	31 May 2005	2 June 2005
DA 10-	Rev A	Site Sections	HPA Architects	31 May 2005	2 June 2005
DA 11-	Rev A	Elevations 1, 2 & 3	HPA Architects	31 May 2005	2 June 2005
DA 12-	Rev A	Elevations 4, 5 & 6	HPA Architects	31 May 2005	2 June 2005
DA 13-	Rev A	Elevations - Bldgs 1, 2 & 3	HPA Architects	31 May 2005	2 June 2005
DA 14	Rev A	Elevations - Bldgs 4 & 5	HPA Architects	Nov. 2004	2 June 2005
SK DA 05	Rev A	Part L 1 Plan	HPA Architects	April 2005	29 Apr 05
A 15	Rev A	—	HPA Architects	24 May 2005	May 2005
SK DA 16	Rev A	—	HPA Architects	24 May 2005	May 2005
SK DA 17	Rev A	—	HPA Architects	24 May 2005	May 2005

Landscape Plans

La - 0501-	Rev b02	Landscape Plan	DEM	19 Jan 05	24 Jan 05
La - 0801-	Rev b01	Landscape Finishes Plan	DEM	19 Jan 05	24 Jan 05

Strata Subdivision Plans

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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. 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).*
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 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. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.

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11. 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.
12. 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.

13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. 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.

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

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

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

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.

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18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.
22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. 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.
24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.

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25. 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.
26. 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.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. 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.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Fire hoses are to be maintained on site during the course of demolition.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. 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.
33. 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.
34. A photo record of the buildings and associated gardens to be demolished on site is to be submitted to Council for archival purposes.
35. 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

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37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. The driveway shall be relocated in accordance with approved plan SK DA 05 dated April 2005 and lodged with Council on 29 April 2005.
39. To ensure the amenity of No. 8 Marian Street is maintained a masonry fence shall be constructed in accordance with plan SK DA 05 dated April 2005 and lodged with Council on 29 April 2005 and SK DA 16 dated May 2005 and lodged with Council on 24 May 2005.

Engineering

40. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the trunk drainage system in the site, via the approved site stormwater management 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.
41. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum total volume 185m³, must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.
42. A mandatory on-site detention system comprising stormwater detention tanks of (minimum) total volume 175m³ must be provided for the development.
43. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
44. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
45. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

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46. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
47. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
48. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
49. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
50. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
51. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
52. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the

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recommendations of the Report on Geotechnical Investigation, 10-16 Marian Street, Killara, by Douglas Partners, report 36876, dated March 2004, and the subsequent geotechnical investigations carried out for construction purposes.

53. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the Report on Geotechnical Investigation, 10-16 Marian Street, Killara, by Douglas Partners, report 36876, dated March 2004. 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 geotechnical inspection, testing and monitoring programs.
54. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
55. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
56. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
57. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
58. Staging of trunk drainage diversion works within the site must take place in the following sequence:
1. Applicant prepares construction detail drainage plans for the proposed trunk and overland flow conveyance structures through the site, which will become Council drainage assets. Plans to be to Council specifications and amended to reflect relevant Conditions of Consent.
 2. Plans for the new trunk drainage infrastructure are reviewed, approved and stamped by Council Technical Services department (as future drainage asset managers), prior to commencement of **any** works within the site and prior to issue of the Construction

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Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.

3. The Council approved drainage works in the road reserve are completed by the Applicant in accordance with terms of Council approval and prior to commencement any works within the site excluding demolition. The existing 750mm Council drainage line through the site is maintained until the new trunk system is operational.
4. The redundant sections of the Council drainage line traversing the site are decommissioned and new drainage line sections are made operative.
5. Applicant commences other works in site subject to Principal Certifying Authority approval.

Landscaping

59. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

60. Landscape works shall be carried out in accordance with Landscape Drawing No la 0501 rev b02, la 0801 rev b01 prepared by DEM and dated 19/01/05 submitted with the Development Application, except as amended by the following:

The proposed planting of an Angophora floribunda (Rough barked apple) adjacent to the eastern site boundary and Building 5 is to be deleted and relocated to a location where it has a minimum setback from a proposed or existing dwelling of 5.0m:

- The proposed planting of a Eucalyptus punctata (Grey Gum) adjacent to the south east corner of Building 5 is to be relocated so that it has a minimum setback of 5.0m from any dwelling.
- The proposed planting of Betula pendula (Silver Birch) is to be deleted from the landscape works and replaced with a similar deciduous species as it is a cool climate tree species that does not grow well in Sydney due to humidity.
- Tree numbers 26-30, 32, 35-37, and 39, Alnus jorullensis (Evergreen Alder) are to be removed and replaced with ten (10) super advanced (min 45 Litre pot size) native endemic tree species that are consistent with Sydney Bluegum High Forest tree species.

61. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.

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62. On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species eg Rye Corn or Japanese Millet applied at a rate of at least 20kg/ha with Grower 11 fertiliser at 250kg/ha or as directed by the principal certifying authority.
63. 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.
64. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location (Tree #'s refer to Landscape Plan and Arborists Report)	Radius From Trunk
#11 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary/Building 3	5.0m
#14 <i>Juniperous sp.</i> Adjacent to western site boundary/Building 3	4.0m
#15 <i>Michelia sp.</i> Adjacent to western site boundary/Building 3	3.0m
#16 <i>Michelia sp.</i> Adjacent to western site boundary/Building 3	3.0m
#17 <i>Michelia sp.</i> Adjacent to western site boundary/building 3	3.0m
#19 <i>Juniperous sp.</i> Adjacent to western site boundary/Northwest corner of Building 3	5.0m
#53 <i>Eucalyptus microcorys</i> (Tallowood) Adjacent to northern site boundary/Marian St frontage	5.0m
#55 <i>Tristanopsis laurina</i> (Water Gum) Adjacent to northern site boundary/Marian St frontage	3.0m
#56.1 <i>Hymenosporum flavum</i> (Native frangipani) Adjacent to southern site boundary/Building 4	4.0m
#71 <i>Eucalyptus pilularis</i> (Blackbutt)	5.0m

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Centrally located between Buildings 4 and 5	
#72 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	5.0m
#75 <i>Angophora floribunda</i> (Rough barked apple) Centrally located between Buildings 4 and 5	5.0m
#76 <i>Angophora floribunda</i> (Rough barked apple) Centrally located between Buildings 4 and 5	5.0m
#77 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	5.0m
#90 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to northern site boundary/Building 5	4.0m
#91 <i>Fraxinus oxycarpa</i> 'Raywood' Adjacent to northern site boundary/Building 5	5.0m
#96 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary on neighbouring property	4.0m
#96.1 <i>Cupressus torulosa</i> (Bhutan Cypress) Adjacent to eastern site boundary	3.0m
#96.2 <i>Trachycarpus fortunei</i> Adjacent to eastern site boundary	3.0m
#97 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary on neighbouring property	4.0m
#100 <i>Magnolia soulangeana</i> (Soul's magnolia) Adjacent to eastern site boundary	3.0m
#110 <i>Syzigium paniculatum</i> (Brush Cherry) Adjacent to the western site boundary/Marian Street frontage in the neighbouring property	5.0m
#111 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to northern site boundary/Marian St boundary	5.0m
#149 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary/Entry driveway	4.0m
#162 <i>Eucalyptus saligna</i> (Bluegum) Centrally located between Building 5 and	7.0m

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proposed driveway

#171 *Metasequoia glyptostroboides* (Redwood) 4.0m
Centrally located between eastern site boundary
and Building 2

#181 *Corymbia maculata* (Spotted Gum) 6.0m
Adjacent to eastern site boundary/proposed driveway

65. 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 reports from the Arborist to the principal certifying authority shall be required at three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority with the Occupation Certificate.
66. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
#3 <i>Phoenix canariensis</i> (Canaray Is Date Palm) Centrally located on site	4.0m
#111 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to northern site boundary/Marian Street boundary	5.0m
#55 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to northern site boundary/Marian Street frontage	3.0m
#11 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary/Building 3	5.0m

67. No mechanical excavation of the proposed development works 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
#111 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to northern site boundary/Marian Street boundary	5.0m
#171 <i>Metasequoia glyptostroboides</i> (Redwood) Centrally located between eastern site boundary and Building 2	4.0m

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68. No mechanical excavation of the proposed development works 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
#11 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary/Building 3	7.0m
#71 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	10.0m
#72 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	11.0m
#75 <i>Angophora floribunda</i> (Rough barked apple) Centrally located between Buildings 4 and 5	10.0m

69. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug, unless otherwise stated:

Tree/Location	Radius From Trunk
#110 <i>Syzigium paniculatum</i> (Brush Cherry) Adjacent to the western site boundary/Marian Street frontage in the neighbouring property	5.0m
#55 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to northern site boundary/Marian Street frontage	3.0m
#162 <i>Eucalyptus saligna</i> (Bluegum) Centrally located between Building 5 and proposed driveway	7.0m
#111 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to northern site boundary/Marian St boundary	5.0m
#171 <i>Metasequoia glyptostroboides</i> (Redwood) Centrally located between eastern site boundary and Building 2	4.0m
#149 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary/Entry driveway	4.0m
#181 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to eastern site boundary/proposed driveway	6.0m

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70. 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.
71. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Marian St. the trees are to be planted as a formal avenue planting at 10m intervals across the site frontage. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Jacaranda mimosifolia (Jacaranda) x 5
72. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
73. 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.
74. One hundred and thirty (130) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
 - 115 - Residential
 - 15 - Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. (*Reason: To ensure that adequate parking facilities to service the development are provided on site*)

75. At least one external visitor parking bay shall be provided with a tap, for car washing purposes, in accordance with DCP55 Part 5.

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

76. 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.

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77. 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).
78. 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.
79. 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.
80. 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 FIFTY-FIVE (55) ADDITIONAL DWELLINGS IS CURRENTLY \$1,465,298.40. 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 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

81. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

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

Fifty percent (50%) of the 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.

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

Landscaping

83. A CASH BOND/BANK GUARANTEE of \$35 000.00 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 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

#3 *Phoenix canariensis* (Canaray Is Date Palm) (\$1,000.00)

Centrally located on site

#53 *Eucalyptus microcorys* (Tallowood) (\$2,000.00)

Adjacent to northern site boundary/Marian St frontage

#71 *Eucalyptus pilularis* (Blackbutt) (\$4,000.00)

Centrally located between Buildings 4 and 5

#72 *Eucalyptus pilularis* (Blackbutt) (\$4,000.00)

Centrally located between Buildings 4 and 5

#75 *Angophora floribunda* (Rough barked apple) (\$4,000.00)

Centrally located between Buildings 4 and 5

#76 *Angophora floribunda* (Rough barked apple) (\$4,000.00)

Centrally located between Buildings 4 and 5

#77 *Eucalyptus pilularis* (Blackbutt) (\$4,000.00)

Centrally located between Buildings 4 and 5

#149 *Jacaranda mimosifolia* (Jacaranda) (\$2,000.00)

Adjacent to eastern site boundary/Entry driveway

#162 *Eucalyptus saligna* (Bluegum) (\$4,000.00)

Centrally located between Building 5 and proposed driveway

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#171 *Metasequoia glyptostroboides* (Redwood) (\$2,000.00)
Centrally located between eastern site boundary and Building 2

#181 *Corymbia maculata* (Spotted Gum) (\$4,000.00)
Adjacent to eastern site boundary/proposed driveway

84. To preserve the following tree/s, footings of the proposed development works 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 release of the Construction Certificate.

Tree/Location	Radius in Metres
#111 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to northern site boundary/Marian St boundary	5.0m
#148 <i>Cupressus torulosa</i> (Bhutan Cypress) Adjacent to north east site corner/Marian St vehicular entry	5.0m
#149 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary/Entry driveway	4.0m
#171 <i>Metasequoia glyptostroboides</i> (Redwood) Centrally located between eastern site boundary and Building 2	4.0m
#181 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to eastern site boundary/proposed driveway	6.0m

85. To preserve the ongoing health and vigour of Tree#111 *Taxodium distichum* (Swamp Mahogany) located adjacent to the Marian St site frontage, existing ground levels are to be maintained/unchanged within a 3.0m radius of the tree to the north east and south of the tree. Minor leveling can occur to the west of the tree in the area of the existing driveway provided that tree roots greater than 30mm are not exposed or severed.
86. To preserve the ongoing health and vigour of tree #110 *Syzigium paniculatum* (Brush Cherry) located adjacent to the western site boundary in the neighbouring property, the removal of the existing paved driveway is to be undertaken using hand tools and tree roots greater than 30mm are not to be severed. Minor leveling is permitted subject to no tree roots greater than 30mm being severed.
87. To preserve the ongoing health and vigour of tree #'s 71, 72, and 77 as identified on the Landscape Plan and within the Arborists Report that are located centrally between Buildings 4 and 5, within 10.0m of the trees, the perimeter of the proposed excavation is to be dug using

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hand tools to a depth of 500mm. Should tree roots greater than 30mm be encountered, they shall not be severed and shall be left intact until they are cleanly pruned and treated with a root hormone compound by an experienced qualified arborist.

Engineering

88. Prior to issue of the Construction Certificate and prior to commencement of any works influencing the existing trunk drainage system traversing the site, the Applicant must have engineering plans and specifications prepared (to a detail satisfactory for construction) and **approved by** Council engineers, which detail the following drainage infrastructure works required within the site:

- a) Removal of sections of the existing 750mm Council pipe in location of the proposed basement structures.
- b) Introduction of a new trunk drainage infrastructure comprising headwalls, scour protection, culverts, channels and reinforced concrete piping.

Plans shall be generally in accordance with the Drainage plans and report (issue A) by LHO Group drawings C0 3 and C04, project 0404-0110, dated November 2004 which shall be revised and advanced as follows:

- Pit "A1" shall be deleted and a straight run 1350 diameter RCP shall be established between pit "A2" and the downstream pit in the Council carpark where reconnection is proposed.
- Plans shall show an upgrade of the pit within the Council carpark downstream.

Development Consent under the EP&A Act does NOT imply approval to these works involving Council drainage assets . **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL** for the works involving Council drainage assets, required by this consent. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent and stamped the construction drawings. Construction of the works must proceed in accordance with any conditions attached to the consent. All works are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004 and Council Water Management DCP 47, chapter 9. The drawings must detail existing services and trees affected by the works, erosion control requirements during the course of works.

A minimum of three (3) weeks will be required for assessment of plans. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

89. Prior to issue of the Construction Certificate and prior to commencement of any works affecting the existing 750mm piped trunk drainage system traversing the site, the approved

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trunk drainage works in the site must be completed in accordance with the Council approved drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. A works as executed plan is required as specified. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full. At the completion of these works the existing Council drainage line traversing the subject site must be decommissioned. A letter from Ku-ring-gai Council stating that the works have been completed in full and this condition has been satisfied must be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate. This condition is imposed to ensure that there will be a dedicated trunk drainage system through the site at all times during construction.

90. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned layout plan for all aspects of the vehicle access and accommodation arrangements. A qualified civil/traffic engineer must provide specific written certification with these parking layout plans that:

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

This condition is required to ensure safe and efficient vehicular access and accommodation arrangements for residents and service providers within the site.

91. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will comprise 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.
92. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage /collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
93. Prior to issue of the Construction Certificate , a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The

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notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.

94. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. 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 shall be met in full prior to issue of the Occupation Certificate.
95. Prior to issue of any Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring buildings within the 'zone of influence' of the excavation. As a general rule, this is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and the recommendations of the submitted Report on Geotechnical Investigation, 10-16 Marian Street, Killara, by Douglas Partners, report 36876, dated March 2004. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. The report shall have regard to protecting the Applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.
96. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

97. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design may be generally in accordance with drawing C02 by LHO Group, project 0404-0110, dated November 2004, and the Construction/Environmental Site Management Plan by Mirvac, Revision 1 dated December 2004 submitted with the development application, with both advanced as necessary for construction issue purposes.
98. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), scale construction drawings and specifications in relation to stormwater management and disposal for the development. The plans must include the following detail as a minimum:
- Full layout of the property drainage system components, including but not limited to gutters, downpipes, spreaders, pits, swales, kerb cut-off and intercepting structures, subsoil drainage, flushing facilities and all ancillary plumbing – to be 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 (minimum volume 185m³). 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.
 - Details of the required on-site detention tanks required (minimum volume 175m³) including dimensions, materials, locations, discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 for volume, PSD and design requirements).
 - The required basement stormwater pump-out systems to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design specifications and capacity).

The above construction drawings and specifications are to be prepared by a suitably 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 design may be in accordance with Drainage plans and Report (issue A) by LHO Group drawings C03 to C06 inclusive, project 0404-0110, dated November 2004 submitted with the development application, and advanced as necessary for construction issue purposes.

99. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied under Section 97 of the Local Government Act to cover the cost of:

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- Making good any damage that may be caused to any council property as a consequence of doing or not doing any thing to which this approval relates,
- Completing any works that are required in connection with this approval.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- b) The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
- c) Works in the public road associated with the development are to an unacceptable quality.

100. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. (Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).
101. 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*).
- 101a. 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 doors to the garages, 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. A 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.
102. Six (6) 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.

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(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population).

103. 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).*

- 103a. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA) additional measures/specifications to ensure compliance with NatHERS energy requirements to the following levels:

- 78% (47) of apartments to achieve a 4.5 star rating
- 22% (13) of apartments achieve a 3.5 star rating

The above construction specifications are to be prepared by a suitably qualified and experienced professional.

104. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. 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

105. 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.
106. A simple photographic record of the **five dwellings, their curtilage and associated gardens** to be demolished shall be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the *Guidelines for Photographic Recording of Heritage Sites, Building and Structures* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to

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include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

Landscaping

107. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

#148 *Cupressus torulosa* (Bhutan Cypress)

Adjacent to north east site corner/Marian Street vehicular entry

#149 *Jacaranda mimosifolia* (Jacaranda)

Adjacent to eastern site boundary/Entry driveway

#171 *Metasequoia glyptostroboides* (Redwood)

Centrally located between eastern site boundary and Building 2

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

Tree/Location

Radius in Metres

#3 *Phoenix canariensis* (Canaray Is Date Palm)

3.0m

Centrally located on site

#11 *Jacaranda mimosifolia* (Jacaranda)

3.0m

Adjacent to southern site boundary/Building 3

#14 *Juniperous sp.*

2.0m

Adjacent to western site boundary/Building 3

#15 *Michelia sp.*

3.0m

Adjacent to western site boundary/Building 3

#16 *Michelia sp.*

3.0m

Adjacent to western site boundary/Building 3

#17 *Michelia sp.*

3.0m

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Adjacent to western site boundary/building 3	
#19 <i>Juniperous sp.</i> Adjacent to western site boundary/Northwest corner of Building 3	5.0m
#20 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to western site boundary	4.0m
#21 <i>Quercus robur</i> (English Oak) Adjacent to western site boundary	7.0m
#53 <i>Eucalyptus microcorys</i> (Tallowood) Adjacent to northern site boundary/Marian Street frontage	4.0m
#55 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to northern site boundary/Marian Street frontage	3.0m
#56.1 <i>Hymenosporum flavum</i> (Native frangipani) Adjacent to southern site boundary/Building 4	3.0m
#56.2 <i>Acer palmatum</i> (Japanese Maple) Adjacent to southern site boundary	3.0m
#67 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to southern site boundary	5.0m
#71 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	4.5m
#72 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	5.0m
#75 <i>Angophora floribunda</i> (Rough barked apple) Centrally located between Buildings 4 and 5	3.5m
#76 <i>Angophora floribunda</i> (Rough barked apple) Centrally located between Buildings 4 and 5	5.0m
#77 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located between Buildings 4 and 5	5.0m
#90 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to northern site boundary/Building 5	2.5m
#91 <i>Fraxinus oxycarpa</i> 'Raywood' Adjacent to northern site boundary/Building 5	3.0m

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- | | |
|---|------|
| #96.1 <i>Cupressus torulosa</i> (Bhutan Cypress)
Adjacent to eastern site boundary | 3.0m |
| #96.2 <i>Trachycarpus fortunei</i>
Adjacent to eastern site boundary | 2.0m |
| #97 <i>Liquidambar styraciflua</i> (Sweet Gum)
Adjacent to eastern site boundary on neighbouring property | 4.0m |
| #100 <i>Magnolia soulangeana</i> (Soul's magnolia)
Adjacent to eastern site boundary | 2.0m |
| #107 <i>Magnifera indica</i>
Adjacent to southern site boundary | 4.0m |
| #110 <i>Syzigium paniculatum</i> (Brush Cherry)
Adjacent to the western site boundary/Marian Street
frontage in the neighbouring property | 5.0m |
| #111 <i>Taxodium distichum</i> (Swamp Mahogany)
Adjacent to northern site boundary/Marian Street boundary | 5.0m |
| #114 – 120 Various tree species
Adjacent to eastern site boundary on site and adjoining property | 3.0m |
| #149 <i>Jacaranda mimosifolia</i> (Jacaranda)
Adjacent to eastern site boundary/Entry driveway | 2.0m |
| #162 <i>Eucalyptus saligna</i> (Bluegum)
Centrally located between Building 5 and proposed driveway | 8.0m |
| #181 <i>Corymbia maculata</i> (Spotted Gum)
Adjacent to eastern site boundary/proposed driveway | 2.6m |
109. 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.
110. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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

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

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- a) Full road pavement width, including kerb and gutter, of Marian Street over the site frontage, including twenty metres either side of the site frontage.
- b) 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 in the aforementioned infrastructure so that:

- Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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

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

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 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. The name and certificate number of the traffic control designer must be shown on the Traffic Control Plan.

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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.

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

113. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

114. 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

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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

115. 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, 10-16 Marian Street, Killara, by Douglas Partners, report 36876, dated March 2004, 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.
116. Prior to issue of an Occupation Certificate, the Principal Certifying Authority (where not Council) shall provide Ku-ring-gai Council with a signed declaration that the following works have been completed in full:
- Completion of the new concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Completion of all drainage works within the site in accordance with the Council approved plans.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footpath, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

117. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
118. Prior to issue of an Occupation Certificate a suit ably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference to each** of the following aspects of the installed stormwater disposal and management measures:
- a) That the works as executed plan in relation to the installed stormwater management and disposal systems has been sighted and reviewed,

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- b) That all critical components of the as-built stormwater management and disposal system are in accordance with the stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
- c) That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so and in accordance with the relevant plumbing codes and specifications.
- d) That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
- e) That the as-built on-site detention and rainwater retention systems achieve the minimum total design storage volumes of 175m³ and 185m³ respectively.

119. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage disposal and management systems. The plans shall show:

- Dimensions, surface levels and invert levels of all pits and grates,
- Materials, grades and dimensions of all installed drainage lines,
- The internal dimensions of all retention and detention storage tanks,
- Top water levels of storage areas and indicative levels through the escape flow path in the event of blockage of system,
- Indicative levels of overland flow conveyance structures indicating fall,
- Size of all orifice control devices as specified
- As built level(s) at the approved point of discharge to the public drainage system.

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

120. Prior to issue of an Occupation Certificate the following must be provided to Ku-ring-gai Council (attention Development Engineers):

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

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

121. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which

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shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- a) Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”, and
- b) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.

122. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively, a final compliance letter from the respective supply authorities may be supplied for approval by the Principal Certifying Authority.

122a. Prior to issue of the Occupation Certificate, a suitably qualified assessor must undertake a site inspection of the completed development. At the completion of this site inspection, this assessor shall provide certification to the Principal Certifying Authority that the development achieves compliance with NatHERS energy requirements to the following levels:

- 78% (47) of apartments to achieve a 4.5 star rating
- 22% (13) of apartments achieve a 3.5 star rating

Landscaping

123. The landscape works shall be completed prior to issue of the Occupation Certificate and maintained in a satisfactory condition at all times.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**Engineering**

124. All parking spaces and on-site detention and retention facilities, which are to be on common property, must be shown on the final plans of strata subdivision.

125. Prior to issue of the Subdivision Certificate an easement for waste collection must be created under section 88B of the Conveyancing Act. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

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126. Prior to issue of the Subdivision Certificate an easement for drainage must be created under section 88B of the Conveyancing Act. This is to be created over the trunk drainage system through the site, in favour of Ku-ring-gai Council. Wording shall follow Part 3, schedule 8 of the Conveyancing Act "Easement to drain water " unless otherwise specified.
127. Prior to issue of the Subdivision Certificate a Positive Covenant and Restriction on the Use of Land must be created under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the trunk overland flow path infrastructure provisions on the site (including headwalls, box culverts, scour protection, channels, fencing, geotextiles). The restriction on use shall be worded to prevent any future interference with the overland flow infrastructure provisions – with terms to the satisfaction of Ku-ring-gai Council.
128. Prior to issue of a 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 retention and detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
129. Prior to, or with, the application for Subdivision Certificate, the Applicant must have an original instrument under Section 88B of the Conveyancing Act endorsed by Ku-ring-gai Council. This is to create all 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.
130. For endorsement of the linen plan/issue of the subdivision certificate by Ku-ring-gai Council, 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 (6) copies, where Council is to be the consent authority:
- a. The endorsement fee current at the time of lodgement.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the **final** Occupation Certificate for the subject development,
 - d. The Section 73 (Sydney Water) Compliance Certificate.

Council officers will check the relevant consent conditions. 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 one copy of all of the above must be provided to Council for its records.

BUILDING CONDITIONS

131. 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.

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132. 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.

133. 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.

134. 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.

135. 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.

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- e. A Compliance Certificate from a suitably qualified person that the residential flat buildings comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- h. A Registered Surveyor's Report confirming approved levels of the ground floors.
- i. A Registered Surveyor's Report confirming approved levels of the first floors.
- j. A Registered Surveyor's Reports confirming approved floor levels for all floors.
- k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

C Swanepoel
Executive Assessment Officer

R Kinninmont
**Team Leader
Assessment Team – South**

M Prendergast
**Manager
Development Assessment Services**

M Miocic
**Director
Development and Regulation**

Attachments:

- Site location map**
- Site analysis**
- Site plan**
- Section plans**
- Elevation plans**
- Basement and Levels 1 to 5**
- Roof plan**
- Landscape plan**
- Landscape finishes plan**
- Tree retention plan**
- Shadow diagrams**
- Zoning extract**
- Elevation of masonry wall to No.8 Marian Street**
- Table with NatHERS ratings (Option 2)**
- Original report to Council**

1, 3, 5 & 7 NEWHAVEN PLACE, 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 3 December 2004
- Council considered a report at its meeting on 10 May 2005.
- Consideration pending site inspection which took place on 14 May 2005.

COMMENTS:

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

RECOMMENDATION:

That the additional information noted, and the application be approved.

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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 3 December 2004
- Council considered a report at its meeting on 10 May 2005.
- Consideration pending site inspection which took place on 14 May 2005

COMMENTS

The following matters were raised at the site inspection and are addressed, accordingly.

1. Variation to development standards (LEP 194)

It was requested that all SEPP No.1 objections be summarised as a percentage variation of the standard.

The development standard to be modified by the SEPP 1 objection is:

Clause 25(L) - Zone Interface

- 1) The objective of this zone is to provide a transition in the scale of buildings between certain zones
- 2) The third and fourth storey of any building on land within Zone No 2(d3) must be set back at least 9 metres from the boundary of the site of the building with land (other than a road) that is not within Zone No 2(d3).

The proposal seeks a 33% (6m instead of 9m) departure from Clause 25(L) for building B only.

2. Traffic

It was requested that the following traffic issues be clarified:

- 1) *The cumulative traffic impacts of the proposed development and future developments be fully considered in relation to the safety of motorists and pedestrians at the intersection of Link Road.*

A supplementary report to the original traffic study report **SK/5681/fcs** prepared by Colston Budd Hunt and Kafes, dated 29 April 2005, was submitted by the applicant to address the cumulative impacts of traffic on Newhaven Place and Link Road. Council's Development Engineer has assessed the report and concurs with the recommendation of the report. The cumulative traffic from Newhaven Place into the intersection with Link

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Road is not expected to lower the intersection level of service below 'good'. A rating of 'good' is the best in terms of average delays per vehicle. A rating of 'unsatisfactory' is the worst.

Comments from Council's Development Engineer are as follows:

- Newhaven Place is left in/left out. The level of service of the intersection is defined as 'good' by the INTANAL traffic modelling program and the RTA Guide to Traffic Generating Developments Section 4.2.
- The intersection of Link Road/Newhaven Place complies fully with the Austroads acceptable intersection sight distances for vehicles turning left from Newhaven Place. There is over 100 metres of sight distance down Link Road for a driver turning left out of Newhaven Place into Link Road.
- Newhaven Place is a relatively short cul-de-sac. The only traffic using the cul-de-sac are residents, visitors and people parking. On-street parking demand is low. There is no through traffic. Flows from Newhaven Place into Link Road are not significant, and (post development) will remain substantially lower than most local roads carrying through traffic rather than residents only.
- The accident history at this intersection for collision involving vehicles turning left into and left out of Newhaven Place has been investigated on Council's database - Nil accidents involving these manoeuvres.
- It is expected that pedestrians in the vicinity of this intersection crossing Link Road will use the signalised crossing at Link Rd/Mona Vale Road intersection. It is also expected that pedestrian around the Link Rd/Newhaven Place intersection will exercise due care which is their responsibility.
- I have no relevant information on any investigation of slipways in relation to improving safety at the intersection of Newhaven Place and Link Rd. Given the lack of accidents and acceptable sight distances to approaching traffic, the impact on the road reserve and the cost to benefit analysis, there is no reasonable justification for a slipway in this location.
- The Applicant provided a cumulative traffic study and this was assessed by Development Engineers (*refer to report SK/5681/fcs by Colston Budd Hunt and Kafes, dated 29th April 2005*). Comments are given in the original report to Council on the cumulative impacts of Development in Newhaven Place. The level of service of the Newhaven Place/Link Rd intersection is not affected by full LEP 194 redevelopment of the cul-de-sac. It remains at a 'good' level of service as defined.
- There are no discrepancies in the pre-developed and post developed traffic figures presented in the traffic assessment comments. A single figure for daily

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traffic volumes was presented which was the middle of the range determined using the *RTA Guide to Traffic Generating Developments* for medium density development. A range of figures for daily traffic volumes was not presented. The range of daily traffic volumes ranges from 194 to 244 for this development. Figure presented in the report is 219. Given the inherent intention of the LEP to provide development near public transport nodes, which will be utilised to some degree, the middle of the range is considered a reasonable figure for assessment purposes.

- The net increase in peak hour traffic movements (post developed minus pre-developed) is 20 peak hour movements. As stated in the original report, this is one movement every 3 minutes in the peak hour and this not considered significant, particularly given vehicles are entering/exiting a cul-de-sac with no through traffic.

In summary, the traffic implications of this development are considered acceptable.

- 2) *Staff to provide relevant information from Council's investigation on slipways in relation to improving safety at the intersection of Link Road.*

Council's Development Engineer has no relevant information of any investigation of slipways in relation to improving safety at the intersection of Newhaven Place and Link Road. Given the lack of accidents and acceptable sight distances to approaching traffic, the impact on the road reserve and the cost to benefit analysis, there is no reasonable justification for a slipway in this location.

- 3) *Staff to investigate the traffic movements both pre and post development to ensure there are no discrepancies in the assessment. Information in relation to site lines and distances are also requested to be provided in relation to car access to and egress from the development and at the intersection of Link Road.*

The net increase in peak hour traffic movements (post developed minus pre-developed) is 20 peak hour movements. This is one movement every 3 minutes in the peak hour and is not considered significant, particularly as vehicles are entering/exiting a cul-de-sac with no through traffic.

The intersection of Link Road and Newhaven Place complies with the Austroads intersection sight distances for vehicles turning left from Newhaven Place. There is more than 100 metres of sight distance along Link Road for a driver turning left from Newhaven Place into Link Road

3. Trees

Staff to provide a summary of the significant trees to be removed and reasons for their removal.

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Council's Landscape Development Officer confirms that the majority of the trees to be removed are of low value or significance. The trees of any significance to be removed include:

T13 and T14 *Syncarpia glomulifera* (Turpentine) - these are currently exempt as they are located within 3 metres of the existing dwelling at No 1 Newhaven Place. Their removal is necessary for the construction of Building A. Twenty nine additional Turpentine are included on the landscape plan for site replenishment and screening.

T78 and T79 *Syncarpia glomulifera* (Turpentine) - are located in the front of No 7 Newhaven Place. The trees were proposed to be retained, however, it is recommended by Council's Landscape Development Officer that the trees be removed due to the potential destabilisation as a result of their proximity to proposed Building B. The removal of the two Turpentine will be compensated by the planting of an additional twenty nine Turpentine.

T93 *Syncarpia glomulifera* (Turpentine) - is located forward of the dwelling at No 5 Newhaven Place. The tree will be in close proximity to the proposed basement car park ramp, entry paths and Building B.

The removal of trees T13, T14, T78, T79 and T93 is justified as the existing landscape character of the site will remain largely unaltered as 20 *Syncarpia glomulifera* (Turpentine) are to be retained and a further 29 new trees are proposed.

Staff to investigate the potential rehabilitation of existing trees.

The trees to be retained are in a healthy condition and will be protected during the demolition and construction phases (**refer Condition 102**).

Staff to confirm whether the proposal involves the retention/removal of the Turpentine at the front of No 7 Newhaven Place.

The *Syncarpia glomulifera* (Turpentine) identified as T78 and T79 located in the front of No 7 Newhaven Place are to be removed due to their close proximity to proposed Building B and the potential future destabilisation. The removal of the two Turpentine will be compensated by the planting of an additional twenty nine Turpentine.

Staff to confirm the landscape treatment to the rear setback and clarify whether or not paving was proposed in this area. It was requested that Turpentine to be planted in this area.

The landscape treatment of the rear (western) setback will involve the planting of vegetative screening and ground cover consisting of the following species:

Acmena smithii mino
Doryanthes excelsa
Lomandra tonika
Isolepis nodosus
Dianella caerulea

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Poa labillarderii
Hibbertia scandens
Syncarpia glomulifera

The dividing fencing will consist of open palisade style fencing to a height of 1800mm. A gravel bed path will be constructed between the proposed buildings and the western boundary.

The planting of 17 *Syncarpia glomulifera* (Turpentine) along the western boundary is also proposed.

Staff to assess the impact of overshadowing on the trees within the adjoining Reserve at the rear of the proposed development.

The trees on the Reserve are to the west of the subject site. The shadow diagrams prepared by Mayoh Architect (Drawings 700 - 702) indicate that the trees located on the adjacent common boundary will only be shaded from the proposed buildings between 9 and 10 am. Council's Landscape Development Officer has advised that there will be no adverse impact on the existing trees on the Reserve.

4. Privacy

Details of the privacy measures to be implemented by the applicant are to be identified, specifically the height and extent of the balcony planter boxes in relation to site lines.

The privacy measures implemented by the applicant include:

- Spatial separation - the closest terrace (on any floor) has a horizontal setback of at least 20m to any buildings on the adjoining property at No 5 Link Road
- Planter boxes (850mm high) are proposed on Level 4 with plant species capable of achieving further heights of between 200mm and 500mm.
- Vegetative screening between the proposed buildings and adjoining properties comprised of Turpentine, shrubs and ground cover. The species to be planted include:

Acmena smithii
Doryanthes excelsa
Lomandra tonika
Isolepis nodosus
Dianella caerulea
Poa labillarderii
Hibbertia scandens
Syncarpia glomulifera

- Balconies recessed and orientated north-west to avoid direct overlooking of the properties to the west.
- Living areas orientated towards the north and north-west to avoid direct overlooking of the properties to the west.

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The planter boxes proposed are to be on average one (1) metre wide and 850mm in height. The planter boxes are to contain plant species (*Dianella Little rev* and *Dianella caerulea*) that will attain heights of 200mm and 500mm. A balustrade to a height of one metre is to be incorporated into the design of the planter box.

There will be limited opportunity for direct overlooking from the terraces, balconies and living areas of the adjoining property at No 5 Link Road.

5. Services

Staff to ensure that a condition of consent be imposed requiring the undergrounding of the powerlines.

All new public utility services such as electricity, are to be provided underground by the developer (refer Condition No 55).

RECOMMENDATION

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 25(L) 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.

THAT the Council, as the consent authority, grant development consent to DA 1294/04 for the demolition of existing structures on site and the construction of 6 x 3 bedroom dwellings, 37 x 2 bedroom dwellings and 4 by 1 bedroom dwellings within the building and a two level basement parking and strata subdivision on land at 1, 3, 5 and 7 Newhaven Place, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

- 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:

Dwg No.	Rev.	Description	Author	Dated	Lodged
03	C	Site analysis	Mayoh Architects	Nov 04	24-12-2004
75	D	Basement Level 2	Mayoh Architects	Nov 04	6.04.2005
76	C	Basement level 1	Mayoh Architects	Nov 04	3.12.2004
77	C	Ground floor Plan	Mayoh Architects	Nov 04	3-12-2004
78	C	Typical level 1-3	Mayoh Architects	Nov 04	3-12-2004
79	C	Level 4	Mayoh Architects	Nov 04	3-12-2004
80	B	Roof Plan	Mayoh Architects	Nov 04	3-12-2004
81	A	Adaptable units	Mayoh Architects	Nov 04	3-12-2004
86	B	Elevations	Mayoh Architects	Nov 04	3-12-2004

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87	B	Elevations	Mayoh Architects	Nov 04	3-12-2004
88	B	Elevations	Mayoh Architects	Nov 04	3-12-2004
90	B	Elevations	Mayoh Architects	Nov 04	3-12-2004
95	B	Sections A-A , B-B	Mayoh Architects	Nov 04	3-12-2004
96	B	Section C-C	Mayoh Architects	Nov 04	3-12-2004
700	A	Shadow diagrams	Mayoh Architects	Nov 04	6-04-2005
701	A	Shadow diagrams	Mayoh Architects	Nov 04	6-04-2005
702	A	Shadow diagrams	Mayoh Architects	Nov 04	6-04-2005
L01	A	Landscape Plan	Michael Siu	21-2-05	25-2-2005
L02	A	Landscape Plan	Michael siu	21-2-05	25-2-2005
L03	A	Landscape Plan	Michael Siu	21-2-05	25-2-2005
Strata(1-9)	-	Strata Plan-9sheets	Dunlop Thorpe	1-12-04	3-12-2004

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. 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).*
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. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. 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.
12. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. 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.
15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.

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

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- 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.
- 24. 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.
 - 25. 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.
 - 26. 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.
 - 27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
 - 28. 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.
 - 29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
 - 30. Fire hoses are to be maintained on site during the course of demolition.
 - 31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
 - 32. 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.
 - 33. 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.
 - 34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
 - 35. 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:

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- 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the in-ground system in Link Road via the approved site stormwater management 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.
39. A mandatory rainwater re-use tank system of minimum volume 147m³ as required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. The drainage plans submitted with the DA will require amendment to reflect these requirements where to be advanced for Construction Certificate issue purposes. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. DCP47 is available in hard copy at Council and on the Council website. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.
40. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
41. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These

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works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

43. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
44. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
45. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
46. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
47. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to

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control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

49. Geotechnical aspects of the development works, particularly excavation and support, must be undertaken in accordance with the recommendations of the "Report to Mr. Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbarra avenue and 12 Porters Lane, St Ives NSW" (project 18895VBrpt, dated 21st October 2004) prepared by Jeffery and Katauskas Consulting Engineers.
50. The geotechnical implementation plan, testing and monitoring program for the construction works must be in accordance with the "Report on Geotechnical Investigation for Proposed Residential Development 12 Ada Ave, Wahroonga" (project 37312, dated August 2004) prepared by Douglas Partners. 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) and certification(s) of the geotechnical inspection, testing and monitoring programs.
51. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
52. All construction traffic control and management measures shall be implemented generally in accordance with the *Construction Traffic Management Plan* prepared by Masson Wilson Twiney, dated October 2004, submitted with the DA. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
53. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service. Where required, any security gate or door shown on the DA plans which would prevent this service must be deleted from the plans approved with the Construction Certificate.
54. To ensure compliance with Australian Standard 2890.1 – 2004 "Off-Street car parking", no dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The design is approved based on an open space parking layout.

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55. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
56. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

57. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
58. Landscape works shall be carried out in accordance with Landscape Drawing No L01/3 – R9711 (Rev A) prepared by Michael Siu Landscape Architects and dated 21 2 2005 submitted with the Development Application, except as amended by the following:

- 1 *Cupressus cashmeriana* (Kashmir Cypress) - 17, noted for retention in the Tree report although not shown on the landscape plan is to be included in the landscape arrangement for the site.

- 1 *Alnus jorullensis* (Evergreen Alder) - T2 is to be deleted from the proposed landscape arrangement as it is an exempt species and a poor tree due to its short-term life expectancy, previous severe pruning and prominent northerly lean.

- Several fern plantings within the front and rear gardens of No.7 Newhaven Place shall be retained within the landscape arrangement for the site.

- 2 *Syncarpia glomulifera* (Turpentine) proposed close to the western side of Building A shall be relocated beyond its 3 metre exemption zone.

59. Removal/Pruning of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

No/Tree/Location

73/*Ulmus glabra* 'Lutescens' (Golden Elm)

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60. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
61. 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.
62. 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 fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
63. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
64. 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 reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
65. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

No/Tree/Location	Radius From Trunk
4/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's eastern corner.	5m
5/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's eastern corner.	6m
76/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the southern half of Building B.	5m
77/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the southern half of Building B.	5m
88/ <i>Magnolia x soulangiana</i> (Magnolia) Forward of the centre of Building B.	2m

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90/ <i>Camellia sasanqua</i> (Chinese Camellia) Forward of the centre of Building B.	2m
92/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	7m
94/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	4m
95/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	4m
96/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	6m
97/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	6m
108/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the southern half of Building B.	6m

66. 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 surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

No/Tree/Location	Radius From Trunk
4/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's eastern corner.	5m
5/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's eastern corner.	6m
76/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the southern half of Building B.	5m
77/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the southern half of Building B.	6m
88/ <i>Magnolia x soulangiana</i> (Magnolia) Forward of the centre of Building B.	2m

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92/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	7m
94/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	4m
95/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	4m
96/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	6m
97/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	6m
108/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the southern half of Building B.	6m

67. 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.

68. The following tree species shall be planted at random spacings, at no cost to Council, in the nature strip fronting the property along Newhaven Place. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

- 1 *Angophora costata* (Sydney Red Gum)
- 1 *Eucalyptus resinifera* (Red Mahogany)
- 2 *Syncarpia glomulifera* (Turpentine)

69. Following removal of the *Ulmus glabra* 'Lutescens' (Golden Elm) – 73 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.

70. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the approved landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

71. 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:

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Plant Species

Acer negundo (Box Elder)
Bougainvillea glabra (Bougainvillea)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Impatiens balsamina (Impatiens)
Jasminum polyanthum (Jasminum)
Lantana camara (Lantana - Pink Flower)
Parthenocissus tricuspidata (Boston Ivy) from T4 - *Syncarpia glomulifera* (Turpentine)
Sida rhombifolia (Paddy's Lucern)
Tradescantia albiflora (Wandering Jew)
Wisteria sp. (Wisteria Vine)

72. 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.
73. 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.
74. 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.
75. Eighty-six (83) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
 - 73 - Residential
 - 10 - Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. (*Reason: To ensure that adequate parking facilities to service the development are provided on site*)

76. At least one external visitor parking bay shall be provided with a tap, for car washing purposes, in accordance with DCP55 Part 5.
77. Should Energy Australia, or any other energy provider, require a substation to be installed for the development, it should be located well outside the canopy drip line of ANY tree to be retained. It should be located within the landscape area, so that it can be screened from view.

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

78. 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.

79. 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).
80. 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.
81. 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.

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- 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 lodgment of those Certificates with Council.

82. 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 FORTY SEVEN (47) ADDITIONAL DWELLINGS IS CURRENTLY \$697,938.29. This is based on 47 dwellings less the existing 4 dwellings. 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	\$6,574.28
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	1.3persons

83. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

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84. To minimise potential landscape impacts, if an electrical substation is required by the energy authority, it is not to be located beneath the canopy drip line of ANY tree to be retained. It is preferred that the substation, if required, be located adjacent to a side site boundary so that it is not dominant within the landscape setting. Documentary evidence of compliance with this condition, showing the location of the proposed substation on a site plan is to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.
85. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon issue of the Occupation Certificate, 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.

86. A CASH BOND/BANK GUARANTEE of \$76,000 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.

No/Tree/Location

4/*Syncarpia glomulifera* (Turpentine)/Close to the site's eastern corner.

5/*Syncarpia glomulifera* (Turpentine)/Close to the site's eastern corner.

18/*Syncarpia glomulifera* (Turpentine)/Close to the site's western boundary and near its north-western corner.

19/*Syncarpia glomulifera* (Turpentine)/Close to the site's western boundary and near its north-western corner.

20/*Syncarpia glomulifera* (Turpentine)/Close to the site's western boundary and near its north-western corner.

21/*Syncarpia glomulifera* (Turpentine)/Close to the site's north-western corner.

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- 22/*Syncarpia glomulifera* (Turpentine)/Close to the site's north-western corner.
23/*Syncarpia glomulifera* (Turpentine)/Close to the site's north-western corner.
24/*Syncarpia glomulifera* (Turpentine)/Close to the site's north-western corner.
25/*Syncarpia glomulifera* (Turpentine)/Close to the site's north-western corner.
26/*Syncarpia glomulifera* (Turpentine)/Close to the site's north-western corner.
76/*Syncarpia glomulifera* (Turpentine)/Forward of the southern half of Building B.
77/*Syncarpia glomulifera* (Turpentine)/Forward of the southern half of Building B.
92/*Syncarpia glomulifera* (Turpentine)/Forward of the northern half of Building B.
94/*Syncarpia glomulifera* (Turpentine)/Forward of the northern half of Building B.
95/*Syncarpia glomulifera* (Turpentine)/Forward of the northern half of Building B.
96/*Syncarpia glomulifera* (Turpentine)/Forward of the northern half of Building B.
97/*Syncarpia glomulifera* (Turpentine)/Forward of the northern half of Building B.
108/*Syncarpia glomulifera* (Turpentine)/Forward of the southern half of Building B.
87. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing four torrens lots. 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. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
88. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage /collection area must be deleted from the plans approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
89. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (Principal Certifying Authority).
90. Prior to issue of the Construction Certificate the Applicants shall contact Energy Australia with regard to power supply for the subject development. A written response detailing the requirements of Energy Australia (including a possible need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements shall be met in full prior to issue of the Occupation Certificate.
91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA) (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of any neighbouring buildings within the 'zone of influence' defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the

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Construction Certificate, must be carried out at the completion of the works and be submitted to Council. Where it is the view of the consulting geotechnical engineer that no dilapidation reports are required due to adequate offset distances, then certification to this effect from the geotechnical engineer will satisfy this condition.

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

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

93. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply, shall be shown on this design to a detail suitable for installation by the plumbing services contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
94. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Council's Water Management DCP 47 (available on the Council website). The design may be generally in accordance with the Civil Services Sediment Control Plan (refer plan C02 (1-0), by Buckton Lysenko, dated 17/11/2004) submitted with the development application, and advanced as necessary for construction issue purposes.

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95. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater detention and retention system. The minimum storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design may be generally in accordance with the stormwater drainage services plans (refer plans C03 to C08, revisions 1-0, project 24187 by Buckton Lysenko, dated 17/11/04) submitted with the development application, and advanced as necessary for construction issue purposes.
96. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the public drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The design of these drainage components may be generally in accordance with the stormwater drainage services plans (refer plans C03 to C08, revisions 1-0, project 24187 by Buckton Lysenko, dated 17/11/04) submitted with the development application, and advanced as necessary for construction issue purposes.
97. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollars) public infrastructure damage bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - Works in the public road associated with the development are to an unacceptable quality.

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98. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), advanced plans for the basement and external vehicle access and accommodation arrangements. These plans shall incorporate the following details:
- a. Installation of traffic signals (showing height, location, manufacturer's specification) and convex mirrors (in the event of failure of the traffic signals) on the single width circulation ramps to ensure ingressing and egressing drivers are aware of each other.
 - b. A minimum **clear** height requirement of 2.5 metres over all areas of the basement parking area to be negotiated by the garbage collection vehicle.
99. Prior to issue of the Construction Certificate, the Applicant must submit engineering plans for the following works in the Road Reserve over the site frontage:
- a. Construction of a fully new concrete footpath, 1.2 metres wide, over the full site frontage in Newhaven Place.
 - b. Construction of a fully new double grated gully pit with lintel in Link Rd to facilitate an inground drainage line connection from the subject site. Non return valves to be provided as necessary.

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).

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. 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. Plans and specifications must be marked to the attention of Council's

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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.

100. The colour of the front fence to Link Road is to be changed to a darker mid-range colour to better relate to the landscape. Samples of the colour are to be submitted to and approved by the Council prior to the issue of a Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

No/Tree/Location	Radius in Metres
4/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's eastern corner.	5m
5/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's eastern corner.	6m
17/ <i>Cupressus cashmeriana</i> (Kashmir Cypress) Close to the site's western boundary and near its northwestern corner.	2m
18/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's western boundary and near its North-western corner.	4m
19/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's western boundary and near its North-western corner.	4m
20/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's western boundary and near its North-western corner.	4m
21/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's northwestern corner.	4m
22/ <i>Syncarpia glomulifera</i> (Turpentine)	4m

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Close to the site's north-western corner.

23/*Syncarpia glomulifera* (Turpentine) 4m
Close to the site's north-western corner.

24/*Syncarpia glomulifera* (Turpentine) 3m
Close to the site's north-western corner.

25/*Syncarpia glomulifera* (Turpentine) 5m
Close to the site's north-western corner.

26/*Syncarpia glomulifera* (Turpentine) 4m
Close to the site's north-western corner.

27/*Syncarpia glomulifera* (Turpentine) 7m
At the north-eastern corner of 5 Gillott Way.

40/*Syncarpia glomulifera* (Turpentine) 4m
Near the south-eastern corner of 5 Gillott Way.

45/*Syncarpia glomulifera* (Turpentine) 4m
Close to the south-eastern corner of 5 Gillott Way.

46/*Pittosporum undulatum* (Sweet Pittosporum) 7m
Within the adjoining bushland Reserve close to the
site's central rear boundary.

52/*Syncarpia glomulifera* (Turpentine) 6m
Within the adjoining bushland Reserve towards the
site's south-western corner.

67/*Syncarpia glomulifera* (Turpentine) 5m
Within the adjoining bushland Reserve near the
site's south-western corner.

76/*Syncarpia glomulifera* (Turpentine) 5m
Forward of the southern half of Building B.

77/*Syncarpia glomulifera* (Turpentine) 6m
Forward of the southern half of Building B.

92/*Syncarpia glomulifera* (Turpentine) 7m
Forward of the northern half of Building B.

94/*Syncarpia glomulifera* (Turpentine) 4m
Forward of the northern half of Building B.

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95/*Syncarpia glomulifera* (Turpentine) 4m
Forward of the northern half of Building B.

97/*Syncarpia glomulifera* (Turpentine) 6m
Forward of the northern half of Building B.

108/*Syncarpia glomulifera* (Turpentine) 6m
Forward of the southern half of Building B.

103. 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 Building A 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:

No/Tree/Location	Radius From Trunk
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96/ <i>Syncarpia glomulifera</i> (Turpentine) Forward of the northern half of Building B.	9m
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104. 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.
105. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority 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.
106. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:
- Full road pavement width, including kerb and gutter, of Newhaven Place between the southern most boundary alignment and Link Rd, including the north bound section of the intersection
 - 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 written) *existing* damaged areas on the aforementioned infrastructure so that:

Council is fully informed when assessing the damage to public infrastructure caused as a result of the development, and

Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy

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The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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

107. 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 any pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of 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 where 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 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.

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.

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In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

108. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a **construction site layout plan**. This is to entail a plan view of the entire site and frontage roadways indicating scale locations for:

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
- Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- 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 for employees, tradesperson and construction vehicles
- The plan shall be prepared in conjunction with the Construction Traffic Management Plan submitted with the Development Application.
- The construction site layout plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The traffic management measures contained in the approved plan shall be implemented in accordance with the above plans prior to the commencement of any works on-site including excavation.

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109. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' as close as possible to the site. Further, 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 and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

110. 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.
111. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the "*Proposed Residential Unit Development 1, 3, 5 & Newhaven Place, St Ives Geotechnical Investigation*" report prepared by Geotechnique (refer report number 10574/1 dated 16 November 2004).
112. Prior to issue of the Construction Certificate, the Applicant must submit engineering plans for the following works in the Road Reserve over the site frontage.
- Construction of a fully new concrete footpath, 1.2 metres wide, over the full site frontage in Newhaven Place.
 - Construction of a fully new double grated gully pit with lintel in Link Rd to facilitate an inground drainage line connection from the subject site. Non return valves to be provided as necessary.

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*.

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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).

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. 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. 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.

113. Prior to issue of an Occupation Certificate the approved footpath and drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
114. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA)
115. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide certification for approval by the Principal Certifying Authority (PCA). The certification is to make specific reference to each of the following:
 - a. That construction of the stormwater drainage systems has been carried out by a plumbing contractor licensed to do so.
 - b. All Sydney Water approvals have been obtained for the augmentation of reticulated water.
 - c. That the as-built detention and retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate

Item 3

(engineer must complete form in appendix 4 of DCP47 in relation to the on-site detention system).

- d. The as-built drainage layout (including pits, pipes, spreaders and the like) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
- e. That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- f. The overall as built drainage and stormwater management systems will achieve the intent of the approved design plans and Councils Water Management DCP47.

116. Prior to issue of an Occupation Certificate the applicant shall submit the following Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed property stormwater drainage and managements systems:

- a. As built reduced surface and invert levels for all drainage pits and junctions.
- b. As built reduced level(s) at the approved point of discharge to the public drainage system.
- c. Gradients of drainage lines, materials and dimensions.
- d. As built location and internal dimensions of all detention and retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
- e. As built locations of all access pits and grates in the detention system, including dimensions.
- f. The size of the orifice or pipe control fitted.
- g. Dimensions of the discharge control pit and access grates.
- h. The achieved capacity of the retention and detention storages and derivative calculation.
- i. The maximum depth of storage 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(s) is to be prepared by a registered surveyor and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be marked in red on the Principal Certifying Authority stamped construction certificate stormwater drawings.

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

- a. A copy of the approved Construction Certificate stormwater drainage, detention and retention design for the site, and
- b. A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- c. The Engineer's certifications of the as-built drainage, retention and detention systems as specified in this consent.

Item 3

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

118. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
- a. Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and
 - b. No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
119. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water.

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

120. 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 and retention facilities (including all ancillary reticulation plumbing) on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of on-site detention and retention facilities (DCP47 appendix 14) and to the satisfaction of Council. The location of all on-site detention and retention facilities shall be denoted on common property on the plan of subdivision.
121. 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 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.
122. 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.

Item 3

123. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention and detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
124. Prior to release of the Subdivision Certificate, evidence of satisfactory provision of services including electricity, gas, telephone, water and sewerage shall be provided by the relevant authorities and shall be certified as being in place by a registered surveyor.
125. 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 written.
126. 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.
127. 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 (6) copies, where Council is to be 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 for the development,
 - d. A copy of all works-as-executed plans required under the consent,
 - e. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - f. The Section 73 (Sydney Water) Compliance Certificate **for the subdivision**.

Council officers will check the consent conditions for 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 to update its property records.

Item 3

BUILDING CONDITIONS

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

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Retaining walls and associated drainage.
- d. Wet area waterproofing details complying with the Building Code of Australia.
- e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- 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.

129. 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.

130. 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.

131. 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.

132. 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.

Item 3

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.

S Cox
Team Leader
Development Assessment
- Central

M Prendergast
Manager
Development Assessment
Services

M Miocic
Director
Development &
Regulation

Attachment: **Copy of initial report to Ordinary Meeting of Council held on 10 May 2005**

DRAFT KU-RING-GAI ACCESS POLICY & DISABILITY DISCRIMINATION ACT ACTION PLAN 2005-2009

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the draft Ku-ring-gai Access Policy & Disability Discrimination Act (DDA) Action Plan 2005-2009.

BACKGROUND:

The draft Ku-ring-gai Access Policy (DDA) Action Plan follows the development of the first Ku-ring-gai Access Policy in 1997 and the development of the Disability Discrimination Act (DDA) Action Plan which was adopted in 1998.

COMMENTS:

The Access Policy and DDA Action Plan has been reviewed and endorsed by the Ku-ring-gai Access Advisory Committee. Representatives from all Council Departments have also had the opportunity to participate in the Policy and Plan review process.

RECOMMENDATION:

- A. That the draft Ku-ring-gai Access Policy & Disability Discrimination Act Action Plan 2005-2009 be placed on public exhibition for a period of 28 days then reported back to Council.
- B. That an amount of \$40,000 be allocated for the implementation of recommendations within the DDA Action Plan over the next 4 years.

PURPOSE OF REPORT

To present to Council the draft Ku-ring-gai Access Policy & Disability Discrimination Act (DDA) Action Plan 2005-2009.

BACKGROUND

Over the past few years Council has been committed to taking a leading role to make Ku-ring-gai an accessible community for everyone, including people with disability. This commitment has been demonstrated by providing opportunities, services and facilities that are user friendly and accessible. Council's aim is to eliminate, as far as possible, discriminative practices which may exclude people from fully participating in their chosen pursuit.

Provision of access for people with disabilities relates to all of Council's activities including planning, participating in events, use of libraries and access to Council buildings. Therefore "a whole of Council" approach has been taken in the development of this document. The cooperation of all staff will subsequently be required for its implementation.

Council is committed to striving towards a fully accessible locality by working in partnership with other authorities and the community. This Access Policy and DDA Action Plan will guide Council in the provision of facilities and services that are equitable and dignified to all people. Given the age of the facilities and the type of terrain in Ku-ring-gai, it is acknowledged that full access cannot be provided in any four year period, but steps can be taken to improve access.

A service or facility is accessible when it is:

- easy to find accurate information
- easy to understand
- easy to get to, and
- easy to use.

Council's approach to improving access is consistent with other levels of government. In 1992, the Commonwealth Government passed the Disability Discrimination Act (DDA), which made it unlawful to discriminate against a person because they have disability, or they are an associate of a person with disability. The DDA states that an organisation may develop an Action Plan which will include strategies to eliminate discriminative practices and that the plan can be lodged with the Human Rights and Equal Opportunity Commission (HREOC) as a way of demonstrating its commitment to reducing discrimination.

Section 9 of the NSW Disability Services Act (1993) requires public authorities to prepare and implement Disability Action Plans for the provision of services for people with disabilities. The NSW Government Disability Framework (NSW Government Disability Framework 1998; Ageing and Disability Department) requires all State Government agencies and encourages local governments, to develop a Disability Action Plan with strategies to cater for the needs of people with disabilities. Council's Access Policy and DDA Action Plan were developed within the context of Section 9 of the NSW Disability Services Act (1993).

Item 4

S02114
17 May 2005

The first Ku-ring-gai Access Policy was adopted by Council in April 1997. This was followed with the Disability Discrimination Act (DDA) Action Plan 1998 to 2001. Both the Access Policy and DDA Action Plan have been combined in one document to maintain consistency between the documents. The Access Policy outlines Council's commitment to making Ku-ring-gai an accessible community for people with disability.

COMMENTS

The draft Access Policy and DDA Action Plan 2005-2009 (attached) is considered ready to be placed on public exhibition. It is recommended that the following process be followed.

1. The revised Access Policy and Disability Discrimination Action Plan will be placed on public exhibition.
2. While the document is on exhibition members of the public will be able to make written submissions and/or attend a focus group to make comments.
3. After the period of public exhibition all comments will be considered and where appropriate be incorporated into the document.
4. The final document will go to the Access Advisory Committee and then to Council for adoption.
5. After the Access Policy and DDA Action Plan 2005-2009 has been adopted by Council it be lodged with the Human Rights and Equal Opportunity Commission.

CONSULTATION

Representatives from all departments of Council have had input in the development of the Access Policy and Disability Discrimination Act Action Plan 2005-2009. The document has been presented to the Access Advisory Committee for comment and endorsement. The period of public exhibition will provide further opportunity for community consultation.

FINANCIAL CONSIDERATIONS

An estimated cost for implementing each of the strategies has been provided in the DDA Action Plan. Some of the strategies are included in current budgets while other strategies will require additional financial resources if they are to be implemented. The items that have not been budgeted will cost approximately \$40,000 over 4 years.

Indicative funds of \$10,000 to be proposed for year 1. Confirmation of this funding amount and sourcing to be reported at the September quarterly review.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

An interdepartmental working group was established to assist with the review of the previous DDA Action Plan and to develop strategies with the current document.

A representative from each Council Department attends the Access Committee. As improving access requires "a whole of Council approach," it is important that all Departments are involved in the development of this Policy and Plan.

SUMMARY

The Access Policy and DDA Action Plan represents Council's continued commitment to improving access to services and facilities for all residents, in particular, people with disabilities and their associates. The aim of this document is to assist Council to address, as far as possible, discriminative practices which may exclude people from fully participating in their chosen pursuit.

RECOMMENDATION

- A. That the draft Ku-ring-gai Access Policy & Disability Discrimination Act Action Plan 2005-2009 be placed on public exhibition for a period of 28 days then reported back to Council.
- B. That an amount of \$40,000 be allocated for the implementation of recommendations within the DDA Action Plan over the next 4 years.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community Services

Attachments: Draft Ku-ring-gai Access Policy & Disability Discrimination Act Action Plan 2005-2009

SPONSORSHIP PROPOSAL - NETWORK NORTH BUSINESS CONNECTION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of a request to sponsor the Network North Business Connection. (Network North).
BACKGROUND:	Network North is a recently established business network for women who live or work on the North Shore, with a distinct focus on Ku-ring-gai.
COMMENTS:	The request is that Council become the major sponsor, the 'Gold Sponsor' of Network North Business Connection.
RECOMMENDATION:	That Council determine whether it will provide Gold Sponsorship for the Network North Business Connection for \$5,500

PURPOSE OF REPORT

To advise Council of a request to sponsor the Network North Business Connection. (Network North).

BACKGROUND

Network North is a recently established business network for professional and business women who live or work on the North Shore, with a distinct focus on the Ku-ring-gai area.

COMMENTS

One of the primary objectives of Network North is to contribute to the success of women in their chosen business profession or work. Other objectives include keeping businesswomen and professionals in touch with what's happening, improving business and personal skills, offering support networking and business opportunities, and offering students opportunities to learn business and personal skills.

The proposal from Network North is for Gold Sponsorship. There is only one Gold Sponsor, so Ku-ring-gai Council would be the only major sponsor should Council decide to provide sponsorship. Gold Sponsorship also includes all naming rights. A Gold Sponsor will also receive full corporate membership and will be entitled to provide a presentation to a meeting at least once a year.

A Gold Sponsor can also advertise on all Network North materials, have display space for brochures or literature at meetings, be provided with complimentary meals at meetings, and acknowledgement on the sponsor list on all invitations.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The proposal for Gold Sponsorship is \$5,500. There are current funds within the Community Services budget to cover this amount.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Item 5

**S02095
19 May 2005**

Network North Business Connection has provided Council with a sponsorship proposal to become a Gold Sponsor.

Gold Sponsorship for Network North entitles the sponsor to naming rights, free corporate membership, opportunities for promotion of services at meetings, acknowledgement on websites and in all literature and an opportunity to present to members at least once a year.

The Gold Sponsorship proposal costs \$5,500. There are funds within the current Community Services budget to cover this amount.

RECOMMENDATION

That Council determine whether it will provide Gold Sponsorship for the Network North Business Connection for \$5,500.

Janice Bevan
Director Community Services

Attachments: Sponsorship proposal

PARKS, SPORT & RECREATION REFERENCE GROUP - MINUTES OF 28 APRIL 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday, 28 April 2005.

BACKGROUND:

The role of the Parks, Sport and Recreation Reference Groups (PSRRG) is to provide resident, user groups and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management.

COMMENTS:

Six (6) items of business were discussed (PSRRG20-PSRRG25), comments have been provided on items relevant to Council and items not referred relate to general business of the reference group.

RECOMMENDATION:

That the minutes of the Park, Sport and Recreation Reference Group be received and noted.

PURPOSE OF REPORT

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 28 April 2005.

BACKGROUND

The role of the Parks, Sport and Recreation Reference Groups (PSRRG) is to provide resident, user groups and industry expert advice and feedback to Council on matters relevant to Parks, Sport and Recreation within the Ku-ring-gai Local Government Area. The group was established to ensure that community and stakeholder input is considered in Council's direction and management of Open Space.

Those matters include but are not limited to the follow areas:

- a. Future planning and policy development
- b. Strategic program review including relevant Plans of Management.
- c. Community input into the development of Council's Management Plan.
- d. Facilitation of partnerships, community and user participation and volunteer programs.
- e. Provide support to specific project working groups established by Council from time to time.

COMMENTS

At the meeting held 28 April 2005, several items of business were discussed. Comments have been provided on the items relevant to Council and items not referred, relate to matters requiring further consideration prior to recommendation to Council or were items directed towards the sharing of information. In general terms, members were presented information regarding a Commonwealth Government's "Active After School Program", North Turramurra Recreation Area, Pool Feasibility Study and Open Space Strategy sub-group working parties.

Specifically, the Reference Group considered in detail sustainable water options for Golf Courses and Sportsgrounds. The information presented detailed sustainable water options including sewer mining and stormwater harvesting.

The main agenda item at the meeting (PSRRG 23) was the proposed Open Space Capital Works Program for 2005/2006 including a review of the various prioritisation processes. All were endorsed. A proposal for sportsground projects merging the prioritised locations with projects from the 2004 Section 94 Plan and Environment Levy (if successful) was discussed and will receive further consideration by the Reference Group prior to recommendation to Council.

In addition to the above items, the Reference Group were advised Council's 2005/2006 Draft Management Plan (including) fees and charges and environment levy was on public exhibition, the next Sports Forum meeting, Parks Plan of Management and the Festival on the Green – Active Zone initiative.

The next meeting of the Reference Group is scheduled for Thursday 23 June 2005 6:30pm-8:30pm.

CONSULTATION

The Reference Group is itself a consultative forum representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not taken place in the preparation of this report.

SUMMARY

The meeting held on 28 April 2005, gave the group members present, the opportunity to review the sportsground capital works prioritisation process, including funding opportunities and timing of such funding for the next ten years.

Six items of business were discussed at the April meeting, two items, items 21 and 23 are matters of significance, with the remaining four items relating to general matters as detailed in this report and the attached minutes (Attachment 1).

RECOMMENDATION

That the minutes of the Parks, Sport and Recreation Reference Group be received and noted.

Amanda Colbey
Manager Parks, Sport and Recreation

Steven Head
Director Open Space

Attachment: Parks, Sport and Recreation Reference Group - Minutes of 28 April 2005

APPLICATION FOR REZONING 3 TO 5 WATER STREET (PROUILLE SCHOOL), 33 TO 41 BILLYARD AVENUE (HOLY NAME CHURCH) & 39 CHILTON PARADE, WAHROONGA (CONVENT)

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider an application for the rezoning of Church/School/Convent lands at 3 to 5 Water Street (Prouille School), 33 to 41 Billyard Avenue (Holy Name Church and seminary) and 39 Chilton Parade, Wahroonga (Convent).
BACKGROUND:	The Catholic Church is rationalising the use of its lands by; rezoning 39 Chilton Parade (Convent) to Residential 2(c) to permit a school use to accommodate the relocation of Prouille School; rezoning the “Church” zoned lands at 33-41 Billyard Avenue to Residential 2(c) to permit use for school and church purposes (allowing school use of the church car park areas etc.); rezoning part of the “Church” land and all “Seminary” zoned land at 33-41 Billyard Avenue to Residential 2(c) to permit residential subdivision (conceptual proposal for 7 allotments); rezoning of Prouille School lands from Special Uses A “School” to permit future residential development under a 2(c) zone.
COMMENTS:	It is recognised that the zonings of the Church lands are largely obsolete. A rationalisation of zonings to permit appropriate future development is warranted. Council’s preparation and exhibition of an appropriate Draft Local Environmental Plan can be supported. Any Plan prepared should not be purpose driven to permit a particular development proposal but needs to be sufficiently broad so as to permit an appropriate range of uses which are suited to the land and locality.
RECOMMENDATION:	That Council resolve to prepare an appropriate Draft Local Environmental Plan as set out in “A” of the recommendation and place it on public exhibition in accordance with the statutory requirements.

PURPOSE OF REPORT

To consider an application for the rezoning of Church / School / Convent lands at 3-5 Water Street (Prouille School), 33-41 Billyard Avenue (Holy Name Church and seminary) and 39 Chilton Parade, Wahroonga (Convent).

BACKGROUND

1. The Catholic Church is desirous of rebuilding Prouille School on a new site. The existing school infrastructure is old and in need of upgrading whilst the site is restricted. The Church is seeking to utilise lands it owns in the vicinity for this purpose and to also rationalise the zoning of other lands in the process. Some of these lands are proposed to be sold apparently to fund the process.
2. The applicant outlines the application in the following terms:

“The rezoning proposes the closure of the existing Prouille School at No. 5 Water Street, Wahroonga and its relocation to No. 39 Chilton Parade, Wahroonga – a parcel of land which is surplus to the needs of the Trustee of the Sisters of St Dominic. The relocation of this parish school will also permit it to operate on a site immediately adjacent to Holy Name Church, which is the administrative and pastoral core of Holy Name Parish. The surplus lands located adjacent to Holy Name Church at Nos. 35-41 Billyard Avenue, Wahroonga are also requested to be rezoned to permit residential subdivision in conformity with the immediate area. The existing site of Prouille School at No. 5 Water Street, Wahroonga is also requested to be rezoned to permit residential use, given that this land will be surplus to the educational needs of the Parish.”
3. This rezoning process as originally submitted proposed:
 - Rezoning 39 Chilton Parade zoned Special Uses “Convent” to Special Uses “School” to accommodate the relocation of Prouille School.
 - Rezoning the Special Uses “Church” zoned lands at 33-41 Billyard Avenue to Residential 2(c) to permit use for “Church and School” (allowing school use of the church car park areas etc.).
 - Rezoning part of the Special Uses “Church” land and all “Seminary” zoned land at 33-41 Billyard Avenue to Residential 2(c) to permit residential subdivision (conceptual proposal for 7 allotments).
 - Rezoning of Prouille School lands at 3-5 Water Street, Wahroonga from Special Uses “School” to Residential 2(c) to permit future residential development consistent with the surrounds.
4. The applicant has now formally amended the application so that all lands are sought to be rezoned to Residential 2(c). The intended future uses for the lands have not changed as a result of this amendment and are all permissible under the 2(c) zoning.

COMMENTS

Zones

It is accepted that the zonings of the Church lands are now largely obsolete. This is particularly the case with the Special Use “Convent” and Special Use “Seminary” zonings. A rationalisation of the zoning of these lands is warranted to permit their appropriate future development. These lands are now underdeveloped being (for the most part) vacant.

The rezoning application seeks to rezone 39 Chilton Parade so that the Prouille School may be relocated to it. Facilities at the adjoining Holy Family Church at 33-41 Billyard Avenue are also to be used in conjunction with the relocated School. Appropriate rezoning of the Church lands is needed to facilitate this. The application therefore proposes that the land be rezoned Residential 2(c) as this permits educational establishments and Churches (as well as dwelling houses) as permitted forms of development. This is a zoning preferred by Planning staff. The special use zonings originally sought are presumptive of the suitability of the lands for school development. The broader 2(c) zoning is to be preferred in that it will accommodate future residential dwelling-house development as occurs on neighbouring land.

Prouille School Relocation

The applicant has identified the perceived benefits of relocating Prouille School to be as follows:

- *Proximity of parish facilities.*
- *Improved child safety.*
- *Formation of a parish community.*
- *More parking.*
- *Reduction of traffic impacts.*
- *Opportunity to incorporate ESD principles in the design.*
- *Increased potential enrolments (based on previous Council limits not being implemented at Water Street).*
- *Enhanced educational facilities.*
- *More open space.*
- *Better school management.*
- *Reduced maintenance costs.*
- *Lower capital development cost for equal outcomes.*
- *Reduced privacy and noise impacts for neighbours.*

The social and environmental benefits are real and the reduced capital and maintenance costs are achievable. Further the costs of the redevelopment of the existing site whilst occupied by the school in both economic and social terms are significant. Most schools do not have the option of relocation and whilst the process is protracted, the benefits are significant and tangible.”

Consultants Reports

The rezoning application is supported by the following consultants reports:

Item 7

S03746
24 May 2005

- Traffic and Parking Assessment Reports prepared by Project Planning Associates.
- Hydraulic Services Master Planning Reports prepared by Whipps Wood Consulting.
- Preliminary Contamination Report prepared by Douglas Partners.
- Heritage Impact Statement (Demolition) prepared by Rappoport Heritage Consultants.
- Statement of Heritage Impact (New Works) prepared by Rappoport Heritage Consultants.
- Flora and Fauna Impact Assessment prepared by Ecotone Ecological.
- Statement of Design Criteria and Schematic Plans prepared by Quinn O'Hanlon Architects.

These reports together with the overall application have been considered by Council staff. This is discussed in that part of the report addressing Consultation with Other Departments.

Analysis of Application measured against Rezoning Assessment Criteria

In determining the merit of each rezoning application, the proposal is measured against criteria outlined in the information brochure Council provides to the community. State Government requirements / guidelines on rezonings are relatively minimalist when compared to those for development applications. The Ku-ring-gai rezoning information kit seeks to make Council's requirements on the topic more explicit. Each of the Criteria for this proposal are addressed below.

The Environmental Planning & Assessment Act (Section 5)

The Environmental Planning & Assessment Act (EP&A Act) and its objects set the framework within which town planning is carried out at the local level. It is appropriate to therefore measure this proposal against the relevant aims contained in Section 5 of the Act.

Section 5(ii) – this section requires “the promotion and co-ordination of the orderly and economic use and development of the land”.

It is considered that appropriately located residential land (2(c) zoning) which is accessible to services and transport constitutes a proper management and development of land which is obsolete for its zoned purpose. Development in a 2(c) zone for non residential future uses (eg. special uses) are able to be considered on merit with any development application.

Section 5(iv) – this section requires “the provision of land for public purposes”.

If the rezoning is to go ahead, the amount of land available for public purposes remains unchanged. Any future residential development would provide Section 94 contributions which would go to the provision of public facilities, open space, etc.

Section 5(vi) – this section requires “the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats”.

The rezoning proposal does not impact on threatened species.

It is observed that the Special Use zoned lands subject to the rezoning application are small and fragmented. Any rezoning does not therefore result in a loss of quality special use zoned land.

Section 79(c) of the EP&A Act

Whilst this section of the Act applies to the assessment of development applications, it serves as a useful tool in analysing rezonings (which eventually result in development applications). The pertinent subsections – as outlined in the Department of Infrastructure Planning & Natural Resources (DIPNR) Guide to Section 79(c) – are discussed below.

- **Context and Setting**

Single residential development (ie. 2(c) zoning) would be consistent with the predominant land use surrounding the subject areas. Any non residential use in the 2(c) zone would be assessed on its merits in the development application process.

- **Access, Transport and Traffic**

There are particular considerations for traffic and access related to the development of 39 Chilton Parade for school purposes. This is the subject of comment in the comments of Council's Traffic Engineering Division elsewhere in this report. Such traffic considerations are not necessarily specific to the proposed Residential 2(c) rezoning but rather to the future school use that might be proposed. Residential development for detached dwellings is not raised as a traffic issue.

- **Public Domain Impacts**

In the context of this proposal, public domain impacts might be seen as the way in which the rezoning application would impact on natural surrounds. A 2(c) rezoning would permit future residential development that is consistent with the residential character of the adjacent domain.

Development for any school purpose would be located on existing church / institution lands. Account for its effect on adjoining residential properties would need to be considered.

Any development will have an effect on trees and the natural areas of the sites proposed for development. This is unavoidable and it is the past underdevelopment of the land which has allowed much of it to remain in a natural state. This potential impact is associated with any development and is not specific to the rezoning.

- **Heritage**

The site does not comprise any existing heritage item. The applicant's heritage report concerning 39 Chilton Parade is not considered well founded nor conclusive. Nevertheless this is not an issue to preclude its rezoning to Residential 2(c) and would be a consideration at a future development application. This is similarly the case with the premises at 5 Water Street. This is discussed elsewhere in the Council's Heritage Advisor's comments.

- **Flora and Fauna**

Flora and fauna are not considered to be matters of major environmental concern. There are no threatened species issues associated with the land. It is recognised that there will be some

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considerations concerning the impact of future development on existing trees. This is able to be addressed at development application stage.

- **Waste**

Waste is a matter for consideration at the development application stage.

- **Energy**

Energy is a matter for consideration at the development application stage.

- **Noise and Vibration**

There would be future noise associated with construction and development works with any future site works or building construction.

- **Natural Hazards**

Based on the information submitted by the applicant, there are no identified natural hazards associated with the lands.

- **Technological Hazards**

The applicant has not identified any technological hazards associated with the lands.

- **Safety, Security and Crime Prevention**

It is not anticipated that the rezoning will negatively impact on crime prevention.

- **Social Impact**

The rezoning would facilitate future residential or school development on the lands as being sought by the applicant.

These forms of development already occur in the area. It will however be for the development application process to determine the form and type of future development which is acceptable for the land.

- **Economic Impact in the Locality**

It is not considered that the rezoning would have any negative economic impact on the locality. The proposed new zoning is the same as that for the residential surrounds.

- **Site Design and Internal Design**

The rezoning application provides an indicative plan for school construction at 39 Chilton Parade and indicative 7 lot residential subdivision at 35-41 Billyard Avenue.

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At this stage, no conclusions have been made as to whether the form of the school proposal is appropriate or that a school is suited for the site. It is however considered that an appropriate form of residential subdivision is possible on both 39 Chilton Parade and 35-41 Billyard Avenue. It is also considered that acceptable residential subdivision could be realised on the old Prouille School site (3-5 Water Street) in the future.

- **Construction**

Construction for residential purposes would occur in accordance with DCP38 (The Residential Design Manual) and its provisions. In the event of school development it would be assessed against Council's School Code.

- **Precedent and Consequent Cumulative Impacts**

It is not seen that the rezoning proposal represents an undesirable precedent. It represents an opportunity to remove obsolete special use zonings and replace them with the same residential zoning as predominates in the area. It is therefore not introducing a form of zoning which is uncharacteristic of the locality.

- **Does the Proposal Fit in the Locality?**

The Residential 2(c) rezoning, if realised, will establish a zoning permitting a range of uses which is the same as that of the existing Residential 2(c) surrounds. In this respect it is entirely consistent with the locality. Future proposals for development within the range of uses permissible by the zoning will be considered on their merits. The removal of obsolete special use zones which are not being utilised can be supported.

- **The Public Interest**

The rezoning proposal has not been publicly notified. If Council resolves to prepare a Draft Local Environmental Plan this will then be placed on public exhibition in accordance with statutory requirements. Public submissions will be considered in this process before Council determines whether to proceed with the Plan.

State or Regional Environmental Policies, Circulars or Ministerial Directions

Two State Environmental Planning Policies are relevant to the rezoning application and consequent future development. These are:

- **SEPP1 – Development Standards:**
This allows for the departure from development standards provided by a deemed environmental planning instrument such as the Ku-ring-gai Planning Scheme Ordinance. This departure needs to be justified.
- **SEPP53 – Metropolitan Residential Development:**

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SEPP53 applies to the majority of lands within the Ku-ring-gai local government area. This permits a variety of housing types, including multi unit housing in the form of dual occupancies.

Ku-ring-gai Planning Scheme Ordinance

1. Schedule 9 of the KPSO outlines “Aims and Objectives for Residential Zones”. An analysis of the rezoning application measured against these relevant objectives is outlined below:-

“1.(a) The maintenance and where appropriate improvement of the existing amenity and environmental character of residential zones.”

The proposed 2(c) rezoning would allow residential development consistent with existing residential amenity of adjacent residential zones.

“1.(b) New residential development only where it is compatible with the character of the locality and has a sympathetic and harmonious relationship with adjoining development.”

Residential development permitted under the proposed rezoning is consistent with the scale and density of residential development in the locality.

“2.(d) Any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as soft landscaping area”.

Future development of the site will be constrained by Clause 60C of the Ordinance which limits maximum built-upon area, as well as the considerations of Council’s DCP38.

2. Clause 43(3) indicates that to erect a dwelling-house on land zoned 2(c) the lot size must be at least 929m². Similarly, Clause 58B(3) requires that for subdivision of land in a 2(c) zone the lot size must be at least 929m² (or 1300m² for a battleaxe lot). The conceptual subdivision plan submitted for 33-41 Billyard Avenue for 7 battleaxe allotments is consistent with these requirements.

Ku-ring-gai Residential Development Strategy

The subject land does not fall within those lands identified in Council’s Residential Development Strategy for medium density development. It is therefore unaffected by the Strategy.

CONSULTATION

Should Council resolve that a Draft Local Environmental Plan be prepared, consultation will be undertaken with the appropriate statutory authorities during its preparation. The Draft Plan will then be placed on exhibition for public comment.

FINANCIAL CONSIDERATIONS

The financial considerations specific to the matter to date have been the use of staff resources. The preparation of any proposed Draft Local Environmental Plan and its processing would involve the costs of:-

1. Staff resources.
2. Advertising.

These costs are compensated for by the rezoning application fees.

There are potentially future Section 94 contribution issues associated with the rezoning in the event of future residential subdivision and the creation of new allotments.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

DEPARTMENT OF DEVELOPMENT & REGULATION

Development Engineer

The Development Engineer advises that no objections or requirements are raised in relation to the proposed rezoning. (Full engineering comments are attached to this report.)

Landscape Development Officer

No inherent objection is raised to the rezoning proposal. There are a range of matters for consideration in association with future development applications. (Full comments are attached to this report.)

Heritage Advisor

The Heritage Advisor states there to be no heritage issues to prevent rezoning. Such issues are able to be addressed with future applications. (Full comments are appended to this report.)

DEPARTMENT OF TECHNICAL SERVICES

Manager Traffic & Transport

No objection has been raised in respect of the rezoning proposal. It has however been identified that there are traffic related issues associated with the relocation of a school to the 39 Chilton Parade site. These would need to be dealt with in considering any future development application for school use. (Full comments are attached to this report.)

Design / Projects Engineer

No objection is raised to the rezoning with relevant issues being able to be dealt with at development application stage. (Full comments are attached to this report.)

DEPARTMENT OF PLANNING & ENVIRONMENT

Environmental Planning & Project Officer

No rezoning objection is raised. (Full comments are attached to this report.)

SUMMARY

The rezoning application by the Diocese of Broken Bay applies to Church lands in Wahroonga currently zoned for Special Uses 5(a).

These special uses are for “school” (Prouille School – 3-5 Water Street), “church” (Holy Family Church – 33 Billyard Avenue), “seminary” (35-41 Billyard Avenue) and “convent” (39 Chilton Parade).

The purpose of the application is to allow for the future relocation of the Prouille School to the “convent” site and also utilise some “church” lands in this process. Vacant areas of the “church” land, together with the “seminary” zoned land, are proposed to accommodate a 7 lot residential subdivision. All lands, including the vacated Prouille School site, are proposed to be rezoned Residential 2(c).

The convent and seminary uses and their respective zonings are no longer necessary. These sites remain largely undeveloped. The Prouille School does not operate satisfactorily on its site and is disadvantaged by its age of facilities and site configuration. Therefore the need for rationalisation of the use of these lands can be recognised. A rezoning of all lands to Residential 2(c) as sought by the application is consistent with the zoning of the lands of the residential surrounds.

Technical assessment of the application raises issues with some aspects of the proposed uses discussed in the rezoning application. This includes the Churches proposal for a school on the “convent” site in combination with the adjacent church. It has not demonstrated that a school is necessarily an appropriate future development for the site. Support for the rezoning application, however, does not depend on the suitability of a proposed school. The primary use under a 2(c) zone is for detached dwelling-house development. A school is one of a range of special uses which are permissible under a 2(c) zoning. The 2(c) zoning is one which is consistent with the locality.

This rezoning would remove the obsolete and restricted special use zones applying to the subject lands and provide alternatives for their residential development which is consistent with the locality. Any proposal for a non residential use, such as a school, would have to be considered on its merits with a development application.

Council’s Departments each raise no objection to the rezoning application. Some issues have been raised concerning future non-residential development proposals. These are appropriately able to be dealt with in the future development application assessment process.

RECOMMENDATION

- A. That the Director Planning & Environment prepare a Draft Local Environmental Plan for Church lands at 3-5 Water Street, 33-41 Billyard Avenue and 39 Chilton Parade, Wahroonga to rezone the lands 2(c).
- B. That the Department of Infrastructure Planning and Natural Resources be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act.
- C. That when prepared, the Draft Local Environmental Plan be placed on public exhibition in accordance with statutory requirements for public comment.
- D. That a report be brought back to Council at the end of the exhibition period for Council's consideration of submissions.

Rod Starr
Senior Urban Planner

Leta Webb
Director Planning & Environment

Attachments:

- Attachment 1 - Map showing lands subject of rezoning application.**
- Attachment 2 - Indicative plan for proposed subdivision of church lands at 33-41 Billyard Avenue, Wahroonga.**
- Attachment 3 - Indicative plan for proposed school development at 39 Chilton Parade, Wahroonga.**
- Attachment 4 - Compilation of the comments in full from Council's Departments.**
- Attachment 5 - Preliminary Draft Local Environmental Plan.**

LOCATION SKETCH

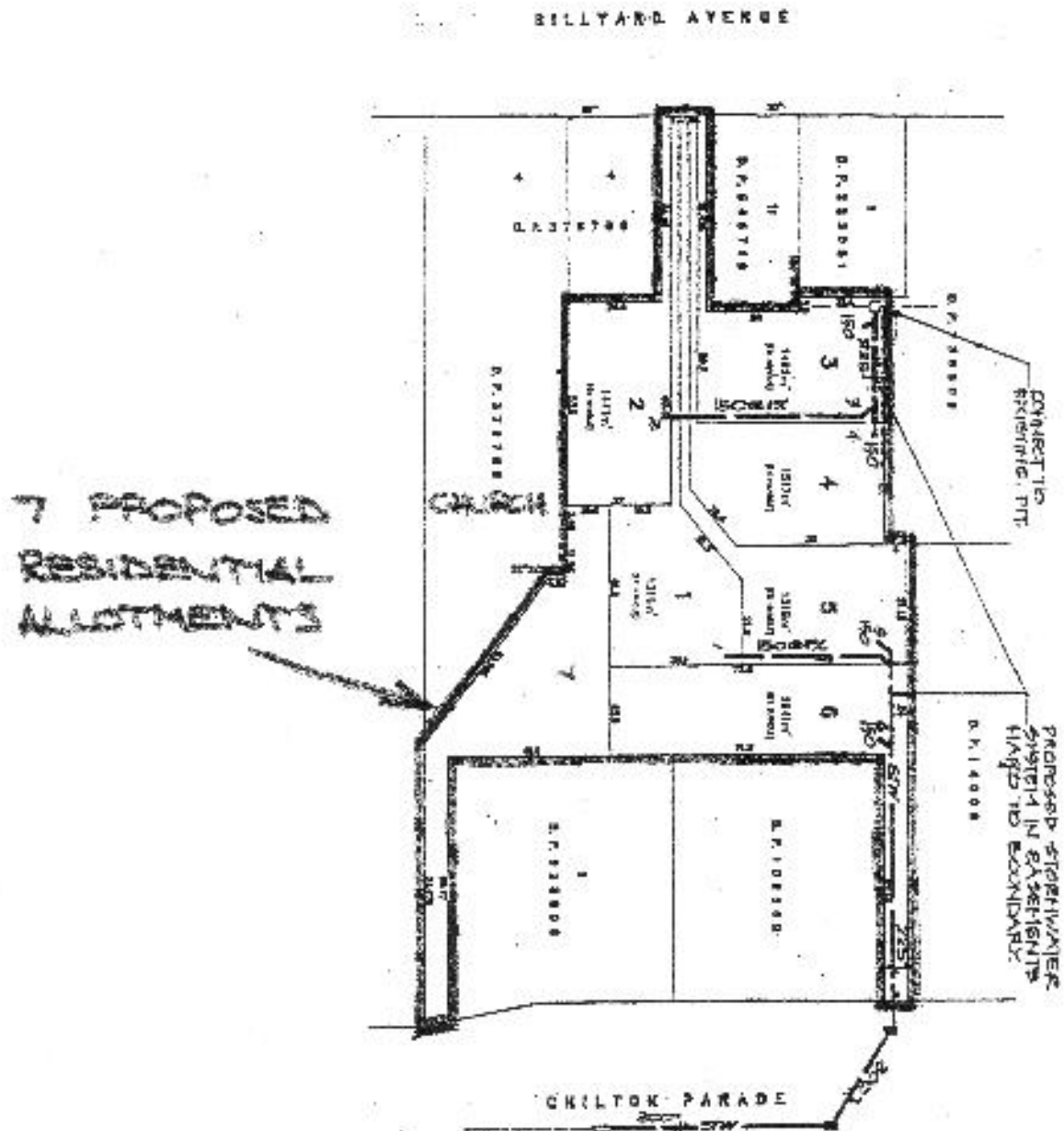


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DATE: 21-06-2005



SUBJECT LAND





BILLYARD AVENUE

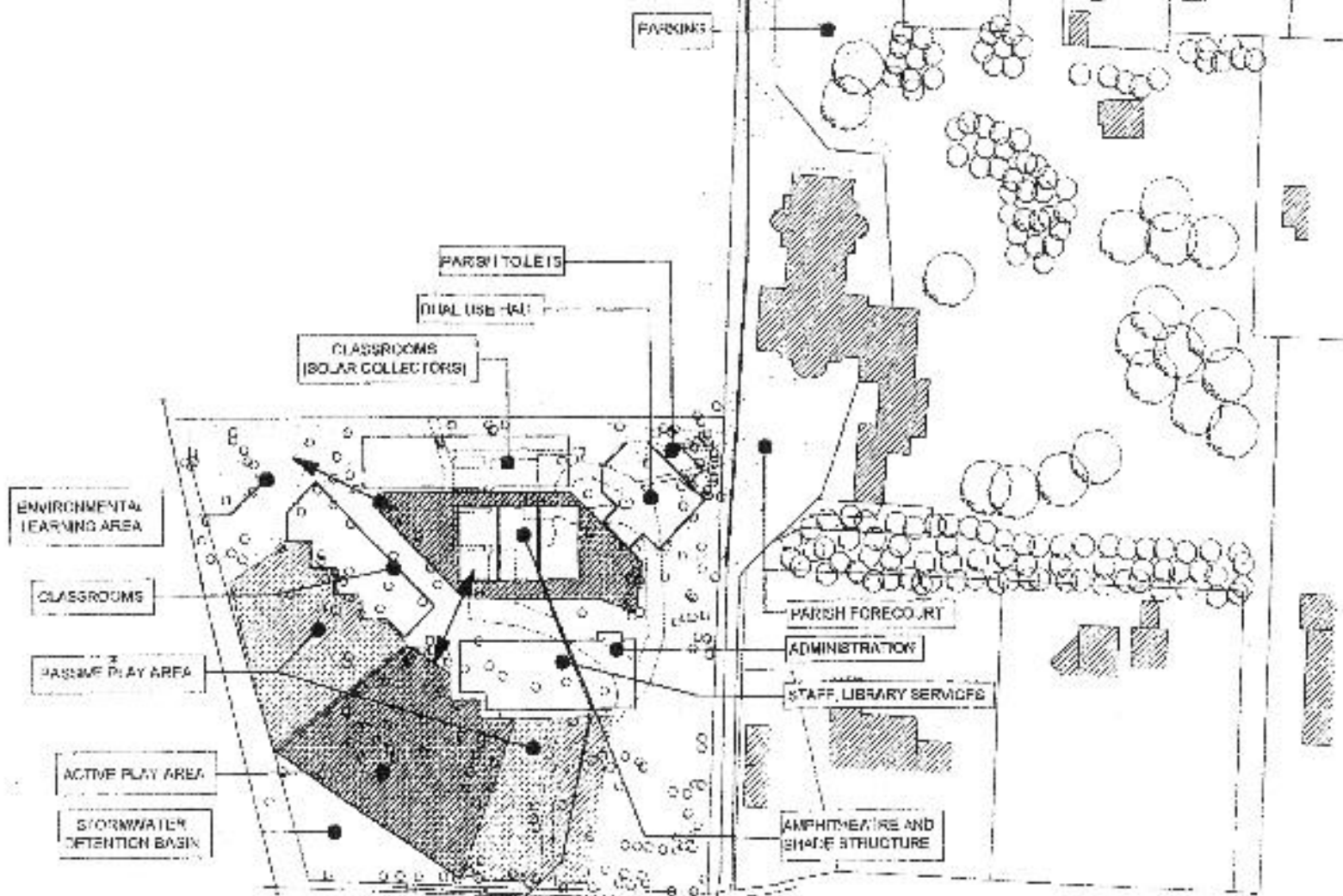
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ATTACHMENT 3

20 JUL 2004

CHILTON PARADE

FUNCTIONAL AREAS

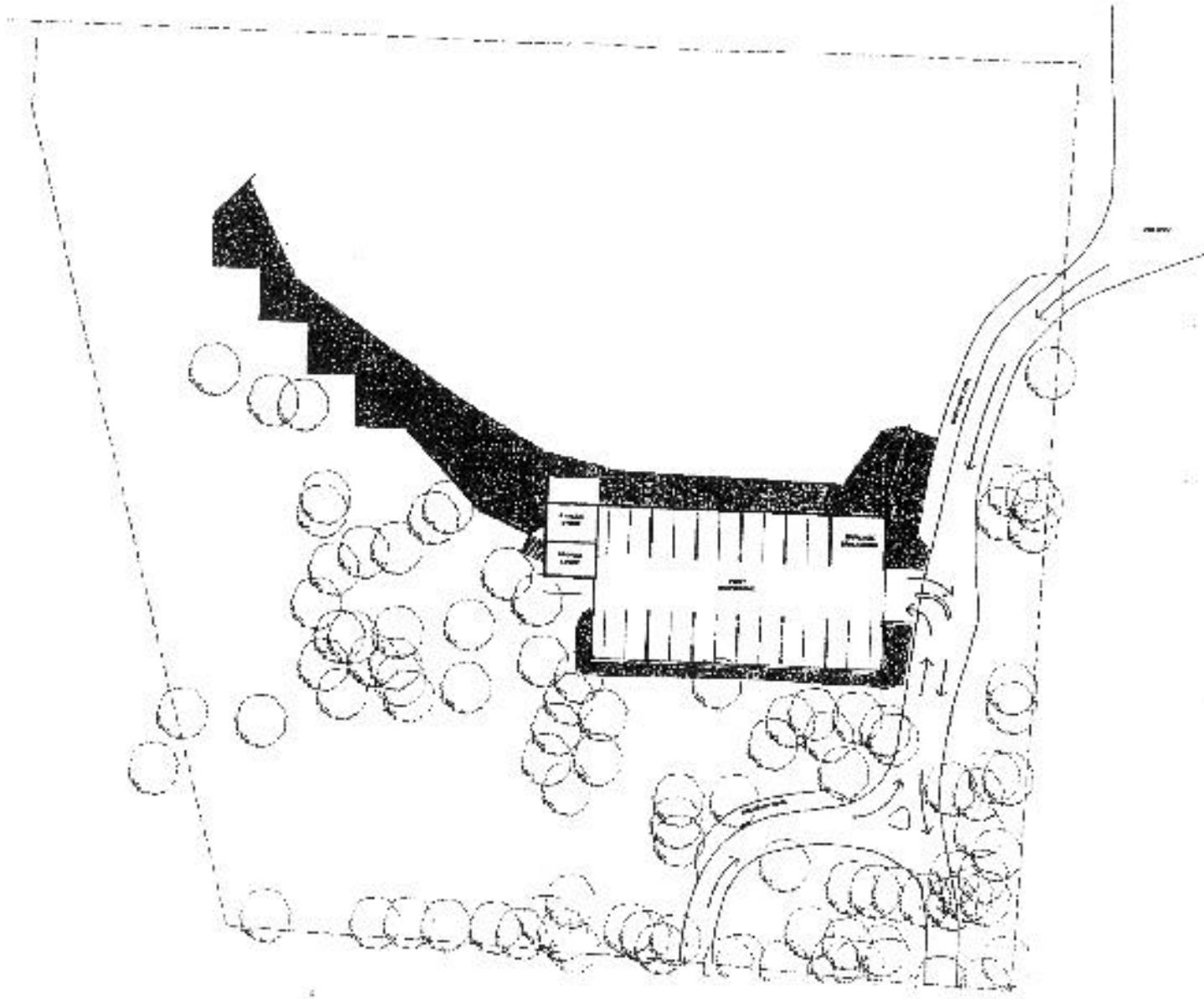


QUINN CHAN ON Architects & Planners
ARCHITECTS & PLANNERS
10 Macquarie Street, Sydney, NSW 2000
Tel: (02) 9231 1111 Fax: (02) 9231 1112

Profile Primary School
Chilton Parade, WARRIMONG



DATE: 20 JUL 2004	0330 -R204- D	REVISION: 0000
BY: [Signature]	CHK: [Signature]	APP: [Signature]
DATE: 20 JUL 2004	DATE: 20 JUL 2004	DATE: 20 JUL 2004



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GUINN CHANLON Principal
ARCHITECTS & PLANNERS
 1000 West 10th Street, Suite 210
 Saskatoon, Saskatchewan S7N 3A1

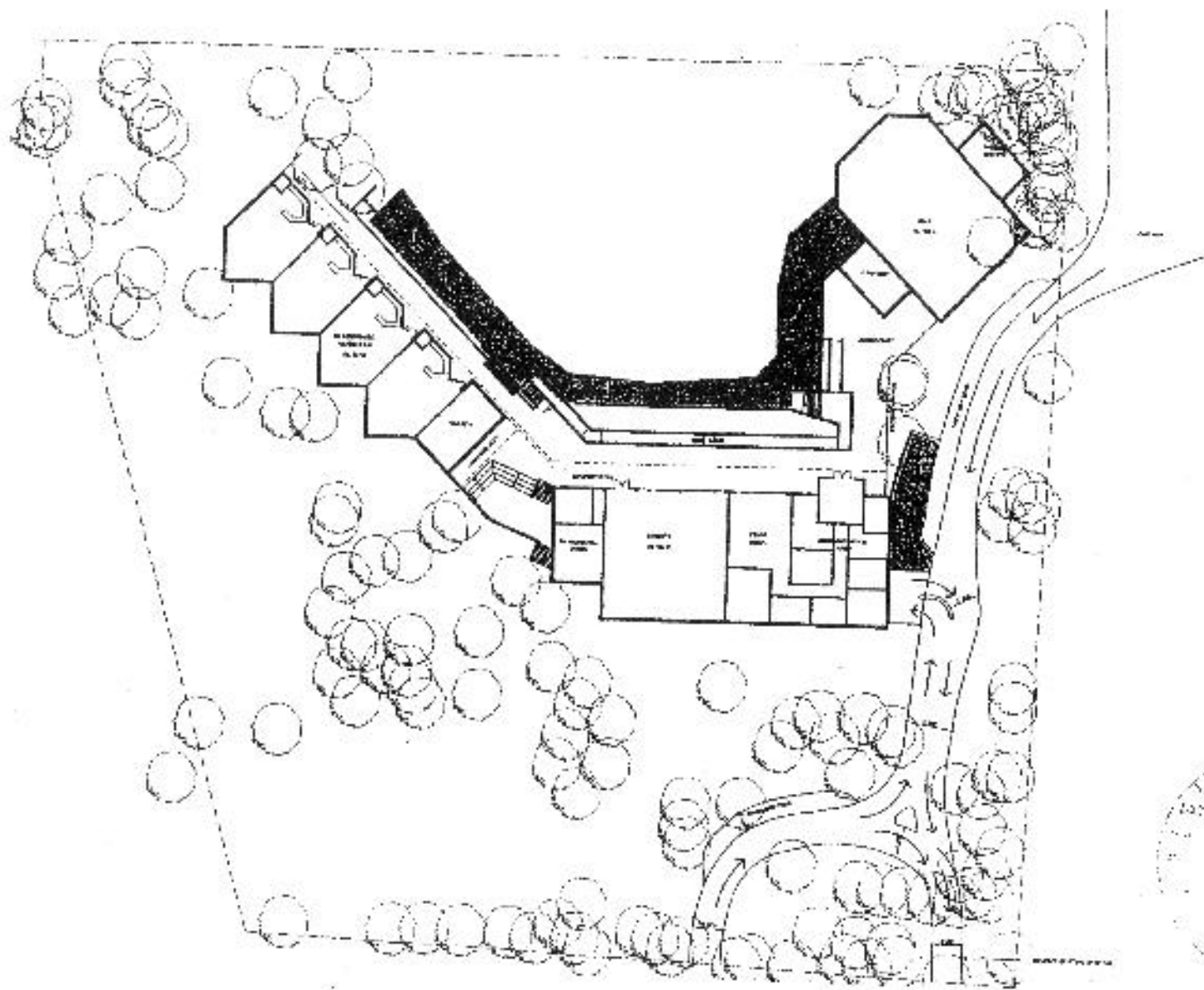
Prouille Primary School
Saskatoon, Saskatchewan



0 10 20

REZONING APPLICATION

PROJECT NO.	0330	DATE	01/01/01
PROJECT NAME	Prouille Primary School		
PROJECT TYPE	RZ01		
PROJECT OWNER	Saskatoon School Division		
PROJECT ADDRESS	1000 West 10th Street, Suite 210		
PROJECT CITY	Saskatoon		
PROJECT PROVINCE	Saskatchewan		
PROJECT COUNTRY	Canada		



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Proulx Primary School
4470 Parade, VANUVER, BC



0 10 20 30
METERS

REZONING APPLICATION

0330-R202-D

DEPARTMENT OF DEVELOPMENT & REGULATION

Development Engineer:

I refer to documentation regarding proposed rezoning of Catholic Church lands at Wahroonga. Traffic comments have been provided separately, so Development Engineers' comments are mainly applicable to the management and disposal of stormwater.

39 Chilton Parade:

This property has full to Chilton Parade and there is an open watercourse along the western boundary.

I had a preliminary meeting with Jim Allen of Whipps Wood in January 2004 regarding this site. At that time, Council's DCP 47 Water Management had not been adopted, however we discussed the likely stormwater management measures which would be required for a new school at the site in the light of the new DCP. DCP 47 came into force for applications lodged after 7 April 2004.

Generally, the site location is A, and there is access to underground Council drainage pits for connection of runoff from the site. The proposed school would most likely be assessed as Type 9 (Any other development) under DCP 47 and therefore retention and re-use requirements would be assessed on merit. The applicant's consulting engineer would need to prepare a stormwater management plan which addressed the likely demands for retained roofwater for use inside the buildings ie toilet flushing and laundry if applicable, and for retained stormwater for irrigation. The optimum storage volumes for retention would then be balanced against the requirement to detain stormwater to relieve pressure on the downstream drainage system to determine the respective storage volumes required.

The hydraulic services report submitted, Whipps Wood Report Issue B dated 16th April 2004, refers to an existing on site detention basin in the south western corner of the site. It also contains calculations for on site detention storage and permissible site discharges using Council's factors. This data will still be useful for the ultimate design work to be carried out using DCP 47. However, the detention storage is by means of a timber wall which is likely to no longer be watertight, so if the existing system is to be used, it will need upgrading.

Given the likely setback of the school buildings from the watercourse, it is likely that a preliminary check of flows in the system will show that the buildings will have sufficient freeboard above the standard flood as required by Chapter 7 of DCP 47.

Depending on the ages of the pupils, safety fencing or other measures may be required between the school and the watercourse. These measures will have to be compatible with the requirements of DIPNR in relation to the riparian zone.

Stormwater quality control measures will be required, as described in Chapter 8 of DCP 47. The site will have ample open space for retention trenches, swales etc if required.

All of the above matters are expected to be able to be addressed during the preparation of DA documentation. Development Engineers do not have any objections or requirements in relation to the proposed rezoning.

35-41 Billyard Avenue

The survey plan submitted, Degotardi Smith Druwing 29986A02.DWG/A does not show the handle to the newly created 27 Billyard Avenue, so the proximity of the dwelling at No. 25 to the development site is exaggerated.

The Hydraulic Services Report, Whipps Wood Issue B, dated 1st June 2004, shows a proposed interallotment drainage system within the development providing gravity drainage to Chilton Parade for Lots 1, 5 and 6. Lots 2, 3 and 4 are shown as connecting into a pit discharging through No. 51 Billyard Avenue. A drainage easement would need to be created over the proposed line. The best time for these negotiations to be undertaken is prior to the lodgment of any DA. Otherwise the lack of legal stormwater drainage through the downstream property(ies) can delay assessment of the DA and/or operation of a subsequent consent.

Once again the report includes on site detention but not retention. Both will have to be addressed at some stage of development, detention in conjunction with the proposed access driveway to the subdivision, and both in conjunction with the development of individual dwellings.

The report proposes the construction of new street drainage in Chilton Parade to serve Lots 1, 5 and 6. If underground drainage is required, then the minimum requirement for street drainage is 375mm diameter reinforced concrete pipe.

Other water management measures complying with DCP 47 and/or BASIX will be required in conjunction with residential development of these lots. These will be addressed at DA stage or by conditions.

Development Engineers do not have any objections or requirements in relation to the proposed rezoning.

3-5 Water Street

It is not clear exactly which lots are proposed to be rezoned.

No Hydraulic services report was submitted in relation to this property. Gravity drainage to Cleveland Street appears to be possible for the entire school property.

Future development applications would be required to address the requirements of BASIX and DCP 47, or appropriate Council policy applicable to stormwater management at the time.

Development Engineers do not have any objections or requirements in relation to the proposed rezoning.

Landscape Development Officer:

Relocation of Prouille School from 3-5 Water Street to a larger site at 39 Chilton Parade, which is occupied by the Dominican Sisters Convent and currently zoned Special Uses "Convent" is the driving force for the rezoning application. In order to provide adequate vehicle access and circulation, part of the Holy Name Church and parish building car park at 33-41 Billyard Avenue needs to be used, hence the application to rezone this area from Special Uses "Church" to Special Uses "Church and School". The remaining land at 33-41 Billyard Ave, including the parish building, and, the redundant Water St site are proposed to be rezoned for residential development, therefore changing Billyard Ave from Special Uses "Church" and "seminary" and Water St from Special Uses "School" to Residential 2(c).

A concept plan has been submitted showing the possible layout of the new school at 39 Chilton Parade and a subdivision plan for 33-41 Billyard Ave. Both of these sites support large old trees, many of which are indigenous trees, in varying condition. A flora and fauna impact assessment, prepared by Ecotone Ecological Consultants Pty Ltd, has been submitted for both sites. Unfortunately, because of this ecological approach, trees have been given a High Conservation Value only. Some of the non indigenous trees are significant due to their size, condition and aesthetic appearance but this has not been considered. While I do not disagree with the trees considered to be of high conservation value I believe that there are also other trees which should be retained because they are significant for other reasons, also some of the high conservation value trees are in poor condition and depending on their location may require removal for safety reasons. An arborist should have assessed the trees.

39 Chilton Parade – Proposed School

I have identified 19 individual trees which I consider to be significant on the Chilton Parade site, as well as, a group of Eucalyptus saligna (Sydney Blue Gum) along the creek in the north western corner of the site. They include:

- Tree 136 – Eucalyptus saligna (Sydney Blue Gum), adjacent to Chilton Parade;*
- Trees 142 & 143 – Eucalyptus paniculata (Grey Ironbark), adjacent to Chilton Parade;*
- Tree 319 – Eucalyptus microcorys (Tallowood), on the leveled area below the convent building;*
- Tree 316 – Eucalyptus saligna (Sydney Blue Gum), adjacent to the level lawn area;*
- Trees 342 & 343 – Lophostemon confertus (Brushbox), below and south west of the convent;*
- Tree 423 – Eucalyptus saligna (Sydney Blue Gum), adjacent to the northern boundary west of the convent;*
- Tree 388 – Eucalyptus paniculata (Grey Ironbark) adjacent to the driveway to the garage;*
- Tree 161 – Eucalyptus saligna (Sydney Blue Gum), adjacent to the eastern boundary;*
- 2 x Eucalyptus saligna (Sydney Blue Gum) not shown on the survey plan located within the access driveway to the Church from Chilton Parade and close to the tree above;*
- Trees 366 & 365 – Eucalyptus saligna (Sydney Blue Gum), near the eastern boundary;*
- Tree 510 – Eucalyptus saligna (Sydney Blue Gum), adjacent to the carport;*

Tree 511 – *Eucalyptus paniculata* (Grey Ironbark), adjacent to the pathway to the Church;

Tree 527 – *Eucalyptus saligna* (Sydney Blue Gum), on the eastern boundary;

Tree 531 – *Eucalyptus saligna* (Sydney Blue Gum), in the north east corner of the site;

Tree 536 – *Eucalyptus paniculata* (Grey Ironbark), in the north east corner of the site.

Many of the trees dotted over the site are young trees which have been planted and consist of Blue Gum, Rough barked Apple, Silky Oak, Tallowood and Brushbox. The significant trees include some of the high conservation value trees but not all of them due to their poor condition. Of these 19 trees, the proposed school and driveways would require the removal of 8 of these trees and severely impact another 5 which would most likely lead to their removal as well. Therefore more than half of the individual trees identified as significant would be removed. Normally we would endeavour to retain all trees identified as being significant, therefore the removal of this many trees is unacceptable.

Some minor reworking of the buildings and driveway would ensure the retention of a number of trees as follows:

- Deletion of the parish toilet from behind the dual use hall and moving the building away from the north east corner of the site would enable the retention of Trees 511, 531 and 536. Tree 527 could be retained if the driveway is realigned, however, this is complicated by the narrowness of the driveway to Chilton Parade, the change of level between the school site and the church site, and the new lot to be created where the parish building is located, which also requires a separate driveway. The removal of Tree 373, a storm damaged *Eucalyptus saligna* (Sydney Blue Gum) to provide the driveway to the school is acceptable.
- The driveway near the administration building can be relocated away from Trees 365 and 366 reducing the negative impact on those two trees, however, this may disrupt proposed pedestrian flow;
- It may be possible to relocate the eastern most driveway at Chilton Parade to retain Tree 135, however, this would probably require the removal of Trees 133 and 134, both *Eucalyptus saligna* (Sydney Blue Gum), which have been badly storm damaged. The location of the driveway would also have to consider Tree 143 already noted above.
- The Kindergarten – Year 2 classrooms may be able to be relocated to allow the retention of Tree 423

Two trees which cannot be saved by some simple reworking are Tree 388, a very large old *Eucalyptus paniculata* (Grey Ironbark), just north of the proposed car park and administration building, and Tree 342 a substantial *Lophostemon confertus* (Brushbox) just outside the proposed Year 5 and 6 classroom block. Retention of these trees would require the redesign of these buildings and this should be attempted because they are beautiful trees.

The circulation plan showing proposed pedestrian and vehicle circulation notes "remove height of retaining wall to allow pedestrian access". I am not sure exactly what this means, however, any change to the retaining wall is likely to impact on other indigenous trees located close to the boundary, therefore, I do not think that this is feasible.

Finally, the detention basin in the front south west corner of the site near the watercourse is a very unattractive structure and redesign of this in any proposal for the site would be desirable. If widening of Chilton Parade is considered essential the two *Eucalyptus paniculata* (Grey Ironbark) (Trees 142 and 143) must be retained, therefore an arborist should be consulted when this is being investigated.

33 -41 Billyard Ave – Proposed Subdivision

It is proposed to retain the church and its car park with vehicle access from Billyard Ave and subdivide the remaining land, including the parish building into 7 residential allotments. Proposed Lot 7 contains the parish building and would gain access from Chilton Parade, next to the proposed school site. As noted earlier, in order to retain Tree 527 the proposed driveway to the school needs to be relocated which effects the location of the driveway to Lot 7. I think that this can be resolved but will require the relocation of the southern end of the angled subdivision line to accommodate the school driveway.

Lot 6 gains vehicular access from Chilton Parade via an access handle between 29 and 35 Chilton Parade. The access handle is 6 metres wide but is constrained by the presence of a row of *Jacaranda mimosifolia* (Jacaranda) in good condition and the low spreading canopies of 3 *Cedrus dendara* (Himalayan Cedar) located within No 35. Removal of the Jacarandas and the pruning of the Cedar canopies would be undesirable, however, an arborist may be able to suggest an alignment which manages to minimize impacts on both of these.

The remaining lots all gain vehicular access from Billyard Ave between No 43 and 45. There are two *Eucalyptus saligna* (Sydney Blue Gum) located at each end of the access handle but as the access handle is 12 metres wide, one shared driveway should be able to be accommodated leaving room to keep both trees. An arborist needs to be consulted with regard to the location and design of the driveway as the ground drops away at the Billyard Ave end into the site.

There are a number of trees which are considered to be significant at the site and again not just high conservation value trees. Most of these trees are located near proposed subdivision boundaries making it easier to retain them in any future development, however, the driveway to Lot 1 - 5 would run right through the middle of a stand of vegetation which contains mostly *Angophora floribunda* (Rough barked Apple), as well as, considerable weed growth. Some of this vegetation also spills into Lot 2 and 3. Unfortunately a lot of these trees are only in fair to poor condition so that when a house is to be built at the site they are likely to be removed due to their condition, however, this is not a reason to not support the application as other trees can be planted as part of the DA process. A number of trees would be identified at subdivision stage for preservation when future development occurs.

Conclusion

While there are a number of issues raised above which need to be resolved, 39 Chilton Parade would appear to be large enough to accommodate a school and retain more of the significant trees than proposed at present. The Billyard Ave site could accommodate a 7 lot subdivision, although, there may be some tree issues to be resolved at subdivision and then DA stage. The driveways to all the lots, as well as, the school need to be carefully considered and must include the input of an arborist at the earliest opportunity. An arborist should also be consulted when redesigning the school layout.

Heritage Advisor:

This memo considers the implications of rezoning three properties in the Wahroonga / Warrawee area that are currently owned or operated by various religious groups and zoned special uses School, special uses Church, special uses Convent and special uses Seminary. It is concluded that:

- *The heritage issues would not prevent rezoning but should be addressed in future applications.*
- *There would be little adverse impact on the National Trust UCA No 27 resulting from the proposed rezoning.*
- *Returning the sites to residential zoning would be consistent with the predominant character of the area and UCA. It should be noted that educational and religious institutions have contributed to the historical development and character of Wahroonga and Warrawee.*
- *There may be some impacts on the "extended curtilage" and setting of existing heritage items in Chilton Parade and Billyard Avenue if future subdivision or development occurs.*
- *Archaeological relics are contained within the site of 3 Water Street and archaeological investigation may be required prior to disturbance.*
- *Consideration should be given to further heritage assessment of the building at No 5 Water Street, Wahroonga if demolition/development is proposed.*
- *Consideration should be given to further heritage assessment of the building at 39 Chilton Parade, Warrawee if demolition/development is proposed.*

HERITAGE IMPACT STATEMENT – 39 CHILTON PARADE WARRAWEE

I have reviewed the report prepared by Rappoport Heritage Consultants. The rezoning application looked in detail at the sites and two heritage reports were prepared. The following is a brief assessment of the report on 39 Chilton Parade Warrawee:

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The author states that the report was prepared to determine whether future demolition of the Convent would have any impact on the Wahroonga UCA. While demolition may be a future activity, it is a relevant issue for Council to consider in the proposed rezoning. It should be clear to the applicant that if Council agrees to rezone the land that demolition is not approved and that a separate application would be required.

The report has some useful information and has identified some heritage significance in the existing building and recommended that if demolition occurs, archival recording of relevant fabric is appropriate. The report has not assessed the landscape, vegetation or other elements of the site. Council would need to carefully consider the impact on any future application for a school on the site. It is considered that the heritage issues associated with this site would not prevent rezoning.

The heritage impact assessment in the report states:

- a) The existing building is not currently recognized for any heritage significance per Schedule 7 of the KPSO 2003.*
- b) Its fabric does not correlate with the identified significance of UCA 27 – being buildings predominantly of the Federation period.*
- c) The surrounding buildings comprising the church and associated structures are themselves not heritage listed and therefore cannot be construed to contain any special significance.*

The heritage impact statement in the report is:

On the strengths of the foregoing, it is our opinion that the proposed demolition of 39 Chilton parade, Warrawee will not have a negative impact of the Wahroonga UCA 27 or the Wahroonga Holy Name Parish church establishment. Ku-ring-gai Council does not list the existing building as containing any significant heritage attributes befitting the architectural style and context of the UCA 27. We do however recommend archival recording of relevant fabric...

Comment

- The main conclusion in the above heritage impact statement seems to be based on the fact that the site is not a listed heritage item. The assessment only considers 'the building' and does not assess the cultural landscape value of the site.*
- To avoid potential conflicts over the heritage value of the site, it would be appropriate for Council to undertake a further assessment and if warranted consider listing it as a heritage item.*
- The report incorrectly states that UCA 27 was gazetted in 2002. That is incorrect, a draft LEP has not been prepared by Council. However, the area is included in the National Trust UCA No 27.*

- The history in the report is helpful, but is not comprehensive. It does not mention that the site of 39 Chilton Parade was formerly part of "Berith Park" at 19 Biliyard Avenue, which adjoins the northern boundary of the site. The original land holding was broken up many years ago into its existing configuration.
- The history correctly notes that institutional building based on large residential houses is a characteristic and important phase in the historical development of Ku-ring-gai.
- The plan of the building shown in the appendix illustrates the existing layout of the building. Comparing that with the 1938 plan it is apparent that the majority of the early building is intact but the garage and common room on the lower floor and the terrace, two bedrooms and a bathroom on the upper level were later additions.
- The description in the report claims that the front entry and Chapel are the areas of greatest architectural interest due to the exposed ceiling beams.

STATEMENT OF HERITAGE IMPACT - PROPOSED DEVELOPMENT PROUTIE PRIMARY SCHOOL

I have reviewed the above report prepared by Rappoport Heritage Consultants. The report was prepared to advise the applicant whether demolition of 39 Chilton Parade, Warrawee and the construction of a new primary school on the land and whether rezoning and subdivision of land currently owned by the Dominican Priory into six separate lots would have either a negative, neutral or positive effect on the National Trust Urban Conservation Area (UCA 27).

The report concludes that the proposed demolition of the existing building at 39 Chilton Parade, Warrawee and proposed development of that site for a new primary school will not have a negative impact upon the Wahroonga Urban Conservation Area (UCA 27) nor would it have a negative impact upon the neighboring heritage item -- "Berith Park" at 19 Biliyard Avenue, Wahroonga because:

- *No 39 Chilton Parade, Warrawee is not a listed item, thus demolition is permissible.*
- *The significance of the heritage item Berith Park is reduced by the recent subdivision and is now limited to the original fabric of the house, and the gates.*
- *The proposed school site is located on land which is lower and screened by an existing embankment.*
- *The fabric of 39 Chilton Parade does not correlate with the identified significance of UCA 27.*
- *The nearby Church building is not heritage listed and can not be construed to contain any special significance.*
- *Other nearby heritage items at No 30 & 34 Biliyard Avenue, Wahroonga are too far away to be affected by the proposed subdivision.*
- *The boundary with the heritage item at 35 Chilton Parade, Warrawee is separated by a row of mature trees which would screen future building works.*

Comment

- *It is difficult to provide comments on the above conclusions as the application before Council is simply to rezone the land. Demolition and possible subdivision may occur in the future and should be subject to new applications and those issues can be carefully considered if such applications are lodged.*
- *The primary concern with rezoning the Seminary site at 35-41 Billyard Avenue is the potential loss of setting that the site provides to the adjoining heritage items, particularly 19 Billyard Avenue and 35 Chilton Parade. The existing site provides a treed backdrop to the adjoining heritage items and is considered to be part of their "extended curtilage" and setting. It is considered that "extended curtilage" or "setting" can be protected in subdivision/development applications and that it should be an issue to consider if applications for subdivision/development are lodged.*
- *An issue associated with the site at 35 - 41 Billyard Avenue demonstrated the concept of "extended curtilage". The recent Court approved subdivision of 19 Billyard Avenue placed a condition that allowed for a viewing corridor from the eastern terrace of Berith Park across the subdivided lots to 35 - 41 Billyard Avenue so that views to the bushland could be retained as they were considered to be part of the historical setting of Berith Park.*
- *Wahroonga still contains a number of large sites in some form of institutional use. These large sites have cultural landscape values which have not been addressed in the report.*
- *Physical evidence related to the historic development phase in Ku-ring-gai when institutions such as Convents, Seminaries, Schools and Hospitals acquired large residential sites for their use is rapidly disappearing.*
- *It is considered that heritage issues would not prevent rezoning but should be addressed in future applications.*

PROUILLE SCHOOL - HERITAGE ISSUES**3 Water Street**

The site at No 3 Water Street was a heritage item, but the building was demolished over 10 years ago. The heritage listing has been removed however the site contains footings and archaeological evidence of the demolished building. The Heritage Act provides automatic protection to any subsurface deposits or relics more than 50 years old. An archaeological assessment of the site and excavation permit may be required before future development could occur on the site. However, rezoning would not disturb deposits or relics contained within the site.

No 5 Water Street

This property is not listed as a heritage item, but is an early house and may have some heritage value. To avoid potential conflicts over the heritage value of the site if demolition/development applications are received, it would be appropriate for Council to undertake a further assessment and if warranted consider listing it as a heritage item.

School buildings

The existing purpose built classrooms and school buildings on the Prouille School site are not identified as having any significant heritage values. They may have some limited heritage significance to the existing community. Further assessment of the buildings may be required if an application for demolition/redevelopment is made.

Comment

Returning this site to residential use would be consistent with the predominant character of the area and the National Trust UCA. There are some minor heritage issues associated with the site at 3 Water Street and the site at 5 Water Street which should be assessed in any future demolition application. It is considered that heritage issues would not prevent rezoning but should be addressed in future applications.

DEPARTMENT OF TECHNICAL SERVICES**Manager Traffic & Transport:**

The Traffic and Parking Assessment Report dated 12 July 2004, prepared by Project Planning Associates for the proposed relocation of Prouille School to Chilton Parade has been perused. It is intended that the proposed rezoning will be referred to the Traffic Generating Developments Committee for consideration. However, before this can occur, it is considered that a number of issues should be addressed or clarified:

- 1. The site at 39 Chilton Parade is considered to have significant traffic related constraints for use as a school for over 400 infant and primary school aged students. Some of these constraints are not addressed in the Project Planning Associate's traffic report.*

For example, the road pavement and footpath width in Chilton Parade adjacent to the site is narrow and the road geometry restricts visibility, when exiting the property. Any vehicles parked near the driveway would restrict visibility further. It is considered that the existing pavement width would not permit significant numbers of vehicles to park on street adjacent to the site. Consideration should be given to appropriate road widening on the school frontage.

While 21% of students at the existing school site use buses, neither Billyard Avenue nor Chilton Parade are approved for use by buses and Chilton Parade is not considered suitable for bus use because of its narrow width and tight radius at the curve at Warrawee Avenue.

The application relies on parking relatively remotely from the site, near Billyard Avenue, for dropping off and picking up younger children. The access road connecting the proposed parking near Billyard Avenue to the school campus, is relatively narrow between the church building and retaining wall. This access is not considered to be suitable for two way traffic or for pedestrian movement while that access is in use by vehicles. There could be safety issues with access to the church during weekdays, when school traffic uses this access.

2. More specifically, the Project Planning Associates' report refers to 92 parking spaces being available for the proposed school. However, it is noted that this parking provision consists of 45 spaces being available near Billyard Avenue, 17 at the rear of the church are for the use of the church only, 22 in a new staff parking area and 8 in pick-up and set-down facilities. It is questioned whether the parking area near Billyard Avenue would be used by parents and carers of younger children who would need to park their vehicles and walk up to 200 metres to the school when dropping off and picking up children. It is also questioned why 17 spaces located at the rear of the church are for the use of the church only, are included in the calculations for parking provisions.

The traffic report states that the internal road link between Billyard Avenue and Chilton Parade would be retained, but would be closed during school hours to prevent through movement between the two frontages. On the other hand, the Traffic Assignment diagram (Figure 6), shows traffic entering the site from Billyard Avenue and exiting from Chilton Parade. It might be assumed that the through link would be active during set down and pick up periods.

3. It is considered that some parents and carers would seek parking in Chilton Parade rather than park near Billyard Avenue. The report refers to the possible widening of Chilton Parade, but does not adequately address this issue. It is likely that No Stopping restrictions, together with widening, would be required in Chilton Parade to prevent setting down and picking up students from the street or to make it safe. Restrictions would, however, impact on residents in the area.
4. The report does not refer to students catching buses to and from the proposed development, as required by DCP 43, and no provision appears to have been made for buses. The calculations for vehicles accessing the school site have not been adjusted for the fact that bus transport may not be available to the new site and that additional students are therefore likely to be transported by vehicles.
5. The report contains inaccuracies including claiming that Bangalla Street and Millewa Avenue are Regional roads and that Billyard Avenue is a Collector route.
6. There are concerns with visibility from the proposed driveway in Chilton Parade even though the report suggests that adequate site distances would be available. These calculations should be checked.
7. Significant increases in traffic volumes and congestion could be expected to increase with the relocation of the school, including:

- (a) *At the intersection of Cleveland Street and Billyard Avenue, particularly during peak school times. There are also heavy pedestrian movements across the two pedestrian crossings at the intersection during these periods. The proposal would result in increased traffic volumes through the intersection at peak school periods.*
 - (b) *There would be significant increases in traffic volumes in Chilton Parade/Warrawee Avenue (Bangalla Street to Young Street), from about 55 vph to 150 vph, during peak school times. This increase would be noticeable to residents.*
 - (c) *There would also be significant increases in traffic volumes in Young Street (Billyard Avenue to Chilton Parade, from about 110 vph to up to 180 vph.*
 - (d) *Traffic volumes could be expected to increase in other streets near the proposed campus, including Billyard Avenue, part of Cleveland Street Bangalla Street and Milleva Avenue.*
8. *The Project Planning Associates' report relies on a traffic and parking survey undertaken on Friday 8 December 2000. There is a question whether a survey undertaken on a Friday near the conclusion of the school year, nearly 4 years ago, is still relevant. It is suggested that for a proposal as significant as this rezoning, current surveys should be undertaken. The vehicle parking demand survey should identify the maximum numbers of vehicles parking, rather than numbers on the quarter hour (Tables 4.1 and 4.2).*

The Project Planning Associate's Traffic and Parking Assessment Report submitted is not considered to have properly considered all relevant issues and addressed them. It is requested that the report be reviewed addressing deficiencies, including issues raised above.

Design / Projects Engineer:

After reviewing the submitted information, the issues raised by the proposal in terms of the affect on the public roads and drainage would be able to be dealt with by conditions at the DA stage.

The Road and Trunk Drainage issues that would need addressing in the design include:

1. *Drop off and Pick up from private vehicles being limited to the zones inside the school as generally shown on the drawings.*
2. *School bus access will require local widening of Chilton Parade to maintain 2 way traffic flow. The widening would be limited to the frontage of 39 Chilton Parade and adjacent access to 35-41 Billyard Ave*
3. *No stopping on Chilton Parade near the school during school peak times, to improve safety for pedestrians in the area, to maintain traffic flow in the street and vehicular access to school.*

4. Removal of the existing 'Wombat' crossing in Water Street outside the existing Prouille School, (Note, the existing marked crossing in Water Street.)
5. Due to the narrow width of Chilton Parade and Warrawee Ave, construction access will be via Billyard Ave and Cleveland Street for the Chilton Ave and Billyard Ave sites. Due to the narrow width of the eastern section of Water Street, construction access will be via Water Street and Cleveland Street for the Water Street site.
6. Additional road and trunk drainage works may be required following the assessment of any DA submitted.
7. This assessment does not include traffic issues associated with the proposal, there is a separate report for these.

DEPARTMENT OF PLANNING & ENVIRONMENT

Environmental Planning & Project Officer:

I have read the report titled, Report on Preliminary Contamination Assessment – 35 Billyard Avenue, Wairoonga dated July 2004.

I agree with the findings that after taking into consideration the testing results and search of historical land uses the site in question is suitable for residential development with accessible soils.

It should be noted that only 35 Billyard Avenue was the site for this testing report and did not include the actual site of the current church building. Looking at your attached memo dated 27 September 2004, the diagram indicates some surrounding blocks are also included in the proposed rezoning application. In particular, 39 Chilton Parade or the current school located at 3-5 Water Street were not part of the testing strategy.

From a cursory look of Council's land information system, the results from the report and a site visit, the likelihood of these other blocks attached to 35 Billyard Avenue of being contaminated would seem to be minimal if at all.

Information should be sort from the applicant as to why these other sites were not tested at the same time.

(Preliminary) Draft Ku-ring-gai Local Environmental Plan No ..

Under the
Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No*

2 Aims of plan

This plan aims to rezone obsolete Special Use 5(a) zoned land to Zone No 2(c) under the "*Ku-ring-gai Planning Scheme Ordinance (the Ordinance)*" to allow for future development consistent with this zone.

3 Land to which plan applies

This plan applies to land fronting 3-5 Water Street, Wahroonga and 33-41 Billyard Avenue, Wahroonga and 39 Chilton Parade, Wahroonga, as shown coloured light scarlet, with dark red edging and lettered "2(c)" on the map marked "*Ku-ring-gai Local Environmental Plan No ...*" deposited in the office of Ku-ring-gai Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Schedule 1 Amendments**[1] Clause 4 Interpretation**

Insert in appropriate order in the definition of "Scheme map" in clause 4(1):

Ku-ring-gai Local Environmental Plan No ...

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2(c)

RESIDENTIAL 2(c)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE KU-RING-GAI PLANNING SCHEME

AMENDS THE KU-RING-GAI PLANNING SCHEME

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

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

GENERAL MANAGER DATE

GENERAL MANAGER DATE

DRAFT DEVELOPMENT CONTROL PLAN NO 57 - CHILD CARE CENTRES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report to Council on the formal exhibition of Draft Development Control Plan No 57 - Child Care Centres (DCP 57) and to present the final DCP for adoption.

BACKGROUND:

Council currently assesses development applications for child care centres under its "Policy on Child Care Centres". If adopted, Draft DCP57 will replace this Policy as it is inconsistent with current statutory requirements and outdated.

COMMENTS:

Draft DCP57 – Child Care Centres has been amended following input from the community and further work by Council officers.

RECOMMENDATION:

To adopt Draft Development Control Plan No 57 - Child Care Centres as attached to this report.

PURPOSE OF REPORT

To report to Council on the formal exhibition of Draft Development Control Plan No 57 - Child Care Centres (DCP 57) and to present the final DCP for adoption.

BACKGROUND

Council currently assesses applications for child care centres under its *Policy on Child Care Centres 1998*. This policy is inconsistent with the requirements of the *2004 Children's Services Regulations* (Regulations), particularly in relation to outdoor play space requirements.

On 14 December 2005, Council resolved;

- A. *That Council adopt the Draft Development Control Plan – Child Care Centres for exhibition.*
- B. *That the Draft Development Control Plan be exhibited and notified in accordance with the provisions of the Environmental Planning and Assessment Act, allowing an extended exhibition period of three (3) months in order to give consideration to the school holiday period.*
- C. *That the relevant child care providers and the NSW Department of Community Services be notified of the Draft Development Control Plan.*
- D. *That a report be brought back to Council at the end of the exhibition period.*

If adopted, Draft DCP No 57 – Child Care Centres will replace Council's existing *Policy on Child Care Centres 1988*.

COMMENTS

Draft DCP 57 has been developed to complement the Regulations and to help ensure that new child care centres are of a high quality, respond to the needs of the community, provide a safe environment for the users of the facility and effectively integrate with the character of the surrounding area.

A number of amendments are now proposed to the Draft DCP in response to the issues raised during the exhibition period. Modifications are also proposed in order to make the document more user-friendly.

Obtaining Consent

Child care centres are assessed by both Council and the NSW DoCS. In September 2004, Regulations were put in place that require Council to assess such applications prior to DoCS doing so. Council was not made aware of this change until after the Draft DCP was placed on exhibition and this new requirement was inconsistent with the information in the exhibited Draft DCP.

Therefore the relevant sections have been updated for consistency with the Regulations and that the requirements have been re-worded.

Location

Submissions received during the exhibition period raised concerns that the controls concerning where centres could be established would severely limit the number of sites in Ku-ring-gai that would be suitable for use.

It is not intended that the Draft DCP limit the number of sites suitable for the establishment of child care centres, however, it is a primary objective of the Draft DCP that child care centres *are of the highest levels of health and safety for the users of the facility*.

Council officers have reviewed this section and determined that the objective could be better achieved without the numerical controls as originally proposed. Instead, applicants wishing to establish a new centre within a prescribed distance from certain land uses would be required to demonstrate to Council that the site is safe for use. The criteria for assessment have also been made clear. The only exception to this will be the prohibition of locating a centre within 100m of a *Dangerous Good* (as defined by the Dangerous Goods Act 1975) of a quantity that requires a license to be held by the owner.

In reviewing this section, Council officers have also sought to determine optimum distances from hazardous land uses. The new distances reflect those contained within accepted standards and policies (eg those of the Environmental Protection Authority).

Residential and other Sensitive Land Uses

While the DCP was on exhibition in February 2005, in the consideration of Council's refusal to grant consent to a child care centre in North Turramurra, the Land and Environment Court determined that Council's *DCP 38 – The Ku-ring-gai Residential Design Manual* was not directly relevant as it relates to residential development.

A new section is therefore proposed to provide controls for the site and building design of centres in residential areas to ensure that the amenity of neighbouring properties and the character of the area is retained.

Parking Requirements

Several submissions received during the exhibition period objected to the proposed parking space requirements of the exhibited Draft DCP on the following grounds:

- Modern child care centres commonly accommodate for up to 90 children. At the ratio proposed by the Draft DCP, this would require such a centre to provide 23 spaces for the children plus additional staff parking. This would occupy a large amount of the overall site area and compromise the economic viability of establishing a new centre.
- A more acceptable ratio would be 1 space for every 6 children attending the centre.
- Most vehicle activity at a child care centre does not require parking during the day as children are dropped off.

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- Few or none of the existing child care centres in Ku-ring-gai provide parking spaces at the ratios proposed by the Draft DCP.
- 1 space for every 2 staff members of the centre may be excessive as staff often car-pool. Furthermore, centre staff are often youth who do not drive.

These issues were referred to Council's Strategic Traffic Engineer. The Engineer commented that the required ratio of 1 space for every 4 children attending the centre is consistent with the Roads and Traffic Authority's (RTA) 'Guide to Traffic Generating Developments' and Council's DCP 43 – Car Parking Code. However, staff parking and spaces for disabled people are **included** in this ratio of DCP 43, so additional spaces are not required.

The provisions of DCP43 are considered to be adequate.

It is therefore proposed that the car parking requirements of the Draft DCP be amended for consistency with Council's DCP 43 Car Parking Code.

Maximum and Minimum Capacities

The exhibited Draft DCP proposed placing a cap of a maximum 50 places for centre in residential zones and 60 places for centres in business zones so as to maximise the quality of the centres. This, however, is more onerous than the provisions of the DoCS Regulations which state:

The maximum number of children that may be so specified is 90, of whom:

- (a) *no more than 30 may be children under the age of 2 years, and*
- (b) *no more than 60 may be children of or above the age of 2 years, but under the age of 6 years, who do not ordinarily attend school.*

Further, limiting the number of places in a child care centre would fail to address Ku-ring-gai's current shortfall of available spaces for children aged less than 2 years and would also not be consistent with the DCP to:

Enforce a positive, proactive approach to identifying and responding to the child care needs of the community.

The matter of setting the maximum number of places in a child care centre is beyond the scope of the DCP and should be dealt with by DoCS. It is therefore proposed that this section of the DCP be removed.

Shade

It is proposed to amend the section on shade from detailed controls to a reference to the NSW Cancer Council's *Shade Care for Children's Services* so as to ensure consistency with the Regulations.

Planting

The exhibited Draft DCP included very strict controls about plant species suitable for use in a child care centre. Review of this section has shown that the proposed criteria would render too many

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plant species (including those native to the local area) unacceptable for use. Many of these plant species are unlikely to be of any real threat to the safety and welfare of the children.

It is therefore proposed that the planting criteria of the Draft DCP be amended to more closely reflect the requirements of the Regulations. This will provide greater flexibility in the choice of plant species and allow other controls of the document to be more easily achieved.

Water Management

It is proposed that reference to Council's *DCP47 – Water Management* be included in the DCP to ensure that applicants are aware of their obligation to satisfy the criteria of this plan.

Document Format

It is proposed that the format of the document be amended to reflect that of other DCPs recently adopted by Council. This format has meant that certain controls have been moved to more relevant chapters, assisting in the overall user-friendliness of the document.

CONSULTATION

Draft DCP No 57 – Child Care Centres was publicly exhibited from Wednesday 22 December 2004 to Friday 25 March 2005. In accordance with Council's Resolution, all long day care and pre-school child care centres in Ku-ring-gai were notified of the exhibition. The NSW Department of Community Services (DoCS) was also notified.

77 submissions were received during the public exhibition period (see attachment B). Of these, 71 submissions were from the parents and staff of the East Lindfield Community Pre-school in the format of a standard letter. The letter supported the Draft DCPs proposed outdoor play space requirement (Section 6.2) that is consistent with the NSW DoCS Regulations.

During the exhibition period, several consultation sessions were held.

On 11 February 2005, a meeting was held with a representative of the NSW DoCS to discuss the impacts that the introduction of the Regulations would have on the content of the Draft DCP.

All long day care and pre-school centre providers in Ku-ring-gai (37 in total) were invited to attend a workshop, held on the 4 March 2005. Invitations were also sent to the Head Offices of several large child care service companies. Those unable to attend the workshop were invited to comment in writing.

On 16 March 2005, a briefing of the Draft DCP was given to the Ku-ring-gai / Hornsby Children's Services Interagency Network. Several participants at the meeting operate child care centres in Ku-ring-gai.

Issues raised in workshops and written submissions have been addressed in the amended draft DCP or in this report.

FINANCIAL CONSIDERATIONS

Council costs have primarily related to staff time required for the preparation and review of the Draft DCP as well as the costs of advertising and exhibiting the document. These costs have been met with the planning budget of the Department of Planning and Environment.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development and review of the document has been a collaborative effort between Council's Planning and Environment, Technical Services, Development and Regulation and Community Services Departments.

SUMMARY

The Draft DCP was exhibited from Wednesday 22 December 2004 to Friday 25 March 2005.

Several amendments are proposed in response to submissions received and further research that has been undertaken. These amendments also aim to improve the user-friendliness of the document.

The amendments proposed are keeping with the original intent of the Draft DCP which is the provision of child care centres that are of a high quality, respond to the needs of the community, provide a safe environment for the users of the facility and effectively integrate with the character of the surrounding area.

RECOMMENDATION

- A. That Council adopts 'Draft Development Control Plan No 57 – Child Care Centres' as included in **Attachment A** of this report.
- B. That the Development Control Plan takes effect upon notice of its adoption by Council appearing in the local newspaper.
- C. That Council revokes its Policy on Child Care Centres 1988.
- D. That those who made a submission on the Draft DCP be advised of Council's decision.

Antony Fabbro
Manager Urban Planning

Danny Houseas
Manager Community Development

Leta Webb
Director Planning & Environment

Janice Bevan
Director Community Services

Attachments: **Attachment A - Development Control Plan No 57 - Child Care Centres**
 Attachment B - Submissions received during exhibition period of DCP

OPTIONS FOR DISPOSAL OF MATERIAL FROM ST IVES FORMER LANDFILL SITE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider options for disposal of material from the St Ives former land fill site.
BACKGROUND:	Council considered a report dated 9 December 2003 and resolved to defer the matter for further investigation. Council's 2004/2005 Management Plan has included the task of considering options for the removal of waste materials from the site.
COMMENTS:	The removal of waste materials from this site would be subject to a formal tender process and approval from the Department of Infrastructure Planning and Natural Resources. However, funding for the works would significantly exceed Council's current available funds with cost associated with the disposal alone exceeding Council's current reserves.
RECOMMENDATION:	That Council not proceed with the removal of material from the former land fill site at St Ives and continues to manage the site.

PURPOSE OF REPORT

To consider options for disposal of material from the St Ives former land fill site.

BACKGROUND

Council considered a report dated 24 November 2003 concerning the management of the former landfill site and at Council's meeting of 9 December 2003 resolved:

That the matter be deferred for further investigation.

A copy of the previous report is **attached** for Council's information.

Consequently, Council's 2004/2005 Management Plan included an operational goal to:

"Report on the options for disposal of material from the St Ives former vegetation waste land fill site."

COMMENTS

A quantity survey was carried out to determine the volume of material likely to be required for either reuse or disposal of this material.

Based on the best available information concerning the base line levels of the site, it is estimated that approximately 73,000 cubic metres of old vegetation waste material has been placed on the site. The material is made up of vegetation disposed of since the mid 1980s and soil and rock used for the civil engineering rehabilitation works in shaping batters and constructing gas and drainage irrigation lines.

The ground surface has been revegetated with a mix of native trees and shrubs surrounding the perimeter of the site and grasses to the open landfill cell areas. Wildlife including wallabies, snakes, goannoes, echidnas and birdlife are evident and are regularly witnessed by Council officers who attend the site for the monitoring of the leachate pumps and irrigation ponds.

Ongoing management of the site is required to monitor and prevent environmental impact to adjoining land which includes the Garigal National Park to the south of the site. The work includes the capture and disposal of leachate generated from within the landfill cells which is spray irrigated for transpiration and evaporation.

In considering the option of removing the material from the site and returning to previously excavated ground levels, a number of significant issues are raised. Those being:

- the cost of disposal of the existing waste material
- the civil engineering works to backfill the site

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- the issues associated with protecting the adjoining land from discharges during any removal process
- and the design issues with the future land use after removal from the site

Cost

In order to evaluate the likely cost for processing of any suitable material, indicative pricing has been received from Australian Nature Landscapes. Their costs are for screening and processing on site and do not include the cost in the engineering works involved in recovering the material nor the transport of any processed material off site after processing. This cost would be subject to the destination of the material after processing.

Based on the survey data and estimated quantities, the quoted price for screening would amount to \$328,500 and the amount provided for processing via a tub grinder is indicated at \$650 per hour. At 150 cubic meters per hour, the tub grinding exercise would amount to \$316,333. This subject to the material being suitable for processing but given the time the material has been buried underground, there would be a significant amount of decay and therefore, the material may be unsuitable for re-use and more likely to be only suitable for disposal.

Similar to Council's disposal of domestic green waste, it is expected that the cost of disposing this material would be between \$60.00 and \$70.00 per tonne, thus amounting to \$6.57 million to \$7.67 million for disposal based on a likely volume of 109,500 tonnes.

It is emphasised that these estimates are based on indicative disposal or processing rates and accurate costs would only be available through Council undertaking a formal Tender process.

Further, issues associated with securing Development Consent could impact on the feasibility of undertaking this work due to environmental issues that would need to be addressed.

The cost in undertaking the civil engineering works to recover the material and reinstate the landscape is more difficult to estimate given the environmental sensitivity of the site with the adjoining National Park and the likely onerous operational conditions which could be required with carrying out the works and preventing environmental impact to the adjoining National Park.

In view of this, it is estimated that costs involving the removal would be significant requiring a formal tender process to be undertaken. Only after this time can the costs and operational issues be considered more accurately.

Land Use

In terms of future land use of the site, the land is zoned "Special Use 5(a) Municipal Purpose' under the Ku-ring-ring Planning Scheme.

Land uses are restricted under this zoning to Council municipal purposes such as an Environmental Studies Centre, Road Safety Education Centre or community facilities (recreation and urban forestry) Storage Yard or Transfer Station.

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The site is subject to a Permissive Occupancy from the Department of Infrastructure Planning and Natural Resources and as such requires the Department's approval for future changes including alternative land use.

To remove Council's current obligations in monitoring and managing the site, all waste materials would be required to be removed to prevent residential waste materials from contributing to any adverse environmental discharge. In removing the waste materials, the current contours of the site would change significantly and likely result in the land surface reverting to a valley shape, consistent with the original contours. This outcome will need to be taken into account for any consideration regarding the future land use of the site.

CONSULTATION

Consultation with the Department of the Infrastructure Planning and Natural Resources would be required for any works associated with the removal or future land use of the this site as they are the owners of the land. Council has a Permissive Occupancy to occupancy the land for the purpose of a waste receipt facility.

FINANCIAL CONSIDERATIONS

The cost of processing and disposal of the material is in excess of \$7 million and costs would also be incurred for backfilling the site after excavation of the waste. Council's current waste reserve is approximately \$2.7 million and Council would need to raise a loan if it wishes to proceed with the extraction of the waste material.

The current balance associated with the Domestic Waste Reserve amounts to \$2.7 million however the majority of this reserve has been committed for assistance in funding the recurrent Domestic Waste Budget for the next two years to offset the impact of increases to costs with the new collection service.

SUMMARY

The current system of managing the land fill site involves monitoring of the leachate discharge and spray irrigation of the surface to propagate plant growth. This is long term situation and represents an ongoing commitment for Council until the leachate discharge is below environmental standards. However, this is considered to be a cost effective option compared with removal of the disposed material. Further earthworks are required due to settlement issues and funding has been made available for these works in the domestic waste budget.

Approval from the Department of Infrastructure Planning & Natural Resources would be required for any works as the Department are the owners of the land and Council is the care taker under a Permissive Occupancy.

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The land use is restricted under current zoning to municipal purposes such as studies / education centres, community facilities (recreation, forestry, and conservation), storage or transfer station and a Development Application would be required for any works associated with this activity.

Pricing received for processing has been conditional upon the activity being carried out on site. The costs do not include extraction works or transporting the material off site.

The option of disposing the material is estimated to be in the order of \$6.57 to \$7.67 million. The civil engineering costs in carrying out the removal would be additional to the disposal cost.

Funding for this work is not available as the domestic waste reserve has been identified to cover the increased costs associated with the new waste and recycling collection service. Consequently funding for this option would need to be done through a loan. Consequently, it more cost effective to manage the environmental issues associated with the site.

RECOMMENDATION

That Council not proceed with the removal of green waste materials from the former landfill site at St Ives and continues to manage the site.

Colin Wright
Manager Waste Management

Greg Piconi
Director Technical Services

Attachments: Report dated 24 November 2003

CONCRETE WORKS, 2005 TO 2006 - SCHEDULE OF RATES CONTRACTOR LIST

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the appointment of tenders to a list of Schedule of Rates Contractors for Concrete Works for 2005/2006.
BACKGROUND:	Tenders were called for the construction, reconstruction, restoration and repair of concrete footpaths, kerbs, gutters and associated works for the period ending 30 June 2006.
COMMENTS:	Seven (7) tenders were received and were evaluated by the Tender Evaluation Committee.
RECOMMENDATION:	Acceptance of tenders and inclusion of tenderers in list of contractors.

PURPOSE OF REPORT

To consider the appointment of tenders to a list of Schedule of Rates Contractors for Concrete Works for 2005/2006.

BACKGROUND

The Capital Works and Road Rehabilitation Programs that are approved by Council include a number of projects that involve the construction or reconstruction of concrete works as part of the whole project. The works program also includes maintenance and repair of existing infrastructure, some of which also involves concrete works.

These concrete works are of a minor nature and include footpaths, kerb & gutter and associated works. It is uneconomical to call separate tenders or quotations for the concrete works in each project and therefore tenders are called on a schedule of rates basis to enable comparison of costs for the various project works.

As the total amount of work exceeds the capacity of Council's day labour staff to complete all works within the financial year, qualified contractors are required. A list of contractors and their schedule of rates for various minor works is prepared for a period of time. The cheapest available contractors are engaged as needed, using the supplied schedule of rates, rather than calling tenders or quotes for each separate project.

While the total cost of concrete works for a particular project will be considerably less than \$150,000, the total for the period ending 30 June 2006 will exceed \$150,000 which is the current threshold limit under the Local Government Act. As the most open and transparent way to prepare a list of contractors was to call tenders, a Tender Evaluation Committee (TEC) was formed. The TEC comprised the following staff members from Finance & Business Development and Technical Services. The TEC prepared tender documents, and tenders for "Contract No CS1/05 Concrete Works 2005-2006" as well as reviewing the tenders received.

Schedule of Rates Tenders were received from the following contractors

Listed in the order of opening tenders

Kelbon Concrete & Paving
Gilbert's Asphalt
CW Concrete Pty Ltd
Comfortone Constructions
Ally Property Services
Foster Civil Contracting Constructions Pty Ltd
Performance Concreting Services

COMMENTS

All tenders were received by mail or placed in the tender box.

The submitted schedules of rates are contained in the tender submissions received and attached to the file.

Generally the schedules of rates are comparable and all of the tenderers have carried out work for Ku-ring-gai Council in recent years, as well as other Councils, or for the RTA

A spreadsheet will be prepared listing the tenderers and the prices for the various items listed in the schedule of rates, as well as other relevant details, to allow a proper assessment to be made of the best contractor for each project, based on the circumstances of that project.

CONSULTATION

Consultation with the referees outside Ku-ring-gai Council given by the tenderers has been completed. These details will be included in the list for use in engaging contractors as needed. Those included in the list have carried out work for this Council in the past.

FINANCIAL CONSIDERATIONS

Funds for the various projects are allocated in the Management Plan. The preparation of a list of contractors and their Schedule of Rates does not commit Council to providing a certain amount of work to any or all contractors. The list is to facilitate the completion of projects that are approved and funded through the Management Plan.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

On going consultation with the Finance and Business Development Department concerning the funding of various project and actual expenditure in relation to projected expenditure in the Management Plan.

SUMMARY

The Schedule of Rates received from the following contractors be used to make up a list for use in engaging contractors as needed:

Kelbon Concrete & Paving
Gilbert's Asphalt
CW Concrete Pty Ltd
Comfortone Constructions
Ally Property Services
Foster Civil Contracting Constructions Pty Ltd
Performance Concreting Services

RECOMMENDATION

- A. That Council accepts the Schedule of Rates for Concrete Works submitted by the following tenderers and these tenderers make up the list of Contractors to be engaged as needed for the construction, reconstruction, restoration and repair of concrete footpaths, kerbs, gutters and associated works for the period ending 30 June 2006.

Kelbon Concrete & Paving
Gilbert's Asphalt
CW Concrete Pty Ltd
Comfortone Constructions
Ally Property Services
Foster Civil Contracting Constructions Pty Ltd
Performance Concreting Services

- B. Letters of acceptance be forwarded to the listed contractors
- C. That the Common Seal of Council be affixed to the necessary documents.

Jim Turner
Design Engineer

Greg Piconi
Director Technical Services

Angela Apostol
Business Development Officer

Alexx Alagiah
Pavements & Assets Engineer

Attachments: Tender List

2005 TO 2006 ROADS AND TRAFFIC AUTHORITY BLOCK GRANT AGREEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider acceptance of the 2005/2006 Block Grant for assistance from the Roads and Traffic Authority for works on Regional Roads.
BACKGROUND:	The RTA provides funds to assist Council with the maintenance of regional roads. The Block Grant has a Roads component, an Ex 3x3 Council Determined component and a Traffic Facilities component.
COMMENTS:	Council has always accepted the Roads component and the Ex 3x3 component of the Block Grant. Council has not previously accepted the Traffic Facilities component.
RECOMMENDATION:	That the General Manager be authorised to accept the Roads Component of \$178,000 and the Ex 3x3 component of \$82,000 and not accept the Traffic Facilities component of the Regional Roads Block Grant for 2004-2005.

PURPOSE OF REPORT

To consider acceptance of the 2005/2006 Block Grant for assistance from the Roads and Traffic Authority for works on Regional Roads.

BACKGROUND

By letter dated 10 May 2005 (**attached**), the RTA advised Council's component of the 2005/2006 Block Grants comprising:

Regional Roads component	\$178,000
Ex 3x3 Council Determined component	\$82,000
Traffic Facilities component	<u>\$270,000</u>
Total	\$530,000

The grant does not require matching funding by Council but acceptance is the subject of separate formal approval and documentation by way of an "Agreement for Block Grant Assistance to Council for Regional Roads 2005/2006".

COMMENTS

Regional Roads Component

The RTA provides this component of the grant to assist with maintenance of regional roads. In 1995/1996 the RTA adopted a distribution formula to determine the allocation of funds amongst the 41 Councils in the Sydney region. The formula takes into account heavy traffic, traffic volume, and pavement area based on the length of regional roads and number of lanes. It was phased in over seven years to reduce the effect on those councils (including Ku-ring-gai) whose grant was to be reduced. Ku-ring-gai Council's allocation was fixed for three years then reduced annually as follows:

1998/1999	\$185,000
1999/2000	\$173,000
2000/2001	\$163,000
2001/2002	\$155,000
2002/2003	\$159,000

Since then the Regional Roads component has increased annually and for 2004-2005 was \$173,000.

In addition to this Block Grant, the RTA has allocated \$103,200 to Council (on a 50/50 share basis) for pavement rehabilitation and enhancement works under the REPAIR Program. This was formally accepted by Council at its meeting of 26 April 2005 for works on Eastern Road.

It is proposed to use the Block Grant for heavy patching on the following regional roads in 2005-2006:

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- ◆ Eastern Arterial Road
- ◆ The Comenarra Parkway
- ◆ Bobbin Head Road
- ◆ Kissing Point Road
- ◆ Fox Valley Road

Acceptance of this component of the Block Grant Agreement is recommended.

Ex 3x3 Council Determined Component

The Ex 3x3 component of \$82,000 is the same as that provided in previous years. These funds are available for any roadworks on regional roads as determined by Council. It has been the practice to use these funds for heavy patching on Regional Roads. In 2004-2005 these funds were used to undertake works at Burns Road and Clissold Road, Wahroonga to overcome a road safety matter.

Acceptance of the Ex 3x3 Council determined component of the Agreement is recommended.

Traffic Facilities Component

Council has not previously accepted the Traffic Facilities component of the Block Grant. Community perception is that the maintenance of traffic facilities infrastructure is a Council responsibility, but this work is currently the responsibility of the RTA on both regional and local roads. Funds available under this component are currently administered and expended by the RTA on Council's behalf.

The RTA believes that Council should accept responsibility for facilities on local roads and will not fund Local Area Traffic Management Schemes or facilities that it considers non-essential.

By accepting this grant, Council would be accepting full responsibility for the maintenance of all road markings and signage on both regional and local roads. Council has contended that the grant offered is inadequate, that the existing infrastructure is still degraded and that the RTA should upgrade the facilities before Council accepts responsibility for their maintenance. Also, Council would need to employ staff to undertake this work and also invest in suitable equipment.

While 30 of the 41 councils in the Sydney Region have accepted the grant, some of these councils consider the allocated funds insufficient to maintain facilities on local and regional roads in their areas.

Ku-ring-gai has been offered the following grants:

1999-2000	\$150,000
2000-2001	\$158,000
2002-2003	\$254,000
2003-2004	\$245,000
2004-2005	\$263,000
2005-2006	\$270,000

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The RTA accepts that the grant levels are insufficient and the distribution of funds has been inequitable. There is no doubt that the reluctance of Councils like Ku-ring-gai to take up the grants forced the RTA to increase the quantum of the grants in 2002-2003 and develop a more equitable distribution formula. As the offer for 2003-2004 was less than 2002-2003 and subsequent increases barely cover inflation, it appears that there is currently no RTA commitment to provide more adequate funding in future years.

The RTA is developing a new formula to provide a more evenhanded distribution without any initial reduction of a council's allocation. Councils have been asked to provide additional infrastructure data to enable the formula to be introduced. A complete survey of the number and condition of facilities in the Ku-ring-gai area has been completed and the RTA is currently conducting an audit of the information provided by all councils.

Council was previously advised that the funds required to bring its traffic facilities up to a satisfactory standard was \$2,355,144 and the annual expenditure required to maintain the standard is \$572,111.

Funds allocated to councils that do not accept the grant are pooled and work in those council areas is prioritised by the RTA. Each council is allowed to draw from the pool until funds are exhausted. It is considered that this arrangement does not materially affect councils (such as Ku-ring-gai) whose past grants have been inadequate because in previous years Council's allocation was usually fully expended early in the financial year. In fact, by submitting a significant number of work requests early in recent financial years, Ku-ring-gai has received more than its share of pooled funds and considerably more than the grant offer.

It is recommended that Council not accept the Traffic Facilities component for 2005-2006 and continue to monitor the impact of any changes in 2005-2006 when work has been assigned to the RTA.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

These grants do not have to be matched by Council. Acceptance of the Ex 3x3 grant will assist Council in maintaining Regional Roads.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Finance and Business Development Section has been consulted in relation to the funding of the program.

SUMMARY

The RTA provides funds to assist Council with the maintenance of regional roads. The Block Grant has a Roads component, a Traffic Facilities component and an Ex 3x3 Council Determined component.

Council has always accepted the Road component of the Block Grant and the Ex 3x3 component. Council has not previously accepted the Traffic Facilities component.

RECOMMENDATION

- A. That the General Manager be authorised to accept the Roads component of \$178,000 and the Ex 3x3 component of \$82,000 of the Regional Roads Block Grant for 2005-2006.
- B. That Council not accept the Traffic Facilities component of the Regional Roads Block Grant for 2005-2006 and continue to use RTA resources to carry out traffic facilities work.

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments: Copy of RTA letter dated 10 May 2005

17 HIGHBRIDGE ROAD, KILLARA - CONNECTION TO COUNCIL STORMWATER PIPELINE AND EASEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider a request by the owners of 17 Highbridge Street, Killara to alter the terms of the Council drainage easement over the downstream property and to permit the discharge into a Council pipeline.
BACKGROUND:	<p>Development Application No. 1011/03 for a dual occupancy development at 17 Highbridge Road, Killara, was approved by Commissioner Watts in the Land and Environment Court on 8 December 2004.</p> <p>Granting of the development was subject to the one stormwater drainage pre-commencement condition in Annexure 'A'.</p>
COMMENTS:	A 150mm diameter PVC pipeline is proposed to connect to an existing stormwater drainage pit contained in an existing easement. A separate easement is currently being obtained over the Department of Education and Training land to link with the development site.
RECOMMENDATION:	That the proposal be approved subject to the conditions under recommendations A-D of this report in relation to costs and construction.

PURPOSE OF REPORT

To consider a request by the owners of 17 Highbridge Street, Killara to alter the terms of the Council drainage easement over the downstream property and to permit the discharge into a Council pipeline.

BACKGROUND

The applicant, Mrs Lydia Zhang, submitted a Development Application (DA No.1011/03) to Council for a dual occupancy development at, Lot 4 DP12853 known as 17 Highbridge Road, Killara. As a consequence of the Land and Environment Court proceedings No.10718 of 2004, the development was approved by Commissioner Watts on 8 December 2005.

Granting of the development was subject to a condition in Annexure 'A' of the proceedings comprising one stormwater drainage pre-commencement condition:

"SCHEDULE A DEFERRED COMMENCEMENT CONDITION

- 1. An amended drainage /stormwater plan showing the location of the pits and the junctions with Council's drainage reserve is to be submitted as part of this condition. A drainage easement over the adjoining public school connecting the subject property to the Council drainage reserve, located between Nos 26 and 28 Calvert Street, Killara is to be obtained. Upon written confirmation being received from the Council that this condition has been satisfied, the consent will operate subject to the following conditions.*

GENERAL CONDITIONS... "

The applicant has submitted revised stormwater plans and details, drawing number 342972/D2, Revision C, dated April 2005, prepared by AFCE Environment and Building.

COMMENTS

The property falls away from Highbridge Road with difficulty of gravity-drainage stormwater to the street. As such, stormwater from the development is proposed to drain to the council drainage system contained in an easement passing through Killara Public School grounds along the eastern property boundary. Council's existing drainage system and easement is shown on the Site locality plan as **Attachment 1**.

The easement referred to in the above condition is an inter-allotment drainage easement that is required over the adjoining public school land connecting the applicant's property to the Council's easement. The Crown Solicitor's Office (CSO) acting on behalf of the Department of Education and Training, has advised that their client is executing the inter-allotment easement between parties to effect this.

In relation to the physical connection, the amended stormwater drawing plan was assessed and considered satisfactory. Stormwater is conveyed by a 150mm PVC pipe with connection into the council pit at the invert. The Stormwater drainage proposal is shown as **Attachment 2**.

Court order entitlement

A difference of opinion prevailed initially regarding the applicants entitlement to the connection. In a letter to Council from the Crown Solicitors Office, the applicant advised the Department of Education that she obtained a Court Order that entitled her to connect her drainage into the Council's pipe. This opinion was contrary to the Department's and Council's understanding that she did require permission, which was confirmed by Council's Corporate Lawyer.

In essence, although conditions for the stormwater drainage were satisfied and an inter-allotment drainage system connecting to Council's easement were obtained, Council's consent was required to connect stormwater drainage to the existing drainage system in the easement. Condition 1 under Schedule A does not waive this requirement.

Accordingly the applicant was advised by Council.

The existing Council drainage easement being 1.83 metres wide over the Killara Public School was created for the purpose of conveying and carrying off surface and stormwater from Highbridge Road, Ridgeland Avenue and the Drainage Reserve. Therefore, the subject site does not benefit from the Council easement and, as such, does not have a legal right to drain their stormwater into this pipe.

In order to have the consent activated by Council, the applicant is required to obtain Council's approval to extinguish and then re-create a new easement over the drainage system also benefiting the subject owner. This procedure is broadly dependant on:

- obtaining approval of all downstream owner(s) stating agreement to the connection from the subject property, the consequent required extinguishment and creation of drainage easement, as well as to amendment of titles to show the new benefit for the subject land and corresponding burden, and
- demonstrating the physical capacity of the downstream system and

The Crown Solicitors Office has advised that their client has consented to the applicant connecting to the 1.83 metres wide easement.

Demonstration of the physical capacity of the downstream system

Contained as one of the statement of issues filed as grounds for refusal, was noted that the development is not supported by evidence demonstrating that the Council drainage easement has adequate capacity to carry design flow rates and detention system overflows from the subject property and that new works can be readily connected to this system.

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However under court evidence and findings for the hearing, the Commissioner noted (in paragraph 55):

“It is proposed to incorporate a 12 m³ detention tank and to limit the outflow of stormwater to that of a naturally undeveloped site. Although the easement contains an open drain within the school grounds, I am satisfied that the on-site detention system proposed, would ensure that stormwater passing from the land would not exacerbate the existing situation”

In effect, a judgment on capacity has been made.

CONSULTATION

Technical Services has consulted with the Crown Solicitors Office acting on behalf of the Department of Education and Training, and meetings held with the applicant.

FINANCIAL CONSIDERATIONS

Drainage works associated with the connection to the Council pit and easement, benefit the applicant only and as such all costs for any survey, legal and construction should be borne by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services have consulted with the Engineering Assessment Unit from Environment and Regulatory Services and Council’s Corporate Lawyer from Corporate and Communications.

SUMMARY

The applicant’s DA No.1011/03 for a dual occupancy development at 17 Highbridge Road, Killara was approved by Commissioner Watts in the Land and Environment Court on 8 December 2004, with one stormwater drainage pre-commencement condition imposed.

Overall, the applicant complies with the conditions. Amended stormwater plans and details, drawing number 342972/D2, Revision C, dated April 2005, prepared by AFCE Environment and Building were assessed and are considered satisfactory. The Crown Solicitors Office (CSO) acting on behalf of the Department of Education and Training, has consented to the applicant connecting to the 1.83 wide easement and is executing the inter-allotment easement between parties to effect this.

It was determined that the condition under Schedule A does not waive the requirement for Council’s consent to connect stormwater drainage to the existing drainage system in the drainage easement.

As the subject site does not benefit from the Council easement, the applicant is required to obtain

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Council's approval to connect and then to extinguish and then re-create a new easement over the drainage system also benefiting the subject owner. The downstream capacity was addressed under the statement of issues filed and subsequent Court evidence and findings, while consent by the downstream owner has been granted.

RECOMMENDATION

- A. That Council grants approval to the alteration to the terms pursuant to section 88B Conveyancing Act 1919. These terms specify the release of Easements, in dealing number D429041, over Department of Education and Training lands occupied by Killara Public School and creation of new terms for an Easement to Drain Water 1.83 wide to benefit 17 Highbridge Road, Killara.
- B. That authority be given to affix the common Seal of the Council to the instrument for release and creation of new easement.
- C. That altering the terms of said Easements for drainage including release and being conditional on payment to Council of Council's legal costs and disbursements.
- D. That Council approves the connection of the stormwater drainage pipeline in accordance with revised stormwater plans and details, drawing number 342972/D2, Revision C, dated April 2005, prepared by AFCE Environment and Building.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments: **1. Site locality**
 2. Stormwater drainage proposal

MANAGEMENT PLAN 2005-2009, INCORPORATING BUDGET AND FEES AND CHARGES 2005/2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to adopt the Management Plan 2005-2009, incorporating the Budget, Environmental Levy and Fees and Charges 2005/2006.

BACKGROUND:

Section 402 of the Local Government Act 1993(LGA) requires Council's to produce an annual Management Plan.

Section 405 of the LGA requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days allowing for community feedback.

Council resolved on 26 April 2005 to place the Draft Management Plan 2005-2009 incorporating the Budget and Fees and Charges 2005/2006 on public exhibition.

Section 406 of the LGA requires that a Council's Management Plan must be adopted prior to the end of the financial year.

COMMENTS:

The Draft Management Plan was placed on exhibition for the period 29 April 2005–30 May 2005.

57 submissions have been received from the community in relation to Council's Draft Management Plan.

RECOMMENDATION:

That Council adopt the Management Plan 2005-2009, incorporating the Budget, Environmental Levy and Fees & Charges 2005-2006.

PURPOSE OF REPORT

For Council to adopt the Management Plan 2005-2009, incorporating the Budget, Environmental Levy and Fees and Charges 2005/2006.

BACKGROUND

- Section 402 of the Local Government Act (1993) (LGA) requires Councils to produce an annual Management Plan which outlines its principal activities for a period of four years.
- Sections 403 and 404 of the LGA set out the statutory contents of a Council's Management Plan.
- Section 405 of the LGA requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days, that suitable public notice be given and that submissions on the Management Plan are welcomed from the community.
- Section 406 of the LGA stipulates that a Council's Management Plan must be adopted prior to the end of each financial year.
- Council is also required to exhibit any proposed special rate variation with its draft Management Plan including a statement as to reasons for the variation.

Council resolved on 26 April 2005 to place the Draft Management Plan 2005-2009, incorporating the Budget, Environmental Levy and Fees and Charges 2005/2006 on public exhibition for a period of twenty eight days.

The exhibition period was 29 April to 30 May 2005.

Advertisements were placed in the North Shore Times on 29 April advising public exhibition details and inviting submissions from interested members of the community.

Copies of the Draft Management Plan 2005-2009, Environmental Levy and Fees and Charges 2005/2006 were available for inspection at Council Chambers, each of Council's libraries and on Council's website.

COMMENTS

Developing Council's Management Plan

In the development of the draft Management Plan, seven principal activities have been identified:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment

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- Built Environment
- Financial Sustainability
- Council's Corporate Services

A number of objectives have been formulated for each principal activity. Linked to these objectives are a number of performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the plan.

Quarterly progress reports as to the extent to which performance targets have been met will be reported to Council within two months after the end of each quarter.

Development of Council's Budget

The operating budget for 2005/2006 has been developed within the framework established by the 10 Year Financial Model, as adopted by Council on 14 December 2004. This framework includes:

- An estimated employee award increase of 3.5%
- Net debt repayment of \$138,500
- New borrowings capped at \$1,400,000
- Rate peg increase of 3.5%
- \$1,130,000 allocated to Council's depreciation reserves
- Interest earned on depreciation and property reserves restricted to those reserves (\$669,500)
- 0.5% of general rate revenue maintained in the contingency reserve (\$183,000)
- Capital works programme totaling \$9,762,300
- \$4,328,000 allocated to road projects
- Reductions in debt servicing costs allocated to projects of direct community benefit (\$2,176,600)
- Land and Environment Court legal costs budgeted at \$1,700,000
- Fees and Charges increased by 3% where appropriate

Special Rate Variation – Environmental Levy

Council's decision to support the exhibition and application for a special rate variation is to enable the implementation of a range of environmental programmes. These have been identified in the 2005/09 Management Plan and are consistent with a number of key regional strategies including the Catchment Blueprints for Sydney Harbour and the Lower Hawkesbury/Nepean, the Hornsby Kuring-gai District Fire Management Plan and the Metropolitan Water Plan.

Council is seeking a 5% special rate increase for a period of seven years, commencing 1 July 2005. This 5% increase would be subject to annual rate peg increases, which have been estimated at 3.5% in Council's 10 Year Financial Model.

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Based on a 5% increase, approximately \$1,760,000 (\$1,887,310 less pensioner rebates of \$127,310) would be generated in 2005/2006 with subsequent increases as projected in Council's 10 year financial model. This figure is based on 36,292 rate assessments less 3,290 pensioner rebates. This additional income represents 1.9% of the expected revenue for Council in the 2005/06 budget and all funds generated would be restricted for the purpose of activities outlined in the application to the Department of Local Government. The average cost per rate assessment would be \$52.00 in 2005/2006.

A briefing on the environmental levy was provided to Councillors on 17 May as per resolution of 26 April 2005. The main issues raised in relation to the programme were funding and the expected outcomes associated with the town centre projects.

The programme identified a total of \$1.09 million to be allocated across three town centres; St Ives, Turramurra and Gordon. The selection of these sites was based on expected development arising from Local Environment Plan 194 and the master planning that is currently in progress. From this briefing Councillors sought specific examples of projects to be funded, as described below.

In terms of works to be undertaken at these localities, it is envisaged that principles of low impact development incorporating energy efficiency and water sensitive urban design would be implemented. Funding to design and construct the initiatives would be drawn from a number of sources including developer contributions and specifically from the individual town centre Section 94 contributions plans (under development), environmental levy, capital works funds and government grants. It is envisaged that each of these will be necessary due to:

- The high cost of town centre works.
- Apportionment of funding from developer contributions that will need contributing income to enable implementation.
- The need to demonstrate best practice over and above the standards set by the Department of Infrastructure, Planning and Natural Resources that fall well short of the required measures needed to protect the nutrient sensitive native vegetation and steep grades that impact on riparian environments in this region.
- Grant opportunities that will require Council funds in many cases to be used as matching contributions.
- Not all projects are able to be funded from Section 94 or developer contributions.

Without predetermining any outcomes from the town centre planning process (in progress), examples of projects that may be implemented and benefit from the partial funding derived from the environmental levy are as follows:

St Ives – the focus for the town centre could face the Village Green and ovals providing a north aspect. Car parking, footpaths and public space areas would be designed to capture, treat and retain runoff up to and including the five year design storm event. Water would then be used to irrigate the adjacent ovals and any excess would form part of a subsurface drainage design for follow-up treatment and reuse across the site. Coupled with this water retention and reuse project, adjacent to the shopping precinct would be a separate retention and detention system around the St Ives

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Bowling Club to manage the overland flooding problem, as identified in the Cowan Creek Catchments Sub-catchment Stormwater Analysis and Planning Report (October 2004). This system could be jointly funded by the Bowling Club enabling them to irrigate their greens with treated stormwater while reducing a known local flooding problem.

Turramurra – A town centre square or forum would provide the focus for this area, reflecting the high quality built character that is likely to result from the redevelopment. The high proportion of impervious surfaces will be supported by engineered deep planting areas irrigated by the stored runoff from surrounding roof and paved surfaces. This will offset the existing car parking impervious areas as occurs presently along Ray Street and Gilroy Lane. Community facilities including the library, aged care and youth centre will use harvested rainwater from roof areas for toilet flushing and other non-potable uses.

This would comply as a minimum with BASIX requirements. This water will also provide a pivotal role in the landscaping for forecourt design incorporating aesthetic, hydraulic, environmental and functionality values while providing the public with awareness and education of the role of water and stormwater within these highly visible and utilised sites.

Gordon – The use of energy efficient design and photovoltaic technologies could be a focus for this precinct. Energy would be generated from a range of public buildings to enable a reduction in demand at the library and council chambers. On top of commuter parking areas could be formalised open space areas which will provide recreational opportunities for residents and office workers during weekdays. Water will be stored for reuse on local parks and gardens to lessen the hydraulic load particularly to Blackbutt Creek. Around the station precinct a public multi use building could be built demonstrating best practice design and material use as an example of sustainable construction to residents and others.

2005/2006 Budget Amendments**Local Government Remuneration Tribunal**

The Local Government Remuneration Tribunal, under Sections 239 and 241 of the Local Government Act (1993) announced the deferral of any changes in the fee structure for both Mayoral and Councillors fees for the 2005/2006 financial year until the results of a Government enquiry is complete, which is expected to be later this year. Notification of the intention of the Tribunal was not released until Council resolved to place the Draft Management Plan on exhibition.

Ku-ring-gai Council is classified as a Category 2 Council with an allowable range of \$5,875 - \$12,925 for Councillors and an additional fee for the Mayor of \$12,490 - \$28,215.

A copy of this determination is attached as A.

Sections 248 and 249 of the Local Government Act (1993) require Council to fix the annual fees paid to the Mayor and Councillors. As Council is at the upper end of its category in terms of size it is recommended that the fees continue to be set at the maximum. This will have a positive impact of \$6,000 on Council's budget as Councillor Fees was predicated on CPI increases over last year's budget. However, this is offset against an increase in Council's contribution for the Environmental

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Planning Levy which has increased to \$310,000 for 2005/06.

Rates

Under Section 506 of LGA, each year the Minister for Local Government determines the maximum amount by which Council's can increase their notional rate income. The increase gazetted by the Minister for 2005/2006 is 3.5%. Council's draft budget was developed on an estimate of 3.5% and as previously indicated the rate pegging announcement does not necessitate any changes to Council's budget.

Section 404 of LGA requires Council to include in the Management Plan a statement in regards to ordinary and special rates. The following table provides a summary of each of Council's rate categories, the rate in the dollar, minimum rates and the estimated yield for each category. Council is required to set and adopt these rates prior to 30 June each year.

Rate Type	Category	Rate in \$	Min Amount \$	Yield \$
General	Residential	0.0020321	366	34,211,000
General	Business	0.00544321	366	2,343,000
Special	Infrastructure	0.00010402	-	1,767,000
Special	Environmental	0.00011107	-	1,887,310

Capital Grants

In Council's Draft Budget, it was estimated that the expected allocation of the Roads to Recovery Programme would be \$315,000. Following extensive lobbying by Local Government bodies and Council's, the Federal Government has now provided Council with the full allocation which equates to approximately \$465,000 an increase of \$150,000.

In recent years Council has received an annual allocation of \$250,000 under the Roads to Repair Programme. Council was previously advised that funding for the Roads to Repair Programme for 2005/06 has decreased significantly to approximately \$100,000. This would leave a shortfall of \$150,000 in the Road Rehabilitation programme. Consequently, it is recommended that the increase of \$150,000 in the Roads to Recovery Programme be used to fund the Road Rehabilitation Programme.

*A copy of this determination is provided as **attachment B**.*

Depreciation

The figure for total depreciation has been amended to \$6,785,400 as contained on page 89 of the Draft Management Plan. As depreciation is a non-cash expense, this adjustment has no impact on Council's financial operating result.

Summary of adjustments to budget 2005/2006 after draft adopted for public exhibition by Council on 26 April 2005

- Councillor Fees decreased by \$6,000.
- Environmental Planning Levy increased by \$6,000.
- Road to Repair Programme decreased by \$150,000.
- Roads to Recovery Programme increased by \$150,000.
- Depreciation adjusted to \$6,785,400.

The amendments outlined above, do not change the budgetary position of Council.

A final copy of Council's Management Plan 2005-2009 and Fees and Charges will be circulated to Councillors, staff, Council's libraries and posted on Council's website upon final adoption of the plan by Council.

CONSULTATION

The Draft Management Plan was placed on public exhibition from 29 April 2005 – 30 May 2005 to allow for community feedback. Submissions from the community are included as ***attachment C***.

Two public meetings on the Management Plan and Environmental Levy were held on 23 May 2005. An overview of the Management Plan and Environmental Levy was provided and participants were then invited to ask questions. A summary of issues raised at these meetings is provided as ***attachment D***.

The majority of questions were in relation to the Environmental Levy and specifically the division and funding arrangements of the programme areas. As a general comment there was strong support for the proposal. Differences between participants arose mainly around the absence of a mechanism to enable the purchase of environmentally sensitive land, as discussed later in the report.

Public Submissions

As part of the public exhibition period for the Draft Management Plan 2005/09, written submissions were sought and two formal public meetings were held on May 23rd 2005. A total of 57 submissions have been received by Council.

There were 3 submissions that raised matters relating to the management Plan, of which two were also concerned with the Environmental Levy. In relation to the Environmental Levy, there were a total of 56 submissions.

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Summary of support and key issues raised are detailed below:

Public Submissions relating to the proposed Environmental Levy		
Support	Support conditional on enabling purchase of environmentally sensitive land	Not Supported
9	36*	11
<i>*Note: of these 18 submissions were not from residents of Ku-ring-gai</i>		

Comment was also sought from the local state Members of Parliament on the proposed environmental levy.

Support for the levy in its current form acknowledged a variety of benefits would accrue to the natural environment and also as a mechanism to find a more sustainable source of water to irrigate Council's sporting fields.

Of specific note in a number of submissions was a request to amend the proposed programmes to enable the purchase of environmentally sensitive land. Prior to the date of the public meetings, this was raised only twice in earlier surveys as a point of notable concern. It should be noted however that a number of members of the Bushland, Catchments and Natural Areas Reference Group also raised this as a point of concern prior to and during the exhibition period of the draft Management Plan and Environmental Levy.

Due to the high cost of purchasing land within the Ku-ring-gai Local Government Area, the subsequent impact on other projects identified in the proposal and with regard to the high level of support indicated for the programmes as exhibited, change to the proposed Environmental levy is not recommended.

Further consultation could be undertaken to determine the communities' view on the purchase of environmental sensitive land and what funding mechanisms could be used. Consultation could utilise the Residents feedback register in addition to other forms of consultation such as Council's Reference Groups and by public submission. As per the guidelines for the use of the resident feedback register, balanced information would be prepared for the timely consideration of respondents. As part of the preparation of the briefing notes to participants, advice and comment from the Bushland Catchments and Natural Reference Group will be sought. Information from this register would be brought back to Council for consideration.

Other feedback from residents during the consultation period was the impact of the additional cost to self funded retirees, that is those not eligible for pensioner rebates.

General comments from supporters of the levy were: Council's need to provide assurance of its ability to manage such funds; and the need for developers to contribute a greater amount.

Comments from those against the levy suggested Council should better allocate resources or pay through remedying operational inefficiencies, that it was personally unaffordable as they are self-

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funded retirees, the survey methodology biases the questions, and the need for more information regarding Section 94 contributions.

It should be noted however that the development of programmes for the environmental levy was based on two survey instruments and follow up focus group interviews in April 2004 and April 2005. Both surveys revealed a 58% to 60% support for a levy provided adequate accountability and transparency mechanisms were included. A report on the process and outcomes of these consultative mechanisms was included in the report to Council on 26 April 2005.

FINANCIAL CONSIDERATIONS

To set Council's Budget, Rates and Fees and Charges for 2005/2006 financial year.

Budget

Council's Draft Budget for 2005/2006 as presented to Council on 26 April 2005 conforms to the requirements of Council's 10 Year Financial Model. The amendments outlined above, do not change the budgetary position of Council.

The funding statement below has been prepared without the inclusion of the special rate variation. If included, the "cash in" would increase to \$93,893,500. Projects will also increase by \$1,760,000 to \$11,522,300. As projects associated with the environmental levy applications are "over and above" current programme works, the result of Council's application for the levy will have no impact on the balanced bottom line as reported in the model.

Funding Statement	Management Plan 2004/2005	Revised Budget 2004/2005	Management Plan 2005/2006
Total cash in	\$69,290,900	\$69,805,900	\$92,133,500
Total cash out	\$58,561,600	\$58,428,900	\$60,650,400
Headline Surplus	\$10,729,300	\$11,377,000	\$31,483,100
<i>Less:</i>			
Funds to Restricted Assets	\$5,545,800	\$5,730,800	\$25,787,300
Funds to Depreciation Reserves	\$1,100,000	\$1,100,000	\$1,130,000
Operating Net Surplus	\$4,083,500	\$4,546,200	\$4,565,800
Capital Projects	\$8,874,500	\$13,187,000	\$9,762,300
<i>Funded By:</i>			
Operating Net Surplus	\$4,083,500	\$4,546,200	\$4,565,800
Surplus Carried Forward	\$0	\$423,400	\$0
Section 94	\$27,600	\$200,800	\$30,000
Other Restricted Assets	\$4,763,400	\$8,016,600	\$5,166,500
Net Surplus	\$0	\$0	\$0

Fees and Charges

Subsequent to the public exhibition of the Draft Fees and Charges for 2005/06, a number of minor amendments have been made by staff, both in terms of fees previously omitted from the Fees and Charges document and changes to pricing structures during exhibition.

In relation to the charges for “the Green Tent”, Council has the discretion to reduce or waiver the fees for this event. The current fees charged are comparable to many community events that occur on Council land across Ku-ring-gai.

In accordance with the requirements of the Local Government Act (1993), the following fees require re-exhibition.

Open Space

Page	Fee Details	Action/Comment	Exhibited Fee	New Fee
General Charges (including St Ives Showground)				
13	Public Liability Insurance	Delete & replace with following new fees:	\$55.00	See below
	Public Liability Insurance 0 to 25 people.	New		\$11.00
	Public Liability Insurance 26 to 50 people.	New		\$16.50
	Public Liability Insurance 51 to 100 people	New		\$27.50
	Public Liability Insurance 101 to 200 people.	New		\$55.00
	Set up rate per day	Increased	\$95.00	\$100.00
Sportsground Floodlighting				
15	Cliff no 1 oval	Existing fee “Cliff no 1 & 2 oval” split for each oval.	\$5.50	\$6.50
Bushland Education				
21	Nature for the very Young (2 Years to 5 Years)	New		\$3.50 to \$5.50

Development & Regulation

Page	Fee Details	Action/Comment	Exhibited Fee	New Fee
Administration				
These fees have been reviewed in accordance with Planning & Environments printing charges.				
30	A2 printing of plans black & white (per page).	Fee wording changed and increased	\$7.20	\$34.00
	A2 printing of plans colour (per page)	New		\$66.00
	A1 printing of plans black & white (per page).	New		\$66.00
	A1 printing of plans colour (per page).	New		\$110.00
Pre Development Application Consultation				
All the fees under this heading have been revised to be in line with other like Councils.				
30	Residential alterations and additions, ancillary structures, pools, tennis courts, garages etc including signage and advertising structures.	Fee charges restructured.	\$350.00	\$200.00 (where a Heritage, Landscaping or Engineering Officer is requested to attend, an additional \$55.00 per officer is payable).
	New dwelling house	Fee charges restructured.	\$500.00	\$350.00 (where a Heritage, Landscaping or Engineering Officer is requested to attend, an additional \$55.00 per officer is payable).
	Dual occupancy	Fee charges restructured.	\$500.00	\$500.00 (where a Heritage, Landscaping or Engineering Officer is requested to attend, an additional \$55.00 per officer is payable).
	Seniors living development and residential flat buildings mixed development and new retail commercial development.	Fee charges restructured.	\$1,000.00	\$1,100.00 (Additional fee of \$660.00 where Urban Design Consultant requested.)
	Subdivision to create 2 lots.	Increased	\$350.00	\$400.00
	Subdivision to create in excess of 2 lots.	Increased	\$500.00	\$750.00

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Page	Fee Details	Action/Comment	Exhibited Fee	New Fee
Development – Notification				
33	Notification fee for DA's, Section 96, Section 82A and amended plans lodged before determination.	Increased	\$70.00	\$90.00
Archiving/Scanning (DA, Section 96(2), and Section 82 applications) All the fees under this heading have been redesigned to be in line with other like Councils.				
N/A	Under \$5,000 in value	These fees deleted and restructured (see below for new structure).	\$25.00	Refer below for new fees.
	\$5001 - \$100,000		\$50.00	
	\$100,001 - \$250,000		\$100.00	
	\$250,001 - \$500,000		\$150.00	
	Over \$500,001– 1,000,000		\$200.00	
	Development \$1,000,001 – \$5,000,000.		\$350.00	
	Development over \$5,000,000.		\$500.00	
33	Residential alterations and additions, ancillary structures, pools, tennis courts, garages etc including signage and advertising structures.	Fee charges restructured		\$50.00
	New dwelling house.	Fee charges restructured.		\$100.00
	Dual occupancy	Fee charges restructured.		\$200.00
	Residential flat buildings and seniors living development	Fee charges restructured.		\$500.00
	Alterations to School, church, nursing home, hospital.	Fee charges restructured.		\$150.00
	Retail / commercial developments	Fee charges restructured.		\$500.00
	Retail / commercial developments change of use and internal fit out and minor additions.	Fee charges restructured.		\$50.00
	Subdivision	Fee charges restructured.		\$150.00

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Page	Fee Details	Action/Comment	Exhibited Fee	New Fee
Additional Application Fee's				
33	Referral to Urban Design Panel - residential flat buildings 4 units or more (plus \$100 administration)	New Fee		\$600.00 + \$100 administration fee.
Amended Development Application\Section 96\Section 82A lodged prior to determination				
33	Administration	New Fee		10% of original DA fee
Extension of Development Consents				
33	Application to extend consent period for a development consent (application must be submitted before consent expires).	Increase	\$110.00	\$220.00
Subdivision Certificate				
34	Endorsement of any final plan of subdivision (linen plan release).	Fee charges restructured.	\$275.00	\$300.00 plus \$50 each lot (other then strata) created and \$40 for each strata lot created.
Miscellaneous Engineering Assessment Fees				
34	Traffic and construction management plan (CC's) assessment fee.	Restructured.	\$165.00	\$110.00 per hour or part thereof (minium of 1 hour).
Legal Documents				
34	Endorsement of Section 88B instruments	New Fee		\$200.00
Inspection				
35	Additional requested inspections (staged construction) per inspection.	New		\$160.00
Private certifiers				
35	Serve an order initiated by an accredited certifier	New		\$235.00
Appointment of Council as principal certifying authority				
35-36	Less than \$12,000	New fee		\$100
	\$12,001 to \$30,000	New fee		\$200
	\$30,001 to \$100,000	New fee		\$300
	\$100,001 to 500,000	New fee		\$500
	\$500,001 to \$1,000,000	New fee		\$750
	Over \$1,000,000	New fee		\$750 plus \$0.50 per \$1,000 or part thereof over \$1,000,000.

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Page	Fee Details	Action/Comment	Exhibited Fee	New Fee
Occupation certificate				
36	Single residential development and commercial less than 200 sq metres.	Increased	\$85.00	\$100.00
	Residential flat building / town houses / dual occupancy.	Increased	\$85.00	\$100.00 per occupancy
	Commercial building over 200sq meters.	Increased	\$385.00	\$400.00
Construction certificate				
36	Over \$1,000,000	Additional		\$2,500 plus \$1.44 per \$1,000 or part thereof over \$1,000,000.
Impounding				
38	Illuminated advertising signs (includes unilluminated real estate signs).	Fee increased	\$150.00	\$250.00
	Impounded advertising signage (plus any additional costs incurred by Council).	Increased	\$75.00	\$150.00
	A-Frame signs.	Increased	\$80.00	\$100.00
	Banners - commercial organisations.	Increased	\$75.00	\$100.00
	General articles.	Increased	\$50.00	\$75.00

Statutory Fees

The following fees have increased in accordance with Statutory requirements and as such do not require re-exhibition:

Page	Fee Details	New Fee
Section 96		
31	Section 96(2) or 96AA(1) modifications of development consent:	
	a) if the original DA fee is less than \$100.00.	50% of original DA fee
	b) if the original DA fee is over \$100.00:	
	i. DA does not involve the erecting of a building the carrying out of a work or the demolition of a work or building	50% of original DA fee
	ii. DA involves the erecting of a dwelling house costing \$100,000 or less	\$150.00
	iii. All other DA's:	
	- Up to \$5,000	\$55.00

Page	Fee Details	New Fee
	- \$5,001 to \$250,000	\$85 plus an additional \$1.50 for each \$1,000 (or part thereof) of the estimated cost.
	- \$250,001 to \$500,000	\$500 plus an additional \$0.85 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$250,000.
	- \$500,001 to \$1,000,000	\$712 plus an additional \$0.50 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$500,000.
	- \$1,000,001 to \$10,000,000	\$987 plus an additional \$0.40 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$1,000,000.
	- More than \$10,000,000	\$4,737 plus an additional \$0.27 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$10,000,000.
Development Application Fee's		
31	Advertising Structures	\$215.00 plus \$70.00 for each additional advertisement structure or the DA fee calculated above which ever is the greater.
Building certificate - Section 149B (2)		
36	Class 1 or X building.	\$210.00
	Other classes - exceeding 200 square metres but not exceeding 2,000 square metres. (Plus additional 42 cents per square metre for each square metre over 200).	\$210.00
	Fee for additional inspections (per inspection).	\$75.00
	In any case, where the application relates to a part of a building and that part consists of an external wall only or does not otherwise have a floor area.	\$210.00
	Exceeding 2,000 square metres (plus additional 6.3 cents per square metre over 2,000).	\$966.00
Development – Plans & Specifications		
37	Certification of additional copies of documents - certified copy of documents.	\$40.00

It is recommended that the abovementioned fees are exhibited. In the event that no objections are received from the public during exhibition, the fees are subsequently adopted by Council.
(An amended copy of Fees & Charges is provided as **attachment E**.)

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the Management Plan, Budget, Environmental levy and Fees and Charges has been undertaken in full consultation with all departments across Council.

SUMMARY

Management Plan

- Council's Draft Management Plan has been developed in accordance with Sections 402, 403 and 404 of the Local Government Act (1993).
- Council's seven principal activities are:
 - Civic Leadership
 - Integrated Planning
 - Community Development
 - Natural Environment
 - Built Environment
 - Financial Sustainability
 - Council's Corporate Services
- Each principal activity has a number of objectives which are linked to outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.
- Quarterly reviews measuring the extent, to which performance targets have been met, will be reported to Council within two months after the end of each quarter.

Opportunity for comment on the proposed environmental levy was initially in the form of the Community environmental levy Survey administered via direct mail to 3000 residents, Ku-ring-gai Council website, and in hard copy to the public at key Council buildings. Invitations to the community for comment on the levy were made through information disseminated through local media from February to May 2005, and the Ku-ring-gai Youth Council from March to April 2005. Council has also gathered more in depth feedback into levy issues through focus groups in March 2005. Details of the outcomes of these were provided in the report to Council on 26 April 2005 and within the attachment titled environmental levy Application to the Department of Local Government. Additional comments on the levy were largely concerned with the reallocations of funding to purchase environmentally sensitive land. Overall feedback from the two public meetings was very much in support of the proposal.

Budget

- Council's Draft Budget for 2005/2006 has been developed using the framework of the 10 Year Financial Model, adopted by Council on 14 December 2004.
- Should the special rate variation be approved to fund the environment programmes as identified, income will be increased by \$1,760,000 for 2005/06, representing a 5% increase in rates.

Public Submissions

In accordance with Section 405 of the Local Government Act (1993) the Draft Management Plan was placed on public exhibition for a period of twenty eight days (29 April 2005 – 30 May 2005).

57 submissions have been received from members of the community in relation to Council's Draft Management Plan and Fees and Charges. *A full copy of submissions is included as **attachment C**.*

RECOMMENDATION

- A. That Council adopt the Management Plan 2005-2009 incorporating the Budget and Fees and Charges 2005/2006, as amended.
- B. That fees & charges identified in this report are re-exhibited as proposed. In the event that no objections are received during exhibition, these fees are subsequently adopted by Council.
- C. That a general rate in the dollar of \$0.0020321 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2005 to 30 June 2006.
- D. That a general rate in the dollar of \$0.00544321 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2005 to 30 June 2006.
- E. That an infrastructure levy rate in the dollar of \$0.00010402 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2005 to 30 June 2006. That whereby a ratepayer qualifies as of 1 July 2005 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.
- F. That Council approve the application for an environmental levy and further that an environmental levy rate in the dollar of \$0.00011107 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2005 to 30 June 2006. That whereby a ratepayer qualifies as of 1 July 2005 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the environmental levy. This is subject to approval by the Minister for Local Government.

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- G. That the minimum rate for both residential and business be set at \$366.00 for the period 1 July 2005 to 30 June 2006.
- H. That, in those cases where, after provision of the combined pensioner rebate (25% by NSW Government and 25% by Council, to a maximum of \$250.00), the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.
- I. That the General Manager and Director Finance and Business be delegated to negotiate and establish Council's new loan amount of \$1,400,000 and the Common Seal be affixed to all required documents.
- J. That for 2005/2006, Council fix the Mayoral fee at \$28,215 and Councillors fees at \$12,925.
- K. That the public submissions regarding the Draft Management Plan 2005-2009 be received and noted.

Brian Bell
General Manager

John Mckee
Director Finance & Business

Michael Miocic
Director Development & Regulation

Steven Head
Director Open Space

Attachments:

- A. Local Government Remuneration Tribunal determination 2005/06.**
- B. Notification from John Anderson MP re: Roads to Recovery Program.**
- C. Public Submissions.**
- D. Record of Public Meeting.**
- E. Amended Fees & Charges 2005/06.**

Ku-ring-gai Council

Management Plan 2005-2009
Appendix A

Fees & Charges 2005-2006

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PRICING POLICY

Council's Policy

Council's pricing policy is detailed below.

	MOTIVE	PRICING PRINCIPLE
1.	Community Service Obligations	Fees may be discounted to a level below the cost of a service where the production or consumption of the service generates external benefits to the community (as well as creating a community service obligation). However, the cost of the discount will not exceed the estimated benefit.
2.	Natural Monopoly	Where Council has a monopoly over the production of a good or service, prices should be set at a level to fully recover costs unless there are explicit community service obligations or equity obligations.
3.	Statutory Fees	Certain goods and services provided by Council emanate from a requirement contained in legislation and, in some circumstances, the fees for these goods or services are set by that legislation.
4.	Regulatory Fees	Certain goods and services provided by Council emanate from a requirement contained in legislation but Council may set its own fee. In such cases, fees should be set at a level to fully recover costs unless they are accepted community service obligations or equity obligations.
5.	Entrepreneurial Activities	Where Council produces a good or service as a commercial pursuit, prices should be set at a level to fully recover costs and risk.

GST Codes

C	=	Current Rate
Z	=	Zero Rated
I	=	Input Taxed (exempt)
NA	=	Not Applicable

CUSTOMER SERVICE

Customer Service		
	Fee Details	Fee For 2005/2006
Animal Related Items		
	Animal Control Devices	
	Dog Control Device (Abiostop) Hire per week.	\$45.00
	Bond on hire of Dog Control Device.	\$200.00
	Dog Control Device (Abiostop).	\$255.00
	Battery	\$15.00
	Citronella refill.	\$27.50
	Banners	
	Commercial Casual Hire per day.	\$40.00
	Commercial - permanent hire (2 months).	\$130.00
	Worms	
	Worm Farms	\$63.00
Health & Safety		
	Thermometers for food handling establishments.	\$12.00
Photocopies		
	A4 black and white photocopies.	\$0.70
	A3 black and white photocopies.	\$1.40
	A4 colour photocopies.	2.50
	A3 colour photocopies.	3.50
Publications for Sale		
	Relevant publications charged at standard photocopying rates per page listed above. Such publications include DCP's, LEP's, Plans of Management and other policies of Council.	As per photocopy charges above
	Pool Safety Posters.	\$20.00
Waste Related Items		
	Compost Bins	\$35.00

FINANCE AND GOVERNANCE

Finance & Business		
	Fee Details	Fee For 2005/2006
	Administration	
	Freedom of Information	
	Access to records by natural person about their personal affairs - after first 20 hours of work, per hour.	\$30.00
	All other requests for access to records, per hour.	\$30.00
	Internal Review	\$40.00
	Freedom of Information Processing Charge	
	Access to records by natural person about their personal affairs, after 20 hours of work, per hour.	\$30.00
	All other requests for access to records, per hour.	\$30.00
	Annual Report	
	Annual Report under Section 428 of the Local Government Act 1993.	\$35.00
	Council Minutes	
	Annual Subscription.	\$375.00
	Copies of reports per page.	\$0.65
	In excess of 1 month of meeting date.	\$20.00
	Section 12	
	Any document available under Section 12 of the Local Government Act 1993 - per page (or at an individual document cost whichever is the lesser to cover costs).	\$0.65
	Tape Recording	
	Tape Records of Council/Committee Meetings (per hour or part thereof, plus cost of tape).	\$45.00
	Cheque Dishonour	
	Administration Charge	\$25.00
	Property	
	Applications	
	Property Easement/Right Of Way Applications.	\$600.00
	Application for purchase of land.	\$750.00
	Section 54 Local Government Act	
	Certificate for Classification of Council Land.	\$30.00
	Bonds/Leasing	
	Security Bond for Leased Residential Property.	Equivalent to 4 weeks rent
	Consultancy	

Finance & Business		
	Fee Details	Fee For 2005/2006
	Administration / Attendance – Charge per hour.	\$85.00
	Tulkiyan	
	Tulkiyan Historic House Open days – Families.	\$15.50
	Tulkiyan Historic House Open days – Adults.	\$8.50
	Tulkiyan Historic House Open days - Children (accompanied by an adult).	\$1.50
	Wade Lane	
	Car parking - Wade Lane, per month.	\$95.00
	<i>Publications for Sale</i>	
	Management Plan	
	Copy of Management Plan charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Tender Documentation	
	Sale of Tender documents charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	<i>Rates</i>	
	Clerk Certificate: 603	\$50.00
	Interest	
	Interest on Overdue Rates charged.	9%

PLANNING & ENVIRONMENT

Planning & Environment		
	Fee Details	Fee For 2005/2006
Certificates		
	149 Certificates	
	Planning Certificate Section 149(2).	\$40.00
	Planning Certificate Section 149(2) & (5).	\$100.00
	Planning Certificate urgency fee.	\$50.00
Photocopying		
	Laminating service per metre (external).	\$20.00
	A2, A1, A0, large format - plans as supplied, per copy.	\$10.00
	Copy of DCP'S/LEP'S (draft or adopted) charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	A0 size black/white plot from GIS.	\$110.00
	A0 size colour plot from GIS.	\$220.00
	A1 size black/white plot from GIS.	\$66.00
	A1 size colour plot from GIS.	\$110.00
	A2 size black/white plot from GIS.	\$34.00
	A2 size colour plot from GIS.	\$66.00
	A3 size black/white copy from GIS.	\$7.00
	A3 size colour laser copy from GIS.	\$15.00
	A4 size black/white laser copy from GIS	\$5.00
	A4 size colour laser copy from GIS.	\$8.00
	KMAP Street Directory A4 size.	\$25.00
	Ku-ring-gai Planning Scheme Map (laminated)	\$130.00
	Ku-ring-gai Planning Scheme Ordinance.	\$60.00
	Copy of Contributions Plan charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Travis McEwen Group Report per copy.	\$75.00
	Base Line Studies 1- 4 (sold separately) charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Ku-ring-gai Residential Development Strategy Reports & Studies charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Amendment to Ku-ring-gai Planning Scheme Ordinance		
	Amendments to Ku-ring-gai Planning Scheme Ordinance or application for reclassification of Public Land.	\$18,000.00
	Advertising. (To be paid for by the applicant as an additional fee, regardless of the size of the application).	\$3,100
	Large Institutional Sites and other sites over 1ha.	\$38,000.00

Planning & Environment		
	Fee Details	Fee For 2005/2006
	Planning Documents on "CD".	\$25.00
<i>Plans of Management</i>		
	Copies of Plans of Management (draft or adopted) charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	State of environment report (CD version only available).	\$30.00

TECHNICAL SERVICES

Technical Services		
	Fee Details	Fee For 2005/2006
	Infrastructure	
	Alignment Level	
	Re-consideration fee per property.	\$140.00
	Additional fee for sites requiring survey design for crossing design - per property.	\$380.00
	Provision of vehicular crossing design levels - per property.	\$190.00
	Provision of boundary alignment levels with DA approval - per property.	\$140.00
	Construction Work Zones	
	Construction Work Zone per metre per week (Min 6m, 13 weeks). Cost includes processing through Ku-ring-gai Traffic Committee.	\$42.00
	Footpaths	
	<i>Note: Footpath surfaces per square metre (20% discount for areas > 10sqm). Minimum charge - one square metre or one lineal metre.</i>	
	Asphalt or bitumen footpath	\$175.00
	Concrete 130mm thick footpath and vehicular crossings.	\$360.00
	Grass verges.	\$100.00
	Flagging - sandstone.	\$265.00
	Brick or concrete pavers.	\$280.00
	Gravel footpaths.	\$120.00
	Concrete 100mm thick (precast or slabs).	\$245.00
	<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai Council.</i>	
	Gutter Crossing Construction	
	Dish crossings constructed in conjunction with kerb and gutter works where no approved constructed crossing previously existed – per metre.	\$145.00
	1.0m extension of existing piped crossing.	\$535.00
	2.4 metre extension of existing piped crossing.	\$1,000.00
	Standard 3.7 metre wide concrete layback gutter crossing.	\$1,250.00
	4.5 metre wide precast concrete gutter bridge.	\$1,250.00
	4.8 metre wide x 300mm diameter pipe crossing.	\$1,400.00
	Additional layback gutter crossing (per additional metre).	\$33000
	Construct asphalt surface between road pavement and layback or pipe crossing (per square metre).	\$60.00
	Construct 100mm thick fine crushed rock pavement across footway (per square metre).	\$53500
	Excavation in rock (per cubic metre).	\$510.00
	Excavation in other than rock (per cubic metre).	\$200.00

Technical Services		
	Fee Details	Fee For 2005/2006
	Extension of existing layback crossing (per metre).	\$535.00
	Kerb & Guttering	
	<i>Note: Kerb and Gutter Per linear metre (20% discount for areas > 10sq m). Minimum charge - one square metre or one lineal metre.</i>	
	Kerb and gutter frontage per metre.	\$70.00
	Kerb and gutter where frontage and sideline form a curve, per metre.	\$50.00
	Kerb and gutter rear line per metre.	\$35.00
	Kerb and gutter sideline per metre.	\$35.00
	Kerb and/or gutter restoration (regional).	\$210.00
	Hole in kerb (per opening).	\$100.00
	Kerb and/or gutter - restoration (local).	\$210.00
	Saw cutting	\$35.00
	Saw cutting (roadside).	\$35.00
	Additional administrative charge to apply to restoration orders with inadequate or incorrect information.	\$135.00
	<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai Council.</i>	
	Lines at Driveways	
	Provision of perpendicular pavement lines at driveways.	\$405.00
	Parking Restriction Signs	
	Provision of signs, if approved (per sign/stem installed or altered).	\$225.00
	Application fee – cover cost of processing (reporting to Ku-ring-gai Traffic Committee).	\$626.00
	Piping Requests and Approval for Drainage Easements	
	Application requiring determination by Council - fee for processing report.	\$730.00
	Hydraulic, hydrologic calculations and reports, per hour.	\$150.00
	<i>Note: Requests for piping of watercourses, adjustments to Council easements, pipes, etc. Refer to Engineering Inspection Fees (Environmental & Regulatory Services).</i>	
	Records Searching	
	Conduct a search of records and extract information (per half hour).	\$85.00
	Roads	
	<i>Note: Road surfaces per square metre (20% discount for areas > 10sq m). Minimum charge - one square metre or one linear metre.</i>	
	Gravel and all other classes of unsealed pavement or shoulder.	\$125.00
	Natural earth	\$100.00
	Asphaltic concrete and all other bitumen surfaces.	\$300.00
	Cement/Concrete	\$525.00
	Asphaltic concrete with cement/concrete base.	\$525.00
	Road Opening Permit	\$25.00

Technical Services		
	Fee Details	Fee For 2005/2006
	<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai.</i>	
	Special Events	
	Application fee – cover cost of processing (access Traffic Management Plan and report to Ku-ring-gai Traffic Committee).	\$626.00
	Advertising (at cost +10%)	\$546.00
	Traffic Control	
	Appraisal/Reappraisal of Traffic Control Plans for work/activity on public roads.	\$172.00
	Crane Permits	\$155.00
	SRA use of Local Road during rail closure per day.	\$685.00
	SRA Road Closure Inspection Fee per closure.	\$210.00
	Road Occupancy	
	Occupy road way during work crane or other vehicle per vehicle per day or part – subject to approved TMP/TCP.	\$160.00
	Publications for Sale	
	Aquatic Ecosystem Assessment Guidelines charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Stormwater Management Manual charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Printed extracts from Stormwater Management Manual charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Stormwater Management Policy charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Complete set of specifications and standards for all Council's road and drainage works charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Separate specifications extracted from complete set of specifications and standards for all Council's road and drainage works charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Specifications for design of Road Construction Plans charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	General Conditions for Engagement of Consultant charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
	Copies or extracts from specifications - A4 paper charged at standard photocopy rates (per page).	\$0.70
	Copies or extracts from specifications - A3 paper charged at standard photocopy rates (per page).	\$1.40
	Waste	
	Collection	
	Note: The following commercial waste collection fees include:	
	1. Provision of container and repairs.	
	2. Disposal Costs.	
	3. Waste Collection at nominated fee schedule.	

Technical Services	
Fee Details	Fee For 2005/2006
4. Recycling collection at nominated fee schedule.	
All nominated fees are per bin, per service.	
<i>Note: Service Fees associated with commercial waste management services may be subjected to quotation in a commercially competitive environment and the nominated fees for services below may vary according to the request service level of the customer, type of waste, disposal costs, specific collection site, customer or waste requirements requested by the Director Technical Services:</i>	
1.5 cubic metre Standard	\$30.00
3.0 cubic metre Standard	\$44.00
1.5 cubic metre Heavy	\$39.00
3.0 cubic metre Heavy	\$47.00
240/340 litre Standard	\$7.00
240/340 litre Heavy	\$8.50
240 litre Recycling	\$4.00
Loose cardboard per cubic metre.	\$4.00
Community Event Services	
Minimum amount per event (Includes delivery & return of bins). (\$ 4.00 per bin to be charged in addition to base rate).	\$160.00
Domestic Waste Management Charges	
Domestic waste management charges, annual.	Refer to Management Plan 2005-2009 for Fees
White Goods Collection	\$45.00

OPEN SPACE

Open Space	
Fee Details	Fee For 2005/2006
Access over Open Space	
Access over open space (as per Council's Policy).	\$1 to \$3,000
Advertising Fee	\$500.00
Neighbour Notification Fee	\$60.00
Access over open space bond (as per Council's Policy).	Up to \$40,000
Golf Courses	
Gordon Golf Course	
Green Fees - Weekend & Public Holidays - 18 holes.	\$27.00
Green Fees - Weekday (Monday to Friday) - 18 holes.	\$21.00
Green Fees - Twilight up to 2 hours prior to subset - 18 holes.	\$16.00
Green Fees - Weekday "Charity Event" Concession.	\$13.00
Green Fees - Concession weekday only - 18 holes (includes School Students, Pensioners, specials - proof required).	\$14.00
Green Fees - School Student - Weekend- 9 or 18 holes (current Student ID must be shown).	\$17.00
Green Fees - Senior Student - Weekday only (current Student ID must be shown).	\$16.00
Green Fees – Weekday (Monday to Friday) - 9 holes.	\$16.00
Green Fees – Weekend & Public Holidays – 9 holes.	\$19.00
Green Fees - Family rate Family rate (2 adults & 2 children) – 18 holes (additional children \$13.00 per child).	\$57.00
Green Fees - Family rate (2 adults & 2 children) – 9 holes (additional children \$13.00 per child).	\$47.00
Caddy / Spectator fee 9 or 18 holes.	\$6.50
North Turramurra Golf Course	
Green Fees - Weekend & Public Holidays - 18 holes.	\$27.00
Green Fees - Weekday (Monday to Friday) - 18 holes.	\$21.00
Green Fees - Twilight up to 2 hours prior to subset - 18 holes.	\$16.00
Green Fees - Weekday "Charity Event" Concession.	\$13.00
Green Fees - Concession weekday only - 18 holes (includes School Students, Pensioners, specials - proof required).	\$14.00
Green Fees - School Student - Weekend- 9 or 18 holes (current Student ID must be shown).	\$17.00
Green Fees - Senior Student - Weekday only (current Student ID must be shown).	\$16.00
Green Fees – Weekday (Monday to Friday) - 9 holes.	\$16.00
Green Fees – Weekend & Public Holidays – 9 holes.	\$19.00

Open Space	
Fee Details	Fee For 2005/2006
Green Fees - Family rate Family rate (2 adults & 2 children) – 18 holes (additional children \$13.00 per child).	\$57.00
Green Fees - Family rate (2 adults & 2 children) – 9 holes (additional children \$13.00 per child).	\$47.00
Caddy / Spectator fee 9 or 18 holes	\$6.50
Landscaping	
Landscaping Bonds	
Non residential, alterations & additions.	Min \$1,000 – Max \$10,000 (if over \$10,000, requires a report to Council)
New dwellings	Min \$2,000 – Max \$10,000 (over \$10,000, requires a report to Council)
Tree Protection Bond	
Tree protection bond	Min \$500 – Max \$50,000
Nursery	
Sales - Retail	
Tube stock 1-100mm pots.	\$3.00
140mm pots	\$8.95
200mm pots	\$17.50
200mm pot rare/threatened/difficult species including Telopea, Epacris, Actinotus, Persoonia, and others.	\$22.00
200mm “rocket pot”.	\$25.00
250mm pots.	\$34.95
300mm pots	\$59.95
Potting mix 30L	\$11.50
Tube stock – other	\$5.00
Cow manure 25L	\$7.75
Bamboo Stakes	\$0.20
Plastic Sleeves	\$0.40
Workshop Seminars	
Maximum 25 people (flat rate, duration up to 3 hours).	\$260.00
Maximum 25 people (flat rate, duration up to 6 hours).	\$520.00
Secondary /Tertiary students up to 3 hours (per person).	\$6.50
Secondary /Tertiary students up to 6 hours (per person).	\$10.00
Delivery Fee	
Within Ku-ring-gai Local Government Area.	Free
Outside Ku-ring-gai LGA up to 10 km.	\$10.00
Outside Ku-ring-gai LGA up to 20 km.	\$20.00
Outside Ku-ring-gai LGA up to 30 km.	\$30.00

Open Space	
Fee Details	Fee For 2005/2006
Seed Collection	
Seed collection for contract growing – (per person per hour).	\$45.00
Open Space Hire	
General Charges (Including St Ives Showground)	
Booking fee	\$6.00
Bond for key issue (per casual booking).	\$50.00
Bond for key issue (per season).	\$200.00
Ground restoration bond, 100-500 people.	\$500.00
Ground restoration bond, Over 500 people.	\$1,000.00
Litter bond, 100-500 people.	\$150.00
Litter bond, over 500 people.	\$300.00
Public Liability Insurance 0 to 25 people.	\$11.00
Public Liability Insurance 26 to 50 people.	\$16.50
Public Liability Insurance 51 to 100 people.	\$27.50
Public Liability Insurance 101 to 200 people.	\$55.00
Additional grass cutting - at cost of additional service.	"At Cost"
Litter fee (per day).	"At Cost"
Toilet cleaning fee (per day).	"At Cost"
Equipment storage fee (per season / hire period).	\$165.50
Set up rate (per day).	\$100.00
Electricity supply, full day, per power point.	\$44.00
Electricity supply, half day, per power point.	\$22.00
Children's Animal Farm.	\$50.00
School Holiday Programs.	\$27.00
School Holiday Programs (additional costs for expert providers).	\$27.00 plus costs
Temporary structure, Jumping Castle - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$50.00
Temporary structure, Jumping Castle - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$25.00
Temporary structure, marquee small - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$100.00
Temporary structure, marquee small - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$50.00
Temporary structure, marquee medium - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$200.00
Temporary structure, marquee medium - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$100.00

Open Space	
Fee Details	Fee For 2005/2006
Temporary structure, marquee large – Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$300.00
Temporary structure, marquee large - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$150.00
Parking (only when grounds used specifically for parking).	\$1,250.00
Ground Hire (0- 25 people) half day	\$35.00
Ground Hire (26-50 people) half day	\$53.00
Ground Hire (51-100 people) half day	\$135.00
Ground Hire (101-150 people) half day	\$165.00
Ground Hire (151-200 people) half day	\$220.00
Ground Hire (201-500 people) half day	\$445.00
Ground Hire (over 501 people) half day	\$1,390.00
Swain Garden meeting room (per hour)	\$13.50
<i>Note: These fees exclude fees for temporary structures. Where temporary structures are to be used they will be charged at the fees set out in hire – general in addition to the Public Garden Hire fees.</i>	
Publications for Sale	
Plans of Management (including Draft Plans) charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Resource information documents charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Open Space Guidelines charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Open Space Policies charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Open Space Standards charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Sportsgrounds	
General Fees & Special Event Hire	
Additional line markings (for all sports).	"At Cost"
Personal training non exclusive use - Low intensity, per week (maximum 15 hours).	\$25.00
Personal training non exclusive use - Low intensity, per week (maximum 8 hours).	\$15.00
Casual Club House hire - Community per hour.	\$16.00
Casual Club House hire - Commercial per hour.	\$21.00
Sportsground Floodlighting	
<i>Note: Following fees are per hour / per location</i>	
Acron	\$5.50
Auluba no 1 & no 2	\$5.50
Bannockburn	\$6.50

Open Space	
Fee Details	Fee For 2005/2006
Barra Brui	\$6.50
Cliff no 1 oval	\$6.50
Cliff no 2 oval	\$5.50
Comenarra	\$5.50
Hassell Park	\$6.50
Lindfield (No 1)	\$5.50
Lindfield (No.2)	\$5.50
Lofberg (Oval)	\$5.50
Lofberg (Netball Courts)	\$6.50
Norman Griffith	\$6.50
Primula	\$5.50
Roseville Chase	\$6.50
Samuel King (North Turramurra)	\$6.50
St Ives Village Green	\$5.50
St Ives Village Green (Netball Courts)	\$5.50
Turramurra	\$5.50
Warrimoo	\$5.50
Wellington	\$6.50
William Cowan	\$6.50
Casual Sports Hire	
Aero Club half day.	\$98.00
Archery half day.	\$98.00
Athletics half day.	\$98.00
Australian Rules half day.	\$98.00
Baseball/Softball per diamond half day.	\$50.00
Cricket Artificial wicket half day.	\$98.00
Cricket Turf wicket full day only.	\$560.00
Dog Clubs half day.	\$98.00
Hockey half day.	\$98.00
Netball Courts (per court) half day.	\$21.00
Rugby (per field) half day.	\$98.00
Skateboard facility community demonstrations per hour.	\$70.00
Skateboard facility commercial demonstrations per hour.	\$140.00
Skateboard facility community use (schools etc) half day.	\$280.00
Skateboard facility-commercial use half day.	\$560.00
Soccer (per field) half day.	\$98.00
Training – Australian Rules, Ruby League, Rugby Union, Soccer, Touch, Cricket, Athletics, any other activities (per hour, may be on a share	\$16.50

Open Space	
Fee Details	Fee For 2005/2006
basis).	
School Sport (Weekday 9am to 4pm)	
<i>Note:</i> Bookings after 4pm may be on a share basis with other organisations	
Athletic Carnival/Gala days: (per day) – Including markings at locations advised by Sport & Recreation includes additional waste service & toilet cleaning fee.	\$210.00
Athletics Carnival / Gala Day (per day) no markings. Includes additional waste service & toilet cleaning fee.	\$120.00
Netball (per court) Weekday 9am-4pm per hour.	\$4.75
Rugby League, Rugby Union, Soccer, Touch Football, Cricket, Baseball, Softball, Athletics Archery and Australian rules per field.	\$7.25
Seasonal Hire	
<i>Note:</i> Seasonal Hire is: Summer 18/09/05-12/03/06 Winter 02/04/06-27/08/06 unless otherwise stated.	
Aero Club half day per half year (Annual hire July-December).	\$220.00
Archery half day per half year (Annual hire July-December).	\$220.00
Athletics half day	\$1,300.00
Baseball/Softball per diamond half day	\$265.00
Cricket - Artificial Wicket (per Saturday Season) half day.	\$307.00
Cricket - Artificial Wicket half day (season - 15 Sundays).	\$220.00
Cricket Artificial Wicket additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers of artificial wickets only (per day).	\$55.00
Cricket - Turf wicket full day (per Saturday Season).	\$3,750.00
Cricket - Turf wicket full day (season - 15 Sundays).	\$2555.00
Cricket Turf Wicket additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers of Turf Wickets only (per day).	\$150.00
Dog Clubs half day per half year (Annual Hire July-December).	\$220.00
Netball Courts per court half day.	\$235.00
Netball Courts Night Competition per court per hour (excludes lighting fee).	\$4.75
<i>Note:</i> Seasonal maximum 22 weeks as advised by the Ku-ring-gai Netball Association.	
Winter Sports Seasonal hire per field half day (per Saturday Season).	\$535.00
Winter Sports Seasonal hire per field half day (15 Sundays).	\$368.00
Winter Sports additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers (per day/per field).	\$60.00
Winter Sport Season Hire (maximum 22 dates) per field, per night excludes lighting.	\$535.00
<i>Note:</i> Only available to the clubs & associations who hire fields on a seasonal basis.	

Open Space	
Fee Details	Fee For 2005/2006
Sportsgrounds-Training	
Training for Seasonal Hirers Only	
<i>Note: Following fees per hour, per location - weekdays only, share agreement permitted between organisations.</i>	
Cricket Artificial practice nets (per wicket strip).	\$5.25
Netball per court	\$4.75
Field Hire	\$7.25
Tennis Courts	
Promotional Specials (acrylic courts casual) per hour.	\$6.50
Promotional Specials (synthetic grass courts casual) per hour.	\$8.50
Storage Fee (per 6 months).	\$125.00
Penalty Charge - unauthorised use of Council's courts.	\$110.00
Penalty Charge - unauthorised coaches' use of Council's courts.	\$400.00
Acrylic Court	
<i>Note: Monday – Friday 8am – 5pm EST & 8am – 8pm Daylight Savings (per court / per hour).</i>	
Tennis Court Charges - School Students.	\$6.50
Tennis Court Charges - Public, casual (1-11 weeks).	\$12.00
Tennis Court Charges - Public, permanent - long term (22 wks) and short term (12 wks).	\$8.50
Tennis Court Charges - Professional Coaches - casual (1-11 weeks).	\$13.50
Tennis Court Charges - Professional Coaches, permanent, long term and short term.	\$10.00
<i>Note: Weekend - 8.00am to 5pm EST & 8am – 8pm Daylight Savings- Per court Per hour.</i>	
Tennis Court Charges - Public Junior/Clubs/School Saturday Morning (1-11 weeks).	\$8.50
Tennis Court Charges - Public Junior/Club/School Saturday Morning permanent.	\$7.50
Tennis Court Charges - Public casual (1-11 weeks).	\$14.00
Tennis Court Charges - Public permanent - long term (22 wks) and short term (12 wks).	\$11.00
Tennis Court Charges - Professional Coaches, casual (1-11 weeks).	\$15.50
Tennis Court Charges - Professional Coaches, permanent, long term and short term.	\$12.00
Synthetic Grass Court	
<i>Note: Monday – Friday 8am – 5pm EST & 8am – 8pm Daylight Savings (Per court per hour).</i>	
Tennis Court Charges – School Students.	\$8.50
Tennis Court Charges casual, (1-11 weeks).	\$14.50
Tennis Court Charges permanent - long term (22 wks) and short term (12 wks).	\$10.50
Tennis Court Charges - Professional Coaches, casual (1-11 weeks).	\$16.00

Open Space	
Fee Details	Fee For 2005/2006
Tennis Court Charges - Professional Coaches - long term and short term.	\$11.00
<i>Note: Weekend - 8.00am to 5pm EST & 8am – 8pm Daylight Savings- Per court Per hour.</i>	
Tennis Court Charges casual School Saturday Morning (1-11 weeks).	\$11.00
Tennis Court Charges - School Saturday Morning permanent.	\$9.50
Tennis Court Charges casual (1-11 weeks).	\$16.50
Tennis Court Charges permanent - long term (22 wks) and short term (12 wks).	\$13.50
Tennis Court Charges - Professional Coaches, casual (1-11 weeks).	\$18.00
Tennis Court Charges - Professional Coaches, permanent - long term and short term.	\$14.00
Floodlit Courts	
<i>Note: Monday – Sunday 5pm – 10pm EST & 8pm – 10pm Daylight Savings (St Ives Village Green 5pm-9pm).</i>	
Floodlit courts casual per hour acrylic.	\$18.00
Floodlit courts permanent per hour acrylic.	\$14.00
Floodlit courts Coaches casual per hour acrylic.	\$19.50
Floodlit courts Coaches permanent per hour acrylic	\$15.50
Floodlit Courts – casual per hour – synthetic grass.	\$21.00
Floodlit Courts – permanent (10wks) per hour synthetic grass.	\$16.00
Floodlit Courts – casual Coaches per hour synthetic grass.	\$22.50
Floodlit Courts - permanent Coaches (11-12 wks) per hour synthetic grass.	\$18.50
St Ives Showground	
Caravan site - no power (per day).	\$20.00
Caravan site - with power (per day).	\$30.00
Tent - no power (per day).	\$10.00
Tent - with power (per day).	\$15.00
Night Training (per hour per field).	\$7.25
Floodlights (per hour).	\$21.00
Car parking	
Car parking fee - 50 to 100 cars (per day).	\$115.00
Car parking fee - 101 to 200 cars (per day).	\$230.00
Car parking fee - 201 to 300 cars (per day).	\$455.00
Car parking fee - 301 to 400 cars (per day).	\$680.00
Car parking fee - 401 to 500 cars (per day).	\$1,090.00
Car parking fee - events over 500 cars (per day).	\$1,190.00
Car parking fee – commercial pavilion hire (per day)	\$25.00
Northside Agricultural & Horticultural Society Shows	

Open Space	
Fee Details	Fee For 2005/2006
Litter bond.	\$2,000.00
Ground restoration bond.	\$4,000.00
Society days (per day).	\$995.00
Set up day.	\$500.00
Showground Areas	
<i>Note: Prices do not include general hire fees, these will be charged in addition to area hire fees where applicable.</i>	
Picnic Areas	
Picnic table (per day) - Area 6 only.	\$25.00
Main Arena track – per hour.	\$30.00
Cross Country Athletics Event (0-500 people) includes Main Arena, excludes pavilions Includes additional waste service & toilet cleaning.	\$210.00
Cross Country Athletics Event (501-1000 people) includes Main Arena, excludes pavilions Includes additional waste service & toilet cleaning.	\$460.00
Cross Country Athletics Event (over 1000 people) includes Main Arena, excludes pavilions Includes additional waste service & toilet cleaning.	\$550.00
Soccer - casual hire per field, per half day Includes additional waste service & toilet cleaning.	\$98.00
Soccer - Seasonal hire per field per half day (maximum 22 dates).	\$535.00
Model Flying area (per half day).	\$115.00
Mini Wheels Off Road Track (per half day). Note Conditions of hire apply.	\$115.00
Dog Ring No 1 (per day).	\$63.00
Dog Ring No 6 (per day).	\$31.50
Dog Ring No 7 (per day).	\$31.50
Dog Ring floodlights per hour.	\$4.50
The Princess Anne Equestrian Area (per day).	\$225.00
Equestrian Activities Including hire of Main Arena, horse and tie stalls, and control tower, but not including the hire of any picnic area used in conjunction with the equestrian activity (per day).	\$450.00
Jim Watson Arena & control tower (per day) (This is not including the picnic area).	\$450.00
Major Event (commercial) Note: Excludes Pavilion and permanent hire areas.	\$2,900.00
Major Events (non-profit) Note: Excludes Pavilion and permanent hire areas.	\$1,100.00
Pavilion & Building Hire	
<i>Note: Pavilion Hire Includes use of internal power and fittings.</i>	
<i>Note: Community Hirers are: Schools, Community Groups, Non-profit Organisations, Registered Charities and Family Events. Commercial Hirers are organisations holding Commercial/Corporate Functions, Exhibitions, Training or Instruction by Private Companies.</i>	
Bond for Pavilion and Building Hire.	\$300.00

Open Space	
Fee Details	Fee For 2005/2006
Dog Huts (per day).	\$40.00
Dog Hut B (per hour).	\$5.50
Rotary Kiosk Community (per day).	\$105.00
Rotary Kiosk Commercial (per day).	\$125.00
Rotary Kiosk (per hour).	\$8.75
Craft Pavilion	
Community (per day)	\$105.00
Commercial (per day)	\$125.00
Community or Commercial (per hour)	\$8.75
Jim Powell Pavilion	
Community (per hour).	\$16.50
Commercial (per hour).	\$25.50
Louise Lennon Pavilion	
Community (per hour).	\$28.00
Commercial (per hour).	\$45.00
Additional time after 12 midnight-1am (latest).	\$160.00
Exhibition/Commercial sale rate (per day for two days or more).	\$400.00
Douglas Pickering Pavilion	
Community (per hour).	\$34.50
Commercial (per hour).	\$50.00
Additional time after 12 midnight-1am (latest).	\$200.00
Exhibition/Commercial sale rate (per day for two days or more).	\$500.00
Swimming Pool	
User fees (in accordance with associated operating lease).	
Tree Management	
Basic Application Fee under the Tree Preservation Order (includes one tree).	\$75.00
Up to 10 trees.	\$11.00
For each and every tree in excess of 10 trees.	\$16.00
Tree Review Application (for each tree).	\$50.00
Tree Pruning (no advertising).	\$36.00
Applications by pensioners - general (card must be produced).	\$35.00
Applications by pensioners - tree pruning (card must be produced).	\$15.00
Applications by pensioners - review of application (card must be produced).	\$35.00

Open Space	
Fee Details	Fee For 2005/2006
Wildflower Garden	
Admission Fees	
Groups/Schools (per student) not participating in bushland education activities.	\$3.00
Special Events Family (2 adults & up to 3 children (five years and older)).	\$7.00
Special Events Adults (18 years & over).	\$3.00
Special Events Children (5 to 17 years).	\$2.00
Special Events Infants (0 to 4 years) – No Charge.	Free
Special Events Pensioners/Disabled Persons (on production of Pension/Identification Card).	\$2.00
Bus/Coach - group concessions.	\$25.00
Bushland Education	
Spotlight/Breakfast Adult participants.	\$8.50 to \$15.00
Spotlight/Breakfast Child participants.	\$7.50 to \$10.00
People In Parks - Family (2 adults & 2 children).	\$20.00 to \$30.00
People in Parks – Child.	\$5.50 to \$8.00
People in Parks – Adult.	\$4.00 to \$8.00
Nature for the very Young (2 years to 5 years)	\$3.50 to \$5.50
Students – half day per person.	\$7.00
Students – full day per person.	\$10.00
Secondary students – half day (Year 7 – 12) per person.	\$7.00
Secondary students – full day (Year 7 – 12) per person.	\$10.00
Primary students – half day (K - Year 6) per person.	\$5.50
Primary students – full day (K - Year 6) per person	\$7.50
Playgroup/Pre School - Child participant.	\$3.50
Playgroup/Pre School - Adult participant.	\$4.50
Education School/Community groups.	\$3.00
Natural Environmental walking track Maps.	\$18.00
Step into the Bush - per participant.	\$5.50
Community Group Activities - Child participant.	\$8.00 to \$15.00
Community Group Activities - Adult participant.	\$4.00 to \$10.00
Community Education - Child participant.	\$7.50 to \$15.00

Open Space	
Fee Details	Fee For 2005/2006
Community Education - Adult participant.	\$15.00 to \$30.00
Bush Birthday Parties per child.	\$10.00
Bush Birthday Parties per adult.	\$3.00
Bush Birthday Parties - Cancellation fee.	\$25.00
School Holiday Program – Daily Fee.	\$27.00
Visitor Centre Hire	
Day Bookings (10:00am – 4:00pm).	
Environmental Education Groups per hour (First 3 hrs free then per hour).	\$55.00
Security bond/deposit.	\$275.00
General bookings per hour (minimum 3 hrs) weekdays.	\$55.00
Weekend Daytime hire (per hour).	\$70.00
Evening Bookings (4:00pm – midnight).	
Environmental Education Groups per hour (maximum 3 hrs 4pm- 12am). After 3 hours \$100.00 (<i>per hour</i>).	\$35.00
General bookings per hour (minimum 3 hrs).	\$100.00
Security bond/deposit.	350.00
Late Night Extension (midnight – 8:00am).	
General bookings per hour (maximum 3 hrs).	\$170.00
Environmental Education Groups per hour (maximum 3 hrs) (<i>per hour</i>).	\$50.00
Booking fee	\$5.50
Open Space Bushland Special Events on designated Walking Tracks and Service Trails	
Dampiers clearing Booking (10am – 4pm).	\$50.00
(Commercial Activities)	
Gate key bond (only in conjunction with authorised booking).	\$200.00
<u>Supervision Fee</u>	
(If and as specified by authorising officer).	
Standard Hours per hour.	\$55.00
After Hours per hour.	\$71.50
<u>Environmental Fee</u>	
(Per km of Track or trail minimum 1 km).	
Walking/running/orienteering	
1 –20 persons per hour.	\$25.00
21 –40 persons per hour.	\$40.00
41 –60 persons per hour.	\$60.00
61 –80 persons per hour.	\$85.00
81+ persons per hour.	\$120.00

Open Space	
Fee Details	Fee For 2005/2006
Mountain Biking and Horse Riding (designated service trails only).	
1 –20 persons per hour.	\$40.00
21 –40 persons per hour.	\$75.00
41 –60 persons per hour.	\$100.00
61 –80 persons per hour.	\$120.00
81+ persons per hour.	\$150.00

COMMUNITY SERVICES

Community Services	
Fee Details	Fee For 2005/2006
Art Centre	
Facilities	
Room hire - per exhibition.	\$95.00 to \$120.00
Term programs	
Children's Art Classes.	\$105.00 to \$160.00
Teenage Art Classes.	\$126.00 to \$200.00
School vacation Classes.	\$25.00 to \$130.00
Adult Art Classes.	\$158.00 to \$280.00
Late Enrolment Fee (after 3 weeks).	\$21.00
Cancellation Fee.	\$35.00
<i>Note: 5% discount for full semester enrolment for one course.</i>	
Childcare	
Thomas Carlyle Children's Centre	
Administration fee for parents, per enrolment.	\$45.00
Waiting list fee, per application each child.	\$18.00
Long Day Care fee (per day) each child.	\$61.00
<i>NOTE: Parents arriving to collect their child/children after 6.00pm will be charged a late fee of \$1.00 per minute. If the child has not been collected by 6.15 PM the parent will be charged an additional fee of \$2.00 per minute until such time that the child is collected.</i>	
Occasional Care	
Occasional Care (per hour) Minimum 4 hours and maximum 6 hours charged.	\$7.50
Family Day Care	
Administration fee for parents, per enrolment.	\$100.00
Family Day Care Carer Levy (per carer p/w). The fee is a contribution made by carers towards the operation of the scheme.	\$5.25
Attendance pad charge.	\$23.00
Filming	
Fees are assessed upon the nature of each application, it's level of impact upon the community, it's location and road type	
<i>NOTE: Each application is assessed upon level of impact based on some of the following criteria: - Number of trucks and crew, filming duration and time of day, community use of land and disruption to surrounding area.</i>	
Lodgement fee for 1 to 2 days filming.	\$100.00

Community Services	
Fee Details	Fee For 2005/2006
Lodgement fee for over 2 days filming.	\$200.00
Approval fees	
Filming Fees - first 8 hours (or part thereof) minimal impact.	\$100.00
Low impact.	\$200.00
Medium impact.	\$400.00
High impact.	\$600.00
Late fee (less than 3 days notice) 100% of lodgement fee, 30% loading approval.	
Additional fees and charges intermittent road closure and/or external infrastructure.	
Low impact.	\$200.00
Medium impact.	\$600.00
High impact.	\$1,000.00
Very high impact.	\$1,400.00
Overnight unit parking	
<i>Assessed by the level of impact upon location ie. Number of trucks and road type.</i>	
Low impact & up to 4 trucks.	
Medium impact & 5-10 trucks.	\$200.00
High impact & 11 or more trucks.	\$400.00
Council Property, Gardens, Parks, Reserves and Bushland / Commercial	
Low impact.	\$100.00
Medium impact.	\$200.00
High Impact.	\$290.00
Council Property, Gardens, Parks, Reserves and Bushland / Non Commercial	
Low impact.	\$100.00
Medium.	\$138.00
High impact.	\$275.00
Additional Council services charges	
<i>NOTE: A bond may be required in certain situations.</i>	
Additional waste management (per site).	\$165.00
Extraordinary site monitoring fee.	\$150.00

Community Services	
Fee Details	Fee For 2005/2006
Halls - Category A	
<i>Note: Discounts are available for Meeting Rooms and Halls. (See Discounts Available on Halls and Meeting Rooms, page 27 for details.) No discounts available on fixed costs.</i>	
Peak/Off Peak Times: Off Peak Times: Sunday 7.00am to Friday 5.00pm and Saturday 7.00am to 5.00pm. Peak Times: Friday 5.00pm to Close and Saturday 5.00pm to close.	
Casual Hire	
Peak time hire of a Category A hall charged at an hourly rate, or part thereof.*	\$90.00*
Off peak time hire of a Category A hall charged at an hourly rate, or part thereof.*	\$45.00*
Permanent Hire	
Peak hour hire of a Category A hall on a permanent basis charged at an hourly rate, or part thereof.*	\$90.00*
Off peak hour hire of a Category A hall on a permanent basis charged at an hourly rate, or part thereof.*	\$31.00*
Sale, Exhibition or Conference	
Hire - Minimum hire 6 hours.*	\$675.00*
Hire Per hour after first 6 hours.*	\$90.00*
Overnight charge.	\$175.00
<i>*Refer to fixed costs for other charges payable with this fee.</i>	
PA System Hire	
PA System hire per booking.	\$30.00
Piano Hire	
Piano Hire per booking.	\$20.00
Halls - Category B	
<i>Note: Discounts are available for Meeting Rooms and Halls; See Discounts Available on Halls and Meeting Rooms, page 27 for details. No discounts available on fixed costs.</i>	
Casual Hire	
Peak time hire charged at an hourly rate or part thereof.*	\$70.00*
Off peak time hire charged at an hourly rate or part thereof.*	\$35.00*
Permanent Hire	
Peak time hire of a Category B hall on a permanent basis charged at an hourly rate.*	\$70.00*
Off peak time hire of a Category B hall on a permanent basis charged at an hourly rate.*	\$25.00*
Sale, Exhibition or Conference	
Minimum hire 6 hours.*	\$450.00*
Hire for sales, exhibitions or conferences. Per hour after first 6 hours.*	\$65.00*
Overnight charge for hire for sales, exhibitions or conferences.	\$122.00

Community Services	
Fee Details	Fee For 2005/2006
<i>Note: *Refer to fixed costs for other charges payable with this fee.</i>	
Meeting Rooms	
<i>Note: Discounts are available for Meeting Rooms and Halls; See Discounts Available on Halls and Meeting Rooms, page 27 for details. No discounts available on fixed costs.</i>	
Category A Rooms	
Hire of room on casual basis per hour, or part thereof.	\$35.00
Hire of room on permanent basis per hour, or part thereof.	\$23.00
Category B Rooms	
Hire of room on casual basis per hour, or part thereof.	\$25.00
Hire of room on permanent basis per hour, or part thereof.	\$20.00
Seniors Centres	
Lindfield Seniors Centre.	\$1.00 to \$90.00
Lindfield Seniors Resource Centre.	\$1.00 to \$90.00
Turramurra Seniors Centre.	\$1.00 to \$90.00
Fixed Costs (Halls and meeting Rooms)	
<i>No discounts available on fixed costs.</i>	
Booking Fee non refundable.	\$5.00
Public liability.	\$55.00
Security bond.	\$315.00
Close hall and clean per service.	\$255.00
Call out fee per hour (minimum 4 hours).	\$65.00
Penalty labour (minimum 2 hours) appropriate hire cost per hour.	\$60.00
Community Bus	
Community Bus per Km Available Thursday, Evenings, weekends.	\$0.70
Discounts available on Halls and Meeting Rooms	
<i>No discounts available on fixed costs.</i>	
Category	Discount
Council Activities include: School Holiday, Leisure Program, Seniors Program, Youth Services, Receptions, Presentations, Committee Meetings, and Staff Training.	100%
Government Statutory/Regulatory Services include: Citizenship, Immunisation.	100%
Blood Bank.	100%
State Emergency Services (SES).	100%
Merrymakers – (East Lindfield Hall).	100%
Ku-ring-gai Neighbourhood Centre – (St Ives Library Meeting Room).	100%

Community Services	
Fee Details	Fee For 2005/2006
St Ives Early Childhood Centre – (St Ives Library Meeting Room).	100%
Organisations that qualify for the Arts/Cultural Incentive Scheme. eg: Performances, Shows, Rehearsals and Exhibitions.	70%
Individuals for the purposes of rehearsals, music practice, art and cultural activities, education, recreational and leisure activities (off peak periods only) hall/meeting room hire.	50%
Community Groups - (not for profit) Sales/Exhibitions, Conferences for the first 6 hours only.	65% Discount on hall hire, then the discount of 50% applies to the hourly rate for each hour thereafter
Community Groups (not for profit) – Overnight charge.	65%
Families – for functions, celebrations and parties (off peak hours only).	50%
Community Organisations (not for profit) involved in activities to promote health and well-being, the arts, culture, education, recreation and leisure.	50%
Registered Charities.	50%
Schools.	50%
Churches and church groups.	50%
Community Groups (not for profit) - Overnight charge.	50%
Individuals – discount on the hire of PA System.	50%
Family functions, celebrations and parties (peak hours only).	25%
Library	
Library booking fee - per booking.	\$1.00
Community Information (CI) Customised Reports.	\$6.50
Audio visual carry bags.	\$3.00
Library carry bags (calico).	\$2.00
Negative Charge (volume depends on number of photos ordered for which a negative is not already available).	\$6.90
Photographer's fee plus \$2.40 per print up to 21.5cm x 16.5 cm.	\$2.40
Photographer's fee plus \$6.30 per print 25cm x 20cm and larger.	\$6.30
Processing Charge plus full cost of item for damaged/lost/not returned items.	\$15.00
Replacement borrower cards - lost cards.	\$6.00
Cassette box - fee levied when item lost.	\$2.20
Cassette/Video/CD inserts fee levied when item lost.	\$6.00
CD Box - fee levied when item lost.	\$0.50
Double CD box - fee levied when item lost.	\$1.40

Community Services	
Fee Details	Fee For 2005/2006
Double video box and A4 book - fee levied when item lost.	\$15.00
Single video box.	\$2.00
Video box & A5 book fee levied when item lost.	\$9.00
Request for item not in Library's Collection.	\$5.50
Research Fee - conduct a search of Council and/or Land Title records and/or local history resources and extract information - per hour.	\$120.00
Adults – Reservations.	\$1.30
School Children – Reservations.	\$0.60
Diskette	\$1.00
Technology access fee per hour.	\$2.00
E-mail access fee per half hour.	\$3.00
Photocopies	
Black and white per page (self service) microfiche & microfilm reader/printer.	\$0.50
Approved Community Groups A4.	\$0.10
A4 Black & white per page (self service).	\$0.20
A3 Black & white per page (self service).	\$0.45
A4 Colour (self service) - Available at Gordon & St Ives only.	\$3.40
A3 Colour (self service) - Available at Gordon & St Ives only.	\$4.50
Articles obtained from another library (per article) up to 50 pages.	\$13.20
Articles obtained from another library (per article) every additional 50 pages.	\$3.30
Programs	
Community Services Programs/Activities.	\$3.00 to \$250.00
School Holiday Program - Daily Fee.	\$27.00
Publications For Sale	
Publication Sales/Information Directories charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Sale of Other Specialist Publications charged at standard photocopy rates (per page).	As per photocopy charges listed on page 2
Consultancy	
Consultancy fee/research (per hour).	\$121.00 to \$180.00

DEVELOPMENT AND REGULATION

Development & Regulation	
Fee Details	Fee For 2005/2006
Administration	
A4 Photocopy black & white (per page).	\$0.70
A3 Photocopy black (per page).	\$1.40
A2 printing of plans black & white (per page).	\$34.00
A2 printing of plans colour (per page).	\$66.00
A1 printing of plans black & white (per page).	\$66.00
A1 printing of plans colour (per page).	\$110.00
Development Assessment	
Complying Development S85	
Up to \$50,000	\$150.00
From \$50,001 to \$100,000	\$250.00
Complying development over \$100,000.	\$350.00
Fee for modification.	\$70.00
Pre Development Application Consultation	
Services for 1 hour additional fees may apply if consultation exceeds 1 hour	
Residential alterations and additions, ancillary structure, pools, tennis court, garage etc including signage and advertising structure.	\$200.00 (where a Heritage, Landscaping or Engineering Officer is requested to attend, an additional \$55.00 per officer is payable).
New dwelling house	\$350.00 (where a Heritage, Landscaping or Engineering Officer is requested to attend, an additional \$55.00 per officer is payable).
Dual occupancy	\$500.00 (where a Heritage, Landscaping or Engineering Officer is requested to attend, an additional \$55.00 per officer is payable).
Seniors living development and residential flat building mixed development and new retail commercial development.	\$1,100.00 (Additional fee of \$660.00 where Urban Design Consultant requested.)
Alterations to schools, churches, nursing homes, hospitals.	\$350.00
Alterations and additions to retail commercial development.	\$500.00
Subdivision to create 2 lots.	\$400.00

Development & Regulation	
Fee Details	Fee For 2005/2006
Subdivision to create in excess of 2 lots.	\$750.00
Development Application Fees	
(Includes NSW Government Plan First charge of .64 cents in every \$1,000 for development application with a value of \$50,000 or over).	
Development not involving the erection of a building, carrying out of work, subdivision of land or the demolition of a building or work.	\$220.00
Dwelling house \$100,000 or less.	\$364.00
DA fees up to \$5,000	\$110.00
Between \$5,001 & \$50,000.	\$170, plus an additional \$3.00 for each \$1,000 (or part of \$1,000) of the estimated cost.
Between \$50,001 & \$250,000.	\$352, plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000.
Between \$250,001 & \$500,000.	\$1,160, plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000.
Between \$500,001 & \$1,000,000.	\$1,745, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000.
Between \$1,000,001 & \$10,000,000.	\$2,615, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000.
\$10,000,001 & Over.	\$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000.
Advertising structure	\$215.00 plus \$70.00 for each additional advertisement structure or the DA fee calculated above which ever is the greater.
Subdivision (other than strata) involving the opening of a public road.	\$500.00 plus \$50.00 for each additional lot created.
Subdivision (other than strata) not involving the opening of a public road.	\$250.00 plus \$40.00 for each additional lot created.
Strata subdivision	\$250.00 plus \$50.00 for each additional lot created.
Section 96	
Section 96(1) modification to rectify minor error, incorrect description or calculation.	\$55.00
Section 96(1A) modification involving minimal environmental impact.	\$500 or 50% of the original DA fee whichever is the lesser.
Section 96(2) or 96AA(1) modifications of development consent:	
a) if the original DA fee is less then \$100.00.	50% of DA fee
b) if the original DA fee is over \$100.00:	

Development & Regulation	
Fee Details	Fee For 2005/2006
i. DA does not involve the erection of a building the carrying out of a work or the demolition of a work or building	50% of DA fee
ii. DA involves the erection of a dwelling house costing \$100,000 or less	\$150.00
iii. All other development applications:	
- Up to \$5,000	\$55.00
- \$5,001 to \$250,000	\$85 plus an additional \$1.50 for each \$1,000 (or part thereof) of the estimated cost.
- \$250,001 to \$500,000	\$500 plus an additional \$0.85 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$250,000.
- \$500,001 to \$1,000,000	\$712 plus an additional \$0.50 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$500,000.
- \$1,000,001 to \$10,000,000	\$987 plus an additional \$0.40 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$1,000,000.
- More than \$10,000,000	\$4,737 plus an additional \$0.27 for each \$1,000 (or part thereof) by which the estimate costs exceeds \$10,000,000.
Section 82A Review	
(a) in the case of a request with respect to a development application that does not involve the erection of a building, the carrying out of work or the demolition of a work or building,	50% of the fee for the development application.
(b) in the case of a request with respect to a development application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less,	\$150
(c) in the case of a request with respect to any other development application.	As per the table below.
Development with a value up to \$5,000.	\$55.00
Development with a value between \$5,001 to \$250,000.	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of estimated costs.
Development with a value between \$250,001 and \$500,000.	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$250,000.
Development with a value between \$500,001 and \$1,000,000.	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$500,000.
Development with a value between \$1,000,001 and \$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$1,000,000.
Development with a value more than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$10,000,000.

Development & Regulation	
Fee Details	Fee For 2005/2006
Additional Application Fee's	
Development that requires concurrence under the Act or an environmental planning instrument.	\$250.00 concurrence fee per concurrence authority, plus \$110.00 processing fee per concurrence authority.
Additional fee for integrated development.	\$250.00 per approval body plus \$110.00 processing fee per integrated referral.
Additional fee for designated development.	\$715.00 plus DA fees
Referral to urban design panel - residential flat building 4 units or more (plus \$100 administration)	\$600.00 + \$100 administration fee.
Amended Development Application\Section 96\Section 82\lodged prior to determination	
Administration	10% of DA fee
Extension of Development Consents	
Application to extend consent period for a development consent (application must be submitted before consent expires).	\$220.00
Development – Notification	
Notification for development application's, section 96, section 82a and amended plans lodged before determination.	\$90.00
Development – Advertising	
Development application advertising fees for Advertised Development.	\$830.00
Development application advertising fees for Designated Development.	\$1,665.00
Development application advertising fees for Prohibited Development.	\$830.00
The advertisement of Section 96 (2) Applications.	\$500.00
Development application advertising for heritage listed single residence or child care centre.	\$500.00
Development Application Advertising for Development for which an environmental planning instrument requires notice to be given otherwise than as referred to.	\$830.00
Archiving/scanning fee (DA, Section 96(2), and Section 82 applications)	
Residential alterations and additions, ancillary structure, pool, tennis court, garage etc, including signage and advertising structure.	\$50.00
New dwelling house.	\$100.00
Dual occupancy	\$200.00
Residential flat buildings and seniors living development	\$500.00
Alterations to school, church, nursing home, hospital.	\$150.00
Retail / commercial development.	\$500.00
Retail / commercial development change of use and internal fit out and minor additions.	\$50.00
Subdivision	\$150.00

Development & Regulation	
Fee Details	Fee For 2005/2006
Development Engineering	
Section 88G certificate	
Section 88G certificate (Conveyancing).	\$10.00
Section 88G certificate (Conveyancing) express service	\$50.00
Subdivision certificate – torrens, stratum strata and company title.	
Endorsement of any final plan of subdivision (linen plan release).	\$300.00 plus \$50 each lot (other then strata) created and \$40 for each strata lot created.
Lodgement of amended plan of subdivision.	\$110.00
Legal documents	
Endorsement of legal documents related to development including Section 88E, positive covenant, and restriction on use.	\$110.00 plus \$440 where Council seal is required
Endorsement for release or variation of easement, covenant, restriction etc.	\$110.00 plus \$440 where Council seal is required.
Endorsement of Section 88B instruments	\$200.00
Lodgement of amended 88B instrument	\$55.00
Infrastructure restoration	
For residential development activity - minor building activity up to \$10,000.	Nil
For residential development activity - \$10,001 to \$20,000.	\$65.00
For residential development activity - over \$20,001.	\$65.00 plus 0.15% of building value.
Commercial demolitions	\$770.00
Residential demolitions	\$275.00
All commercial development activities.	\$65.00 plus 0.25% of building value.
Miscellaneous engineering assessments	
Flood/stormwater study (per hour - minimum 1 hour).	\$110.00
Onsite stormwater detention plan (reassessment fee).	\$110.00
Traffic and construction management plan (CC's) assessment fee.	\$110.00 per hour or part thereof (minium of 1 hour).
Plan assessment & inspection	
Engineering plan assessment and works inspection (external to site) footpaths per metre (minimum \$85).	\$11.00
Engineering assessment and works inspection (on-site) special structures (per structure).	\$165.00
Engineering plan assessment and works inspection. Detention structures and special facilities 50 m2 of storage.	\$165.00
Engineering plan assessment and works inspection (works external to site). Drainage pipelines per metre (minimum \$85.00).	\$22.00

Development & Regulation	
Fee Details	Fee For 2005/2006
Engineering plan assessment and works inspection. Interallotment drainage per metre (minimum \$85.00).	\$22.00
Engineering plan assessment and works inspection. Part road construction per metre (minimum \$85.00) (ie; road shoulder/kerb and gutter).	\$22.00
Engineering plan assessment and works inspection. Drainage structures (ie; pits etc.) each.	\$94.00
Engineering plan assessment and works inspection. New road construction per metre (minimum \$550.00).	\$55.00
Engineering plan assessment and works inspection. Submission of engineering plans per A1 plan sheet (re-submission 20% extra).	\$190.00
Engineering plan assessment and works inspection. Common driveways per metre (minimum \$85.00).	\$9.00
Inspection where works incomplete or unsatisfactory.	\$160.00
<i>Note: Engineering plan and works inspection fees for roadworks or drainage associated with development.</i>	
Building	
Hoarding application– non refundable.	\$100.00
Temporary occupation of footpath by overhead protective type B hoarding during building operations, per metre, per week.	\$30.00
Temporary occupation of footpath by fence or type A hoarding during building operations, per metre, per week.	\$20.00
Inspection	
Inspection/compliance certificate (critical phase inspections) per inspection.	\$160.00
Re-inspection (per inspection).	\$160.00
Additional requested inspections (staged construction) (per inspection).	\$160.00
Certificates - notices S735A	
Certificate Section 735A Local Government Act, outstanding notice, order, notifications.	\$63.00
Certificate as to outstanding notice or order, (EPA Act).	\$60.00
Private certifiers	
Registration of documents/certificates - submitted by accredited certifier (IPRT) *Note: Fees are charged per document.	\$35.00
Serve an order initiated by an accredited certifier.	\$235.00
Appointment of council as principal certifying authority	
Less than \$12,000	\$100
\$12,001 to \$30,000	\$200
\$30,001 to \$100,000	\$300
\$100,001 to 500,000	\$500

Development & Regulation	
Fee Details	Fee For 2005/2006
\$500,001 to \$1,000,000	\$750
Over \$1,000,000	\$750 plus \$0.50 per \$1,000 or part thereof over \$1,000,000.
<p>Note:</p> <ol style="list-style-type: none"> The fees outlined above cover Council being appointed as PCA and include issuing of an Occupation certificate on completion of the works for single residential development only. Fees do not cover inspections. Multi unit development and large commercial development occupation certification fees will be required to be paid as per Council's Schedule of Fees. If Council is appointed to replace a private accredited certifier on a partially completed project, then the full fee is payable to compensate for having to familiarise with the status of the project. 	
Occupation certificates	
Single residential development and commercial less than 200 sq metres.	\$100.00
Residential flat building / town houses / dual occupancy.	\$100.00 per occupancy.
Commercial building over 200sq metres.	\$400.00
Building certificate - Section 149B (2)	
Copy of certificate.	\$10.00
Class 1 or X building.	\$210.00
Certified copy of certificate.	\$40.00
Other classes - exceeding 200 square metres but not exceeding 2,000 square metres. (Plus additional 42 cents per square metre for each square metre over 200).	\$210.00
Additional inspections (per inspection).	\$75.00
In any case, where the application relates to a part of a building and that part consists of an external wall only or does not otherwise have a floor area.	\$210.00
Exceeding 2,000 square metres (plus additional 6.3 cents per square metre over 2,000).	\$966.00
Swimming pools	
Certificate of compliance.	\$50.00
Application for exemption.	\$50.00
Construction certificates	
Construction certificates S109C	
Fee based on estimated cost of works:	
Less than \$5,000.	\$150.00
From \$5,001 -10,000.	\$250.00
From \$10,001-\$30,000.	\$500.00
From \$30,001 – \$100,000.	\$750.00
From \$100,001 – \$200,000.	\$1,200.00

Development & Regulation	
Fee Details	Fee For 2005/2006
From \$200,001 – \$500,000.	\$1,700.00
From \$500,001 – \$1,000,000.	\$2,500.00
Over \$1,000,000	\$2,500 plus \$1.44 per \$1,000 or part thereof over \$1,000,000.
Development - plans & specifications	
Certification of additional copies of documents - certified copy of documents.	\$40.00
Certification of additional copies of plans – per sheet.	\$20.00
Compliance and Regulation	
Advertising signs	
Advertising signs inspection (3 years).	\$135.00
Companion animals	
Cats	
Lifetime registration – desexed.	\$35.00
Lifetime registration - not desexed.	\$100.00
Lifetime - registration of animal owned by pensioner.	\$15.00
Lifetime - registration of animal owned by breeder.	\$35.00
Dogs	
Lifetime registration – desexed.	\$35.00
Lifetime registration - not desexed.	\$100.00
Lifetime registration of animal owned by pensioner.	\$15.00
Lifetime registration of animal owned by breeder.	\$35.00
Animal Control	
NOTE: Animal impounding (payable to Council's service provider).	
Impounding release (dogs).	\$67.50
Dog maintenance for subsequent days or part thereof.	\$27.50
Dog surrender.	\$49.50
Cat impounding and release.	\$55.00
Cat maintenance for subsequent days or part thereof.	\$20.00
Cat surrender. fee	\$27.50
Fines Statute	
Charges set by NSW government agencies.	Various charges apply.
Food premise registration	
NSW Department of Health - per premise.	\$50.00
Impounding	

Development & Regulation	
Fee Details	Fee For 2005/2006
Illuminated advertising signs (includes unilluminated real estate signs).	\$250.00
Impounded advertising signage (plus any additional costs incurred by Council).	\$150.00
A-Frame signs.	\$100.00
Banners - community organisations.	\$50.00
Banners - commercial organisations.	\$100.00
General Articles.	\$75.00
Regulated Premises Inspection	
Hairdressers, barber shops and beauty salons plus \$100 per hour after the first hour (per inspection).	\$110.00
Food premises plus \$100 per hour after the first hour (per inspection).	\$110.00
Boarding houses plus \$100 per hour after the first hour.	\$110.00
Skin penetration (Public Health Act and brothels).	\$110.00
School canteens (per inspection).	\$80.00
Non profit community group food outlet (per inspection).	\$30.00
Regulated systems	\$130.00
Compliance Inspection (general)	
Noise level reading.	\$110.00
Noise level reading – after hours.	\$165.00
Section 68 Local Government Act applications	
Install a manufactured home, moveable dwelling or associated structure on land.	\$400.00
Install a temporary structure on land	\$75.00
Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment:	
- Premises owned & /or operated by incorporated not for profit group.	\$50.00
- Licensed capacity 1 – 250 people.	\$385.00
- Licensed capacity 251 – 500 people.	\$495.00
- Licensed Capacity over 500 people.	\$525.00
- Survey per property plus \$100 per hour after the first hour.	\$110.00
- Tent bond	\$550.00
- Permission to erect a tent of any size for public entertainment, where a charge is made for admission.	\$110.00
Carry out stormwater drainage work or install waste treatment plant.	\$165.00
Place waste containers in a public place (SKIP BINS):	
- Application– non refundable.	\$100.00

Development & Regulation	
Fee Details	Fee For 2005/2006
- Skip bin 0 – 6 cubic metres (per week or part thereof).	\$80.00
- Skip bin 6 – 10 cubic metres(per week or part thereof)	\$100.00
- Skip bin 10 cubic metres and above (per week or part thereof).	\$150.00
Engage in a trade or Business on Community Land (outdoor dining & display of goods on footpath):	
- Application (non refundable).	\$250.00
- Plus rental per square metre per annum of occupied space. (This is to be paid on a pro rata basis for period 1st July – 30th June).	\$100 per sq metre per annum.
Direct or procure a theatrical, musical or other entertainment for the public on community land.	\$75
Play a musical instrument or sing for fee or reward on community land (busking):	
- Application -non refundable(includes 1 month busking if approved)	\$20
- Per additional month	\$20
- Annual	\$130
Operate a loudspeaker or sound amplifying device on community land	\$50
Deliver a public address or hold a religious service or public meeting on community land	\$100
Swing or hoist goods across or over any part of a public road (cranes):	
- Application (non refundable)	\$100
- Permit to stand plant – per day	\$80
Expose or allow to be exposed any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang the article beneath an awning over the road (display goods on footpath, & storage of building materials on footpath):	
<u>Display goods on footpath:</u>	
- Application (non refundable)	\$250
- Plus rental per square metre per annum of occupied space. (This is to be paid on a pro rata basis for period 1st July – 30th June)	\$100 per sq metre per annum.
<u>Store building materials on footpath:</u>	
- Application (non refundable)	\$50
- Plus rental per square metre per week, or part thereof. (Minimum charge of 5 square metres per week)	\$14 per sq metre
Install a domestic oil or solid fuel heater	\$75
Install or operate amusement devices	\$75
Use a standing vehicle or any article for the purpose of selling any article in a public place (mobile food vendors & temporary food stalls) per day.	\$25

Development & Regulation	
Fee Details	Fee For 2005/2006
Annual (to be paid on a pro rata basis for the period 1st July -30th June).	\$110
Operate an undertakers business or mortuary.	\$220
Review of determination.	\$180
Modified application.	\$80
Request for extension of time.	\$80
Parking	
Culworth Avenue Car Park - per day.	\$4.00
Noxious Weeds	
Noxious Weeds Act 1993 Certificate (Section 64).	\$63.00

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Item 14

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2A & 2B KILLARA AVENUE, 493 PACIFIC HIGHWAY, KILLARA - DEMOLITION OF EXISTING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING EIGHTEEN (18) UNITS, TWENTY-SEVEN (27) BASEMENT CAR SPACES AND ASSOCIATED LANDSCAPING
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1334/04
SUBJECT LAND:	2A & 2B Killara Avenue, 493 Pacific Highway, Killara
APPLICANT:	Red Sea Investments Pty Ltd
OWNER:	EJ & ME Anderson, P & C Blanden
DESIGNER:	Vanovac Associates Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (LEP 194)
COUNCIL'S POLICIES APPLICABLE:	KPSO (LEP 194), DCP 40, DCP 43, DCP 47, DCP 55.
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	14 December 2004
40 DAY PERIOD EXPIRED:	23 January 2005
PROPOSAL:	Demolition of existing houses and construction of a residential flat building comprising eighteen (18) units, twenty-seven (27) basement car spaces and associated landscaping
RECOMMENDATION:	Refusal

Item 14

**DEVELOPMENT APPLICATION N^o
PREMISES:**

1334/04

**2A & 2B KILLARA AVENUE, 493 PACIFIC
HIGHWAY, KILLARA**

PROPOSAL:

**DEMOLITION OF EXISTING HOUSES AND
CONSTRUCTION OF A RESIDENTIAL FLAT
BUILDING COMPRISING EIGHTEEN (18)
UNITS, TWENTY-SEVEN (27) BASEMENT
CAR SPACES AND ASSOCIATED
LANDSCAPING**

APPLICANT:

RED SEA INVESTMENTS PTY LTD

OWNER:

EJ & ME ANDERSON, P & C BLANDEN

DESIGNER

VANOVAC ASSOCIATES PTY LTD

PURPOSE FOR REPORT

To determine development application DA 1344/04 which seeks consent for the demolition of existing dwellings on site and construction of a single residential flat building comprising eighteen (18) units, basement car parking and landscaping.

EXECUTIVE SUMMARY

Issues:

Front setbacks and insufficient on-site car parking spaces.

Submissions:

Six submissions received (Original proposal)
Four submissions received (Amended proposal)

Pre-DA Consultation:

No

Land & Environment Court Appeal:

Proceedings No 10387 of 2005.

A deemed refusal appeal was filed on 26 April 2005.
(83 days after DA lodged, excluding the time under
Stop the Clock).

The Statement of Basic Facts and Statement of
Issues were finalised on 24 May 2005.

The first call over was held on 31 May 2005 where
the matter was listed for an on-site hearing on 5 July
2005.

Recommendation:

Refusal

HISTORY

Site History

There is no history of the site relevant to the consideration of the proposal for a residential flat building under LEP 194.

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Development application history:

14 December 2004	Application lodged.
22 December 2004	Request from Council to furnish a detailed landscape plan, demonstrating proposed planting and specifications for all landscape elements, parking and traffic report.
17 January 2005	Parking and traffic impact report submitted.
8 February 2005	Detailed landscape plans and heritage report submitted.
7 April 2005	Amended plans and SEPP 1 variation to parking standard submitted.
26 April 2005	A class 1 appeal is lodged with the Land and Environment Court against the deemed refusal of Development Application No 1344/04.
13 May 2005	Re-notification of amended plans
25 May 2005	Issues filed by Council in response to the deemed refusal appeal as follows:

1. *Inadequate information*

The documentation and plans submitted to Council are considered inadequate and fails to provide information in order for Council to properly determine the application.

- *The application has failed to consider DCP 55 (Ku-ring-gai Multi-unit Housing Development Control Plan No.55 – Railway/Pacific Highway Corridor and St Ives Centre). An assessment in terms of DCP 48 has been provided. This control plan only applies to development in Residential 2(d), 2(e) and 2(h) zones and is therefore not applicable to the site.*
- *No geotechnical report has been submitted with the development application.*
- *No access report has been submitted with the development application certifying compliance with Clause 4.7 of DCP 55.*

2. *Streetscape impact*

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that the proposal will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

- *The building width to Killara Avenue measures approximately 47 metres and exceeds the 36 metres maximum required by Clause 4.4 C-3 of DCP 55.*
- *The proposal fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.3 metres.*

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- *The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.8 metres.*
- *The proposal fails to maintain a side/rear setback zone to No. 497 Pacific Highway 6 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 4.3 metres.*

3. *Parking and vehicular access*

The proposal is inconsistent with Clause 25J of the Ku-ring-gai Planning Scheme Ordinance (Part IIIA) in that the proposal will not provide adequate car parking for the buildings users and visitors.

- *The application proposes 27 car spaces and fails to satisfy the standard contained in Clause 25J (2) of LEP 194 that requires 35 spaces to be provided.*
- *The proposal does not provide unobstructed visitor car parking spaces as required by Clause 5.1 C-3 of DCP 55.*
- *The proposal does not provide for a convenient rubbish collection area as required by Clause 4.8.5 C-3 of DCP 55 and DCP 40.*

4. *Impact on trees*

The proposed development will result in adverse impacts upon existing trees on the site and therefore is inconsistent with the objectives set out in Clause 25D (2)(b) of the KPSO (Part IIIA).

- *The basement excavation will have a detrimental impact on a highly significant and prominent Sydney Blue Gum within the landscape and streetscape setting.*

THE SITE

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Area:	1896 m ²
Cross Fall:	Yes, 7%
Stormwater Drainage:	To Killara Avenue
Heritage Affected:	No
Required Setback:	10-12 metres to Killara Avenue and Pacific Highway
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

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SITE DESCRIPTION

Visual Character Study Category:	1920-1945	
Legal Description:	2A Killara Avenue	Lot 2, DP 125632
	2B Killara Avenue	Lot 1, DP 125632 DP 929955
Heritage Affected:	No – 3 Killara Avenue is situated opposite the site	
Bush Fire Prone Land:	No	
Endangered Species:	No	
Urban Bushland:	No	
Contaminated Land:	No	

Dimensions and topography

The site is rectangular in shape and has a total area of 1896m². Frontages to the Pacific Highway and Killara Avenue measure 31 metres and 61 metres; respectively. The eastern boundary is 30 metres and the northern boundary is approximately 61 metres in length.

The site is elevated and is generally located more than 1.5 metres above the kerb level to Killara Avenue and more than 1 metre above the kerb level to Pacific Highway. The site slopes from the north to south at a grade of 7%. The existing topography was altered to accommodate the existing structures which include an in-ground pool.

Improvements

The site comprises three lots, containing two double storey dwellings with associated structures.

Vegetation

The site is characterised by an established landscape setting, with mature trees and shrubs within formal garden beds and grassed areas. The site frontage along the Pacific Hwy is characterised by an established informal screen planting, while the Killara Ave frontage is dominated by a mature Eucalypt centrally located adjacent to the site boundary.

Zoning and surrounding use zoness

No's 497 to 507 Pacific Highway situated to the north of the site are zoned Residential 2(d3). No's 2 and 4 Killara Avenue situated to the east are zoned Residential 2(c2), which does not provide for apartment buildings, but which does allow for apartment conversions and dual occupancies.

THE PROPOSAL

The application proposes the following:

- The demolition of the existing dwellings and associated structures on site;

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- The construction of a 4 storey residential flat building of 18 units, comprising 6 x 2 bedroom apartments and 12 x 3-bedroom apartments.
- A total of 27 parking spaces, consisting of 24 resident spaces and 3 visitor spaces in a single basement level.
- Vehicular access to the site is via a driveway in Killara Avenue, along the southern boundary.
- Disposal of stormwater to Killara Avenue.

The setback to the Pacific Highway and Killara Avenue is at a minimum at 7.8 metres, but is generally in excess of 9 metres. The eastern (side) setback varies between 6 and 9 metres. To the rear, a setback of 4.3 metres is provided.

The building is rectangular in shape and comprises 4 storeys with a maximum third floor ceiling height of 9.5 metres. The basement car parking is provided on a single level and is mainly situated below natural ground level.

All units are accessible by two lift cores that are serviced by two pedestrian access ramps from the Killara Avenue footpath. Vehicular access is proposed from Killara Avenue, approximately 36 metres from its intersection with Pacific Highway.

The garbage storage and recycling area as well as 27 parking spaces, consisting of 24 resident spaces and 3 visitor spaces are provided in a single basement level.

The communal open space is provided to the rear and side of the building.

CONSULTATION - COMMUNITY

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

Original scheme dated 14 December 2004

1. *Staldone Developments, 497, 499 & 507 Pacific Highway*
2. *K & N Kwan, 3 Killara Avenue*
3. *A Macpherson, 4 Killara Avenue*
4. *SD James, 6 Killara Avenue*
5. *PE Old, 14 Killara Avenue*
6. *TW Harrison, 24 Killara Avenue*

Amended plans dated 6 April 2005

The amended plans were notified in accordance with Council's Notifications Policy on 13 May 2005. In response, submissions from the following were received:

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1. KB & M Wing, 2 Killara Avenue
2. JA & AC Macpherson, 4 Killara Avenue
3. James, 6 Killara Avenue
4. TW Harrison, 24 Killara Avenue

The issues raised in the submissions are:

Increase in traffic

Council's Development Engineer has assessed the Traffic Report submitted and found it to be generally acceptable except for the deficient car parking provision (resident and visitor) and garbage collection configuration. All other traffic impacts are considered to be acceptable. Those issues of concern raised by Council's Development Engineer have been reviewed and are concurred with by the Assessment staff. These issues form **Reason for Refusal No. 3**.

Safety issues during construction

Should Council grant consent, its Development Engineer would require a construction and traffic management plan to be submitted prior to the commencement of any works.

Loss of property values surrounding the site

This is not a relevant matter for consideration under the Environmental Planning and Assessment Act 1979.

Loss of privacy and overshadowing

The development breaches the separation controls contained in DCP55 in respect of No.497 Pacific Highway and No.2 Killara Avenue. Windows, balconies and the roof terraces to these boundaries do not minimize direct overlooking and will detrimentally affect their primary outdoor living areas.

The overshadowing concern is not valid due to the site's orientation. The attached shadow diagrams confirm that loss of solar access will not be unreasonable.

Construction and the ongoing noise post construction

Matters relating to construction noise can be addressed through a condition of consent that would ensure that construction takes place during reasonable standard hours.

Noise resulting from the use of the development for residential living is inevitable and, to a large extent, uncontrollable. The proposal provides adequate setbacks which would reasonably limit acoustic impacts. Mechanical ventilation noise can be further controlled via conditions of consent.

The proposal is an over-development of the site

The proposal is compliant with Council's controls in respect of height, number of storeys, building footprint. However, the fact that the development fails to satisfy the FSR control and in turn fails to

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provide adequate on-site parking to meet the number of units generated by the FSR, indicates that the proposal is an overdevelopment of the site.

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

The site

It is proposed to demolish the existing two dwellings and associated structures and construct a four storey residential flat building with basement parking on the amalgamated corner site of 1896sqm with vehicular access from Killara Ave. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and grassed areas. The site frontage along the Pacific Hwy is characterised by an established informal screen planting, while the Killara Ave frontage is dominated by a mature Eucalypt centrally located adjacent to the site boundary.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development, as stated in the Statement of Environmental Effects, will result in the retention of all existing trees with the exception of one. Tree #15 Flindersia australis (Australian Teak) is located centrally adjacent to the Killara Ave/South east site boundary immediately adjacent to the proposed building footprint. No objection is raised to the tree's removal. However, it should be noted that the submitted Arborists Report identifies the removal of nine identified trees, including two of Council's street trees. One tree, Schinus areira (Peppercorn) in Killara Avenue is recommended for removal due to a basal cavity with advanced and extensive decay. The tree is outside of the proposed development works and should be retained.

Landscape Services recommends the removal of two additional trees as they are exempt under Council's Tree Preservation Order and identified as Urban Environmental Weeds, being tree #'s 3 & 30, this will allow additional area for the planting of large native endemic tree species. These have been shown for retention on the landscape plan.

The revised landscape plan by Peter Glass and Associates has addressed previous concerns with regard to the planting of endemic tree species. Although Landscape Services is not in agreement with the location of the three Eucalyptus pilularis (Blackbutt) with 4.0m spacing. This tree species has the ability to grow 30m+ in height and requires appropriate setbacks. It is required that the tall 'canopy' trees be spread over the site appropriately so that their canopies can develop and grow to maturity without undue hindrance. For example, with the removal of tree #30 Camphor laurel, a large endemic tree species can be grown in the same area which has an 8.0m setback from the proposed building allowing for a large canopy tree to grow. This can be conditioned.

Arborist's report

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An arborists report has been submitted with the application. A total of 32 trees have been identified as being located on or associated with the site, of which the proposal requires the removal of nine. Within the written part of the report, the following trees are nominated for removal 4, 5, 6, 14, 15, 18, 21, 22, and 31, yet the schedule of surveyed trees nominates only 5, 14-23, 25, 26, 30 and 31 for removal. This is confusing and needs to be clarified. Most of the trees nominated for removal are exempt under Council's Tree Preservation Order (TPO).

It is noted that the Arborist has recommended that further root investigation be undertaken adjacent to tree #13 to determine the size, number and location of woody roots which may require severing for the construction of the proposed basement car parking. As the tree is highly significant and prominent within the landscape and streetscape setting it is required that this root investigative work be undertaken prior to consent being given, as the presence of significant roots may result in a redesign of the proposal or the potential removal of the tree. This can be conditioned as a 'Deferred Commencement' condition to ensure that there are no detrimental impacts to the tree.

Landscape plan

A revised Landscape plan has been submitted. Previous tree replenishment concerns and the retention of existing screen planting have been addressed. Some minor changes to the landscape plan will be required e.g. removal of tree #30, but these can be conditioned. It is noted that the landscape plan has not taken into consideration the Arborists recommendations for tree removal and replenished appropriately. It will be conditioned for selected trees as per the Arborists recommendations to be removed and appropriate plantings to be undertaken for replenishment.

The revised landscape plan shows some proposed levels within the soft landscaped areas. The applicant has stated that there are no substantial level changes within the rear/northern setback. To ensure the ongoing health and vigour of existing trees to be retained it is required that the existing levels and grades be maintained. This can be conditioned. The stripping of the site of top soil is unacceptable and cannot be supported. (Refer Reason for Refusal No.4)

Fencing

Previous concerns regarding the lack of detail and locations with regard to fencing have been addressed. The location of fencing as proposed can be supported by Landscape Services as it has been designed to be recessive within the landscape setting while still providing security to the future residents. To ensure that the proposed fencing does not dominate the landscape setting, it is required that the proposed palisade fencing be no higher than 1.2m.

Drainage plan

Revised stormwater/drainage plans have addressed previous concerns with regard to the location of pipes and pits in close proximity to existing trees being retained. Landscape services can support the revised drainage plans.

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Deep soil landscaping

The revised plans, by the applicant's calculations, will result in a deep soil landscaping area of 55.7% of the site area, which exceeds the minimum numerical standard as defined by the LEP.

Rear setbacks

The revised rear setback proposed for the basement car park can be supported by Landscape services as the intent of both the LEP and DCP have been addressed. It is noted that the revised setback does not fully comply with Council's DCP, but the proposed setback will allow for adequate deep soil landscaping to provide appropriate screen planting and tree replenishment in this area.

Killara Ave setback

The revised setback proposed from Killara Avenue is approximately 9.0m, which does not strictly comply with Council's DCP55. However the revised setback does allow adequate deep soil landscaping area for tree replenishment and screen planting, to satisfy the guidelines and intent of both the LEP and DCP.

Energy Australia

It is likely that Energy Australia will require a substation for the development site and that it will be required to be located adjacent to the site frontage. If this is the case, it is required that the substation be located outside of the canopy drip line of ANY tree to be retained located on site or on adjoining properties. Preference would be for the substation to be located adjacent to the Killara Ave frontage rather than the Pacific Hwy. The substation will also be required to be excluded from the deep soil landscaping calculations. This matter can be addressed through a condition of consent.

Subject to conditions the proposal can be supported by Landscape Services.

Development Engineer

Council's Development Engineer commented as follows:

In relation to the shortfall on parking, I cannot support the State Environmental Planning Policy 1 Objection. The reasons for this are:

- 1. The shortfall between the number of on-site parking spaces provided (27 spaces) to that required under the LEP (35 spaces) is considered excessive. The shortfall is nearly 25 % less than what is required.*

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2. *The site is located approximately 750 metres from the nearest public train station (Killara). The threshold for parking provision reduction in the LEP 194 is a maximum of 400 metres from the nearest rail station. There is no evidence presented in the SEPP 1 objection (study, site surveys or otherwise) to suggest that the proposed parking shortfall **in this location** (given the topography of the route, continuity of footpath, expected occupants) can be justified for the greater walking distance from the station. The evidence presented to justify the non-compliance in this respect is anecdotal.*
3. *The reasoning that 3 bedroom units will be more likely treated as 2 bedroom units plus study or guest bedroom because of their smaller size is once again anecdotal. There is no justified correlation presented between the size of a three bedroom apartment and the expected number of vehicles the occupants will have.*
4. *In relation to the use of the 1993 RTA Guide to Traffic Generating Developments to justify non-compliance, the on-site parking requirements of LEP 194 reflect what is considered to be a more accurate and specific analysis of sustainable off-street parking provision for this **local** area within Ku-ring-gai. The parking provision rates set out in the 2004 gazetted LEP 194 presumably respond directly to the cumulative on-street parking impacts of such development, the expected future demographic buying into the affected area ('empty nesters') and the future amenity of stakeholders affected by the LEP (residents, investors, occupants). The use of the (dated) 1993 RTA Guide to Traffic Generating Developments (having a generic parking provision application across NSW in the absence of other specific Local Plans), or the Ku-ring-gai Council DCP 43 'Car Parking' (having a generic application across Ku-ring Gai Municipality in the absence of other specific Local Plans) does justify non-compliance with the LEP in light of points (1) and (2) above. Notwithstanding this, the proposal fails to meet the (lesser) parking provision requirements of the RTA Guide and the DCP 43.*

Heritage Advisor

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

The site was rezoned under LEP 194. The house opposite at No 3 Killara is a local heritage item and a good example of a large two storey late Federation period design, reputed to the architect James Peddle. The house at No 1 Killara is a very good example of an early Californian Bungalow with pebbles forming the piers for the veranda. I believe it would meet aesthetic significance criteria as a potential local heritage item.

Council recently reviewed UCA No 10 and the house at No 2B is graded as contributory to the UCA. The UCA report is still a draft and has not been exhibited, however after inspecting the site I do not dispute the grading.

The heritage report prepared for the site by the applicant claims the existing house is c1960 and replaces a 1906 house "Snaefell". It claims No 2A is c1990.

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The building at 2A Killara Avenue is in fact a dual occupancy approved in 1992. The site was formerly part of 2B. It is likely there was a tennis court on the site of No 2A which was removed for the second dwelling. The land is fairly small 690m and well under the required of 927m. The existing house at 2A is of no heritage value and if demolition is approved there should be no requirement for recording.

Although I have not inspected the interior of the house at 2B in my opinion it would have been built much earlier, possibly 1930s or 1940s. It is possible that some of the 1906 house could have been incorporated in the existing house if careful examination of the fabric was undertaken. The existing house was altered with the addition of attic rooms c1980. It appears to be a well built house with some design merit and should be considered contributory to the UCA. I recommend that some further research should be undertaken to determine the history of this house. It is unfortunate that in preparing the Residential Development Strategy more heritage information was not available. If Council allows demolition of 2B, then a minimum requirement should be archival recording to the NSW Heritage Office guidelines.

The house directly opposite at No 3 Killara Avenue is a good example of a large Federation period house. It is located relatively close to the street alignment and has a tennis court at the rear. There would be some visual impacts from the proposed development on the house and the setting would be compromised by having a medium density development directly opposite. The subject site is elevated from the street level and would thus be more prominent. The heritage item is set on the lower side of the street. Thus the development would appear to be higher. Of some benefit is the fact that the development is only 4 storeys and is separated by a street.

The Pacific Highway elevation would be less visually affected as there are existing developments at the same height as this development and several other proposed medium density developments in the immediate area. There is no view of the existing house from the highway due to the fence and hedging providing a visual screen.

Design

The style of the proposed building is clearly contemporary and will read as a new element in the streetscape. There is reasonable articulation in the Pacific Highway and Killara Avenue facades and a mix of finishes. I have not been provided with a colour scheme, and I would prefer darker earthy tones rather than lighter colours to provide a recessive character. There would be a reasonable level of screening provided by the existing street trees and retained trees on site. I have no concerns with the fencing, which is appropriate for an exposed corner location.

The heritage impacts are reasonably acceptable, however the context of the street and the setting of the heritage item will be affected by the proposed development. The street trees and retained trees on the site will provide some screening to reduce the visual impacts.

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I recommend that more investigation be undertaken on the house at 2B Killara Avenue as I believe it is much earlier than c1960 as suggested in the heritage report. There would be some impact on the heritage item at No 3 Killara Avenue although separation by the street is considered acceptable.

Council should consider investigating the house at No 1 Killara Avenue for potential heritage listing as it is a good example of an early Californian Bungalow. It appears to have been missed in earlier reviews. It may be a James Peddle design.

If Council approves demolition, then archival recording of No 2B should be undertaken to the Heritage Office guideline. There should be no requirement to record the dual occupancy at No 2A Killara Avenue.

In my opinion the proposed medium density is a reasonably good design with good internal planning, solar access and cross ventilation to the dwellings. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

Having considered the comments provided by Council's Heritage Officer and the current zoning of the land, further investigation of No.2B Killara Avenue is not warranted and refusal of the application on heritage grounds cannot be supported.

Urban Design Consultant

Council's Urban Design consultant, Russell Olssen, commented on the original submission as follows:

Context :

The existing context for this site is comprised of buildings on both sides of Pacific Highway and Killara Avenue. The existing buildings consist of heritage items and detached houses. All of these buildings are located within a landscaped setting. While, in some cases, the landscaped setting obscures parts of buildings, the architectural design of buildings is important in itself, whether it is obscured in part by trees, or not.

There are 3 heritage items in the vicinity, at 3, 26 and 33 Killara Avenue. 3 Killara Avenue, opposite the site, is set back from the street behind a high front fence. On the northern side of the street houses are set back 9m, or further, from the front boundary.

The existing houses in Killara Avenue are predominantly brick construction with masonry or timber front fences.

Scale

Acceptable.

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Built Form

The mature tree planting and tree sizes on this site are less than on the corner sites on the south-eastern, south-western and north-western corners of the intersection of Killara Avenue and Pacific Highway. The existing and proposed landscape will be insufficient to provide an acceptable balance between built form and landscaped setting.

A 3.6 storey residential building will be visually prominent at this corner. The existing setbacks to adjoining houses to the east of the site are greater than the proposed setbacks. As this building is 3.6 storeys (whereas the existing houses are 1 and 2 storeys), and the setbacks are less (6m in Killara Avenue, rather than 9m for the houses), the building will be substantially more visually prominent.

It is recommended to increase the setbacks in Killara Avenue and Pacific Highway to 9m, to better relate to the existing houses in Killara Avenue, and to create a greater setback for tree planting on the corner of Killara Avenue and the Pacific Highway. The rear setback from the northern boundary may be reduced to 6m, as this will not create any additional existing or future privacy problems. The eastern side setback may be reduced to 6m, as this 2 storey house does not have any side windows at first floor level, and the ground floor windows may be screened with the fence. The zone boundary setbacks at the upper floors will have to be implemented.

Otherwise, the proposed built form is well articulated. The car park ramp is well located under the building footprint. The use of 2 storey apartments will enhance the energy efficiency of the development.

Density

The development complies with the LEP 194 density of 35% of the site area as building footprint. However, the balconies are smaller than recommended in DCP 55. To comply with DCP 55 balcony sizes will reduce the internal floor area of the building.

Energy, Resources and Water

Acceptable.

Amenity

The balconies are smaller than recommended in DCP 55. Otherwise, amenity is acceptable.

Landscape

Deeper setbacks from Killara Avenue and the Pacific Highway will provide greater opportunity for tree planting.

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Safety and security

Acceptable

Social

Acceptable

Aesthetics

As described in "Context", the predominant materials and colours in the area are brick heritage items and houses, and mid to dark coloured facades. Existing fences are a range of masonry and timber. The proposed random stone walls will fit well with the existing character. The proposed "Stone White" painted facades will be too visually prominent. It is recommended that this is changed to a mid-tonal range colour which will contrast less with the landscape planting.

Recommendations

It is recommended that the applicant:

- *increase the setbacks in Killara Avenue and Pacific Highway to 9m, to better relate to the existing houses in Killara Avenue, and to create a greater setback for tree planting on the corner of Killara Avenue and the Pacific Highway;*
- *reduce the side and rear setbacks to 6m;*
- *comply with the upper level setbacks at the zone boundary;*
- *increase the balcony sizes to comply with DCP 55 and*
- *change the colour of the "stone white" painted facades to a mid-tonal range colour.*

Mr. Olssen commented on the revised plans as follows:

A previous review was made of this project in January 2005. Design amendments have since been made to the design. This review is of the amended design.

The design amendments have satisfactorily addressed all the recommendations from the first review. In terms of SEPP 65 design quality, it is recommended that this design be approved.

Despite the recommendations of Council's Urban Design Consultant, Assessment staff cannot support a reduction to the 10-12 metre setback to Killara Avenue and Pacific Highway as is recommended by the Urban Design Consultant (ie. 9m in lieu of 10-12m). It is the opinion of the assessment staff that there is no unusual circumstance to the site to allow a variation to 2 setbacks and 2 important streetscapes.

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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

The application includes a design verification statement by the project architect Mr T Vanovac of Vanovac Associates Architects. Mr Vanovac 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.

The SEPP 65 assessment is as follows:

Context:

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

The natural environment, forming a major part of the context for this development, consists of extensive areas of high canopy trees, including Sydney Blue Gums, which create a strong sense of the natural environment as a setting for the development.

The combination of the 3.6 storey building height and elevated position, the shallow setback and the long facade will make this development prominent in the Killara Avenue and Pacific Highway streetscapes. All other existing buildings in the area are either detached houses in a landscape setting or medium density developments set well back from the road behind substantial landscaping.

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.'

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In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.'

The building height complies with LEP 194 and is acceptable. However, the close proximity of the Killara Avenue and Pacific Highway façades to these streets and the considerable 47m length of the building will accentuate its prominence in the street. The proposed building will be out of scale with the existing detached dwellings and intended built form envisaged by DCP 55. While any 3.6 storey building of this density would be out of scale with its smaller, adjoining neighbours, the extent of this development being unsympathetic, is emphasised by the sites elevated nature, close proximity to the front boundary and long, relatively unarticulated façade to Killara Avenue (**Refer Reason for Refusal No 2**).

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 built form of this development is acceptable in terms of its height. However, the elevated position of the site and inadequate setbacks to Killara Avenue and Pacific Highway along with the 47 metres length of the building will create an overbearing built form in comparison with other buildings in the area (**Refer Reason for Refusal No.2**).

Density:

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

The proposal exceeds the FSR control by 10%. As an independent control in a development where compliance is generally achieved, FSR is not the sole determinant of built form or density. However, the fact that the proposal also does not comply with setback controls and the parking standard indicates that the proposal is an overdevelopment of the site.

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.'

The proposal is acceptable in this regard. The environmental design of the proposal complies with SEPP 65 and Residential Flat Design Code guidelines.

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.'

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The proposal is generally acceptable in this regard but, due to the inadequate setback to Killara Avenue caused by the basement excavation proposed will adversely impact upon a Sydney Blue Gum. As the tree is highly significant and prominent within the landscape and streetscape setting, it is required that root investigative work be undertaken prior to finalising the development application assessment. The presence of significant roots may result in a redesign of the proposal or potential removal of the tree.

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.'

The proposal does not provide a high level of amenity to some of the units as the landscape plans indicate that ground floor Units No's 1, 2 and 11 do not have courtyard or terrace areas of at least 25m².

The development does not respond well to the visual privacy expectations of the adjoining property, No. 497 Pacific Highway. Windows have not been offset or screening measures introduced to minimise direct overlooking. The fourth level roof terraces are also not set back from the edge of the building and has no landscaped terraces to reduce privacy impacts.

Minimum floor to ceiling height of 2.7 metres has been proposed, consistent with Council's requirement. Furthermore, the units are all of adequate proportions, satisfying DCP 55 requirements.

Apart from the overlooking concerns and the inadequate courtyard areas to some ground floor units, the proposal satisfies this criterion.

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.'

There are no safety or security issues.

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

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neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.'

A reasonable mix of apartments has been provided to allow housing choice, although no one bedroom apartments are proposed.

Aesthetics:

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

The existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the rendered buildings proposed. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

Ku-ring-gai Planning Scheme Ordinance (KPSO) - LEP 194

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1800m ² -2400m ²	1896m ²	YES
Deep landscaping (min): 50%	More than 50%	YES
Street frontage (min): 30m	31m and 61m	YES
Number of storeys (max): 4 (under cl. 25I)	4	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	60%.	YES
Storeys and ceiling height (max): Pursuant to cl 25(K): 6 storeys and max 15.4 metres in height	4 storeys and <9.5metres	YES
Zone Interface • 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	9 metres	YES

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Car parking spaces (min): Residents spaces: One space per dwelling, and one additional space for dwellings of three + bedrooms (total of 30 required)	24 resident spaces provided.	NO
Visitor spaces: 4.5 spaces	3 visitors spaces provided	NO
Manageable housing (min): 10% (5.1 units)	Can be achieved	YES
Lift access: required if greater than three storeys	Provided to all units	YES

Car parking spaces:

The development fails to satisfy the development standards for resident and visitor car parking (refer compliance table).

A SEPP 1 Objection seeking a variation to a development standard of the Ku-ring-gai Planing 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.

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.

The proposal does not comply with the development standards prescribed in clause 25J(2) of Ku-ring-gai Planing Scheme Ordinance which requires that:

Consent must not be granted to development that will result in more than one dwelling on a site unless:

- (a) *at least one car space is provided per dwelling and, if the site is not within 400 metres of a pedestrian entry to a railway station, one additional car space is provided for each dwelling with 3 or more bedrooms, and*

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- (b) *at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.*

The application comprises 6 x 2 bedroom apartments and 12 x 3-bedroom apartments, requiring a total of 35 spaces (30 resident and 5 visitors' cars paces). The application is deficient by 8 parking bays as it proposes 27 spaces (24 resident spaces and 3 visitor spaces).

The underlying objective or purpose of the standard is not clearly specified but a general objective contained in Clause 25D(2) is *to minimise adverse impacts of car parking on landscape character*. In addition Clause 25J(1) states that:

Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:

- (a) *the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,*
- (b) *the desirability of encouraging use of public transport,*
- (c) *that the impact of car parking on the natural ground area of multi-unit housing lots should be minimised and the need to provide sufficient deep soil landscaping for trees and their long-term sustainability,*
- (d) *that the visual impact of car parking both from the street and from other land (private or public) should be minimised.*

The SEPP 1 Objection has not demonstrated that the above objective or purpose of the standard has been satisfied. The proposal is situated approximately 750 metres from the pedestrian entry to the Killara railway station. It is argued that this is not a comfortable walking distance for a large part of the residents who are bound to be seniors and people with disabilities (An objective contained in Clause 25(D) (n) of the KPSO). The path of travel to the station is also not entirely continuous and is further characterised by steep inclines. It would not be desirable to encourage the use of public transport by limiting the number of parking bays.

The SEPP 1 Objection has not shown that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The departure is not minor and constitutes almost 25% of the actual number of spaces required. Additional parking spaces can easily be provided on site through the provision of a second basement level as has been done in numerous other similar development proposals. In light of the other non-compliances in respect of setbacks and FSR, the development is considered an overdevelopment of the site

The SEPP 1 Objection is not well founded and in this instance the development standard should not be allowed to be varied.

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Residential zone objectives

The development fails to satisfy the objectives for residential zones as prescribed in clause 25D. In particular, the following objectives have not been met:

- (b) *to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out;*
- (q) *to provide for waste management (including provision for garbage storage and collection) consistent with the objectives of this Part,*

The above objectives have not been met due to:

- The impact on a significant tree in the front setback area. (Refer **Reason for Refusal No.4**)
- The inadequate setbacks to Killara Avenue and Pacific Highway (Refer **Reasons for Refusal Nos 2**)
- The length of the front elevation (at 47 metres) without substantial articulation. (Refer **Reason for Refusal No.2**)
- Inadequate access to garbage collection and visitor parking areas. (**Refer Reason for Refusal No.3**)

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:		
• First and second storeys at least 10 metres from adjacent heritage building;	Exceeds 20 metres from any heritage item	YES
• Third and fourth storeys set at least 15 metres from adjacent heritage building	Exceeds 20 metres from any heritage item	YES
• Setback from the front boundary so that it is no closer than adj heritage building	Not applicable	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 284m ²	325m ² (side and rear setback area to the north and east of the building)	YES
No. of tall trees required		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
(min): 5 trees	More than 5 trees provided	YES
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	35%	YES
Floor space ratio (max): • 1:1 (1896m ²)	1.1:1 (2080m ²)	NO
Part 4.3 Setbacks:		
Street boundary setback (min): • 10-12 metres on Killara Avenue and Pacific Highway (<40% of the zone occupied by building footprint)	Pacific Highway: 7.8 metres Killara Avenue: 7.3 metres	NO NO
Rear boundary setback (min): • 6m	4.3 metres (northern boundary)	NO
Side boundary setback (min): • 6m	6 metres (eastern boundary)	YES
Setback of ground floor terraces/courtyards to street boundary (min): • 8m	9 metres to Killara Avenue	YES
% of total area of front setback occupied by private courtyards (max): • 15%	No courtyards proposed in front setback	YES
Part 4.4 Built form and articulation:		
Façade articulation: • Wall plane depth >600mm	All wall plane depths >600mm	YES
Built form: • Building width < 36m	47 metres as measured from west to east.	NO
• Balcony projection < 1.2m	All balcony projections are less than 1.2 metres	YES
Part 4.5 Residential amenity		
Solar access: • >70% of units receive 3+ hours direct sunlight in	More than 70%	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
winter solstice		
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	More than 70%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	Nil	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4		
<ul style="list-style-type: none"> 12m b/w habitable rooms 	8 metres to No. 497 Pacific Highway (north-east),	NO
<ul style="list-style-type: none"> 9m b/w habitable and non-habitable rooms 	8 metres to No. 497 Pacific Highway (north-east),	NO
<ul style="list-style-type: none"> 6m b/w non-habitable rooms 	>10 metres to No. 2 Killara Avenue (north-west).	YES
Internal amenity:		
<ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m 	2.7m	YES
<ul style="list-style-type: none"> Non-habitable rooms have a minimum floor to ceiling height of 2.4m 	2.4m	YES
<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	At least two bedrooms >3.0m	YES
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units 	Maximum 3 units.	YES
<ul style="list-style-type: none"> - >1.5m wide 	2.4 metres	YES
<ul style="list-style-type: none"> - >1.8m wide at lift lobbies 	2.4 metres	YES
Outdoor living:		
<ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area 	Unit 1 (5m ²), Units 2 & 11 (12m ²)	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony sizes: 1 bedroom unit: 10m² 2 bedroom unit: 12m² 3 bedroom unit: 15m² primary outdoor space has a minimum dimension of 2.4m 	No 1 bedroom apartments proposed All units >12m ² All units >15m ² All private outdoor areas exceed 2.4m dimension	N/A YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	None provided	NO
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	6 x 2 bedroom apartments 12 x 3 bedroom apartments	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 with the remainder achieving at least 3.5 star rating 	88% (16) have two aspects or more allowing for cross-ventilation 2 units are single aspect, dual level and are < 8m deep. 50% have an external wall. 90% achieve 4.5 star rating or above (16) 10% achieve a 4 star rating (2)	YES YES YES YES YES
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 30 resident spaces 5 visitor spaces 	24 spaces 3 marked visitor spaces	NO NO

Part 3 Local context:

One of the most important desired visions of DCP55 is to accommodate additional housing whilst at the same time achieving a landscaped setting. A tall tree canopy should be the dominant impression. This is also strongly reflected throughout LEP194. This vision is to be achieved through the retention of existing significant trees and the planting of additional trees to reach a minimum height of 13 metres within a generous front setback.

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The application has failed to achieve this due to insufficient setbacks and through the encroachment of basement car parking into the front and rear setbacks. (See **Reasons for Refusal No.2**).

Part 4.2 Density

The proposal is an over-development and is not in keeping with the optimum capacity of the site, the future landscape or built character of the area.

The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1. The non-compliance with the FSR control is exacerbated by the non-compliance with car parking and setbacks.

Part 4.3 Setbacks:

The proposal also fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. The 7.8 to 9 metres setback and the 47 metres length of the building will create an overbearing built form in Killara Avenue. The built form will undermine the streetscape setting, by reason of its prominence to the street boundaries compared to the existing character of the locality.

The proposal also fails to maintain a front setback zone to Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. The building facade and acoustic fence are shown with setbacks of 7.8 metres and 3.4 metres respectively. Although the revised landscape plan by Peter Glass and Associates has addressed previous concerns with regard to the planting of endemic tree species, its lack of canopy tree replenishment in the Pacific Highway frontage does not appropriately respond to the desired future medium density character of the area as envisaged by LEP 194 and DCP 55.

The rear setback of the car park basement tapers from 4.3 metres to a maximum of 5.4 metres along the entire length of the building (47 metres). This does not comply with Clause 4.3 C-1 which requires a minimum setback of 6 metres to rear boundaries. The non-compliance is below ground level and reduces the ability to provide substantial landscaping in this location.

Part 4.4 Built form and articulation:

There is a concern with regard to the length of the building which, at 47 metres, does not allow for adequate articulation to the Killara Avenue frontage.

An improved outcome may be achieved by splitting the development into two more sympathetically scaled modules or by sufficiently recessing or articulating the structure so as to present as separate components which more appropriately reflect the character of the locality. (**Refer Reason For Refusal No.2**)

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Part 4.5 Residential Amenity

4.5.2 Visual Privacy

The application fails to satisfy the minimum separation requirements for the adjoining property at No 497 Pacific Highway. Clause 4.5.2 requires separation between windows and balconies on adjoining properties to be set back as for Levels 1 to 4 as follows:

- 12m between habitable rooms
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Windows on Levels 1 to 3 are not offset and are generally set back between 8 and 10 metres from No. 497 Pacific Highway. Overlooking from the roof terraces to this property will have a detrimental impact on that property's amenity as these have not been set back from the building's edge nor are any screening devices or landscaping proposed.

4.5.5 Outdoor living

The application fails to provide for adequate outdoor living compliant with the provisions of Clause 4.5 C-1. Specifically, Units 1, 2 and 11, do not provide for at least 25m² as required for units situated at ground floor level. The size of these private open space areas is not functional and will not provide a high level of amenity to those units. **(Refer Reason for Refusal No.6)**

Part 4.7 Social dimensions:

This part requires that at least 70% of units are visitable in accordance with Appendix F of the DCP. The applicant has failed to provide an access report but an assessment has revealed that none of the units will be visitable. **(Refer Reason for Refusal No.6)**

Part 5.0 Parking and vehicular access:

The application proposes a shortfall of 8 car spaces (23%). The site is located approximately 750 metres from the nearest public train station (Killara). The threshold for parking provision reduction in the LEP 194 is a maximum of 400 metres from the nearest rail station. There is no evidence presented to suggest that the proposed parking shortfall in this location (given the topography of the route, continuity of footpath, expected occupants) can be justified for the greater walking distance from the station. **(Refer Reason for Refusal No.3)**

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.

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Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55.

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 not 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

If approved, the development would attract a section 94 contribution pursuant to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004.

Likely Impacts

All likely impacts have been assessed in this report.

Suitability of the Site

The site is suitable for increased residential development. This development proposal however, will not result in good town planning and is, in its current form, not suited to the site.

Any Submissions

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

Public Interest

The proposal is not considered to be 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 not considered to be satisfactory. Therefore, it is recommended that the application be refused.

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RECOMMENDATION

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

THAT Council, as the consent authority, refuse development consent to Development Application No 1334/04 for the demolition of existing structures on site and construction of 18 apartments within one building, associated access, basement parking and landscaping on land at 2a and 2b Killara Avenue, Killara as shown on plans A-100, A-200 to A-204, A300 and A 301 (all received 7 April 2005), for the following reasons:

1. Inadequate information

The documentation and plans submitted to Council are considered inadequate and fail to provide information in order for Council to properly determine the application.

- The application has failed to consider DCP 55 (Ku-ring-gai Multi-unit Housing Development Control Plan No.55 – Railway/Pacific Highway Corridor and St Ives Centre). An assessment in terms of DCP 48 has been provided. This control plan only applies to development in Residential 2(d), 2(e) and 2(h) zones and is therefore not applicable to the site.
- No geotechnical report has been submitted with the development application.
- No access report has been submitted with the development application certifying compliance with Clause 4.7 of DCP 55.

2. Streetscape impact

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that it will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

- The building width to Killara Avenue measures approximately 47 metres and exceeds the 36 metres maximum required by Clause 4.4 C-3 of DCP 55.
- The proposal fails to maintain a front setback zone to Killara Avenue of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.3 metres.
- The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 7.8 metres.

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- The proposal fails to maintain a side/rear setback zone to No. 497 Pacific Highway 6 metres as required by Clause 4.3 C-1 of DCP 55. Parts of the building are shown with setbacks of 4.3 metres.
- The proposed finishes are not in keeping with the built character of the area. The existing built character of the area features brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the rendered buildings proposed. Colours should be recessive earthy tones rather than light colours and a mix of textures would help in reducing the height and scale of the proposed building.

3. Parking and vehicular access

The proposal is inconsistent with Clause 25J of the Ku-ring-gai Planning Scheme Ordinance (Part IIIA) in that the proposal will not provide adequate car parking for the buildings users and visitors. The SEPP 1 objection has failed to establish that strict applications of the car parking standard is unreasonable or unnecessary in the circumstances.

- The application proposes 27 car spaces and fails to satisfy the standard contained in Clause 25J (2) of LEP 194 that requires 35 spaces to be provided.
- The proposal does not provide unobstructed visitor car parking spaces as required by Clause 5.1 C-3 of DCP 55.
- The proposal does not provide for a convenient rubbish collection area as required by Clause 4.8.5 C-3 of DCP 55 and DCP 40.

4. Impact on trees

The proposed development will result in adverse impacts upon existing trees on the site and therefore be inconsistent with the objectives set out in Clause 25D (2)(b) of the KPSO (Part IIIA).

- The basement excavation will have a detrimental impact on a highly significant and prominent Sydney Blue Gum within the landscape and streetscape setting.
- The revised landscape plan shows proposed levels within the soft landscaped areas in the rear setback that are substantially lower than existing ground levels. The stripping of the site of top soil is unacceptable and cannot be supported.

5. Density

The proposal is an over-development and is not in keeping with the optimum capacity of the site, the future landscape or built character of the area.

- The application proposes a floor space ratio of 1.1:1. This fails to satisfy Clause 4.2 C-4 which limits the maximum floor space ratio to 1:1.

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6. Residential amenity

The application fails to provide a high level of residential amenity to the residents of the development and the occupants of adjoining properties.

- The proposal will not achieve appropriate separation with the properties at No.2 Killara Avenue and No. 497 Pacific Highway as required by Clause 4.5.2 of DCP 55
- Ground floor Units No's 1, 2 and 11 do not have courtyard or terrace areas of at least 25m² as required by Clause 4.5.5 C-1 of DCP 55.
- Clause 4.7 of DCP 55 requires that at least 70% of units are visitable in accordance with Appendix F of the DCP. An assessment has revealed that none of the units will be visitable.

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Assessment Team– South

M Prendergast
Manager
Development & Regulation

M Miocic
Director
Development & Regulation

Attachments:
Site location plan
Zoning extract
Floor plans
Section plans
Elevation plans
Shadow diagrams
Landscape plan

NOTICE OF MOTION

11 WONIORA AVENUE, WAHROONGA - PREPARATION & EXHIBITION OF DRAFT LEP TO REZONE TO RESIDENTIAL 2(D3) UNDER THE KU- RING-GAI PLANNING SCHEME ORDINANCE

Notice of Motion from Councillor N Ebbeck and Councillor I Cross dated 24 May 2005.

We move:

- "A. That Council prepare and exhibit a draft LEP to rezone 11 Woniora Avenue, Wahroonga to Residential 2(d3) under the Ku-ring-gai Planning Scheme Ordinance.
- B. That Council notify the Department of Infrastructure, Planning and Natural Resources as required under Section 54 of the Environmental Planning and Assessment Act 1979 No 203 and consult with relevant authorities as required under Section 62 of the Environmental Planning and Assessment Act 1979 No 203.
- C. That Council use its delegation under Section 65 of the Environmental Planning and Assessment Act 1979 No 203 to exhibit the draft LEP.
- D. That a report be brought back to Council following the completion of the exhibition period."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Nick Ebbeck
Councillor for Wahroonga Ward

Ian Cross
Councillor for Wahroonga Ward

NOTICE OF MOTION

MEETINGS WITH THE MINISTER OR DIPNR

Notice of Motion from Councillor E Malicki dated 6 June 2005.

I move that:

"I move that all Councillors be notified in advance of any meeting with the Minister or DIPNR, and that they receive a written report on each and every meeting held with the Minister or DIPNR representatives within one week of such a meeting. This should include attendees as well as the content and outcomes of the meeting".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

PURCHASE OF ENVIRONMENTALLY SENSITIVE LAND

Notice of Motion from Councillor L Bennett dated 6 June 2005.

I move that:

- "A. Council write, as a matter of urgency, to state and federal ministers of the environment to seek joint funding for the purchase of 100-102 Rosedale Road, St Ives
- B. Council agree, in principle, to part of the proceeds of the sale of the property in St Johns Avenue, Gordon being allocated to the purchase of 100-102 Rosedale Road St Ives. The amount as resolved in confidential.
- C. Council seek a valuation of the 100-102 Rosedale Road and the valuer be briefed on all matters pertinent to the development potential of the property including the need for asset protection zones, the presence of endangered ecological communities and be given copies of recent court decisions concerning the property.
- D. If negotiations in "A" above are unsuccessful, that a further report is brought back to Council to progress the matter".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett
Councillor for St Ives Ward

NOTICE OF MOTION

RAISING THE PROFILE OF OUR PLANNING FOR TOWN CENTRES

Notice of Motion from Councillor E Malicki dated 6 June 2005.

I move that:

"Council should raise the profile of the planning process we are undergoing in our Town Centres. This should include displaying posters in every library, in Council buildings and throughout the Town Centres with co-operation from our Business Community.

These should be personalised for each centre, with a theme similar to: "Creating a Better Turramurra". They should be accompanied by a brochure or postcard to be distributed throughout each centre giving details of the project, as well as updates of the stage reached, including where to see any design work, and the consultation sessions available. The Council's Website should also include information about the process being undertaken for each centre as well as give an opportunity for feedback and interaction.

I further move that we attempt to involve anyone who is interested in the consultation process to avoid the situation where people who wish to be more involved are being turned away. Methods to deal with consultation and to include anyone who wishes to be involved should be discussed at the next meeting of the Planning Committee".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

UNDERGROUNDING OF CAR PARKS AND S94 CONTRIBUTIONS

Notice of Motion from Councillor L Bennett dated 6 June 2005.

I move that:

"A. Council seek advice as a matter of urgency from a planner/lawyer who has experience in S94 issues on the following questions

"(i) Could the partial or total undergrounding of Council car-parking between the Village Green and the Shopping Centre (as part of the redevelopment of the CBD) and its replacement with landscaping be considered a public domain improvement and attract s94 contributions on that basis?"

If the answer to (i) is positive:

"(ii) Given the various land use options under consideration what proportion of the costs of undergrounding car parking (partial or total) might be recouped from a S94 plan for residential/retail/commercial redevelopment as per the land use options given in Part B of the motion.

B. That the consultant be provided with the detailed land use options (A, B1, B2 and C) for the St Ives Town Centre

C. That recent public domain/s94 plan decisions in the Land and Environment Court be specifically addressed in the advice provided to Council".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett
Councillor for St Ives Ward