



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 17 JULY 2007 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 19 June 2007

Minutes numbered 201 to 223

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Acron Oval - Objections to Use as an Unleashed Dog Area - (One Hundred & Eighty-Three [183] Signatures)** 1

.
File: S03014

"We, the undersigned, believe that Ku-ring-gai Council should not allocate Acron Oval to be an UNLEASHED DOG AREA."

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 **1225 Pacific Highway, Turramurra - Alterations to Existing Dwelling & Construction of a New Building for Combined Use as a Boarding House with 21 Rooms** 2

.
File: DA1221/06

Ward: Wahroonga
Applicant: JA Bourke, Homeplan Architects
Owner: Rinbac Pty Ltd

To determine development application No.1221/06 for alterations to an existing dwelling and construction of a new building at the rear of the site to be used for boarding house accommodation comprising a total of 21 rooms.

Recommendation:

Approval.

- GB.2 **9A Curagul Road, North Turramurra - Section 82A Review of Determination (Refusal of Consent) for a Villa Home & Townhouse Development Comprising 17 Dwellings & Strata Subdivision** 52

.
File: DA1377/05-2

Ward: Wahroonga

Approval subject to conditions.

Recommendation:

Approval.

GB.3 Protected Disclosures Act - Internal Reporting Policy 165

.
File: S04255

To recommend the adoption of a revised Internal Reporting Policy for protected disclosures.

Recommendation:

That the revised Internal Reporting Policy - Protected Disclosures be adopted.

GB.4 Investment & Loan Liability as at 31 May 2007 186

.
File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for May 2007.

Recommendation:

That the summary of investments and loan liabilities for May 2007 be received and noted.

GB.5 Motions for 2007 NSROC Annual Conference 194

.
File: S02342

To consider motions for submission to the NSROC 2007 Annual Conference.

Recommendation:

That the motions regarding Fringe Benefits Tax Legislation vs Sustainability principles and Climate Change be submitted to the 2 August 2007 NSROC Annual Conference.

GB.6 Statement of Business Ethics 197

.
File: S05248

To recommend the adoption of a Statement of Business Ethics.

Recommendation:

That the draft Statement of Business Ethics be adopted.

GB.7 Transfer to Council of Lot 13 DP 1012827 Nelson Road, Lindfield 205

.
File: S03709

To advise Council of the acceptance of a proposal to the Department of Planning to transfer Lot 13 DP1012827, located at the rear of 43 Nelson Road, Lindfield into Council's ownership.

Recommendation:

That Council endorse the land transfer of Lot 13 DP 1012827 from NSW Department of Planning to Ku-ring-gai Council.

GB.8 Bushland, Catchments & Natural Areas Reference Group Meeting - Minutes of 18 June 2007 226

.
File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 18 June 2007.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 18 June 2007 be received and noted.

GB.9 Parks, Sport & Recreation Reference Group - Minutes of Meeting held 24 May 2007 & Renewal of Reference Group Membership 231

.
File: S03447

To bring to the attention of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 24 May 2007.

Recommendation:

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on Thursday, 24 May 2007 be received and noted, that the size of the Group membership be increased from fifteen (15) to seventeen (17) members, that the seventeen (17) nominations be accepted as members of the Parks, Sport and Recreation Reference Group for a two year

period, effective 17 July 2007, and that the three (3) retiring members be thanked for their input and contributions to the Group.

GB.10 Environmental Levy Small Grants Scheme - Round Four 239

.
File: S04553

To seek Council's support to fund the fourth round of the community small grants scheme funded by the Environmental Levy.

Recommendation:

That Council supports the decision to fund the 9 projects recommended by the small grants panel as part of the Environmental Levy.

GB.11 16 Stanhope Road, Killara - Potential Heritage Item 251

.
File: P59155

For Council to consider the independent heritage assessment of 16 Stanhope Road, Killara.

Recommendation:

That 16 Stanhope Road, Killara be deleted from the potential heritage item list.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Affordable Housing in Ku-ring-gai 264

.
File: S03900

Notice of Motion from Councillor T Hall dated 9 July 2007.

I move:

"That Council seek to take a more active role in the provision of affordable housing for older people in the Ku-ring-gai community to help address the issue of "ageing in place".

This should include investigations into the potential to use community classified land with particular reference to the opportunities presented by the Lindfield Library site at 257 to 259 Pacific Highway Lindfield".

NM.2 Installation of Solar Panels

265

.
File: S02853

Notice of Motion from Councillor T Hall dated 9 July 2007.

I move:

"That the current review of Council's exempt and complying development control plan include the installation of solar panels for hot water systems and other solar panels as exempt development, with the exception of heritage listed developments, and that the details of its inclusion in the exempt and complying development control plan be discussed at the next Planning Committee".

NM.3 102 Rosedale Road, St Ives

266

.
File: P57397

Notice of Motion from Councillor T Hall dated 9 July 2007.

On 26 September 2006, Council resolved Minute No 386 to determine a course of action regarding the purchase of 102 Rosedale Road St Ives. The purchase is to ensure the ongoing protection of the significant ecological community contained within the land.

The General Manager has undertaken negotiations with the owners of the land within the delegated authority.

The owners of the land have refused all offers submitted by Council, and have now lodged a Development Application for a single residential development on the land.

Given the significance of the ecological community contained within the land, Council needs to consider an alternative course of action to effect the acquisition and conservation of the land.

This could be best achieved by Council authorising the General Manager to further negotiate with the owners of the land or their representatives to progress this matter and advise Council as a matter of urgency the results of discussions for its consideration.

I move:

"That Council authorise the General Manager to undertake further discussions with the owners of the land or their representatives and report the matter to Council.

The General Manager seeks further opportunities, commitment, resources and partnership from Commonwealth and State agencies in relation to the acquisition and conservation of this land and these matters are included in reporting to Council.

That consideration of this matter by Council be held in Confidential (Section 10A(2)(c) – Information that would confer a commercial advantage)".

NM.4 Former Freeway Corridor Land in South Turramurra

267

File: S04534

Notice of Motion from Councillor E Malicki dated 9 July 2007.

I move:

"That the residential component of the development of freeway corridor land in South Turramurra be pursued as a Sustainable Village. Council through negotiations with other landholders and through a specific DCP for the site that should seek the highest standards for sustainable design encapsulating energy and water conservation, landscaping to promote biodiversity, community responsibility, social benefit and economic soundness, so that the area becomes a model for similar development throughout Sydney. The recent paper and presentation concerning the Thuringowa Village development at the ITCC Conference provides a solid background and guidance to this proposal".

NM.5 Turramurra Village Park - Corner William Street & Pacific Highway, Turramurra

268

File: S05033

Notice of Motion from Councillor E Malicki dated 9 July 2007.

Given the intensified development of Turramurra Town Centre and the surrounding highway corridor any area of open space within the vicinity should be managed as a precious resource. Turramurra Village Park is one of those areas. It is however currently acknowledged as being poorly designed and unattractive. It would be motivating for the Turramurra Community if Council were to begin work with the community to create a vibrant and attractive place, a park that is desirable to use and of real value to the people of Turramurra and Ku-ring-gai.

I move:

"That the consultation and design for the future park on this site commence during 2007/2008, with the capacity for staged work to commence in this period subject to future resolution of 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 **Proposed Lease of Firs Estate Cottage, Roseville** **1**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P39240

Report by Director Corporate & Director Strategy dated 6 July 2007.

John McKee
GENERAL MANAGER

*** ** ** ** **

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

Section 79C

1. *Matters for consideration - general*

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

a. *The provisions of:*

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

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

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

MAYORAL MINUTE

KYDS FUNDRAISING DINNER

An invitation has been received from the Ku-ring-gai Youth Development Service (KYDS), to attend a fundraising dinner at the Roseville Golf Club on Thursday, 9 August. Tickets for the dinner are \$115 per person or \$1,150 for a table of 10 people.

KYDS is a non-profit community based counselling service that provides support for young people at risk on the North Shore. It is a free and confidential service which aims to support young people and families, provide group-work services, both educational and therapeutic, and encourage community involvement.

I would like to propose that Council reserve a table for 10 people for \$1,150 for the dinner, and that Councillors and Senior Staff interested in attending the dinner advise me by Friday, 20 July 2007. Should any Councillors' partners wish to attend the dinner, they would be required to pay separately, as per established Council policy and past practice.

RECOMMENDATION

That Council reserve a table for 10 people for \$1,150 for the dinner, and that Councillors and Senior Staff interested in attending the dinner advise me by Friday, 20 July 2007. Should any Councillors' partners wish to attend the dinner, they would be required to pay separately, as per established Council policy and past practice.

Cr Nick Ebbeck
Mayor

MAYORAL MINUTE

QUEEN'S BIRTHDAY HONOURS 2007

I am pleased to inform you that seven [7] Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2007 Queen's Birthday Honours.

We are very proud to have so many dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Richard John **Grellman**, Roseville

For service to the community, particularly through leadership roles with Mission Australia and fundraising with Variety, The Children's Charity, and to the finance and insurance sectors.

Henry **Krug**, Roseville

For service to the Jewish community, particularly through the activities of B'nai B'rith.

Mervyn Desmond **Riddle**, Roseville

For service to the community through veterans, school sports and church organisations.

Neil Edwin **Wykes**, Roseville

For service to the community through organisations concerned with the health care of people in the criminal justice system, to the accountancy profession, and to charitable organisations.

Robert Wemyss **Frewin**, Turramurra

For service to the real estate industry, particularly through executive roles with professional organisations, and to the community through charitable, aged care, sporting and service groups.

Hugh Henry **Ralston**, Turramurra

For service to engineering, particularly as a contributor to the advancement of innovative technology, to the Warren Centre for Advanced Engineering, and to the community.

William John **Harvey**, Wahroonga

For service to dentistry as a practitioner and educator in the area of orthodontics, and to the community through support for charitable and church organisations

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Item 2

S02767
11 July 2007

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

RECOMMENDATION

That Council acknowledge the outstanding contribution made by these recipients of 2007 Queen's Birthday Honours to the Ku-ring-gai community and to the well-being of our society.

Cr Nick Ebbeck
Mayor

MAYORAL MINUTE

DEVELOPMENT APPLICATIONS

I wish to briefly report on Council's vastly improved performance in dealing with development applications and other planning and development matters.

In 2004, Council received constant criticism for the length of time taken to determine development applications.

Our median time for processing DAs was well over 100 days, ranking us among the slowest councils in NSW.

New statistics show just how much Council's performance in dealing with DAs has improved since then. Our median processing time is now just 38 days – less than one third the figure three years ago.

This follows several initiatives including streamlining approval processes and Council's new pre-DA service where applicants meet with assessment staff to run through requirements for their DA and iron out any problems prior to lodgement.

We also have a new express DA service where smaller and less complex DAs are given priority and assessed quickly rather than waiting in queue behind much larger ones.

Councillors have also given staff greater delegation to determine DAs, reflecting higher confidence in our staff's ability.

The reduced waiting times mainly benefit the so-called "mums and dads" – homeowners seeking to renovate their homes or maybe add a car port or swimming pool.

In addition to reducing DA processing times, Council has also achieved the following:

- Slashing the number of development applications on hand from more than 1000 in 2003 to just 330 now
- A 60 per cent cut in legal bills for planning matters - from \$2.3 million in 2003 to \$970,000 this year
- A massive reduction in the number of Land and Environment Court appeals arising from Council decisions on development applications – from 128 in 2003/04 to 39 in 2006/07

Item 3

S02380, S04813
16 July 2007

- A big improvement in Council's success rate in Land and Environment Court appeals from 50 per cent in 2003/04 to 84 per cent in 2006/07.

These statistics highlight just how much Council has improved its performance in planning and development matters.

I am ensuring that Planning Minister Frank Sartor and his department are regularly updated on our performance in these areas and made fully aware of the improvements.

I would also like to formally acknowledge the efforts of Director Miocic and his staff in achieving these great results.

RECOMMENDATION

That this Mayoral Minute be received and noted.

Cr Nick Ebbeck
Mayor

PETITION

ACRON OVAL - OBJECTIONS TO USE AS AN UNLEASHED DOG AREA - (ONE HUNDRED & EIGHTY-THREE [183] SIGNATURES)

"We, the undersigned, believe that Ku-ring-gai Council should not allocate Acron Oval to be an UNLEASHED DOG AREA."

RECOMMENDATION

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

PETITION

PETITION TO AMEND SUBURB BOUNDARY - (FOURTEEN [14] SIGNATURES)

Petition presented by Councillor Tony Hall

"As residents of the cul-de-sac at the northern end of Memorial Avenue, St Ives, we have learnt only recently that our official -address has been changed from St Ives to -St Ives Chase. The Geographical Names Board has advised verbally that the change was effected in 1994.

For reasons set out below, we, the undersigned, request that the name of the vicinity be amended back to St Ives as it was previously.

1. Six of the eight properties were originally purchased pre 1994, inter alia on the basis that they were located in St Ives and not St Ives Chase.
2. The two properties purchased since 1994, viz No 93 in December 2001 and No 88 as late as December 2005, were purchased on the clear understanding that the location was St Ives. That includes documentation from Council indicating the location as St Ives.
3. The amendment to St Ives Chase was effected without consultation with affected residents, without notice, without any reasons being advanced, and without opportunity to object. Nor was any advice of the amendment provided to residents.
4. The vicinity has always been and continues to be generally perceived as St Ives and not St Ives Chase.
5. With the exception of the last 60 m or so at the northern end of Memorial Avenue, the entire 1.5 km length of Memorial Avenue lies within St Ives.
6. The eight properties in the cul-de-sac should be included in St Ives for the same reasons that the two corner properties, viz Nos 82 and 89 Memorial Aye, and all those properties on the northern side of Toolang Road and fronting Toolang are included in St Ives.
7. It is confusing for anyone looking for Memorial Avenue, St Ives Chase as street directories do not list a Memorial Avenue in St Ives Chase.
8. Despite the change to St Ives Chase apparently having been made some 13 years ago, as late as August 2006 Council was still issuing our Rate Notices and other correspondence addressed to St Ives."

RECOMMENDATION

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

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1225 PACIFIC HIGHWAY, TURRAMURRA - ALTERATIONS TO EXISTING DWELLING AND CONSTRUCTION OF A NEW BUILDING FOR COMBINED USE AS A BOARDING HOUSE WITH 21 ROOMS
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	1221/06
SUBJECT LAND:	1225 Pacific Highway, Turrumurra
APPLICANT:	JA Bourke, Homeplan Architects
OWNER:	Rinbac Pty Ltd
DESIGNER:	HPDR Architects
PRESENT USE:	Dwelling House
ZONING:	2(C) 2c2)
HERITAGE:	Deferred Heritage Item
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 31 – Access, DCP 40 – Waste Management, DCP 43 – Carparking, DCP 47 – Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SREP 20, SEPP (BASIX)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	2 November 2006
40 DAY PERIOD EXPIRED:	12 December 2006
PROPOSAL:	Alterations to existing dwelling and construction of a new building for combined use as a boarding house with 21 rooms
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 1221/06
PREMISES: 1225 PACIFIC HIGHWAY, TURRAMURRA
PROPOSAL: ALTERATIONS TO EXISTING DWELLING
AND CONSTRUCTION OF A NEW
BUILDING FOR COMBINED USE AS A
BOARDING HOUSE WITH 21 ROOMS
APPLICANT: HOMEPLAN ARCHITECTS
OWNER: RINBAC PTY LTD
DESIGNER HP DR ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.1221/06 for alterations to an existing dwelling and construction of a new building at the rear of the site to be used for boarding house accommodation comprising a total of 21 rooms.

This application has been referred to full Council by the Director, Development and Regulation.

EXECUTIVE SUMMARY

Issues: Anti-social behaviour, privacy, vehicular access, parking.

Submissions: Four submissions

Land & Environment Court Appeal: No

Recommendation: Approval

HISTORY

Site history

A SEPP 5 development comprising six units was approved by Council on 15 February 2005. This included retention of the existing dwelling and construction of basement parking.

Development application history

2 November 2006	Application lodged with Council
4 December 2006	Amended landscape plan submitted to Council
31 January 2007	Additional landscaping information
6 February 2007	Amended BASIX certificate submitted to Council
2 April 2007	Letter to applicant about the following concerns: <ul style="list-style-type: none">• The provision of communal facilities in the new building.• Site security associated with the breezeway to the existing

Item 1

building.

- Disabled access.
- Impacts to adjoining properties as a result of the external staircase on the southern side of the new building.
- Privacy impacts on adjoining properties.
- The provision of a management plan to ensure the smooth functioning of the proposed boarding house.

19 April 2007

31 May 2007

Additional information received to satisfy the above concerns.
Amended plans received to address issues raised in Council's letter of 2 April 2007.

THE SITE AND SURROUNDING AREA

The site

Zoning:	2(C) 2
Visual Character Study Category:	Between 1920 and 1945
Lot Number:	Lot 9
DP Number:	17642
Area:	1651m ²
Heritage Affected:	Yes
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	Potentially contaminated site

A two storey, brick dwelling (circa 1935) is currently located on the subject site. The architectural style is a simplified version of the inter-war Old English idiom, with relatively intact detailing, including arches of rubbed bricks, sills of moulded bricks, a decorative parapet, diagonal brick bonding, some imitation half-timbering and lead light windows. The land has a two metres slope down from the front boundary to the rear boundary.

An attached double garage is also located at the rear of the dwelling, with vehicular access from a driveway near the junction of Pacific Highway and Ku-ring-gai Avenue. There is a deep rear setback that was formerly a tennis court. There are three trees on the site, including a Liquidambar, Jacaranda and a small leaved peppermint gum. The latter tree is in a poor condition and is nominated for removal.

SURROUNDING DEVELOPMENT

To the north and east of the subject site, there are other two storey brick dwellings also zoned 2(c2). There is vacant block located to the west of the development site which was formerly a Mobil petrol station zoned 3(b)-B2). An Energy Australia substation is located to the north-west of the site and is also zoned 3(b)-(B2).

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THE PROPOSAL

The applicant is seeking development consent for alterations to an existing dwelling and the construction of a new two storey building at the rear of the site to operate collectively as a boarding house. There would be 19 rooms for rent in the new building, with each room having an ensuite and kitchenette. Also in the new building at ground level there would be a communal room with a kitchenette, table and chairs for dining and other lounge room style furniture. The existing dwelling is to contain two flats and other communal facilities for boarders. The boarding house will contain a total of 21 rooms.

Alterations to the existing dwelling are proposed, including an office, shared laundry, kitchen, sitting room and dining facilities at ground level. At first floor level, there would be a store room and two small units. According to the management plan, Unit 21 would be allocated to the on-site manager and comprise two bedrooms, ensuite & kitchenette. Between the two buildings, adjacent to the western boundary, it is proposed to construct a new carport with five car spaces and a covered breezeway from the existing dwelling to the new building.

Vehicular access to the proposed car parking would be via the existing driveway at the junction of Pacific Highway and Ku-ring-gai Avenue.

The applicant has indicated that the rooms would be occupied by either one or two people for short periods of time (weekly up to three months or longer) but no overnight accommodation. It is intended that residents would pay weekly "board" for the following services:-

- use of a designated bedroom with a weekly linen service
- use of shared facilities (lounge, dining room, kitchen, laundry & outdoor areas)
- weekly cleaning service
- breakfast in the shared dining room and/or other meals by prior arrangement with the on-site manager

The applicant has indicated that there would be an on-site manager as well as two other staff, either part time or full time to cook meals and/or maintain rooms.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications DCP56, owners of surrounding properties were given notice of the application. In response, four submissions were received from the following:

1. P & J Lucas, 4 Ku-ring-gai Avenue, Turrumurra
2. L & F Petrucci, 2 Ku-ring-gai Avenue, Turrumurra
3. Doug Sneddon Planning Pty Ltd, Lot 71 Excelsior Street, Lisarow on behalf of Energy Australia
4. I & S Topfer, 1A Turrumurra Avenue, Turrumurra

The submissions raised the following issues:

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common boundary between No. 1225 Pacific Highway & 4 Ku-ring-gai Avenue has been shown incorrectly

The boundaries shown on the architectural plans are consistent with those depicted on the survey plan and are considered to be accurate.

request that the applicant adequately retain any fill within the boundary of No. 1225 Pacific Highway to avoid wall failure.

No additional fill is proposed for the development site.

tree plantings must have a sufficient setback on the eastern boundary to minimise future damage to the brick screen wall at No. 4 Ku-ring-gai Avenue

It is recommended that the proposed *Angophora floribunda* along the eastern boundary of the development site be planted a minimum of two metres off the eastern boundary to minimise potential for any future damage to the wall located adjacent to the common boundary (**Condition No. 5**).

applicant should replace damaged paling fence

The landscape plan indicates that existing fencing along the side boundaries would be repaired.

boarding houses are not suitable for the area

Boarding houses are a permissible use in the 2(c2) zone.

the boarding house would attract anti-social behaviour

It is intended to have an on-site manager and management plan in place to ensure the smooth functioning of the boarding house (**Refer Appendix A**). A condition of consent is also recommended requiring the on-site manager to provide a copy of the house rules to each tenant at check in time also to be displayed in a prominent position in each communal area. (**Condition No. 3**).

the boarding house would devalue adjoining properties

The impact of development on property values is not a matter of consideration under the EPA Act.

the Statement of Environmental Effects is deficient because it does not adequately demonstrate the compatibility of the proposed development with the adjacent Energy Australia substation

There was sufficient information in the Statement of Environmental Effects to allow the proper assessment of the subject application relative to surrounding development.

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the boarding house should be designed so as not to have "line of sight" to electrical equipment within the substation

It is recommended that screening in the form of horizontal metal louvers to a height of 1.5m be provided on the outer edge of the upper balconies on the western side of the new building to reduce the visual impact of the substation on the amenity of future residents. (**Condition No. 26. (ii)**)

windows/doors facing the Energy Australia substation should be fitted with double glazing to minimise amenity loss

On two subsequent site inspections to the development site it was noted that there was no evidence of noise nuisance emanating from the Energy Australia substation so it is considered unnecessary to require double glazing for the rooms on the western side of the new building.

the boarding house should have a six metres setback off the western boundary

A four metres setback has been provided on the western boundary whereas a six metres setback has been provided on the eastern boundary. The former setback is considered to be satisfactory because the land adjacent to the western boundary is zoned for non-residential uses so there would be little amenity loss for those properties as compared to residential uses adjacent to the eastern boundary.

AMENDED PLANS

The applicant lodged amended plans that improve disabled access within the new building and privacy screens to the upper windows on the eastern elevation and the external staircase to minimise impacts to adjoining properties. Under Council's Notification DCP, it was considered unnecessary to re-notify the adjoining properties given that the amendments would provide for a reduction in the likely impacts on neighbouring properties.

CONSULTATION - WITHIN COUNCIL

Engineering

Council's Development Engineer, Ross Guerrero, made the following comments:-

Stormwater disposal

The stormwater disposal system has been prepared by ASC Consulting Structural & Hydraulic Engineers as shown on drawing N0629 CP-01 issue 'A'. The proposal comprises of a below ground detention system within the carparking area with 4x4550L below ground retention tanks located under the proposed dwelling. The overflow from the OSR is directed to the detention facility that drains freely to Pacific Highway. The existing dwelling roof water is to have the runoff directed to a new 5000L water tank for garden irrigation. The stormwater disposal system for the site is considered a satisfactory system for this development.

Traffic generation

Item 1

A traffic and parking report has been prepared by John Coady Consulting Pty Ltd dated 19 October 2006 Ref. 06099. The 21 room boarding house yields a parking requirement of 2.2 spaces based on the requirements of other Council given that the RTA does not provide a separate car parking rate in their guidelines. The proposed development has provided a total of 5 off-street spaces, comprising of 1 staff and 4 resident parking spaces. The development is expected to generate 20 vehicle trips per day and 2 vehicle trips during the peak periods. In addition, the existing house will have 1 vehicle trip during the peak hour. This is not expected to have a significant effect on traffic flows in the surrounding street or the amenity of the surrounding road network.

Vehicular access and parking

Given that there no works are proposed on Pacific Highway, the RTA's concurrence for vehicular access to the development is not required under State Environmental Planning Policy No.11 - Traffic Generating Developments.

The existing vehicular access is off the Ku-ring-gai Avenue frontage, via a 5.5m wide combined entry/exit driveway. From a Council traffic perspective, the continued use of the existing driveway is preferable over the creation of a new access off Pacific Highway.

The Ku-ring-gai Avenue frontage is only 6m wide and the existing driveway is located in close proximity to the intersection with the Pacific Highway. The applicant is, therefore, required to implement the following measures to improve safety for vehicles entering and leaving the property.

*A central median strip in Ku-ring Gai Avenue has been proposed by the applicant to prevent vehicles driving through the Pacific Hwy/Ku-ring Gai Ave intersection. This aspect of the application was referred to Council's Strategic Traffic Engineer who recommended that the proposed median be further extended easterly to prevent a westbound vehicle in Ku-ring-gai Avenue from accessing the site. The median shall be of a width to act as a pedestrian refuge and designed similar to a splitter island. A condition is recommended, requiring the applicant to submit to Council a detailed design for Roads Act approval, prior to issue of the Construction Certificate. **(Condition No. 22)***

The turning manoeuvrability within the subject site complies with the B85 design template for vehicles to exit the site in a forward direction. All parking space dimensions, driveway grades and transitions comply with Australian Standard 2890.1 (2004) "Off-Street car parking".

*A convex mirror will be required at a strategic location on the driveway to minimise driver/pedestrian conflict within the subject site. **(Condition No. 27)***

With the above safety measures, the driveway is considered to be satisfactory, given that the development will generate minimal traffic flows that are unlikely to have a significant effect on the operations or amenity of the surrounding road network.

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Waste collection

The development allows a garbage truck to enter and depart the garbage/room recycle storage area which is located at the south east corner of the new building. The swept paths to access the waste collection area have been designed in accordance with the small rigid truck outlined in AS 2890.2:2002, which is 900mm longer than the Council garbage truck. The driveway grades and turning manoeuvrability are suitable for the small waste collection vehicle.

Recommendations

*From an engineering perspective, there are no objections to this application. The following conditions should be placed on any development consent issued (**Conditions Nos 11-22, 27-32, 37-40, 54-62**).*

Landscaping

The landscape plan was referred to Council's Landscape Development Officer, Lisa Durland, who made the following comments:-

An inspection of the property was carried out on 17 November 2006 where it was noted that there were 3 existing trees located on the property and several large and medium sized shrubs.

The existing Liquidambar styraciflua (Liquidambar) and Jacaranda mimosifolia (Jacaranda) are nominated for retention on the submitted Landscape Concept Plan.

The Eucalyptus nicholii (Small Leaved Peppermint) is in poor condition and is nominated for removal and replacement.

*The Landscape Section supports the application with conditions. (**Conditions Nos. 4-10, 33-34, 41-42, 52-53**)*

Heritage

The subject application was referred to Council's Heritage Advisor, Paul Dignam, who made the following comments:

The existing building is within a draft Conservation Area – Draft (Heritage Conservation) LEP No 21. The draft LEP was prepared in 1997 and exhibited in 1998 & 1999. It was finalised in 2001 and has been with the Department of Planning since 2002, but is not yet gazetted.

Council should consider the application under Clause 61 G of the KPSO as the status of the draft Conservation Area is advanced. The issues to consider are the pitch and form of the roof, the style, size, proportion of the window and door openings, the colour, style, texture of

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materials and finishes and their compatibility with the existing draft conservation area nearby heritage items.

The site is within the National Trust UCA No 20 – Turrumurra, Ku-ring-gai Avenue and Boomerang Street. The area chosen by the National Trust is very similar to the area defined by Council in draft LEP 21.

The site is within the vicinity of several heritage items including:

- *1 Ku-ring-gai Avenue (former Police Station and residence)*
- *8 Ku-ring-gai Avenue*
- *12 Ku-ring-gai Avenue*
- *17 Ku-ring-gai Avenue*
- *1247 Pacific Highway (Masonic Hall)*

Clause 61E of the KPSO requires Council to make an assessment of the impacts on the heritage significance of heritage items “within the vicinity” of the subject site.

Comments

The minor alterations to the existing house will not alter its relationship to the draft Conservation Area or existing heritage items and are acceptable.

The proposed building is fairly uniform in appearance and relatively simple, proposing a central corridor with self contained rooms on either side. Although a larger building than the existing building, the new building is lower and set to the rear of the site. It is a relatively long building with little articulation apart from a series of regular window openings and balconies. It requires removal of the existing rear garden area (former tennis court) and existing garage.

*In terms of impact on the draft Conservation Area/UCA, there would be minimal or neutral heritage impacts as it would have limited visibility to the public realm. However, the new building would be obvious to the neighbouring buildings when seen from the rear gardens. It would not impact on the nearby heritage items as most of them are separated from the subject site by a reasonable distance and not are directly adjacent, with adequate screening by existing trees. The rectangular form is similar to the Masonic Hall located nearby. The use of rendered and painted brickwork for the facades is not supported and I suggest medium to dark face brickwork to match the existing house and predominant building materials in the draft Conservation Area/UCA. (**Condition No. 27(i)**)*

Conclusions and recommendations

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The proposed boarding house building would have some impacts on the draft Conservation Area, but they are considered relatively minor primarily because the existing house will be retained and the proposed building would have little impact on the existing streetscape.

The nearby heritage items are separated from the subject site by a reasonable distance and the new building would not have any adverse impacts on them.

It is recommended that medium to dark face brickwork be substituted for the proposed rendered and painted brickwork on the elevations, as this is the predominant material in the draft Conservation area and darker finishes are visually recessive. (Condition No. 27(i)).

STATUTORY PROVISIONS

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

It is a requirement under the above planning instrument that Council consider the impact of the proposal upon the Hawkesbury-Nepean River and its catchment. The proposed drainage system is unlikely to have a detrimental impact upon the Hawkesbury-Nepean River catchment. Accordingly, the proposal is considered to be satisfactory in this respect.

State Environmental Planning Policy No 55 - Remediation of Land

Given close proximity of the recently demolished petrol station at No. 1233 Pacific Highway, there is the possibility of some land contamination. Accordingly, the applicant has submitted a contamination report that indicates that the site presents no risk to human health, the environment or the aesthetic enjoyment of the land and is suitable for residential land use.

The report, however, recommended that a condition be imposed on any consent requiring the classification of any soil to be removed from the site under the *EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes (1999)* to ensure that any soil removed from the site is disposed of at an appropriately licensed landfill facility (Condition No. 23).

State Environmental Planning Policy - Building Sustainability Index (BASIX)

A satisfactory BASIX certificate has been submitted with the development application. The proposed development is therefore deemed to comply with the requirements of SEPP (BASIX) (Condition No. 49).

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Permissibility

Boarding houses are a permissible use in a 2(c2) zone.

Development Standard	Proposed	Compliance
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Building height (7 metres)	Existing building - 7 m New building - 6.7m	YES YES
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Aims and objectives for residential zones 2(c2):

The proposal is likely to achieve the planning objectives as stated in Clause 25C by providing increased housing choice as required by clause 25C (2) (a), without causing a detrimental impact upon the environment. This is discussed further in this report, where the proposal is assessed under the heads of consideration in Section 79C of the EPA Act 1979.

Clause 61G - Heritage

The existing dwelling on the subject site is a contributory item in the draft conservation area (LEP 21 - Ku-ring-gai Avenue Conservation Area). The subject dwelling is a good example of an architectural style known as the Inter-War Old English idiom that makes a positive contribution to the character of the conservation area. The applicant intends to restore the original dwelling to a livable standard and that is highly desirable given its current poor state and heritage status.

A new building located at the rear of the site is separated from the original dwelling by the carport and breezeway, so as to appear as a separate building, with minimal fenestration, that is unlikely to compete with the characteristic features of the original dwelling. Council's Heritage Advisor considers the application to be acceptable in terms of its heritage impact.

OTHER LEGISLATION, DCPs, POLICIES

There are no specific DCPs and/or policies for boarding houses in Ku-ring-gai. Therefore, the relevant considerations under Section 79C of the EPA Act are applied to the development as follows:

Section 79 C (a) of the EPA Act

- (i) *any environmental planning instrument*
- (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 (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved,)*
- (iii) *any development control plan*
- (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (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,*

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- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest*

ANY ENVIRONMENTAL PLANNING INSTRUMENT

The provisions of relevant planning instruments including the KPSO have been considered in this report in respect of which the proposal is satisfactory.

DRAFT PLANNING INSTRUMENT

The subject site is part of draft LEP 21 – Ku-ring-gai Avenue Conservation Area. This draft LEP is still being considered by the Minister. Consideration has been given to heritage impacts by Council’s Heritage Advisor and the proposal was found to be satisfactory.

DEVELOPMENT CONTROL PLANS

DCP 31 - Access

It is proposed to provide a ramp from the disabled car space to the entry of the new building as well as to the office in the original dwelling to satisfy the requirements of DCP 31. Accessible rooms have also been located in close proximity to the entry to the new building and the communal room. The new building complies with AS 1428 as required by DCP 31.

The applicant has indicated that the main entry to the boarding house would be from the rear car park to provide equity of access for all residents. In this respect, landscaping has been provided up to the front door of the existing building to provide a natural barrier to the use of this entry to the existing dwelling. A ramp from the disabled car space to the covered terrace and the office for check-in has been provided along the western boundary to satisfy the objectives of DCP 31. The proposal is considered to be satisfactory in terms of access for disabled residents.

DCP 43 - Car parking

Parking

DCP 43 requires at least one space per staff member and parking thereafter to be assessed on the merits of the application. The RTA has no guidelines or parking rates for boarding houses. Research into car parking rates for boarding houses in other Council areas are listed below:

North Sydney Council	1 space per 12 beds
Marrickville Council	1 space per 10 beds
Willoughby City Council	1 space per 5 beds + 1 space for owner/manager

Three car spaces for staff have been provided for the on-site manager and the other two proposed staff, as well as two additional spaces for the 21 rooms. This is adequate for the proposed boarding house given its close proximity to the railway station.

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Traffic generation

The traffic report submitted with the application has indicated that traffic generation to/from the development site would produce two vehicle trips per hour and is unlikely to have any noticeable or unacceptable effect on the operating performance of the road network serving the site. This view is shared by Council's Development Engineer.

Driveway

Vehicular access to the boarding house would be via the existing driveway, with some widening of the driveway at the entry to the property. Whilst sightlines are limited at this point, it is better to have vehicular access off Ku-ring-gai Avenue rather than Pacific Highway. The applicant has also provided a turning bay adjacent to the carport to allow motorists to exit the property in a forward direction. A condition of consent has also been recommended requiring the provision of a reflective convex mirror to further enhance the safety of motorists and pedestrians using Council's footpath (**Condition No. 23**). Given the low traffic generation to/from the site, the proposal is satisfactory in this respect.

DCP 30 - Waste management

A Waste Management Plan has been provided in accordance with DCP 30 and is satisfactory.

DCP 47 - Water management

Council's Development Engineer has assessed the method of stormwater disposal in accordance with DCP 47 where the proposal was found to be satisfactory.

Impacts on natural/built environment

Built form

The applicant is seeking to retain the existing dwelling, with proposed conservation works to the elevations to maintain its significance. This aspect of the application is desirable as indicated in the comments from Council's Heritage Advisor.

There is sufficient fenestration on the elevations of the new building to provide a satisfactory built form when viewed from adjoining properties. The pitched roof, with its decorative gables, is also characteristic of the Ku-ring-gai area and the height of the building also complies with the KPSO. The proposed setbacks to adjoining residential properties (6m to the eastern boundary; and 7m to the northern boundary) with substantial landscaping within the setbacks, would help to reduce the visual mass of the new building when viewed from adjoining properties. A 4 metres setback to the non-residential uses on the eastern boundary is acceptable, with the proposed plantings to filter views of the new building when viewed from the commercial area.

Privacy

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The new building has acceptable setbacks to the side boundaries (4 metres to the western boundary, 6 metres to the eastern boundary and 7 metres to the northern boundary) to minimise overlooking. Extensive landscaping has also been proposed within the setbacks to reach heights at maturity of 5 – 12 metres to further reduce privacy impacts. The boundary fences would also help to minimise privacy loss.

Privacy screens have also been proposed on the outer edges of the upper balconies on the eastern elevations of the new building as well as the external staircase to minimise overlooking into adjoining sites. Similar privacy screens should also be provided on the northern side of the new building to minimise overlooking into No. 1A Turrumurra Avenue. (**Condition No. 26(ii)**).

There are no changes to the windows and doors of the original dwelling, with the exception of the new ground floor terrace at the north-west corner of the building. Given that the adjoining site to the west is vacant and that there is a 1.8 metres high boundary fence, the terrace will not result in privacy loss for that property.

Noise nuisance

With the presence of an on site manager and a management plan (**see Appendix A**), it is anticipated that there would be minimal noise nuisance emanating from the boarding house. The terrace in close proximity to the western boundary would not cause a loss of amenity for the adjoining property given its commercial zoning.

Overshadowing

The shadowing diagrams submitted with the application indicate that adjoining properties would receive more than three hours of solar access during the winter months which is satisfactory.

Social and economic impacts

The facility would be located in close proximity to public transport and the Turrumurra Town Centre. The proposal would also provide additional short-term residential accommodation, thereby providing further increased housing choice. This is consistent with the planning objective of clause 25C(2)(a) in the KPSO. The proposal is considered to have merit because it will provide further housing diversity within the Ku-ring-gai Local Government Area and have minimal impacts for adjoining properties, subject to conditions.

Submissions

Four submissions have been received in response to notification of the development application and these have been considered.

Public interest

The proposal would provide short term accommodation within the Kur-ring-gai Local Government Area and is considered to be in the public interest for the reasons provided throughout this report.

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Section 94 Plan

Each room is capable of being used as a separate domicile because they contain an ensuite and kitchenette similar to a studio apartment in a residential flat building. Accordingly, Council is empowered to impose a section 94 levy for 21 additional dwellings, less credit for the existing dwelling, giving a total of \$172,468.20 (**Condition No. 36**).

OTHER RELEVANT CONSIDERATIONS

There are no other matters for consideration.

CONCLUSION

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. For the reasons stated previously, it is recommended that the application be approved.

RECOMMENDATION:

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

THAT Council, as the consent authority, grant development consent to Development Application No. 1221/06 for alterations to an existing dwelling and construction of a new building to be used for boarding house accommodation on land at 1225 Pacific Highway, Turrumurra, for a period of two years from the date of the Notice of Determination, subject to the following conditions of consent:

GENERAL CONDITIONS

Approved architectural plans and documentation (new development)

1. The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
Drawing No. 14622 DA 06 to 14624 DA 06 Landscape plan 14625 DA 06 Rev B	HPDR Architects	May 2007 received at Council on 31 May 2007
	HPDR Architects	May 2007 received at Council on 31 May 2007

Reason: To ensure that the development is in accordance with the determination of Council.

No demolition of extra fabric

2. Alterations to the existing building shall be limited to that documented on the approved plans

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No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

Management plan

3. The boarding house must have an on-site manager who must be available 24 hours/7 days per week to manage the boarding house in accordance with the Management Plan submitted to Council on 10 April 2007. Each tenant must be given a copy of the house rules at check in time and copies shall be located in a prominent position in all communal facility rooms.

Reason: To maintain amenity of future residents and adjoining properties.

Tree removal

4. Approval is given under this development consent for the following tree works to be undertaken within the subject property:

Eucalyptus nicholii (Small Leaved Peppermint) Removal

Reason: Residential amenity

Landscape plan

5. Landscape Plan No. 14625 must be amended to provide an increased setback from the eastern boundary for the proposed *Angophora floribunda* of 2 metres minimum. Landscape works shall be carried out in accordance with Landscape Drawing No 14625 Amendment B prepared by HP DR Architects and dated November 2006, submitted with the Development Application.

Reason: To maintain amenity of the adjoining property

Tree protection

6. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Reason: To ensure tree retention

Tree protection

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

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<i>Liquidambar styraciflua</i> (Liquidambar)	5 metres
<i>Jacaranda mimosifolia</i> (Jacaranda)	3 metres

Reason: To ensure tree retention

Tree protection

8. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

Reason: To ensure tree retention

Tree protection

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

Reason: To ensure tree retention

Tree protection

10. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres, whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain residential amenity.

Drainage to street

11. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The applicant's attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.

Reason: To protect the environment

Stormwater detention

12. A rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development and existing dwelling. The (minimum) total storage

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volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments.

Reason: To protect the environment

Stormwater detention

13. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

Reason: To protect the environment

Driveway trench at boundary

14. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized grates is to be located **within** the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control

Drainage of paved areas

15. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

Reason: To control surface runoff and protect the environment

Utility service facility

16. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its

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approval of this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services

Public infrastructure

17. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

Reason: To ensure safe public footway & roadway during construction

Erosion control

18. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion & sedimentation

Vehicular access

19. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".

Reason: To ensure that parking spaces are in accordance with the approved development

Sydney Water Section 73 Compliance Certificate (Part 1)

20. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at

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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.

Reason: Statutory requirement

Maintenance period

21. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant’s receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: Maintain Council infrastructure

Access restriction and median strip

22. All vehicles shall enter and exit the site in a left turn movement only. In this respect, a central concrete median shall be provided in Ku-ring-gai Avenue that limits access to the proposed driveway from Ku-ring-gai Avenue to a left-in and left-out basis only. The median is to be designed to not compromise existing access arrangements for nearby driveways. Unobstructed pedestrian access shall be maintained across Ku-ring-gai Avenue and shall be considered in the design. The design is to be submitted to and approved by Council’s Development Engineer prior to the issue of a Construction Certificate.

Reason: To ensure safe vehicular access

Land contamination

23. In accordance with the EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*, any waste soils being removed from the site need must be classified on the basis of soil quality to enable disposal to an appropriately licensed landfill facility.

Reason: Public health.

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

Long service levy

24. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section

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34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

Building Code of Australia - fire safety audit

25. An accredited certifier, building grade 1 or 2 (NSW or equivalent) is to be engaged to carry out a Building Code of Australia audit that is based upon inspections(s) of the building in terms of the deemed-to-satisfy fire safety provisions. A list of accredited certifiers is available on the Department of Planning website.

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) indicating compliance, non-compliance or not applicable in the circumstances.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia.

A schedule of existing (if applicable) and the proposed essential fire safety measures, including their standard performance must be included in the strategy.

The report and strategy must be submitted to and approved by Council's Compliance Officer prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety.

Amendments to architectural plans

26. The following amendments must be made to the plans prior to the release of the construction certificate:-

- (i) The new building must be facebrick (medium to dark face brickwork to match the existing house) not painted render.
- (ii) Privacy screens must be provided on the outer edge of the balconies on the northern elevation and the upper rooms (16-20) on the western elevation consisting of horizontal louvres (upward angled) 1.5m high similar to those on the eastern side of the building.

Reason: To ensure the compatibility of the new building with the draft conservation area and to ensure the amenity of future residents and residents of adjoining properties.

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Convex mirrors

27. Convex mirrors will be required at strategic locations on the driveway to inform ingressing and egressing vehicles of each other's presence. Details to be provided to Council for approval prior to the release of the construction certificate.

Reason: Maintain public safety

Driveway crossing levels

28. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

Reason: To provide suitable vehicular access without disruption to pedestrian & vehicular traffic

Sediment controls

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

Reason: To preserve and enhance the natural environment

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Stormwater management plan

30. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tank systems. Where proprietary products are to be used, manufacturer specifications and details must be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.
 - Details of any required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 for volume, PSD and design requirements).

The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based upon the **Stormwater Drainage Plan N0629 CP-01 issue 'A'** prepared by **Accredited Structural Certifiers Pty Ltd** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

Reason: To protect the environment.

Engineering plans and specifications approved by Council (Roads Authority)

31. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans approved by Council as the Roads Authority. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Ku-ring Gai Avenue to ensure suitable provision for safe vehicular egress/ingress close to the intersection:
- a) Construction of a concrete central median in Ku-ring Gai Avenue that is designed to limit access to the proposed driveway from Ku-ring Gai Avenue to a left-in and left-out basis only. The median shall not compromise existing vehicular access arrangements for nearby driveways. A pedestrian route across Ku-ring Gai Avenue, free from obstructions, shall be maintained by a suitable gap in the median. The median shall be

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of a width to act as a pedestrian refuge and designed similar to a splitter island. The median shall include a 'keep left' sign at its apex, and barrier lines on the approach.

- b) Installation of parking restriction signage, dedicating a "No Stopping" zone designed to allow vehicles to turn left from the subject driveway into Ku-ring-gai Avenue without obstruction. The zone is to extend for a distance of six metres east from the layback wing. Approval to be obtained from Ku-ring-gai Traffic Committee for installation of such signage, as well as 'keep left' and barrier lines.
- c) Reconstruction of the existing concrete driveway and layback, and surrounding infrastructure. Existing footpath levels to be generally maintained.

Reason: To ensure that the plans are suitable for construction purposes.

Design of works in public road (Roads Act approval)

32. This Development Consent under the EP&A Act does **NOT** give approval to these works in the road reserve. **Ku-ring-gai Council must issue a separate consent under section 138 and 139 of *The Roads Act 1993*** for the works in the road reserve, required as part of the development. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued the formal written consent under the *Roads Act 1993*.

The required plans and specifications 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. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). **Construction of the works must proceed only in accordance with any conditions attached to the stamped Council *Roads Act 1993* approval.**

A minimum of three (3) weeks will be required for Council to assess *Roads Act* submissions. Early submission is 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.

Reason: To ensure that the plans are suitable for construction purposes.

Tree protection

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

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

Reason: To ensure tree protection

Landscape establishment bond

34. A CASH BOND/BANK GUARANTEE of \$ 4,000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions. Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

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

Reason: To maintain residential amenity.

Public health

35. Plans and specifications for the fitout and construction of the kitchen must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate that comply with the requirements of the Food Act 2003, Food Standard Code Clause 3.2.3 (Food Premises and Equipment) and AS4674-2004 (Design, Construction and Fit-out of Food Premises).

Reason: To ensure compliance with standards for food premises.

Section 94 contribution – residential development

36. 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 20 ADDITIONAL DWELLINGS IS CURRENTLY \$172,468.20. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

Community facilities	\$1,117.76	
Park acquisition and embellishment works	\$4,723.00	
Sports grounds works	\$1,318.32	
Aquatic / leisure centres	\$27.82	
Traffic and transport	\$150.28	
Section 94 Plan administration	\$100.04	
Contribution per person is:	\$7,437.18	
21 dwellings (1.27 persons)		\$198,349.59
Less credit for existing dwelling (3.48 persons)		\$25,881.39
Total contribution		\$172,468.20

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwellings (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

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

Infrastructure restorations fee

37. To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:
- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
 - b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
 - c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.

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d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

Construction and traffic management plan

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

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

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

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2. Traffic control plan(s) for the site:

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

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

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

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- 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 prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

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Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures that the ongoing safety and protection of people.

Work zone

39. 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.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

Dilapidation survey and report

40. Prior to commencement of any works on site the applicant must submit to Council a dilapidation report of Pacific Highway and Ku-ring-gai Avenue for frontage of the site which identifies and provides a detailed photographic record of any/all defects to road reserve infrastructure especially extents of pavement cracking.

Reason: To record the structural condition of public infrastructure before works commence.

Landscaping requirements

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

<i>Liquidambar styraciflua</i> (Liquidambar)	4 metres
<i>Jacaranda mimosifolia</i> (Jacaranda)	2 metres

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42. 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.

Reason: To maintain amenity.

CONDITIONS TO BE SATISFIED DURING WORKS:

Prescribed conditions

43. The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia.
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

Statement of compliance with Australian Standards

44. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

Demolition, excavation and construction work hours

45. Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

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Reason: To ensure reasonable standards of amenity to neighbouring properties.

Site notice

46. A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

Use of road or footpath

47. During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

Recycling of building material (general)

48. During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

Construction signage

49. All construction signs must comply with the following requirements:

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- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

Compliance with BASIX certificate

50. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 120238M have been complied with.

Reason: Statutory requirement.

Fire safety certificate

51. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

Landscape works

52. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.

Reason: To ensure compliance with landscape plan

Landscape works

53. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

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Reason: To maintain residential amenity.

Reinstatement of redundant crossings and completion of infrastructure works

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

- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the streetscape.

OSD positive covenant/restriction

55. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88 E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

OSR positive covenant/restriction

56. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening

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the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

Provision of copy of OSD/OSR designs if Council is not the PCA

57. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of any works-as-executed drawings required under this consent
 - The Engineer's certification of the as-built system.
 - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

Infrastructure repair

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

Reason: To protect public infrastructure.

Sydney water Section 73 Compliance Certificate (Part 2)

59. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

Reason: Statutory requirement

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Certification of drainage works

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

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- That retained water is connected and available for uses including **BASIX or DCP 47 commitments (all toilet flushing and garden irrigation)**.
- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

Reason: To protect the environment.

WAE plans for stormwater management and disposal

61. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.

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

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

Reason: To protect the environment.

Construction of works in public road – approved plans

62. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or 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.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

Public health

63. Submission of a certificate of compliance by a suitably qualified person for the kitchen to be used for the storage and preparation of food. The certificate shall demonstrate compliance with the Food Act 2003, Food Standard Code Clause 3.2.3 (Food Premises and Equipment) and AS4674-2004 (Design, Construction and Fit-out of Food Premises).

Reason: To ensure compliance with standards for food preparation.

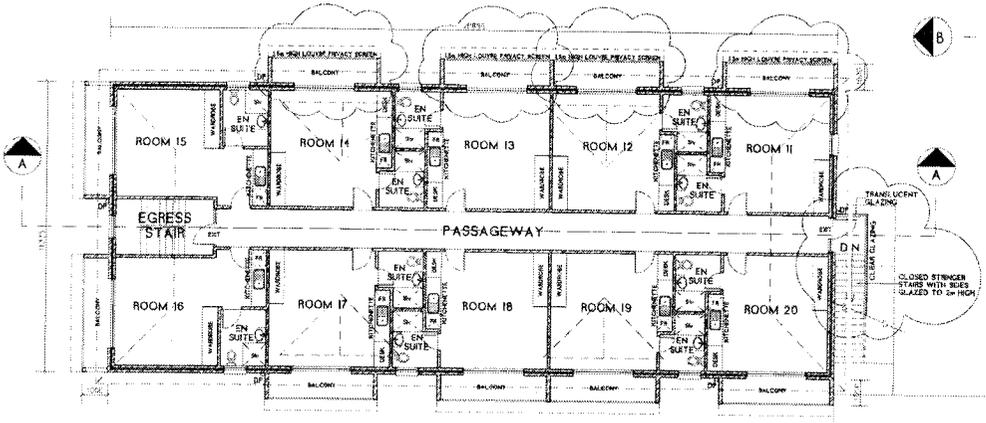
Item 1

Robyn Pearson
Acting Team Leader

M Leotta
**Acting Manager
Development Assessment
Services**

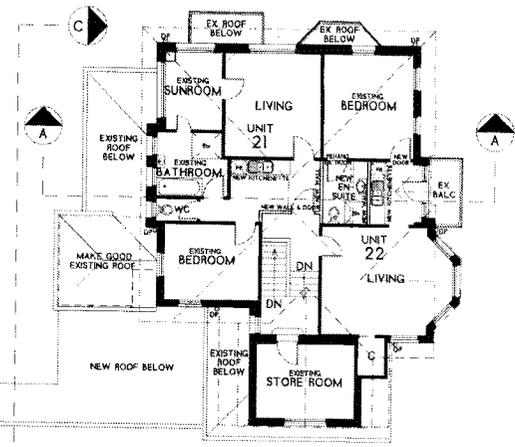
M Miocic
**Director
Development & Regulation**

Attachments: **Location Sketch - 797325**
 Zoning Extract - 797325
 Floor Plans - 797334
 Elevations - 797334
 Sections - 797334
 Survey - 797334
 Landscape Plan - 797334
 Shadow Diagrams - 797334
 Site Plan - 797334
 Appendix A – Management Plan - 797336



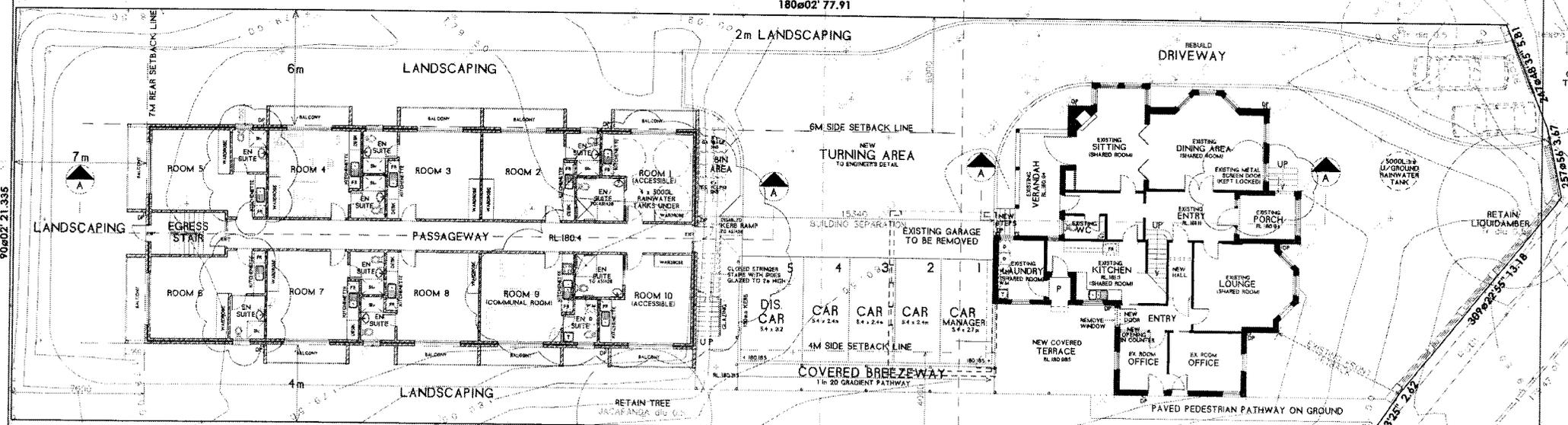
FIRST FLOOR PLAN
SCALE 1:100

No. 4
2 storey
brick & tile



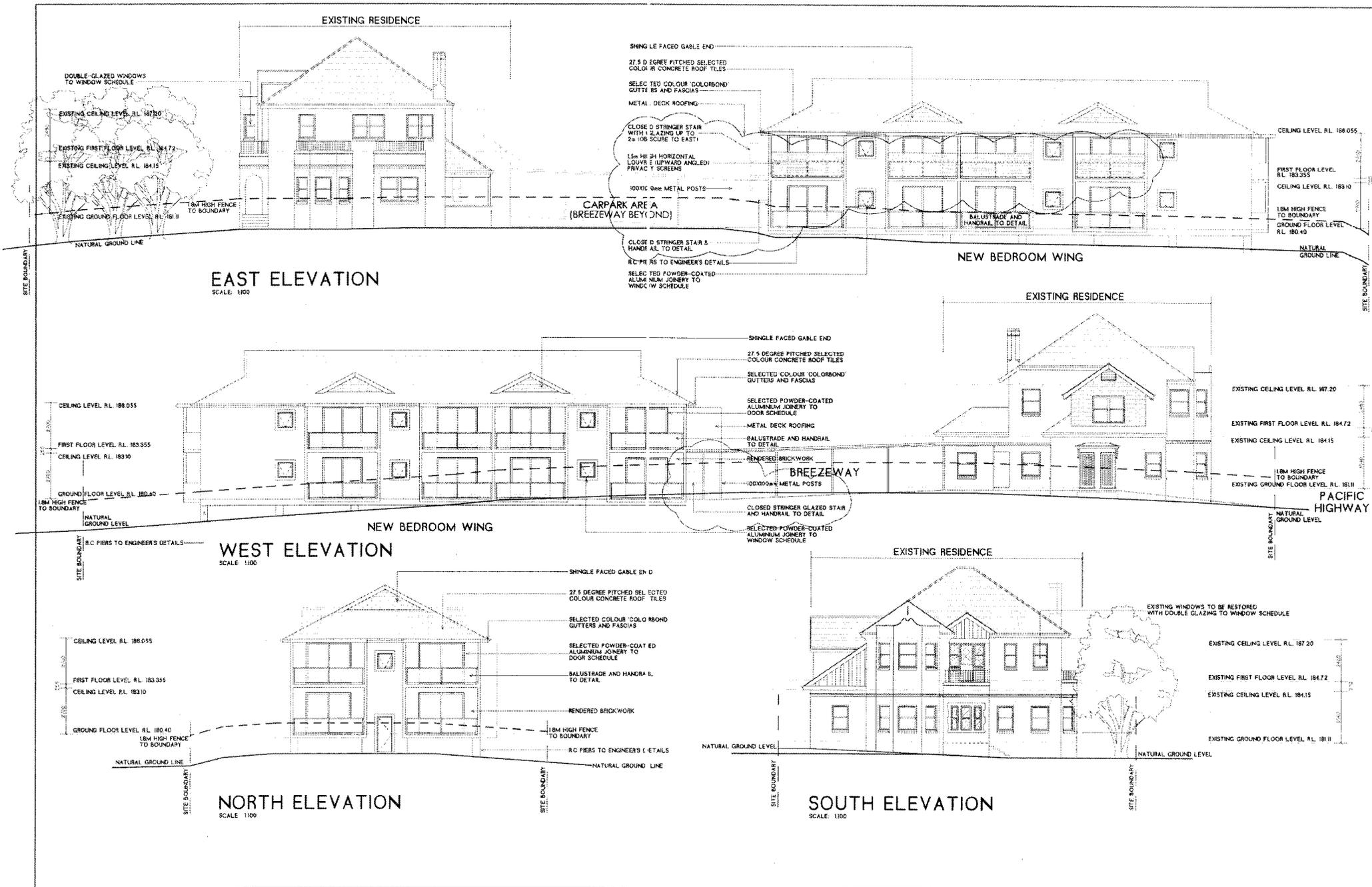
BREEZEWAY ROOF BELOW

No. 5
2 storey
brick & tile



GROUND PLAN
SCALE 1:100

DRAWING PLANS		PROJECT PROPOSED BOARDING HOUSE DEVELOPMENT		REV. REVISION DESCRIPTION		DATE		REV. REVISION DESCRIPTION		DATE		NOTES	
DATE MAY, 2007	DRAWN J.G.B.			1. AMENDMENTS TO DR DOCUMENTATION, 30 MAY 2007								FIGURED DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS TO BE CHECKED WITH THE ARCHITECT PRIOR TO COMMENCING WORK. ALL LOCAL GOVERNMENT REGULATIONS RELATING TO BUILDING CODES OF PRACTICE AND OTHER CODES AND STANDARDS SHALL BE COMPLIED WITH IN THE WORKS. THESE DRAWINGS ARE PROTECTED BY COPYRIGHT.	
REF FILES\PACIFIC\HOUSE2.DCS		1225 PACIFIC HIGHWAY (LOT 9, DP. 17642) TURRAMURRA		2. PROVIDE PRIVATE STAIRS TO NORMAL LEVEL								HPDR ARCHITECTS UNIT 20, 22 HUDSON AVE, CASTLE HILL NSW 2154 AUSTRALIA PHONE 02 8850 7688 FAX 02 8850 7689 EMAIL: INFO@HOMEPLAN-ARCHITECTS.COM JOHN G. BOURKE B.Arch, HON. A.R.A.I.A. DR. G.D. WONG, A.S.T.C. (HON.), P.D.C., N.S.W. REG. 12454	
DRAWING NO. 14622	EX. DA	TEXT. 06	REV. A	3. PROVIDE PRIVATE STAIRS TO NORMAL LEVEL								Single Storey Mixed use development	



DRAWING ELEVATIONS	
DATE MAY, 2007	DRAWN J.G.B.
FILES\PACIFIC\HOUSE2\DC5	
DRAWING NO. 14623	REV. DA 06 A

PROJECT PROPOSED BOARDING HOUSE DEVELOPMENT	FOR RINBAC PTY. LIMITED
1225 PACIFIC HIGHWAY [LOT 9, DP. 17642] TURRAMURRA	

REV	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION	DATE
A	AMENDMENTS TO DA DOCUMENTATION INC. RECOVER GATE MARK FOR CONCRETE, ROOM - REMOVE GABLE DRIBBLE ROOFING TO 2.8 IS - HANGING AND GLAZED SOUTHERN STAIRWAY - FINISH PRIVACY SCREEN TO ROOM 10.1 - REMOVE FRONT DOOR ACCESS PATH	MAY 2007						

NOTES

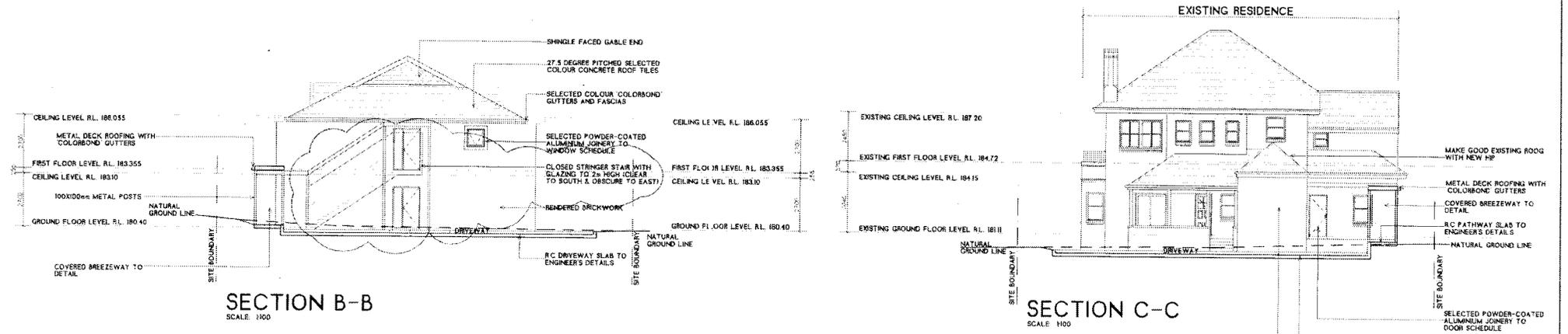
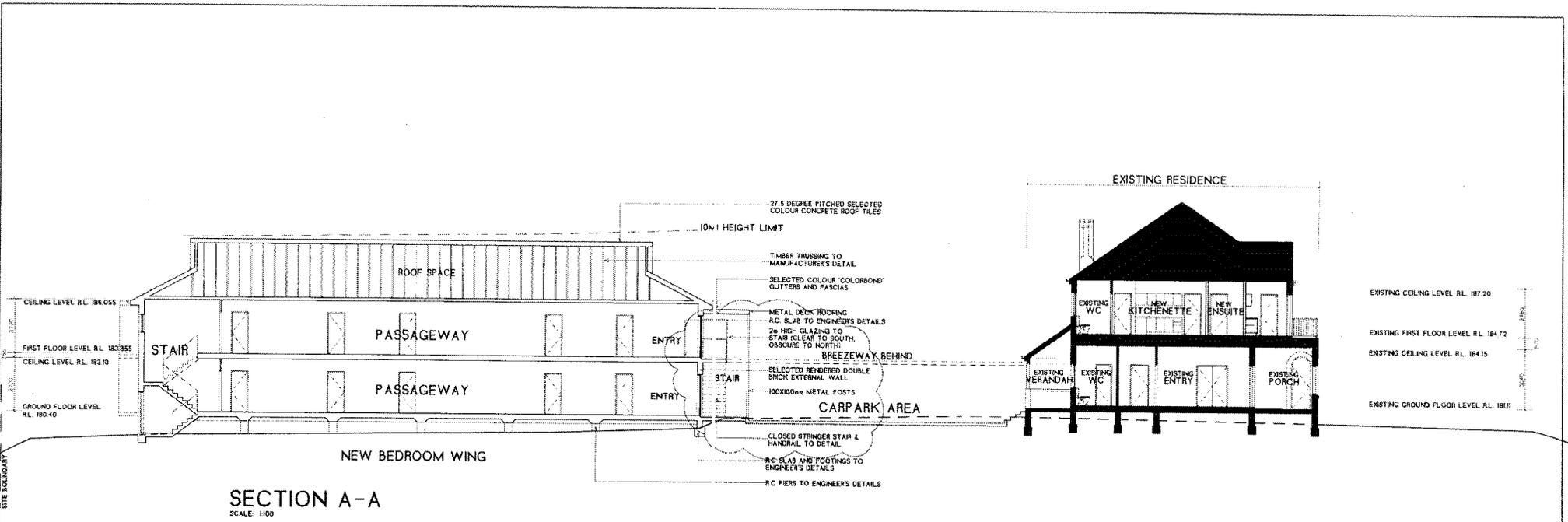
1. ASKED LANDOWNERS TO TAKE PRECEDENCE OVER READING OF LOCAL REGULATIONS FOR AN OVERVIEW OVER THE EXISTING FROM ALL LOCAL GOVERNMENT REGULATIONS REGARDING CODE OF APPEARANCE AND OTHER CODES AND STANDARDS SHALL BE CHECKED PRIOR TO THE WORK.

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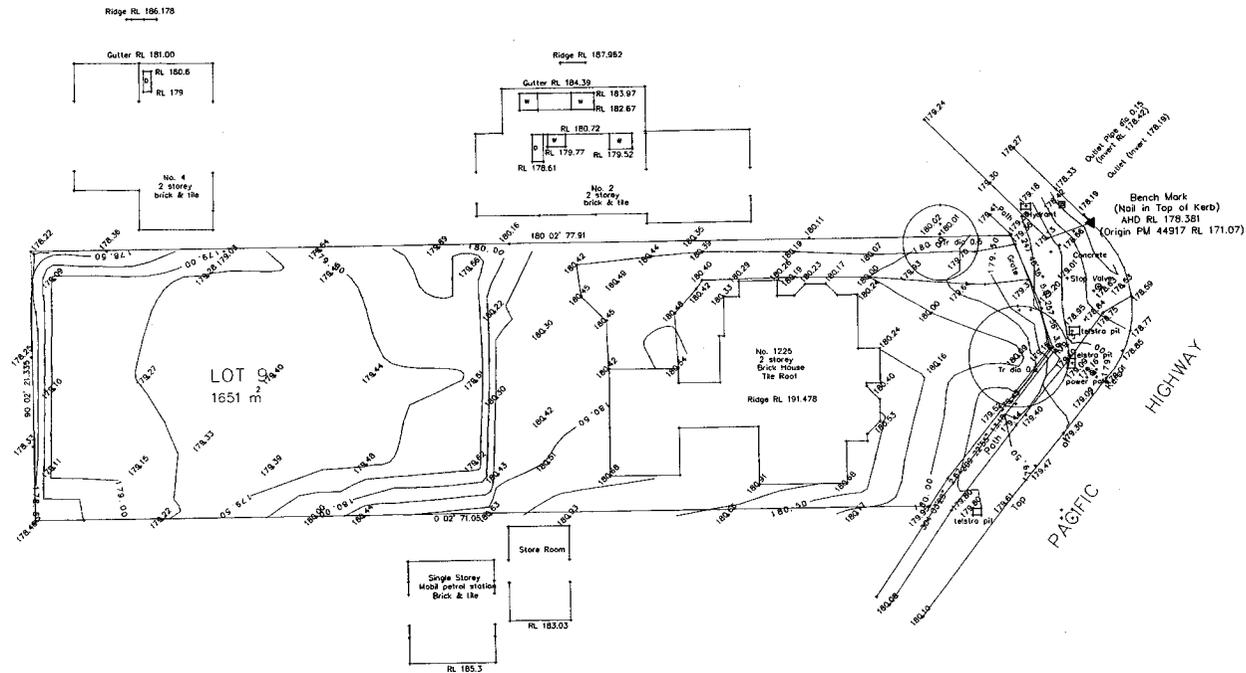
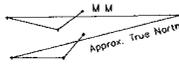
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JOHN G. BURKE B.Arch (HONS), A.A.A.I.A.
 DP. CO. WORK. A.S.T.C. (MENS. F.D.C. NEW REG. 12928



SECTIONS		PROJECT		REV		REVISION DESCRIPTION		DATE		NO		REV		REVISION DESCRIPTION		DATE		NO		REV		REVISION DESCRIPTION		DATE	
DATE: MAY, 2007		DRAWN: JGB		A		AMENDMENTS TO DA DOCUMENTATION, INC.		MAY 2007		1		B		INCORPORATE SURVEY FOR EXISTING 1000V											
PROJECT: 1225 PACIFIC HIGHWAY [LOT 9, DP. 17642] TURRAMURRA		CLIENT: RINBAC PTY. LIMITED		C		REMOVE EXISTING GARAGE AND MAKE GOOD LAUNDRY WALL				2		D		REMOVE FRONT DOOR ACCESS PATH											
DRAWING NO: 14624		DA		06		A																			

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 ERIN & BOBBIE BARCH (HONS), ARA 14
 DP, CLD, HONS, A.B.C. (HONS), P.D.C., NSW REG. 19428



NOTE:
 THIS PLAN IS PREPARED FOR DETAIL AND LEVEL PURPOSES ONLY AND AS SUCH THE BOUNDARIES OF THE LAND HAVE NOT BEEN SURVEYED OR MARKED.
 ANY STRUCTURES RELATED TO PHYSICAL FEATURES (BUILDINGS, TREES, ETC.) MUST BE CONFIRMED PRIOR TO FINAL DESIGN.
 ALL SERVICES MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

THE BEARINGS ON THESE PLAN BOUNDARIES ARE FROM LAND TITLE OFFICE PLANS. THEY ARE ON MAGNETIC MERIDIAN. IF ACCURATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.

CHADWICK, CHENG & ASSOCIATES
 CONSULTING SURVEYORS

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 CASTLE HILL 2154
 P.O. BOX 491 CASTLE HILL 2155
 DX 8466 CASTLE HILL

PHONE: 9550 2811

FAX: 9534 4495



Plan showing detail and levels over Lot 9 in DP 17542 at Pacific Highway, Turramurra

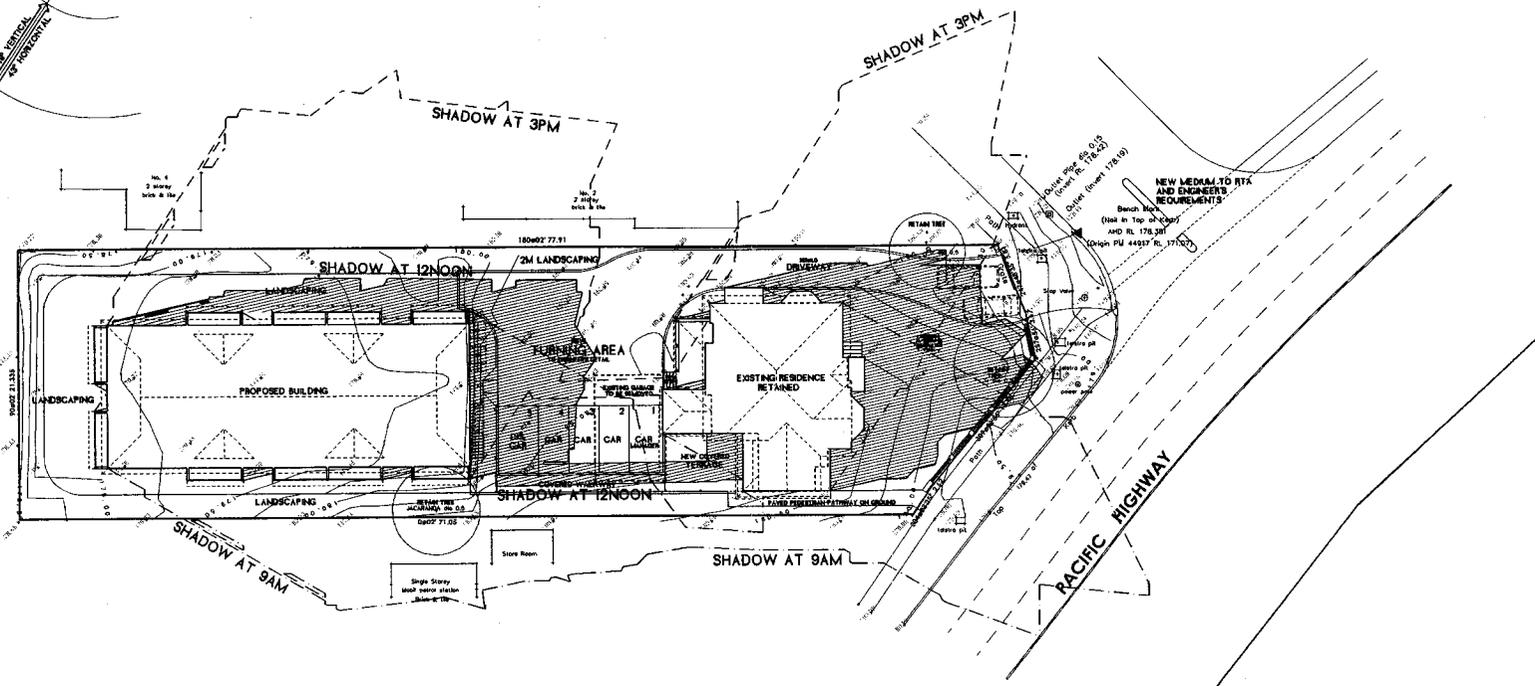
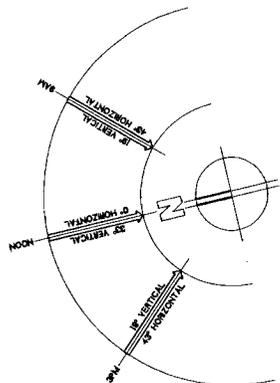
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 PRINCIPAL: Avi Rubinstein

DATE: 30.07.02
 PRINCIPAL: Avi Rubinstein

Revision A

SHEET 1 OF 1 SHEETS

REFERENCE 21426 / D



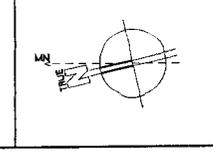
SHADOW DIAGRAMS FOR 22nd OF JUNE
SCALE: 1200

DRAWN SHADOW DIAGRAMS			
DATE SEPTEMBER, 2006	DRAWN J.G.B.		
REF FILES\PACIFIC\HOUSE\DC5			
DRAWING NO. 14826	EC DA	YEAR 06	REV. -

PROJECT PROPOSED BOARDING HOUSE DEVELOPMENT
AT 1225 PACIFIC HIGHWAY [LOT 9, DP, 17642] TURRAMURRA
FOR RINBAC PTY. LIMITED

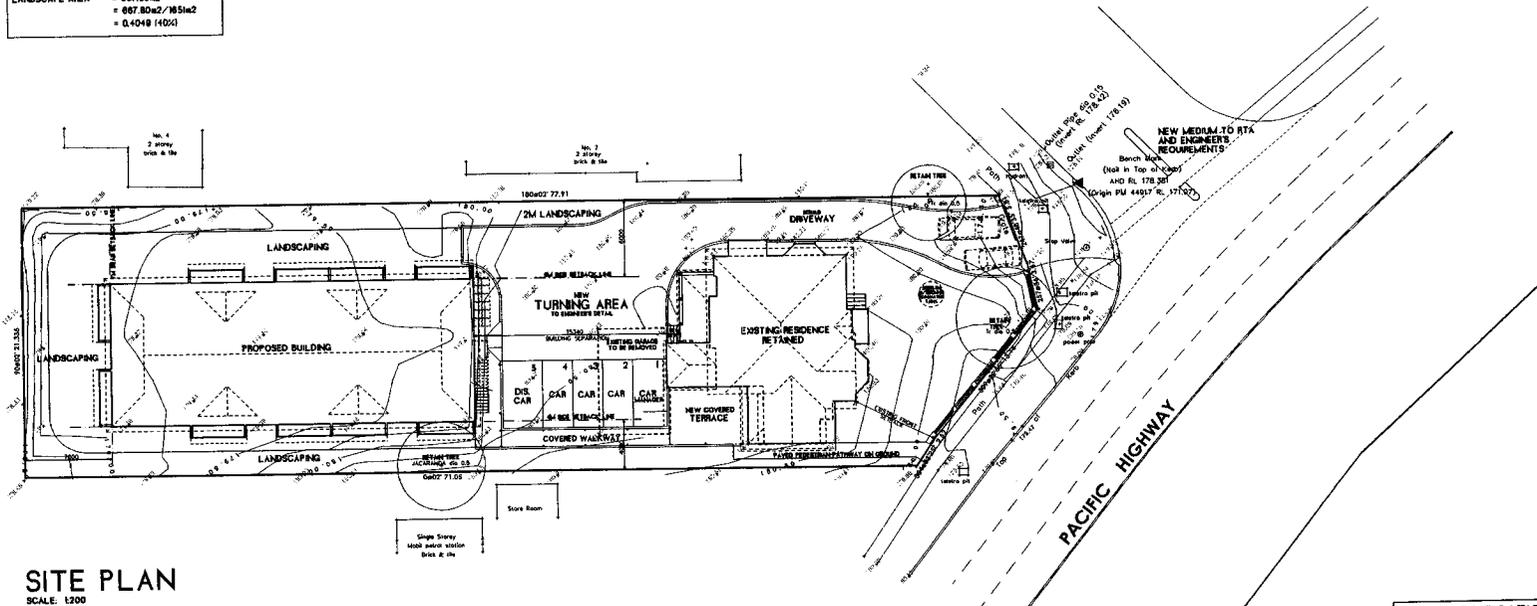
REV.	REVISION DESCRIPTION	DATE	REV.	REVISION DESCRIPTION	DATE	REV.	REVISION DESCRIPTION	DATE
A	SOCIAL PLANNERS RECOMMENDATIONS	OCT. 2002						

FOURD DIMENSIONS TO TAKE PRECEDENCE OVER SCALING.
 ANY DIMENSIONS TO BE CHECKED WITH THE AUTHOR PRIOR TO CONSTRUCTION WORK.
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 JOHN G. BOURKE, S.A.B.C.H. (NSW), A.B.A.L.A.
 DP, C.B. (NSW), A.S.T.C. (NSW), P.O.C., N.S.W. REG. #2428

TABLE OF AREAS	
SITE AREA	= 1851m ²
EXISTING	
GROUND FLOOR	= 173.80m ²
FIRST FLOOR	= 141.00m ²
TOTAL FLOOR	= 315.50m ²
EXISTING FSR	= 315.50m ² / 1851m ²
	= 0.18 (18%)
NEW	
GROUND FLOOR	= 327.40m ²
FIRST FLOOR	= 327.40m ²
TOTAL FLOOR	= 654.80m ²
TOTAL FLOOR SPACE	= 315.50m ² + 654.80m ²
	= 870.30m ²
TOTAL FSR	= 870.30m ² / 1851m ²
	= 0.59 (59%)
LANDSCAPE AREA	
	= 887.80m ²
	= 487.30m ² / 1851m ²
	= 0.40 (40%)



SITE PLAN
SCALE: 1:200

- BASIS SPECIFICATION NOTES**
- SHOWERHEADS SHALL HAVE MINIMUM 3 STAR RATING
 - TOILET FLUSHING SYSTEMS SHALL HAVE MINIMUM 3 STAR RATING
 - KITCHEN TAPS SHALL HAVE MINIMUM 3 STAR RATING
 - BASIN/BATHROOM TAPS SHALL HAVE MINIMUM 3 STAR RATING
 - HOT WATER SYSTEM SHALL BE GAS INSTANTANEOUS WITH A MINIMUM 4 STAR RATING
 - 4 x 500L RAINWATER TANKS UNDER SHALL BE INSTALLED AND CONNECTED TO ALL TOILETS
 - NO HEATING AND COOLING SYSTEM FOR LIVING AREAS AND BEDROOMS EXCEPT CEILING FANS FOR COOLING IN LIVING AREAS
 - BATHROOMS SHALL BE NATURALLY VENTILATED ONLY
 - KITCHEN SHALL BE NATURALLY VENTILATED ONLY
 - LAUNDRY SHALL BE NATURALLY VENTILATED ONLY
 - BATHROOM AND KITCHEN TO USE NATURAL LIGHTING
 - KITCHEN SHALL HAVE GAS COOKTOP AND ELECTRIC OVEN
 - REFRIGERATOR TO HAVE MINIMUM 3 STAR RATING
 - PULLOUT CLOTHES DRYING LINES TO BE LOCATED IN BATHROOMS
- COMMON AREA**
- SHOWERHEADS SHALL HAVE A MINIMUM 3 STAR RATING
 - TOILET FLUSHING SYSTEMS SHALL HAVE MINIMUM 3 STAR RATING
 - CLOTHES WASHERS SHALL HAVE A MINIMUM 3 STAR RATING
 - HALLWAYS/LOBBY SHALL BE NATURALLY VENTILATED ONLY
 - HALLWAYS/LOBBY TO HAVE INCANDESCENT ARTIFICIAL LIGHTING
 - WITH DAYLIGHT AND MOTION SENSORS INSTALLED

DRAWING SITE PLAN		PROJECT PROPOSED BOARDING HOUSE DEVELOPMENT		REV. REVISION DESCRIPTION		DATE		REV. REVISION DESCRIPTION		DATE		REV. REVISION DESCRIPTION		DATE		NOTES FIGURES SUBMITTALS TO TAKE PRECEDENCE OVER SCALING ANY DISCREPANCIES TO BE CHECKED WITH THE AUTHOR PRIOR TO COMMENCEMENT WORK. ALL LOCAL GOVERNMENT REGULATIONS BUILDING CODE OF AUSTRALIA AND OTHER CODES AND STANDARDS SHALL BE COMPLIED WITH IN THE WORKS. THESE DRAWINGS ARE PROTECTED BY COPYRIGHT
DATE SEPTEMBER, 2008		DRAWN J.G.S.		A		SOCIAL PLANNERS RECOMENDATIONS		OCT, 2009								
REV. FILES\PACIFIC\HOUSE\DC5		AT 1225 PACIFIC HIGHWAY [LOT 9, DP. 17642] TURRAMURRA		FOR RINBAC PTY. LIMITED												
DRAWING NO. 14621		EX. DA		YEAR 06		REV. -										

APPENDIX A - 1225 PACIFIC HIGHWAY MANAGEMENT PLAN

Design Collaborative Pty Ltd

A. Management

- There will be a resident manager (probably, a couple) residing on-site and occupying the rooms on the northern side of the upper floor of the existing building.
- The manager will be assisted by a non-resident staff of one or two persons who may work part or full-time at the boarding house.

B. Fees

- Guests will be charged on a weekly or monthly basis for their accommodation (which will include the provision of breakfasts each day between specified hours in the communal dining room in the existing building) and a weekly change of linen and towels. Fees would vary depending on whether or not the guest utilised a carparking space. [The quantum of those fees will be determined by:-
 - the final capital and management costs of the project which are, as yet, unknown, and
 - the market.]

C. Duties of management and staff

- To provide all services needed to maintain an appropriate standard of cleanliness and maintenance in all communal areas including the grounds.
- To arrange for waste collection from rooms and communal areas and for the appropriate removal of wastes from the property.
- To monitor security and compliance with house rules.
- To attend the office which would be open between the following hours:-
 - Monday to Friday: 8am to 6pm
 - Saturday, Sunday and public holidays: 10am to noon
- The office staff would be responsible for:-
 - registration of residents including issuing security keys which would give access to their rooms and communal rooms and facilities, and collection and management of security deposits
 - establishment and collection of fees
 - receipt and distribution of residents' mail
 - allocation and management of parking spaces

- monitoring of room meters (electricity, water, internet, telephone services) through a central system and preparation of monthly accounts and collection of monies due
- marketing including responding to enquiries for accommodation
- providing a first point of contact for Police, emergency services, maintenance tradesmen and the like
- registering all residents' visiting in a visitors book
- recording and dealing with complaints from any source.

[After hours, the office telephone would be directed to the resident manager's quarters.]

D. House Rules

House rules will be displayed in each room, the office and relevant communal areas. They are expected to cover the following:-

- Number of guests per room (maximum two)
- Noise
- Use of communal facilities
- Carparking
- Visitors/guests
- Dress code in communal areas
- General cleanliness

E. Communal Areas

1. Main Kitchen

- Before 10am, this kitchen is reserved for use by the management for the preparation and service of breakfasts for residents in the communal dining room.
- Between 10am and 9pm, residents may use this kitchen.
- No use is to be made of this kitchen between 9pm and 6am.
- Access to this kitchen for resident's will be available via their security keys.
- Appliances, including the cook-top and over, will be coin-operated.

2. Subsidiary Kitchen in lounge (in rear block)

- Access to this room for residents will be available via their security keys.
- The cooking facilities in this room will be limited and will not be suitable for cooking elaborate meals.
- The cook-top and oven will be coin-operated.
- No use is to be made of this room between 11pm and 7am.

3. Dining Room

- The use of this room is confined to residents or their registered visitors, staff and management.
- Between 7am and 10am, the use of this room will be confined to serving breakfasts to residents.
- Between 10am and 8pm, this room may be used by residents and their registered visitors for the serving and consumption of meals which they prepare or have brought in.
- By prior arrangement with the management, residents will be able to reserve this room for private, non-commercial functions.
- Residents will be able to make arrangements with the management (subject to payment of a suitable fee) to be provided with meals at meal times other than breakfast.
- This room is only to be used for dining or functions approved by the management.

4. Lounge and sitting rooms (front building)

- These rooms will be available for use by residents between 8am and 10pm.
- These rooms will be furnished with appropriate informal lounge style chairs, coffee tables, a small library, newspapers and will have access to a public telephone and tea/coffee making facilities.

5. Subsidiary lounge (in rear block)

- This room will be accessible to residents – as a lounge – between 7am and 11pm, access being by security key.
- A television set will be provided in this room and it will be furnished with a few lounge-style chairs.

6. Main Laundry (front building)
 - This laundry will be available for use by residents from 8am to 9pm.
 - Access will be gained by security swipe card
 - Laundry equipment – 3 washing machines, 3 dryers – will be coin-operated. This laundry will also contain a washing tub and ironing board.

 7. Subsidiary Laundry (rear building)
 - The laundry will be provided with one washing machine and one dryer.
 - The electrical equipment will be coin-operated.
 - Residents will be able to use this laundry between 7am and 11pm.
 - Access will be available by security keys,
 - The door between the laundry and the lounge/kitchen will be fitted with an automatic closer and acoustic seals and should be kept closed at all times the laundry is in use.

 8. Covered Terrace
 - This is to be the only communal area, apart from the garden or carparking area, where smoking would be permitted.
 - It would be furnished with suitable outdoor furniture.
- F. Linen and towels**
- The fee paid by residents will cover the provision of clean linen (sheets and pillowcases) and towels (2 per person) each week.
 - residents will be able to collect these from the office when it is open.
 - Guests will be required to return soiled linen and towels to the office when receiving fresh linen and towels.
 - The management will be responsible for laundering all linen and towels.
- G. Rooms**
- The management will clean and inspect all occupied rooms, once weekly.
 - Any damage to the property observed during such inspections will be charged to the resident occupying the room where it is observed.
 - Residents will be responsible for bed-making and the general tidiness and cleanliness of their rooms.

Item 2

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	9A Curagul Road, North Turramurra - Section 82A Review of Determination (Refusal of Consent) for a villa home and townhouse development comprising 17 dwellings and strata subdivision
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	DA1377/05-2
SUBJECT LAND:	9A Curagul Road, North Turramurra
APPLICANT:	HARB Enterprises P/L c/o Harry Sidaway & Associates P/L
OWNER:	HARB Enterprises P/L
DESIGNER:	Harry Sidaway & Associates P/L
PRESENT USE:	Vacant lot.
ZONING:	2H Residential
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, LEP 131 – Structures within restricted areas, DCP 23 – Nos 9,9A, 11 and 15 Curagul Road, North Turramurra, DCP 31 – Access, DCP 40 - Construction and Demolition Waste Management, DCP 43 - Car parking, DCP 47 - Water Management, DCP 56 – Notification
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy No.55 - Remediation of Land, Building Sustainability Index – BASIX, Regional Environmental Plan No. 20 – Hawkesbury Nepean River
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	15 December 2006
40 DAY PERIOD EXPIRED:	26 January 2007
PROPOSAL:	Section 82A review of Council's refusal of the proposed villa and townhouse development and strata subdivision.
RECOMMENDATION:	Approval

Item 2

DEVELOPMENT APPLICATION N^o DA1377/05-2
PREMISES: 9A CURAGUL ROAD, NORTH
TURRAMURRA
PROPOSAL: REVIEW OF DETERMINATION
APPLICANT: HARB ENTERPRISES P/L, C/o HARRY
SIDAWAY & ASSOCIATES P/L
OWNER: HARB ENTERPRISES P/L
DESIGNER HARRY SIDAWAY & ASSOCIATES P/L

PURPOSE FOR REPORT

To review the determination of Development Application 1377/05 under s.82A of the Environmental Planning and Assessment Act 1979, which refused consent for the construction of 17 dwellings. The development consisted of 3 villas and 14 townhouses and their strata subdivision.

The application is referred to full Council for determination by the Director Development and Regulation.

EXECUTIVE SUMMARY

Issues:	Front setback, privacy, overshadowing, drainage
Submissions:	14 submissions received
Pre-DA:	Not applicable
Land & Environment Court Appeal	Not applicable
Recommendation:	Approval

The current proposal has been amended to address the reasons for refusal and the issues raised within the submissions. The proposed development, as amended, is now consistent with the relevant planning controls and policies. It is recommended that Council review its determination and grant development consent to the application, subject to conditions.

HISTORY

Development application 1377/05 sought consent for the construction of 17 dwellings consisting of 3 villas and 14 townhouses and strata subdivision. The application was refused under staff delegation on 12 October 2006 for the following reasons:

“1. The proposal is an overdevelopment of the site.

Item 2

2. *The proposal does not comply with the 'floor space ratio' of Clause 60 of the Ku-ring-gai Planning Scheme Ordinance.*

Clause 60 permits a maximum floor space ratio of 0.4:1. The proposed development has a floor space ratio of 0.45:1.

The non-compliance with the floor space ratio results in an increased building bulk and scale which has an impact on the built-upon area of the site and compromises;

- (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and*
- (ii) solar access to private open space areas both within (units 1, 2, 4, 5, 15, and 16) and outside of the site (particularly the Dwelling at No.1/11 – 15 Curagul Road).*
- (iii) compliance with the BASIX landscape commitments.*

The State Environmental Planning Policy No. 1 objection lodged in respect of this non-compliance is not supported.

3. *The proposal does not comply with the 'built-upon area' of Clause 60BA of the Ku-ring-gai Planning Scheme Ordinance.*

Clause 60BA permits a maximum built-upon area of 50%. The proposed development has a built-upon area of 60%.

The non-compliance with the built-upon area compromises:

- (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and*
- (ii) solar access to private open space areas both within (units 1, 2, 4, 5, 15, and 16) and outside of the site (particularly the Dwelling at No.1/11 – 15 Curagul Road).*
- (iii) compliance with the BASIX landscape commitments.*

The State Environmental Planning Policy No. 1 objection lodged in respect of this non-compliance is not supported.

4. *The proposal does not comply with Clauses 2 (b) and 5 of Local Environmental Plan No. 131 which seeks to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern boundary of the land.*

The deck areas of units 13 to 17 are proposed to be erected within this restricted area.

A State Environmental Planning Policy No. 1 objection has not been lodged in respect of this non-compliance.

5. *Assessment of the impacts of the development in respect of State Environmental Planning Policy No. 55 Remediation of Land and Sydney Regional Environmental Plan*

Item 2

No. 20 Hawkesbury Nepean River cannot be completely assessed due to lack of detail in the contamination report prepared by Brink and Associates. Further investigation is required in respect of the following;

- *Issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery)*
 - *An area of disturbed soil located in the site.*
 - *A suggestion that pesticides may have been used on the site*
 - *The need for sediment and stormwater issues to be carefully managed at the site for human and environmental health reasons.*
 - *Escape of soil material and potential contaminants (as identified by the PEA) into the stormwater from the site as this could pose a risk to the local environment, particularly during and after heavy rain*
 - *Health implications for the retirement complex immediately downstream of the site.*
 - *The potential for pollutants from this site to be washed into the National park and Cowan Creek, adding to the environmental pressures posed from urban runoff.*
6. *The plans do not indicate compliance with BASIX landscape commitments. A separate plan is needed to clearly indicate the landscaped areas for each dwelling and the common area that comply with the BASIX Certificate submitted with the application, (hatching or shading of the areas is required).*
7. *Certification by an accredited access consultant has not been provided in respect of compliance with the relative adaptable housing standards and Australian standards. There is concern that the dimensions of the double garages will not meet the standards and no disabled visitor parking space has been provided.*
8. *The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons;*
- *The landscape plan shall comply with clause 14.4 of Development Control Plan 23.*
 - *The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)*
 - *Tree 15 - Livistona australis (Cabbage Tree Palm) and Tree 16 – Phoenix canariensis (Canary Island Palm) are to be transplanted and appropriately relocated on the site.*
9. *The waste bin enclosure does not comply with the provisions of Development Control Plan No.40 and Policy for Construction and Demolition Waste Management*

Item 2

- *The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste.*
- *Night lighting, hot and cold hose cock, should be provided for cleaning*
- *Bin arrangement does not allow for ease in stacking. Bins should not be arranged in stack formation.*
- *Green wastes are to be serviced from the street.*

10. *The proposal does not comply with the following requirements of Development Control Plan 23 Nos. 9, 9A, 11 and 15 Curagul Road, North Turrumurra as follows;*

Clause 11 Density

- *The proposal provides a floor space ratio of 0.45:1 in lieu of 0.4:1.*

Refer to comments under 1 above.

Clause 13 Building setbacks and building lines

- *The proposed construction of decks to units 13 to 17 within the 4 metres wide plantation buffer zone.*
- *The proposed construction of units 16 and 17 within the 8 metres wide and variable width plantation buffer zone.*

The objectives of the buffer planting zone are as follows:

- 1) *Prevent damage to people and property as a result of stray golf balls.*
- 2) *Provide an opportunity for landscaping to screen the subject land from the golf course.*
- 3) *To enhance and encourage views from the golf course to the National Park and future open space areas within the subject site.*
- 4) *To provide an opportunity to erect protective fencing between the subject land and the golf course in an unobtrusive location, which is to be well screened.*

Clause 14 Site development and landscaping

- *The proposal provides a built-upon area of 60% in lieu of 50%.*

Refer to comments under 2 above.

- *The proposal does not comply with the landscape plan LP01/93 attached to DCP 23 with regard to buffer zone planting.*

Refer above.

Clause 19 Sunlight access

Item 2

The sunlight access to the private open space areas of units 1, 2, 4, 5, 15 and 16 within the development site and to the adjoining development to the east and the west, particularly Dwelling 1/11 – 15 Curagul Road is unacceptable.

Further detailed shadowing would be required to establish the effects on the adjoining properties. A reduced built-upon area would provide flexibility in the location of private open space areas.

Clause 20 Private open space

There are variations to the standard in regard to the minimum dimensions of Units 8, 9, 13, 15, and 16. The variation to units 8 and 9 is small and can be accepted. The area of private open space for Units 13, 15 and 16 while not providing the minimum dimensions of 5 x 5 metres is also within the restricted plantation buffer zone which was not the intent of the DCP, as is part of the private open space to units 14 and 15.

Clause 21 Private courtyards

Wall and courtyard fencing (including side boundaries) detail has not been provided, is missing or is difficult to interpret. This creates difficulties in assessing privacy aspects in the courtyards. A detailed plan indicating courtyard wall or fencing details would be of assistance. The plan should include top of wall and ground levels and fencing heights.

Clause 22 Common open space

The location of the common open space is not suitable for all dwellings in the development complex, particularly Dwellings 1 and 5. It would be preferred in a more central location.

Clause 24 Access and parking

In Units 1 to 12 the double garage dimensions of 5.4 x 5.4 metres do not meet the DCP, nor the Car Parking Code in regard to the minimum width requirements. It is considered that as a minimum they should be amended to comply with the Car Parking Code requirements and provide a minimum clear width of 5.6 metres.

11. *The strata plan does not correspond to the amended building plans adjacent to units 4 and 13.*
12. *No information has been provided in respect of the availability of water and sewerage services to the site.”*

Item 2

THE SITE AND SURROUNDING AREA

The site

Zoning:	2h Residential
Visual Character Study Category:	Not identified
Lot Number:	1
DP Number:	1027585
Area:	6902m ²
Side of Street:	Southern
Cross Fall:	Rear to street front
Stormwater Drainage:	Yes to the street
Heritage Affected:	No
Required Setback:	9 metres
Integrated Development:	«Yes/No»
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The subject site is located on the southern side of Curagul Road, Turramurra, to the east of Bobbin Head Road. The site has an area of 6902m², and having dimensions of 87.55 metres in width and 78.835 metres in depth. The site slopes down from the rear to the street, with a fall of approximately 6.12 metres being a grade of 7%. The site is burdened by a 1.8 metres wide easement to drain water, which generally dissects the site down the middle. The easement prevents the construction of permanent structures under certain circumstances.

Currently the site is vacant and is covered by grass with some trees located along the western and rear boundaries.

Surrounding development

Immediately adjoining the subject site to the east and west are villa and townhouse developments at 9 and 11-15 Curagul Road, similar to that which is proposed. These sites are also zoned 2(h) Residential.

The surrounding area has been developed in a similar manner to the development proposed in the subject application. The developments along the northern side of Curagul Road are zoned 2(g) Residential, contain substantial landscaped areas, reasonably consistent front set backs of some 9 to 10.2 metres, with some developments constructed for aged care. Single and two storeys residential development dominates the area. Adjoining the subject site to the rear is Turramurra Golf Course.

THE PROPOSAL

The proposal is for the construction of 17 dwellings, containing 3 villas and 14 townhouses, associated car parking, landscaping, drainage works and strata subdivision. The application has been amended prior to lodgment and during the assessment period to address Council officer's and

Item 2

objectors concerns. The amendments were not required to be notified in accordance with Council's Notification Policy DCP No.56.

The following is a summary of the design changes between the refused proposal and the current application:

- The dwellings have been reduced in size from a total gross floor area of 3105.9m² to 2768m², changing the development from a non complying FSR of 0.45:1 to 0.4:1, which is now compliant with Council's policy;
- The built upon area (BUA) has been reduced to 3455m² or 50% of site area to comply with Council's policy;
- The decks proposed in the rear 4 metres set back buffer zone have been deleted;
- The setback's of Dwellings 4 and 5 have been increased such that the average set back of the dwellings is consistent with that of adjoining development;
- To improve solar access the lay out of Dwellings 14-17 have been re-arranged to provide living areas across the full width of the dwelling in conjunction with directly accessible north facing balconies. The side courtyards of Dwellings 1, 2, 4 and 5 have been increased in size to achieve the 5m x 5m minimum requirements, which also enhances solar access to these spaces. The increased courtyard space to Dwelling 5 provides increased solar access to 11-15 Curagul Road;
- A disabled car parking space has been provided in close proximity to the entry to the development. The double garage spaces of dwellings have been increased in width to achieve 5.6 metres in accordance with the Car Parking DCP;
- A waste bin enclosure has been provided adjacent to the entry of the site, which is fully enclosed and will be connected to the sewer for floor waste. The bin area has also been configured in accordance with DCP 40; and
- The main common open space area has been maintained in the previously proposed location, however its access has been improved by the relocation of two visitor car parking spaces

In addition, further information has also been lodged with this application addressing the information deficiencies of the previous application. This includes a revised landscape plan which provides the required amount of indigenous landscape planting in accordance with the BASIX commitments. The additional information also includes an Environmental Report addressing SEPP 55 and SREP 20 considerations in relation to site contamination and impacts from transfer of potential contaminants through site transfer and confirmation of the site's ability to connect to sewer and water.

Dwellings 1, 2, 4 and 5 (townhouses)

These are two-storey dwellings and have frontage to and vehicular access from Curagul Road. At the ground level they comprise: porch, entry, bedroom with en-suite, dining room, laundry, kitchen, dining, powder room, double garage and courtyard. At the upper level they comprise 2 bedrooms and a bathroom and stairs.

Dwelling 3 (townhouse)

This is a two storey dwelling with frontage to Curagul Road. Vehicular entry to the garage at the rear of the building is from a common central driveway. At the ground level the dwelling consists

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of a porch, entry, living room, dining room, one bedroom with en-suite, powder room, laundry, courtyard and double garage. At the upper level it comprises 2 bedrooms, study and a bathroom and stairs.

Dwellings 6, 7 and 8 (villas)

These are single-storey dwellings and have frontage to the central driveway. They comprise porch, entry, 3 bedrooms (one with en-suite), laundry, bathroom, kitchen, living and dining room, courtyard and double garage.

Dwellings 9, 10, 11 and 12 (townhouses)

These are two-storey dwellings and have frontage and access to the central driveway. At the ground level they comprise a porch, entry, one bedroom with en-suite, kitchen, living and dining rooms, laundry, powder-room, stairs, courtyard and double garage. The upper levels of Dwellings 9-11 have 2 bedrooms, study, bathroom and stairs. The upper level of Dwelling 12 has two bedrooms, a bathroom and stairs.

Dwelling 13 (townhouse)

This is a two storey dwelling with frontage and vehicular access to the central driveway. At the ground level there is the entry, porch, kitchen, living-room, dining-room, one bedroom with en-suite, stairs, laundry, courtyard and double garage. The upper level comprises 3 bedrooms (1 with walk in robe and en-suite), a bathroom and stairs.

Dwellings 14, 15, 16 and 17 (townhouses)

These two-storey dwellings are located to the rear of the subject site. At ground level there is a porch, entry, 2 bedrooms, bathroom, laundry, stairs and a double garage. The upper level consists of one bedroom with en-suite, living, dining, family rooms, kitchen, powder room, stairs, deck and courtyard.

The site

Car parking for 6 vehicles, including one disabled visitor space is proposed. The common open space is to be located to the rear of the site in a central location. This area is to be turfed and surrounded by shrubs and trees. There is also a sand pit in this rear and seating. The rear 4 metres boundary set back will also be landscaped with shrubs and large trees. The garbage storage area is to be located adjacent to the main central driveway access point and will provide on site access for a small garbage collection vehicle.

The site will be extensively landscaped using a mixture of lawn, native and exotic shrub and tree species. The main private open space areas will mostly be lawn with shrubs. The main common open space area is to be lawn with shrubs bordering. The larger front set back area and rear 4 metres set back areas will contain larger shrubs and trees.

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CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP 56, the owners of adjoining properties were given notice of the application. The amended plans were not required to be re-notified under Council's notification DCP as the changes do not result any greater impacts upon surrounding properties and will be an improved outcome to that originally proposed. Submissions from the following were received:

- Dr Varoe Legge: 135/381 Bobbin Head Road, North Turrumurra.
- J P Chapman: 136/381 Bobbin Head Road, North Turrumurra.
- Mr Russell & Ms Shirley Fox: 130/381 Bobbin Head Road, North Turrumurra.
- Mr John Ford & Sheng Chun Chao: 28/11-15 Curagul Road, North Turrumurra.
- M H & C L Smith: 27/ 11-15 Curagul Road, North Turrumurra.
- Samson Cheung: 1/ 9 Curagul Road, North Turrumurra.
- Peter Oppenheim: 2/ 9 Curagul Road, North Turrumurra.
- Bill Dahl: 3/ 9 Curagul Road, North Turrumurra.
- Craig Issacson: 4/ 9 Curagul Road, North Turrumurra.
- Rosalie Geddes: 6/ 9 Curagul Road, North Turrumurra.
- Peter Dalziel: 11-15 Curagul Road, North Turrumurra.
- Peter & Sue Gisbourne: 26/11 Cruagul Road, North Turrumurra.
- Betty Musgrove: 131/381 Bobbin Head Road, North Turrumurra.
- Jim and Trish Johnson: 21/11-15 Curagul Road, North Turrumurra.

The submissions raised the following issues:

traffic impacts, particularly during bushfires

The subject site is not located within a bushfire area pursuant to Council's Bushfire Prone Land Map (Bushfire Map). Council's Development Engineer has not raised a significant issue in terms of impacts of this development to local area traffic generation or vehicles exiting the site by reversing, which is restricted to only four out of the seventeen dwellings proposed. The site is located within the State Environmental Planning Policy Seniors Living 2004 (SEPP SL) exclusion zone as highlighted within the Bushfire Map, however, this is not a SEPP Seniors Living development.

drainage/ stormwater pipes/ inappropriate number of parking spaces on site/ garage spaces too small for vehicles/ appropriate housing of garbage bins

Council's Development Engineer has reviewed the proposed drainage and the, number of on-site parking provisions. The proposed development provides appropriate drainage and complies with the minimum number of on-site parking spaces required by DCP 43 Car parking. The parking space dimensions also meet the minimum size requirements of DCP 43.

The proposed garbage storage area will not result in a detrimental streetscape impact given the development's general compliance with Council's policies, reasonable landscaping to the front setback area and the minimal scale of the storage area.

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The request to restrict parking in Curagul Road to the northern side only is unreasonable and unnecessary in this instance. The development meets the minimum on site parking space requirements and there is no perceived benefit to restrict parking to one side of the road.

overdevelopment of the site/ privacy impacts

The development is compliant with the provisions of Council's policies which determine bulk, scale and density. There will not be any significant privacy impacts for the reasons given within the relevant part of this report.

location of dwellings/ air and noise impacts

The proposed location of the dwellings is reasonable. The location of the dwellings been determined by consideration of the constraints of the drainage easement, the front and rear boundary set back requirements, the location of adjoining residences and sunlight access within and adjoining the subject site. This will result in minimal amenity impacts. The development will not result in any unreasonable dust/ air and noise impacts given the residential use of the site. Conditions of consent (**Condition Nos. 27, 41, 42**) will ensure there will be minimal dust and noise impacts during construction.

inconsistent information

The information submitted is not inconsistent and sufficiently clear to allow a proper assessment of the application.

existing pump out sewer line

Council's Development Engineer has not raised concerns in relation to the existing sewer line. In addition, conditions of consent (**Conditions Nos 16, 19**) require the consent holder to refer the application to Sydney Water in relation to impacts on the existing and future infrastructure in this regard. Consequently, Sydney Water will need to be satisfied that the development is acceptable in this regard.

lack of fencing detail/ removal of palm trees/ detrimental streetscape impacts

Fencing details have been provided and a condition of consent is recommended to ensure the fencing does not exceed 1.6 metres in height and that the palisade fencing is of a dark recessive colour to minimise visual impact (**Condition No 8**). The impacts in relation to the palm tree are reasonable, as assessed by Council's Landscape Assessment Officer. The development will not result in a significant detrimental streetscape impact for the reasons given within this report.

overshadowing

The development is compliant with the sunlight access provisions of DCP 23, providing the minimum required 3 hours solar access.

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CONSULTATION - WITHIN COUNCIL

Landscaping

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

“Proposed dwellings H4 and H5 have been satisfactorily set back 1.250 metres behind the minimum setback of 9 metres from the Curagul Road boundary to provide modulation to effectively comply with the intent of clause 13.2 of DCP 23. In addition, the circular driveways to service H1 and H2, and H4 and H5 have been replaced by single driveways to increase the soft landscape area.

Proposed dwellings H13, H14, H15, H16 and H17 comply with clause 13.4 of DCP 23 as they have a minimum setback of 4 metres and ‘an average setback of 8 metres’ from the Golf Course boundary.

The second amended landscape plan now complies with all parts of the site not built upon being landscaped with trees, shrubs, groundcovers and/or grasses of indigenous (locally occurring native) species from the Sydney Sandstone Ridgetop Woodland Vegetation Community (SSRWVC).”

Engineering

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

“Water management

The site is traversed by a Council drainage pipe and a Restriction on Use over the 100 years ARI overland flow extent. This restriction was placed by Council upon registration of DP1027585, and the terms of the restriction are:

“No permanent structure such as a dwelling, garage, impervious fence or swimming pool nor the placing of fill will be permitted to be constructed on the land affected by this restriction except where it can be adequately demonstrated that the structure or fill will:

- a) not be subject to damage by stormwater in the 100 year flood event;*
- b) not impede the overland flow of stormwater in the 100 year flood event;*
- c) not increase the risk of flooding of other properties;*
- d) not have a significant adverse affect (sic) on the natural environment.”*

The proposal is in keeping with these terms since the concept stormwater plan shows that the overland flow can be contained in the driveway section. It will be tidy for the extent of the restriction to be modified in conjunction with the subject development. This can be done prior to occupation.

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The stormwater concept plan shows an individual rainwater tank for each dwelling and the BASIX commitments are for the re-use of the retained roofwater for toilet flushing, clothes washing and irrigation.

An on site detention tank is also shown under the driveway and this is satisfactory. The site is already subject to a Positive Covenant and Restriction on Use over any on site detention system under the terms of DA1027585.

Stormwater quality controls are required under DCP 23 and Council's DCP 47, however these can be provided separately and may be shown on the Construction Certificate plans. The recommended conditions include this.

Discharge of stormwater from the site is to the "pit" in the easement which is just at the Curagul Road property boundary. At present this is an open excavation. The construction of a pit will be required – see below under "Council infrastructure". It is understood that a PVC conduit which crosses this excavation is a sewer service, possibly private. This service will have to be covered or relaid and, if Sydney Water does not have any requirements for this, then the engineer will have to include it in the design.

Traffic and parking

The main access to the development is via a 5.5 metres wide driveway in the centre of the frontage. Four of the dwellings are to share two direct accesses off Curagul Road. Reversing into the street from those four dwellings is considered acceptable, since sight distance is good and traffic volumes are low.

Traffic generation is 11 to 14 vehicle movements per peak hour, which is a relatively minor increase on traffic volumes in Bobbin Head Road and not likely to adversely affect conditions in Curagul Road.

Waste management

Council's Manager Waste Services, Colin Wright, has commented on the proposal (31 August), so no further discussion is required from Development Engineers

- *The waste bin enclosure does not comply with the provisions of DCP 40;*
- *The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste;*
- *Night lighting, hot and cold hose should be provided for cleaning;*
- *Bin arrangement does not allow for ease of servicing. Bins should not be arranged in stack formation; and*
- *Green waste is to be serviced from the street.*

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Council infrastructure

The existing trunk drainage pipe within the easement appears to need replacing (the survey plan has a note “damaged”), and the open unformed pit in Curagul Road will have to be properly constructed. DCP 23 also requires the construction of kerb and gutter, road shoulder and footpath for the frontage of the site. The design for these works will have to be submitted to Council for approval; this can be done prior to issue of the Construction Certificate.

Strata subdivision

Changes to the Conveyancing Regulation and the Environmental Planning & Assessment Act mean that an Occupation Certificate must now be served by the vendor before completion of the sale of strata units bought “off the plan”. Previously, Council was in the habit of including conditions for completion of works both in the “before occupation” and “before linen plan release” conditions. This was to prevent the non-completion of works after the sale of individual units. These changes have removed the need for an Occupation Certificate to have been issued before a strata plan can be released.”

PROVISIONS OF RELEVANT LEGISLATION

Environmental Planning and Assessment Act, 1979

The application was lodged under the provisions of s.82A of the EPA Act, consequently it must meet the following test:

“82A Review of determination

(1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant’s application, other than:

- (a) a determination to issue or refuse to issue a complying development certificate, or*
- (b) a determination in respect of designated development, or*
- (c) a determination in respect of integrated development, or*
- (d) a determination made by the council under section 116E in respect of an application by the Crown.*

(2) A request for a review may be made at any time, subject to subsection (2A).

(2A) A determination cannot be reviewed:

- (a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or*
- (b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

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(3) *The prescribed fee must be paid in connection with a request for a review.*

(3A) *In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).*

(4) *The council may review the determination if:*

(a) *it has notified the request for review in accordance with:*

(i) *the regulations, if the regulations so require, or*

(ii) *a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and*

(b) *it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and*

(c) *in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.”*

The proposal meets the above test, as follows:

- The application was not a complying development certificate, designated or integrated development or a determination under section 116E of the EPA Act 1979 in relation to the Crown.
- The review has been lodged within sufficient time as required under section 82A(2)(2a) of the EPA Act, 1979.
- The applicable fee has been paid.
- The application has been notified in accordance with the regulations and Council's Notification Policy DCP 56.
- 14 submissions were received and have been considered within the assessment report.
- The application has been amended however, it is substantially the same development as described in the original application, as follows:

“The proposal is to erect 17 villa/townhouse dwellings with associated car parking and strata subdivision.”

This application has maintained the number of proposed dwellings at 17, the general lay-out of the dwellings, driveway and open space area, height of dwellings and the strata subdivision of the site. In support, the description of the design changes demonstrates the relatively minor degree of changes supporting the position that the development is substantially the same.

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Reason 5 of Council's refusal of the development application cited 7 bullet points where the application lacked sufficient detail for Council to determine the impacts of the development in regards to these two policies. In response, the applicant has provided a statement by Aargus Australia, environmental consultants, addressing each of the 7 points.

Clause 7 of SEPP 55 requires Council to consider whether the land is contaminated and if so, it is satisfied that it is suitable in its contaminated state or will be suitable after remediation for the development. The aim of SREP 20 is to protect and provide total catchment management for the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context.

Point 1: *Issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery).*

The statement concludes that it is "*unlikely that contaminants from previous use of the site for veterinary purposes would have persisted*" and that the site will mostly be sealed where the contaminants are likely to be located and therefore poses low risk to human health. The consultant's report also noted that vegetation in the vicinity of the veterinary surgery was generally healthy and free from stress. For these reasons, it was concluded that the site posed a low risk to human health and to the environment in relation to its previous use.

Point 2: *An area of disturbed soil located in the site.*

The report notes that disturbed natural residual soils pose a "*low risk to human and environmental health and it is unlikely the natural soils contain contamination.*" A visual inspection of the fill material around the drain indicated the materials were composed of "*sandy clay, gravel and inert building material such as brick pieces*". The fill material was free of odours and staining and the vegetation around the drain appeared generally healthy and free from stress. It was concluded that further investigation was not necessary and the fill was unlikely to pose significant risk to human or environmental health.

Point 3: *A suggestion that pesticides may have been used on the site.*

The report notes the possibility of the use of pesticides in particular when the site was occupied by "the providore" during 1941-1959. The pesticides used have relatively short half lives and it is highly unlikely that contaminants would have persisted over time. It was also concluded that it is highly unlikely the pesticides would have migrated on site from the adjoining golf course as both areas have been vegetated, which limits tracking on or off site. Migration through the drain would also be unlikely as it appeared its base was in good condition and free of perforations therefore, contaminants were unlikely to have penetrated into the soils on site.

Point 4: *The need for sediment and stormwater issues to be carefully managed at the site for human and environmental health reasons.*

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This issue can be addressed by condition to ensure an appropriate sediment and erosion control plan for the site. The report suggested that *'for any area on site that contains bare surfaces of greater than 5m², sediment fencing should be erected to minimise surface water run-off into localised water catchment areas.'* **Conditions Nos 27, 28** are recommended to this effect.

Point 5: *Escape of soil material and potential contaminants (as identified by the EPA) into the stormwater from the site as this could pose a risk to the local environmental, particularly during and after heavy rain.*

The report concludes that the site is covered by thick vegetation and there was no evidence of soils tracking into either the drain on site or off-site. Conditions recommended in this report for soil erosion and water management will ensure that if there were any residual contaminants, they are not transferred from the site. The development satisfies the relevant provisions of both SEPP 55 and SREP 20 in relation to contamination and impacts on the Nepean Hawkesbury River system by way of soil erosion, siltation and drainage.

Point 6: *Health implications for the retirement complex immediately downstream of the site.*

The report states if there were any run-off from site, it would enter the local stormwater drains on Curagul Road. However, it was concluded that it is highly unlikely that surface run-off would leave the site in general and track onto the down gradient retirement complex. The grass layers would also act as a natural bio-filtration device.

Point 7: *The potential for pollutants from this site to be washed into the National Park and Cowan Creek, adding to the environmental pressures posed from urban runoff.*

The report states that the site does not contain any significant area of bare soil and that the heavy vegetation ensures that it is highly unlikely that soil would track off-site. Therefore, there is a low risk to environmental health in general or specifically to that of the National Park or Cowan Creek.

In addition to the comments in the report, standard conditions of consent are recommended (**Conditions Nos 27, 28**) to ensure there will be minimal impact during and post construction to minimise run-off, siltation and soil erosion.

The above demonstrates that the applicant has adequately addressed the concerns raised by the assessing officer in regards to Reason 5 of Council's refusal of the Development Application.

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

The aim of the SEPP (BASIX) 2004 is to encourage sustainable residential development. Reasons 2, 3 and 6 cited the applicant's lack of a plan demonstrating landscape commitments for the development as a reason for refusal of the application.

The highlighted ground floor plan (DA01 Issue G) submitted with this s.82A Review application demonstrates compliance with BASIX landscape commitments. Accordingly, this now overcomes

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Reasons 2, 3 and 6 of Council’s refusal of the Development Application as they relate to landscape commitments.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Clause 43 (7)(a)(a) Site area (min): 929m²	6902m ²	YES
Clause 43 (7)(a)(b) Street frontage (min): 18.28m	87.55m	YES
Clause 43 (7)(a)(f) Height (max): 8m	<8m	YES
Clause 53 Car parking spaces (min): <ul style="list-style-type: none"> • 1 space /flat (residents) • Minimum size 5.4m x 2.4m) 	2 spaces per unit >5.4 x 2.4	YES YES
Clause 60 Floor space ratio: 0.4 : 1	0.40:1	YES
Clause 60BA Built-upon area: 50%	50%	YES

Aims and objectives for residential zones (Schedule 9(1)(2))

The aims and objectives of Schedule 9 seek to maintain and improve the existing amenity and character of residential zones and to allow new residential development where it is compatible and provides appropriate relationship with the surrounding area.

The current proposal is consistent with the general and specific objectives of the KPSO. The development is consistent with the neighbouring residential character given the numerical compliance with the scale and bulk provisions of FSR and BUA. The proposed design reflects the townhouse and villa development at 9 and 11-15 Curagul Road. There is suitable planting and landscaping, which balances the built form. The proposed landscaping also provides a good relationship with the landscaping of the golf course to the rear of the development site. The development does not result in a significant loss of sunlight to the adjoining development given the north/ south orientation of the site. The development provides reasonable access for vehicles. In addition, there are no significant environmental impacts anticipated.

Aesthetic appearance (cl.33a)

Consideration is to be given to the aesthetic appearance of the development and, in particular, when viewed from the open space area (Turramurra golf course) located to the rear of the subject site. The aesthetic appearance of the development is reasonable and will not result in a detrimental visual impact.

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The development achieves the objective of this control, given its general numerical compliance with the relevant controls. The development provides compliant rear boundary setbacks, height and landscape setback along its rear boundary. This is supported by appropriate design and choice of construction materials, being masonry, timber cladding and tile roofing. The overall form of the development is also in character with the immediately adjoining development at 9 and 11-15 Curagul Road.

Services (cl.38B)

Suitable water and sewer services are available to the subject site, as conditioned (**Conditions Nos 16, 19**).

Land designated “restricted development” (cl.61BB(2))

The land within 4 metres of the rear boundary is restricted where the vegetation, topography or distinctive features of the land are likely to be adversely affected or the land is necessary for the purposes of fire or flood mitigation or drainage retention, except in so far as development may be compatible with this objective.

The original application (DA1377/05) did not comply with this requirement as rear decks to Dwellings 13-17 incurred into the setback zone. This formed part of the reasons for refusal 2(i), 3(i), 4 and 10. This application has been amended and there is no structure located within this setback zone, with the exception of the retaining walls for the drainage easement. These walls are required to assist drainage for the adjoining golf course. For these reasons, the development is consistent with cl.61BB(2).

The above demonstrates the applicant has overcome the reasons for refusal of the previous Development Application under points 2(i), 3(i), 4 and 10.

Floor space of buildings (cl.60(1)) and Built upon area (cl.60BA)

The original application failed to comply with the maximum FSR and BUA area requirements. The non compliances were included as Reasons 2, 3 and 10 of the determination of the previous Development Application. The application has been amended to comply with these provisions, consequently these reasons for refusal have been overcome.

LEP 131 – Structures within restricted areas

The objectives of this control seek to restrict development within 4 metres of the rear boundary and to provide a maximum site coverage control. As discussed, the development meets the control and its objectives given the compliances with the setback control and maximum 50% site coverage.

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Development Control Plan 23 – Nos. 9, 9A, 11 and 15 Curagul Road, Nth Turramurra

COMPLIANCE TABLE		
Policy standard	Proposed	Complies
Clause 11 Density Site area/dwelling: 390m ² (min)	406m ²	YES
Floor space ratio: 0.4:1	0.40:1	YES
Clause 12 Building sizes		
Ceiling height max.: 8 m	≤ 8 m	YES
Ridge height max.: 10.5 m	≤ 10.5 m	YES
Building height plane:	No encroachments	YES
Clause 13 Building setbacks & building lines		
Building setback: min. 9 m, average 10.5 m	9m 10m	YES NO
Side setback: Comply with 45⁰ building envelope	No encroachments	YES
No development within restricted development area: min, setback 4 m, average 8 m	No development 4m 8m	YES YES YES
Length of wall: 12 m (max. on the boundary)	Upper level front elevation of dwellings 1, 2, 4 and 5 Exceeds 12m by 3.5m	NO
Clause 14 Site development and Landscaping		
Built-upon area: 50% (max.)	50%	YES
Compliance with Landscape Plan LP01/93	Complies	YES
Clause 15 Tree cover	Two significant trees to be retained and additional trees to be planted as part of landscape plans.	YES
Clause 16 Streetscape, building design: Energy efficient	BASIX Certificate provided	YES

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COMPLIANCE TABLE		
Policy standard	Proposed	Complies
Clause 17 Visually prominent sites	Cut: up to 2 m,	NO
Cut and fill: 1.5 m (max.)	Fill: up to 1.4 m	YES
Clause 20 Private open space:	Min: 5m x 5m	YES
Min dimensions 5m x 5m	Min: 1 per dwelling	YES
1 private courtyard/ dwelling		
Car parking: Min size requirement		
- 3.1m x 5.5m	2.8m x 5.6m	NO
- Min 2 spaces per townhouse/ villa	2 spaces per dwelling	YES
- visitor spaces 1 per 3 units (6 spaces)	6 spaces	YES

Density (cl.11.2)

The original application failed to meet the maximum FSR control under the KPSO and DCP 23. The current development is compliant in this regard.

Building setback and building lines (cl.13)

This application maintains two non-compliances from the original application, being in relation to the average front boundary setback and maximum 12 metres wall width requirements. The proposed front setback meets the minimum 9 metres, however, at 10 metres it varies from the average requirement by 500 millimetres. The first floor level of Dwellings 1-2 and 4-5 exceed the maximum 12 metres width requirement by up to 3.5 metres. The assessing officer concluded that the variations were acceptable. Concurrence is given to this assessment for the reasons given below.

The objectives of cl.12 seek to improve and enhance the visual appearance of development when viewed from the surrounding area, to provide for low rise residential development and to minimise the impact of multi unit housing to adjacent open space and visually prominent location. The variation to the average setback control is acceptable in this instance as the development will meet the underlying objectives of the control.

The development is generally set back in line with 9 Curagul and exceeds that of 11-15 Curagul Road. When viewed from the street and as seen on the plan view, the proposed setbacks will provide continuity, consistency and an important continual visual link between these two properties balancing the 9.4 metres setback of 9 Curagul and the reduced 7.5 metres of 11-15 Curagul Road. Compliance with the other scale and bulk controls, as noted in the compliance table, also assists in

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minimising the visual presence of the proposed development to the street. This is supported by a compliant landscape plan and minimal number of driveway access points. Consequently, the underlying objectives of the control will be met. In addition, if the development were to be pushed back further from the street front, additional excavation would be required, which is contrary to the provisions of DCP 23 and will not necessarily result in a better outcome.

The above assessment demonstrates that the minor variation to the front set back requirement is reasonable in this instance. The development is comparable in terms of scale and bulk with the immediately surrounding development. In addition, the visual presence of these walls is broken by the 2.8 metres set back from the lower level building line and the balcony balustrades. The increased setback allows the wall lengths to become a recessive and less visually apparent element. The visual impact is also reduced by glazing, which breaks up the solid form when viewing the development from the street.

Site development and landscaping (cl.14)

The original proposal exceeded the maximum BUA control, as prescribed under the KPSO and DCP 23. The current proposal is now compliant in this regard.

Tree cover (cl.15)

The original assessing officer referred to the landscape assessment in reporting the impacts of the development in regard to tree cover. The following was the Landscape Officer's conclusion:

“The proposal does not comply with DCP23 Clause 13.4. No development is permitted within the designated buffer zones. The proposed decks along the southern boundary shall be deleted.

The plans do not indicate compliance with BASIX landscape commitments. A separate plan shall be submitted clearly indicating the landscaped areas for each dwelling and the common area that comply with BASIX, (hatching or shading of the areas is required).

The landscape proposal by Vision Dynamics, Drawing No's 050166DAI- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons.

The landscape plan shall comply with clause 14.4 of Development Control Plan 23. The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)

Tree 15 - Livistona australis (Cabbage Tree Palm) and Tree 16 – Phoenix canariensis (Canary Island Palm) are to be transplanted and appropriately relocated on the site.”

The relevant reasons for refusal were noted earlier in this report. The current application is compliant with these provisions and consequently these reasons for refusal have now been overcome.

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Streetscape and building design (cl.16)

The original assessing officer referred to the discussion in relation to Clauses 10, 11, 12, 13, 14 and 15. The non compliances with these clauses have now been addressed by the current proposal. The officer also noted that:

“when viewed from Curagul Road Dwelling Units 1 and 2 and 4 and 5 do not appear as single dwellings. However, they are not dissimilar to other dwellings on adjoining sites and no objection is raised.”

Concurrence is given to this assessment. The development is consistent with the immediate surrounding residential area, inclusive of appropriate landscaping and can be supported.

Visually prominent sites (cl.17)

The original assessing officer noted that the cut and fill exceeded the maximum 1.5 metres DCP control but concluded:

“Overall they are acceptable, as they will not be particularly noticeable from adjoining sites.”

The underlying objectives of this control seek to encourage residential development that does not degrade the amenity or aesthetic quality of the area, has been designed with regard to site conditions, maintains natural features on the site and preserves views.

The variation is acceptable for the reason given by the original assessing officer, the development's general compliance with other bulk and scale provisions and for reasons given within the amenity discussion. The proposal meets the underlying objectives of this control. Therefore, the variation is supported.

Privacy and overlooking (cl.18)

Cl.18 requires compliance with Clauses 13 and 14. As discussed the proposal is consistent with these provisions. The original assessing officer noted the development was contrary to the provision to restrict overlooking of the adjoining golf course, which was partly caused by the rear decks located within the 'buffer' zone, which reduced the area for screen planting. Nevertheless, the officer did not conclude that this was sustainable reason for refusal of the application.

The development will not result in a detrimental privacy or overlooking impact, as a result of the deletion of the rear decks, as part of the amendments for the current application. Nevertheless, the overlooking concern raised in relation to overlooking from the front deck of Dwelling 17 can be addressed by providing a privacy screen along the eastern end of the deck (**Condition No 8**). Although the deck does not directly overlook the main private open space of the adjoining property, it will ensure any impact is reasonably minimised. The openings at the upper levels have been positioned to the rear of the site orientating outlook to the north and south, which is towards the street front and the golf course. However, there is one exception for Dwelling 12 which has a

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window to the stairwell on its eastern elevation. By the nature of its use, this will not result in a significant privacy impact to the adjoining development.

Sunlight access

The original assessing officer concluded that sunlight access to Dwellings 1, 2, 4, 5, 15 and 16 was poor. There was also a concern over the loss of sunlight to Dwelling 1 at 11-15 Curagul Road. These issues form part of Reasons 3 and 10 for the refusal of the original application.

The current proposal has been amended to reduce site coverage and FSR in conjunction with minor design changes, which address this issue. Courtyards have been provided on the respective eastern and western sides of the Dwellings 1, 2, 4 and 5 in addition to the rear courtyards. The upper levels of these dwellings have balconies, which will receive good northern sunlight access. Dwellings 15 and 16 have large deck areas connected to the main living area located on the northern elevation, which will also receive sunlight from 9am to 3pm on the winter solstice.

The redesign has also meant that at mid winter Dwelling 1 at 11-15 Curagul Road has less than 50% overshadowing of its main private open space at 3pm. The impact is lessened earlier in the day consequently, it will receive 3 hours sunlight access from midday of mid winter. Further, the dwelling itself is not affected by overshadowing between 9am and 3pm on the winter solstice. This is reasonable and consistent with Council's policy and accepted design principles.

These amendments have overcome Reasons for Refusal Nos 3 and 10 and the subject and adjoining properties will now receive adequate sunlight access during the winter solstice.

Private open space (cl.20)

In the original application, Dwellings 8, 9, 13, 15 and 16 failed to meet the minimum private open space dimensions. It was also noted by the assessing officer that Dwellings 13, 15 and 16 included the buffer zone as part of the private open space area. This was a reason for refusal. The officer accepted the variations to Dwellings 8 and 9. Nevertheless, the current application has been amended to comply with this requirement. The use of the buffer zone is also reasonable, as it meets the underlying objectives of the control. The non-compliances have been addressed, the development is now compliant with the private open space provision.

Private courtyards (cl.21)

The original assessing officer noted there was insufficient fencing and retaining wall details to enable an assessment of the impacts of the development in this regard. This lack of information formed one of the reasons for the refusal of the previous application. Details of the fencing and retaining walls have been provided with this application to address this issue. The internal and rear boundary fencing is to be metal palisade to a height of 1.6 metres. To the street-front, there are masonry walls and a palisade driveway gate which are up to 1.8 metres in height.

The fencing to the street, the walls and main entrance gate are excessive in height and uncharacteristic of the area. It is acknowledged that the adjoining property at 11-15 Curagul Road

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has an entrance gate with pillars that exceed 2.0 metres in height. Whilst, this is an undesirable outcome it is noted that this fence has a greater front boundary set back than the proposed fence.

To address this issue and minimise the impacts **Condition 8** is recommended to limit the fence height, inclusive of piers and gates, to 1.6 metres. This is a reasonable compromise. The recommended height of the fencing and entrance gate will provide reasonable privacy and security, improve casual surveillance and minimise bulk of the development.

In addition to reducing the maximum fence and gate height to 1.6 metres, the condition also requires that the fencing to be finished in a dark recessive colour.

Common open space (cl.22)

The original assessing officer concluded that the location of the common open space was not suitable for all dwellings in the development, in particular, Dwellings 1 and 5. There was also a preference for a more centralised location. This formed part of Reason 10 of the refusal of the original application. Minor changes have removed the vehicle parking spaces that were located in front of the common open space, however, it remains generally in the same location.

It is not agreed that the open space is not easily accessible nor that a more centralised location is a better outcome. The removal of the parking spaces makes this area more accessible, usable and conducive to use, particularly its visual link and location to the golf course. It has been located within the easement area and this minimises impacts to this area without burdening other areas that are suitable for development. In addition, Council's Landscape Assessment Officer has not raised an issue in this regard.

Access and parking (cl.24)

The original assessing officer noted that Dwellings 1 to 12 did not meet the 5.6 metres car parking depth requirement. It was the officer's position that the development at a minimum should comply with DCP 43 Car Parking policy and provide a minimum depth of 5.6 metres for the double garage of Dwellings 1-12. This was part of Reason 10 of the refusal.

The applicant has amended the application to comply with Council's DCP 43 in relation to the minimum 5.6 metres depth. Consequently, this addresses the assessment officer's concerns and therefore, the application is supported in this regard.

The non-compliance with the minimum 3.1 metres parking space width requirement is reasonable, as the architectural plans are compliant with the Australian Standard for off street parking, which requires a minimum width of 2.7 metres width and is consistent with Council's current policy in relation to off street parking. To ensure compliance in this regard **Condition 14** requires details demonstrating compliance with the Australian Standard.

Views

The original assessing officer did not raise an issue in this regard. The development will not result in a significant loss of views.

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Noise

The original assessing officer did not raise an issue in this regard. The development will not result in a significant noise impact given the residential nature of the development, which is similar to adjoining and surrounding development.

Stormwater drainage

This aspect of the proposal is satisfactory. Refer to Council's Development Engineer's comments.

Development Control Plan 31 – Access

Dwellings 6 and 7 were nominated to provide for disabled access. It was also noted the parking spaces did not have sufficient dimensions to accommodate disabled parking. These points formed reason 7 for the refusal of the application.

The current proposal provides level access into and internally within Dwelling 6. It provides appropriate widths and circulation spaces. A disabled car space has also been provided. **Condition No 12** is recommended to certify compliance at the Construction Certificate stage.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for consideration under DCP 40 have been taken into account in the assessment of this application. The application is acceptable, subject to the recommended conditions of consent.

Development Control Plan 43 - Car parking

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

Development Control Plan 47 - Water Management

Matters for consideration under DCP 47 have been taken into account in the assessment of this application. The proposal is satisfactory in this respect, subject to the recommended conditions of consent.

S.94 Contribution

The development attracts a Section 94 contribution of \$330,510.34, which is based on 17 new dwellings with no credit for existing dwellings as the site is vacant. This is required to be paid by **Condition No. 13**.

Summary of current scheme's resolution of issues

The following is a brief summary of how the current application has resolved the reasons for the refusal of the previous application:

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1. The FSR now complies at 0.4:1;
2. The built upon area (BUA) has been reduced from 60% or 4141.2m² to a compliant 3455m² or 50%;
3. The decks in the rear 4 metres buffer zone have been deleted and replaced with suitable landscaping which compliments the golf course;
4. A landscape plan has been provided, demonstrating compliance with the BASIX commitments;
5. Solar access has been improved within the subject site and to the adjacent development and is now compliant with the minimum 3 hours sunlight access requirement;
6. Additional information has been provided addressing the issues in relation to soil contamination, soil erosion, pollutants and urban stormwater;
7. The double garages now comply with the minimum 5.6 metres depth requirement and one disabled car parking space has been provided;
8. The proposed landscape plan has been amended to be consistent with DCP 23 and the issues in relation to the Cabbage Tree palm and Canary Island Palm have been resolved to the satisfaction of Council's Landscape Assessment Officer;
9. An enclosed waste bin area with lighting, hot and cold hose, bin arrangement have been provided and the area is accessible by a small collection truck;
10. The areas of private open space to Dwellings 13, 15 and 16 have been increased to comply with the minimum dimensions of 5 metres x 5 metres;
11. Fencing and retaining wall details have been provided;
12. Access to the main common open space has been improved by relocating vehicle parking spaces, which opens up the area;
13. The strata subdivision plan is generally consistent with the architectural plans; and
14. The applicant has demonstrated the site is serviceable in relation to water and sewer.

Likely impacts

The proposal will not have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants. The site is not within a wilderness area or an area of critical habit. The site can be adequately landscaped and conditions relating to soil erosion can be

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imposed. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

Suitability of the site

The site is suitable for the proposed development.

Any submissions

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

Public interest

The proposal is in the public interest for the reasons given throughout this report.

CONCLUSION

The proposed development, as amended, has adequately addressed the reasons for refusal. The development is consistent with the relevant assessment criteria, as discussed above. The development fits within the local character and provides reasonable landscaping to compliment the adjoining golf course. Therefore, it is recommended that the application be approved, subject to conditions.

RECOMMENDATION

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

THAT Council, as the consent authority, review its original determination and grant consent to Development Application 1377/05 for the construction of 17 villa/ townhouses, strata subdivision and associated landscaping at 9A Curagul Road, North Turramurra for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Conditions that identify plans

1. **Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA01- DA06 Issue H (inclusive)	Harry Sidaway & Associates	13/04/07
F01 Fence Details	Harry Sidaway & Associates	November 2006

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<i>Document(s)</i>	<i>Dated</i>
Statement addressing reasons of refusal by the Turnbull Group	12 December 2006
Environmental Report by Aargus Australia	12 December 2006
BASIX Certificate No.107956M	15 December 2006
Stormwater management plan by AFCE Environment + Building	11/2005

Reason: To ensure that the development is in accordance with the determination of Council.

2. **Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination of Council.

3. **Approved landscape plans**

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
Dwg Nos 050166DA2-5/5 Rev. C	Vision Dynamics	17/04/07

Reason: To ensure that the development is in accordance with the determination of Council.

Conditions to be satisfied prior to demolition, excavation or construction

4. **Notice to be given prior to demolition or excavation**

Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

5. **Infrastructure restorations fee**

Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

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- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

Conditions to be satisfied prior to the issue of the Construction Certificate

6. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by installments, the first installment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

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Reason: Statutory requirement.

7. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

8. Design changes

To reduce the visual impact of the development on the streetscape and on the adjoining golf course and to reduce privacy impacts on the adjoining development at 11-15 Curagul Road, the following design changes shall be implemented:

- a) The front masonry walls, including those to the private open spaces, the garbage store area, courtyards, access-ways and palisade entry gate fencing including support piers/posts are to have a maximum height of 1.6 metres.
- b) The maximum height of the palisade fencing within the development site and along the rear boundary are not to be greater than 1.6 metres from the finished ground level.
- c) The palisade fencing must be a dark, non reflective and recessive colour.
- d) A suitable privacy screen which is at least 75% obscure, constructed to a minimum 1.6 metres in height above the finished deck level is to be provided along the eastern end of the deck to Dwelling 17.

Details of the above shall accompany the Construction Certificate.

Reasons: To protect the environment.

9. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

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Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect the streetscape and the integrity of the approved development.

10. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

11. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.2.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

12. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, Dwellings H6 and H7, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

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13. **Section 94 contribution – residential development**

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
community facilities	\$1117.76
park acquisition and embellishment works	\$4723.00
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	<u>\$100.04</u>

Total contribution is: \$330,510.34

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

14. **Off street car parking**

Prior to the issue of the Construction Certificate, certified parking lay-out plan to scale shall be provided demonstrating compliance with the Australian Standard 2890.1 – 2004 "Off-street car parking.

Reason: To ensure that parking spaces are in accordance with the approved development.

15. **Garbage storage**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection

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16. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity

17. Energy Australia requirements

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

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

18. Utility provider requirements

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

Reason: To ensure compliance with the requirements of relevant utility providers.

19. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the

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requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground

20. **Stormwater management plan**

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

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater management Concept Plan by AFCE Environment and Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

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Reason: To protect the environment.

21. Sydney Water Section 73 Compliance Certificate (Part 1)

Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

Reason: Statutory requirement.

22. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

23. Utility provider requirements

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

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Reason: To ensure compliance with the requirements of relevant utility providers.

24. Repair/ replacement of trunk drainage system

Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer for the repair/ replacement of the trunk drainage system through the site. This includes the provision of backfill and cover where necessary to achieve design levels. The plans are to be approved by Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes.

The required plans and specifications 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. The drawing must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the stamped Council approval.

A minimum of three (3) weeks will be required for Council to assess submission. Early submission is 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.

Reasons: To control stormwater and protect the environment.

25. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in (enter street name) Street:

- New kerb and gutter and road shoulder for the frontage of the site;
- New footpath for the frontage of the site;
- Construction of a suitable drainage pit in pace of the open excavation (this work to include the covering/ relocation of the PVC sewer service either to the satisfaction of Sydney Water or by a licensed plumber in accordance with the PUmbing and Drainage Code).

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued,

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and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications 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. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is 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.

Reason: To ensure that the plans are suitable for construction purposes.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first)

26. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

27. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

28. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

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The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information

29. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation

30. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment

31. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

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Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

32. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

2. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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 where alternate routes exist.

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

Item 2

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

33. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principle Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour – preferably saved to dc-rom in 'jpg' format). The photos must include detail of:

- the existing footpath
- the existing kerb and gutter
- the existing full road surface between kerbs
- the existing verge area
- the existing driveway and layback where to be retained
- any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed Damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public

Item 2

infrastructure cause as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any site works.

Reason: To protect public infrastructure

Conditions to be satisfied during the demolition, excavation and construction phases

34. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination of Council.

35. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia,
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

36. Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

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If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench and means to retain the easement and associated pipe cover are to be provided at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

Reason: To ensure structural stability.

37. Structures to be clear of drainage easements

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works
- take full measures to protect the in-ground Council drainage system
- ensure dedicated overland flow paths are satisfactorily maintained through the site

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

Reason: To protect existing Council infrastructure and maintain over land flow paths.

38. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

Reason: To protect the environment.

39. Demolition, excavation and construction work hours

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Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

Reason: To ensure reasonable standards of amenity to neighbouring properties

40. **Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of Utility Services

41. **Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/ route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

42. **Inspections**

Any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Council's 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 further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reasons: To ensure that works undertaken are to the satisfaction of Council

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43. **Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

44. **Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties

45. **Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

46. **Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety

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47. **Toilet facilities**

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement

Conditions to be satisfied prior to the issue of an Occupation Certificate

48. **Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 107956M have been complied with.

Reason: Statutory requirement.

49. **Infrastructure repair**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

50. **Retention and re-use positive covenant**

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

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51. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

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

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

52. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an

Item 2

on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

53. **WAE plans for stormwater management and disposal (dual occupancy and above)**

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

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

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

Reason: To protect the environment.

54. **Construction of works in public road – approved plans**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

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The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

55. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

56. Works on trunk drainage pipe

Prior to issue of the Occupation Certificate all works on Council's underground stormwater drainage pipe must be completed in accordance with the Council stamped drawings, conditions and specifications. This includes the provision of backfill and cover where necessary to achieve design levels. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by council at the hold points note don the approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation certificate being issued.

Reason: To protect Council's Infrastructure

57. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principle Certifying Authority.

Reason: Statutory Requirement.

58. Certification of footings adjacent easement

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Prior to issue of the Occupation Certificate the applicant shall submit for approval by the Principal Certifying Authority certification form a suitably qualified and experienced civil engineer, that:

- a) Footings, and any required permanent excavation or drainage easement support, have been constructed in accordance with the conditions of this Const relating to footings and excavation adjacent to drainage easements and/or drainage pipes, and
- b) Footings allow for complete future excavation over the full width of the easement

A copy of the certificate must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

Reason: To protect Council's Infrastructure

59. CCTV report to council's system after works

Upon completion of works and prior to issue of the Occupation Certificate, a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage to the pipeline must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect Council's Infrastructure

Conditions to be satisfied prior to the issue of a Subdivision Certificate

60. Requirements of public authorities for connection to services

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

Reason: To ensure that services are available to the allotments of land

61. Provision of services

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone.

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Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

Reason: Access to public utilities.

62. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and a final Occupation Certificate has been by the Principal Certifying Authority.

Reason: To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

63. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the instrument.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

64. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

65. Easement for waste collection

Prior to issue of the Subdivision Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

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66. Overland flow – Section 88B Instrument

The Applicant shall create a Restriction-on-use on the title of the subject property under Section 88B of the Conveying Act 1919. This restriction will be a variation to the existing restriction on use, which is to be extinguished. The restriction is to be over the 100 year ARI flood zone and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment

67. Submission of plans of subdivision (strata)

For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details must be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:

- a) The endorsement fee current at the time of lodgment.
- b) The 88B Instrument plus six (6) copies.
- c) All surveyors and/ or consulting engineers certification(s) required under this subdivision consent.

All parking spaces and all areas of common property, including visitor car parking space and on site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of re-checking fees. Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all the above must be provided to Council.

Conditions to be satisfied at all times

68. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

69. Maintenance period for works in public road

A maintenance period of six(6) months applies to all work in the public road reserve carried out by the applicant – after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure

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works which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant received a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect infrastructure.

S Garland
Executive Assessment Officer
Development Assessment – North

S Segall
Team Leader
Development Assessment - North

M Miocic
Director
Development & Regulation

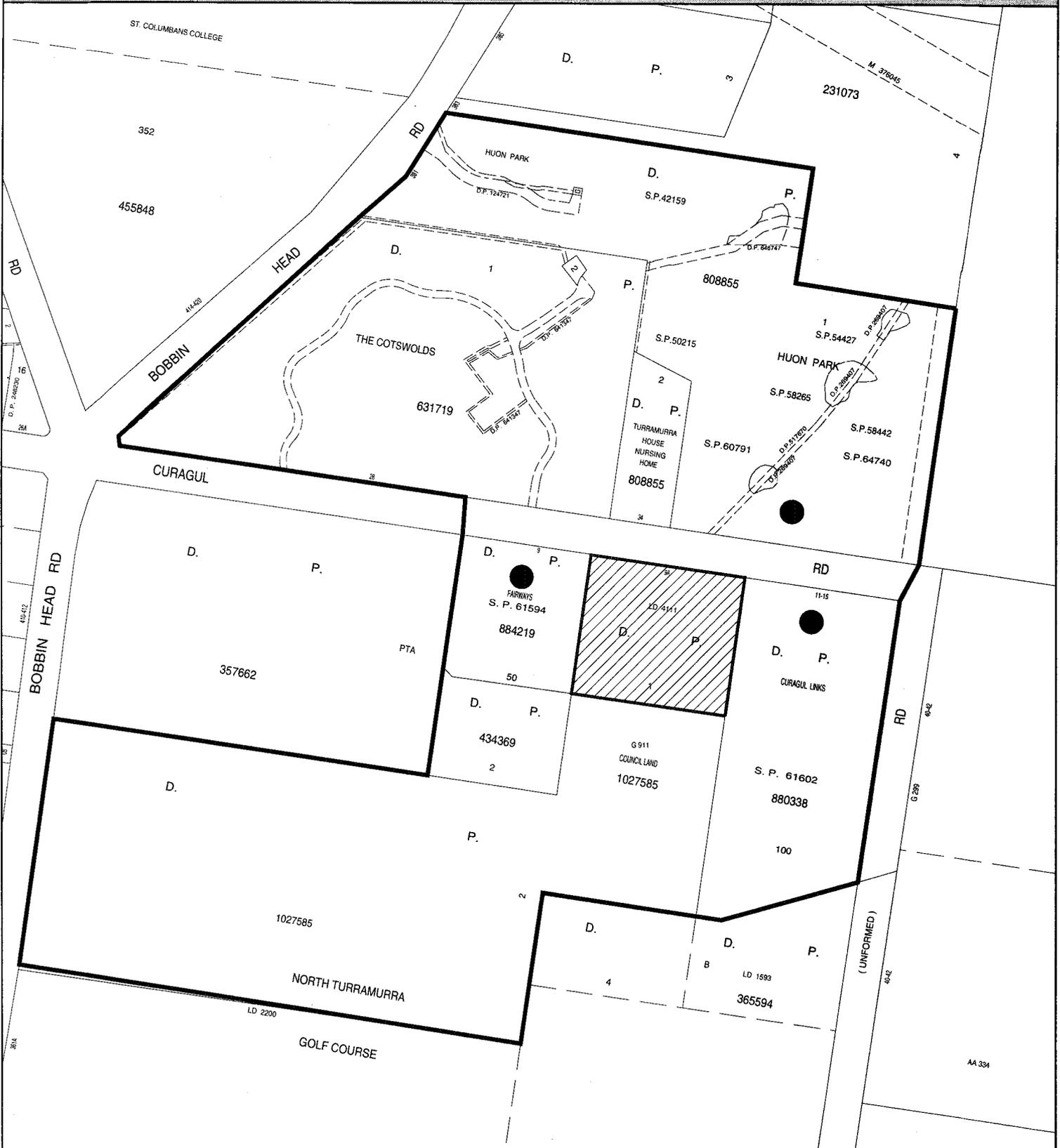
M Prendergast
Manager
Development Assessment Services

Attachments: **Location Sketch - 797708**
Zoning Extract - 797709
Shadow Plans - 797710
Survey Plan - 797711
Site Analysis Plan - 797712
Architectural Plans - 797713
Landscape Plans showing Floor Plans - 797714
Landscape Concept Plans - 797715
Stormwater Management Concept Plans - 797718
Strata Subdivision Plans - 797716
Previous Assessment Officer's report - 797717

LOCATION SKETCH

9A Curagul Road, NORTH TURRAMURRA

DEVELOPMENT APPLICATION No 1377/05-2



Scale : 1:2000

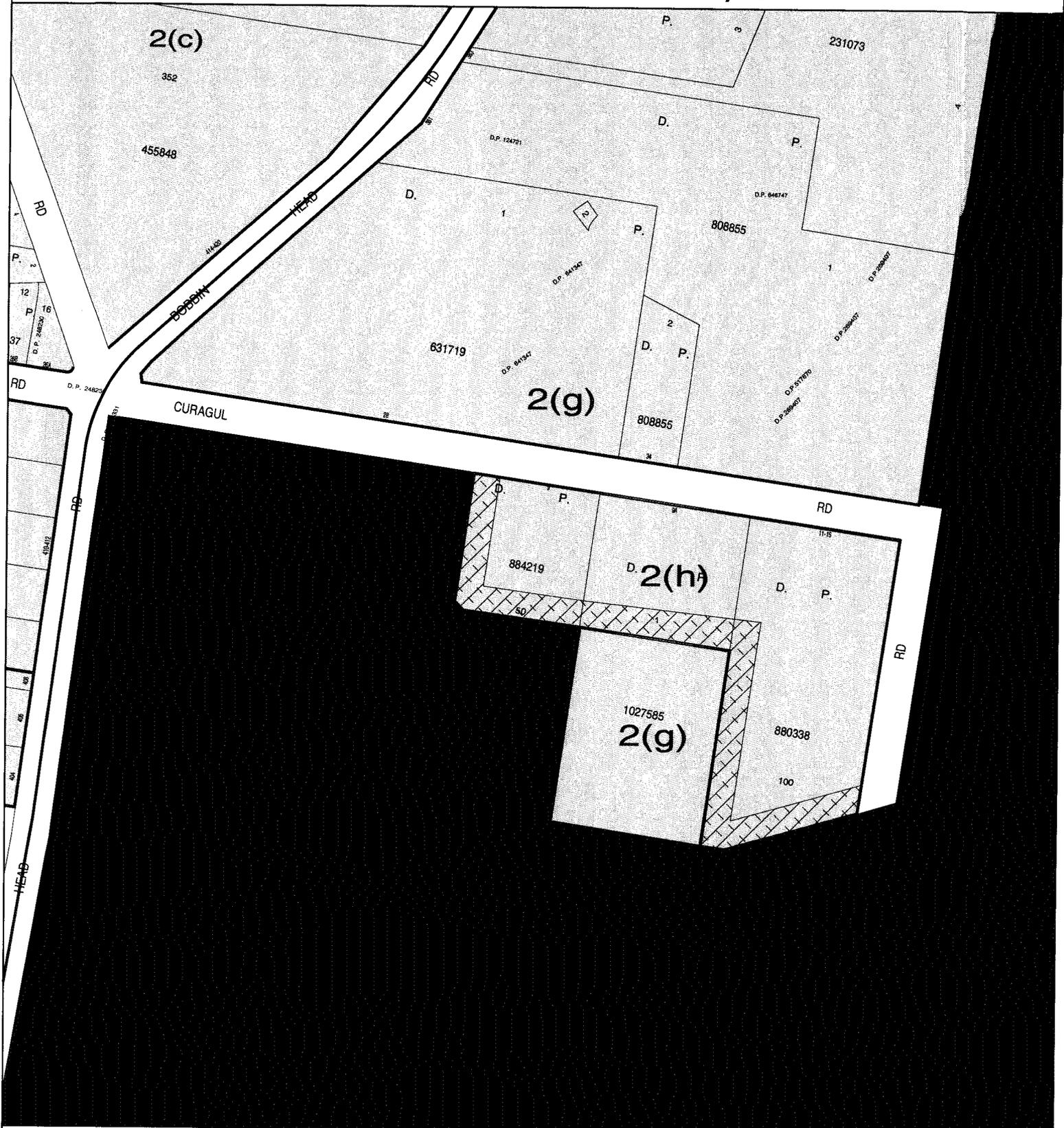
29-05-2007

	AGREEMENT		PETITION
	OBJECTION		SUBMISSION
	SUBJECT LAND		CIRCULATED AREA



Zoning Extract

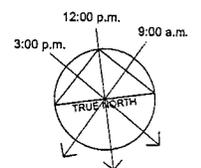
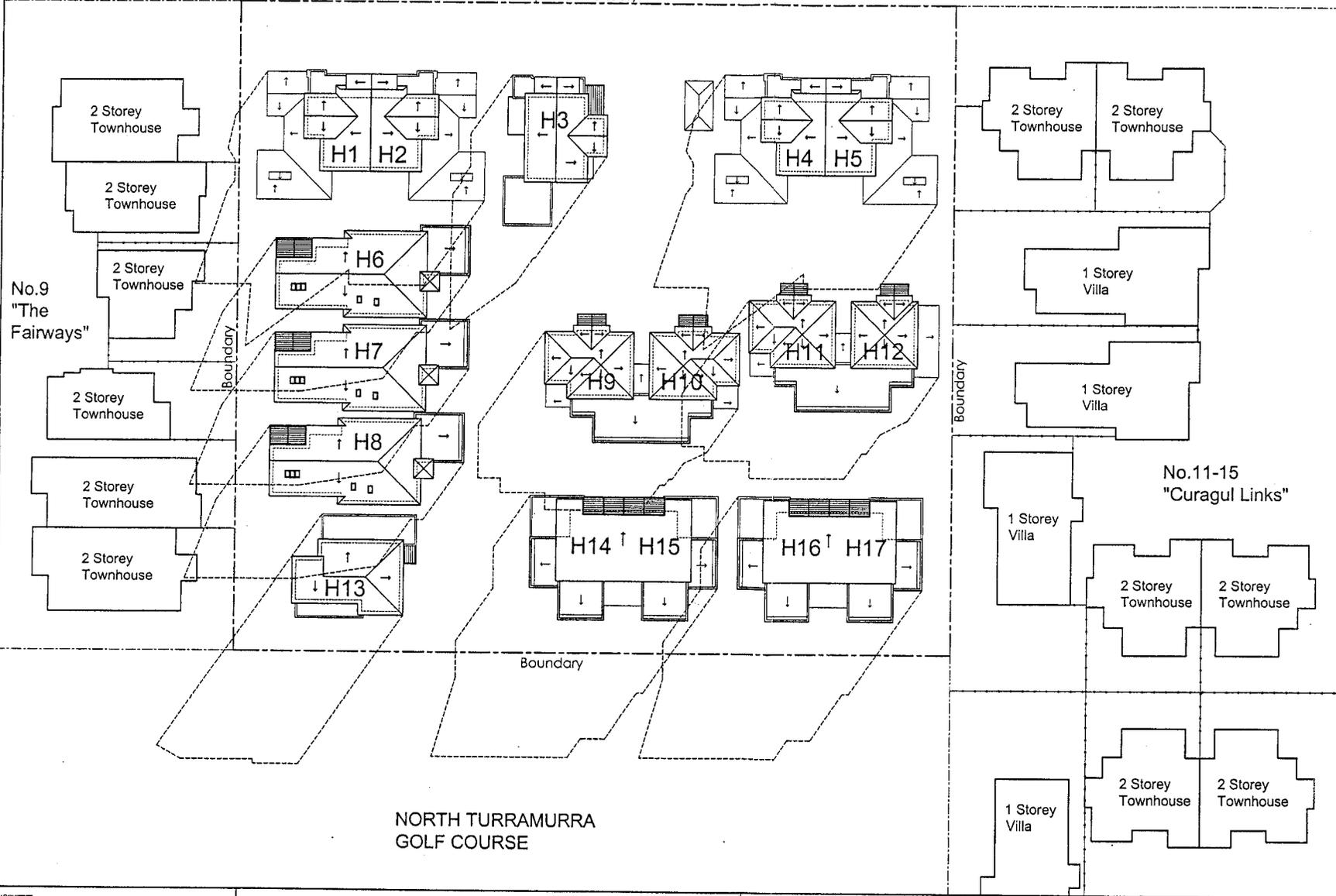
9A CURAGUL ROAD NTH TURRAMURRA DA 1377/05-2



ZONES		RESERVATIONS	GENERAL
2. RESIDENTIAL (a) RESIDENTIAL A (b) RESIDENTIAL B (c) RESIDENTIAL C (c1) RESIDENTIAL C1 (c2) RESIDENTIAL C2 (d) RESIDENTIAL D (d3) RESIDENTIAL D3 (e) RESIDENTIAL E (f) RESIDENTIAL F (g) RESIDENTIAL G (h) RESIDENTIAL H	3. BUSINESS (a) RETAIL SERVICES FLOOR SPACE RATIOS A1 2.0:1 A2 1.0:1 A3 0.75:1 (b) COMMERCIAL SERVICES FLOOR SPACE RATIOS B1 1.0:1 B2 1.0:1	5. SPECIAL USES (a) SPECIAL USES A (Schools etc) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway) 6. OPEN SPACE (a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED	RESERVATIONS OPEN SPACE (a) OPEN SPACE (Public Parks & Recreation) (b) COUNTY OPEN SPACE SPECIAL USES SPECIAL USES (Parking etc) PARKING ROADS (a) COUNTY ROAD PROPOSED (b) COUNTY ROAD WIDENING (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING
			EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENTS  Scale: 1:3000 Date: 29-05-2007

CURAGUL ROAD

Boundary



SUN ANGLES
JUN 21

Proposed Shadows

RECEIVED
15 DEC 2005
CUSTOMER SERVICE CLERK

NORTH TURRAMURRA
GOLF COURSE

ARCHITECT
HSA
Suite 2 / 430 Darling Street, BALMAIN NSW 2041
PH: (02) 9818 7859 FX: (02) 9818 7866

CLIENT
Harb Enterprises Pty Ltd

PROJECT
Proposed Villa and Townhouse Development at
9A CURAGUL ROAD, NORTH TURRAMURRA

DWG TITLE ©
Diagrammatic Shadow Analysis
JUN 21 - 9:00 a.m.

DATE NOV 2005
SCALE 1:500
JOB No 0514

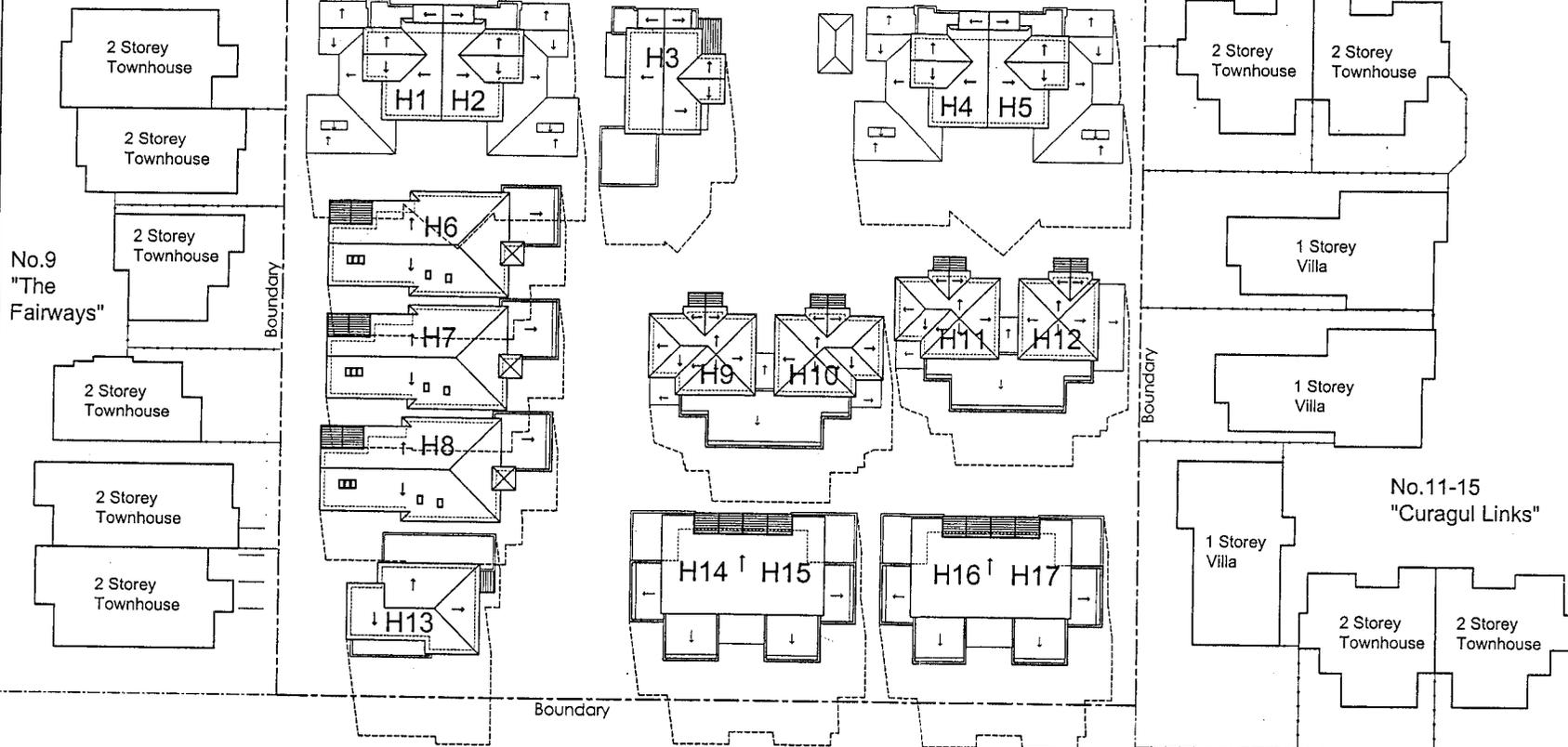
DWG NUMBER
SD01

ISSUE A



CURAGUL ROAD

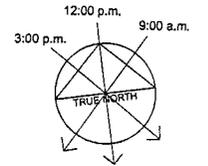
Boundary



No.9
"The Fairways"

No.11-15
"Curagul Links"

NORTH TURRAMURRA
GOLF COURSE



SUN ANGLES
JUN 21

Proposed Shadows

ARCHITECT
HSA
Suite 2 / 430 Darling Street, BALMAIN NSW 2041
Ph: (02) 9616 7699 FX: (02) 9616 7606

CLIENT
Harb Enterprises Pty Ltd

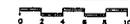
PROJECT
Proposed Villa and Townhouse Development at
9A CURAGUL ROAD, NORTH TURRAMURRA

DWG TITLE ©

Diagrammatic Shadow Analysis
JUN 21 - 12:00 p.m.



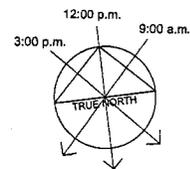
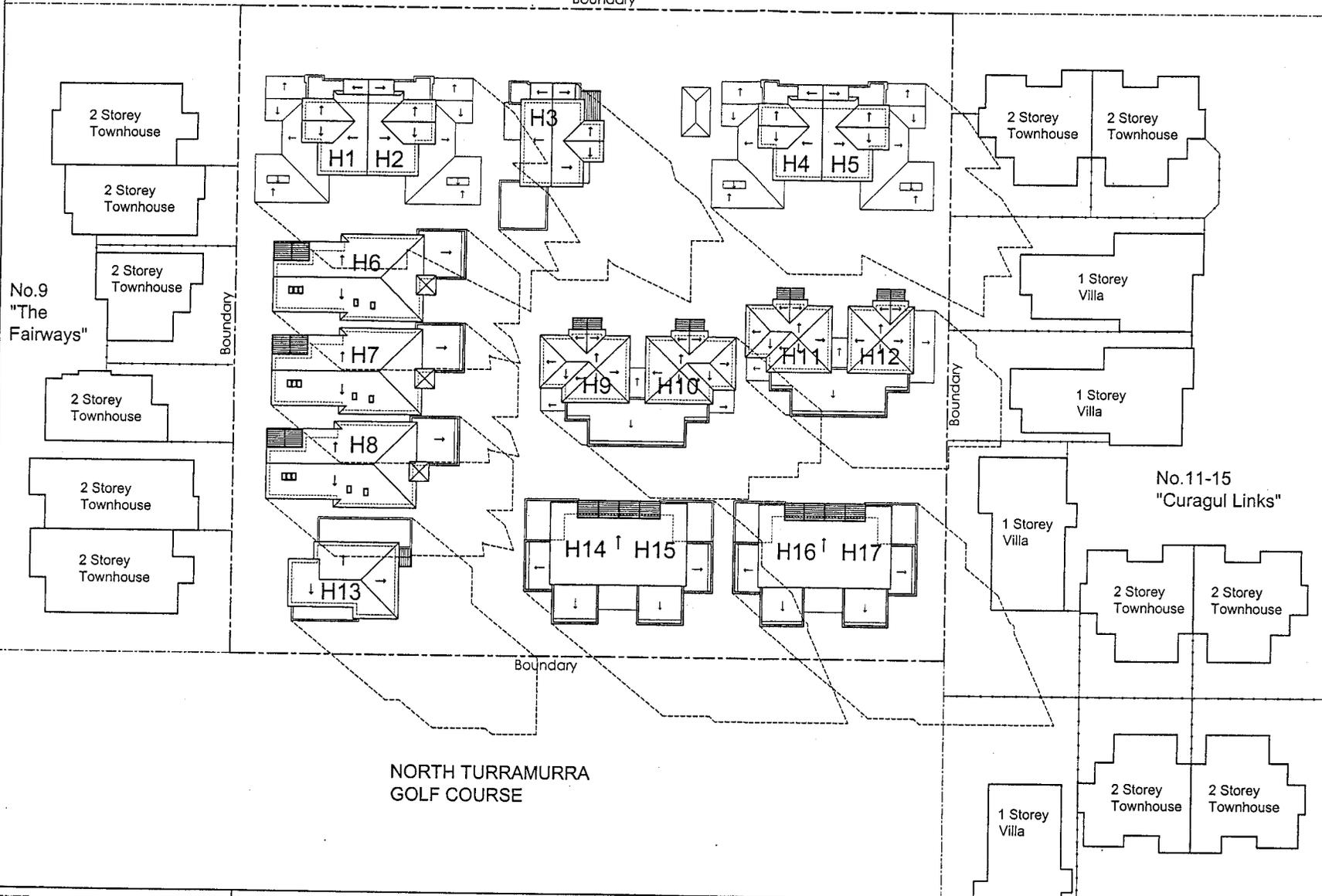
DATE	NOV 2005	DWG NUMBER
SCALE	1:500	SD02
JOB No	0514	



ISSUE A

CURAGUL ROAD

Boundary



SUN ANGLES
JUN 21

Proposed Shadows

ARCHITECT
HSA
Suite 2 / 430 Darling Street, BALMAIN NSW 2041
PH: (02) 9818 7899 FX: (02) 9818 7868

CLIENT
Harb Enterprises Pty Ltd

PROJECT
Proposed Villa and Townhouse Development at
9A CURAGUL ROAD, NORTH TURRAMURRA

DWG TITLE ©

Diagrammatic Shadow Analysis
JUN 21 - 3:00 p.m.



DATE NOV 2005
SCALE 1:500
JOB No 0514

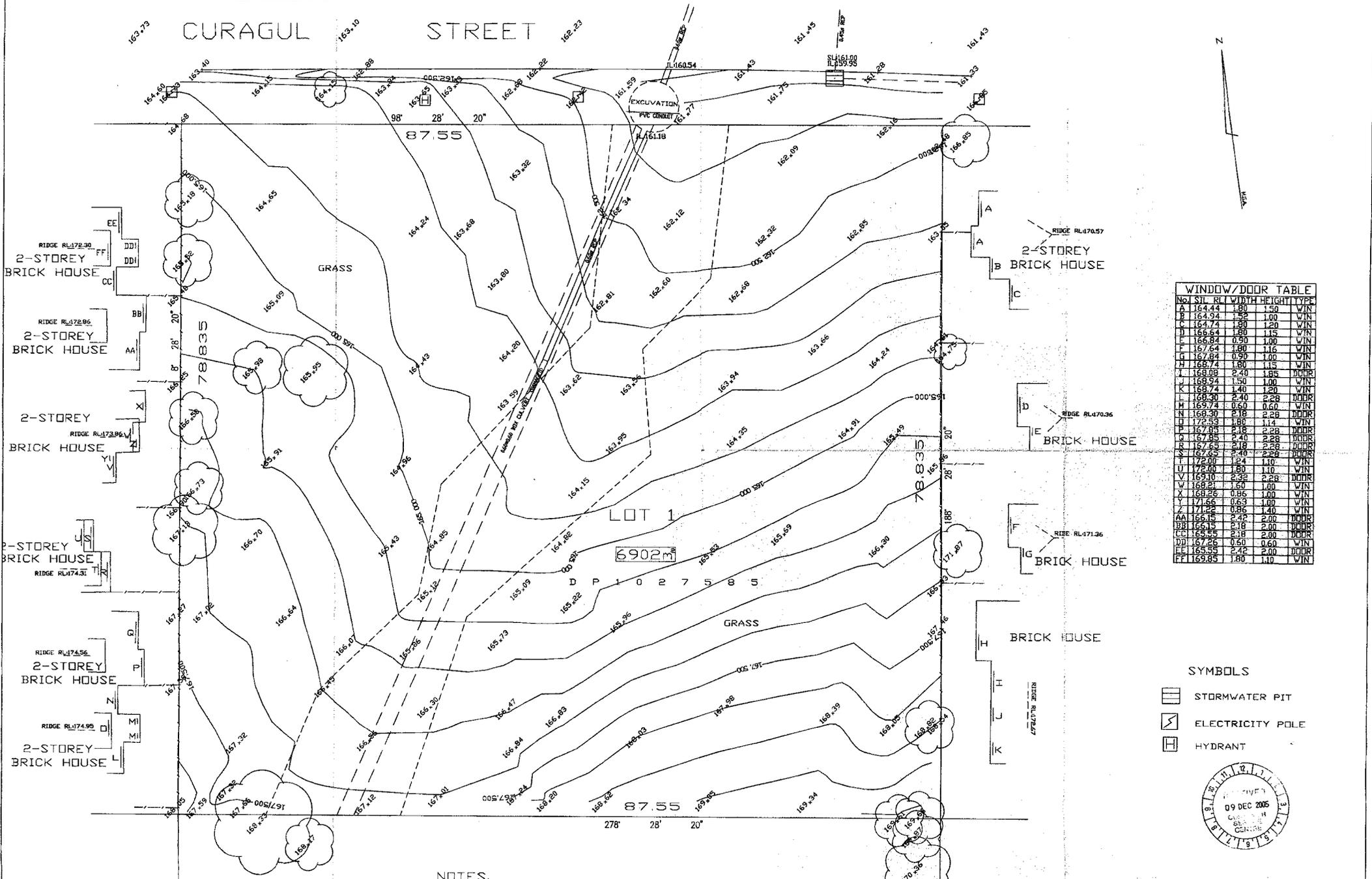
DWG NUMBER
SD03

0 2 4 6 8 10m

ISSUE A

SSM66039 IN KERB
 RL.163.25(AHD)

CURAGUL STREET



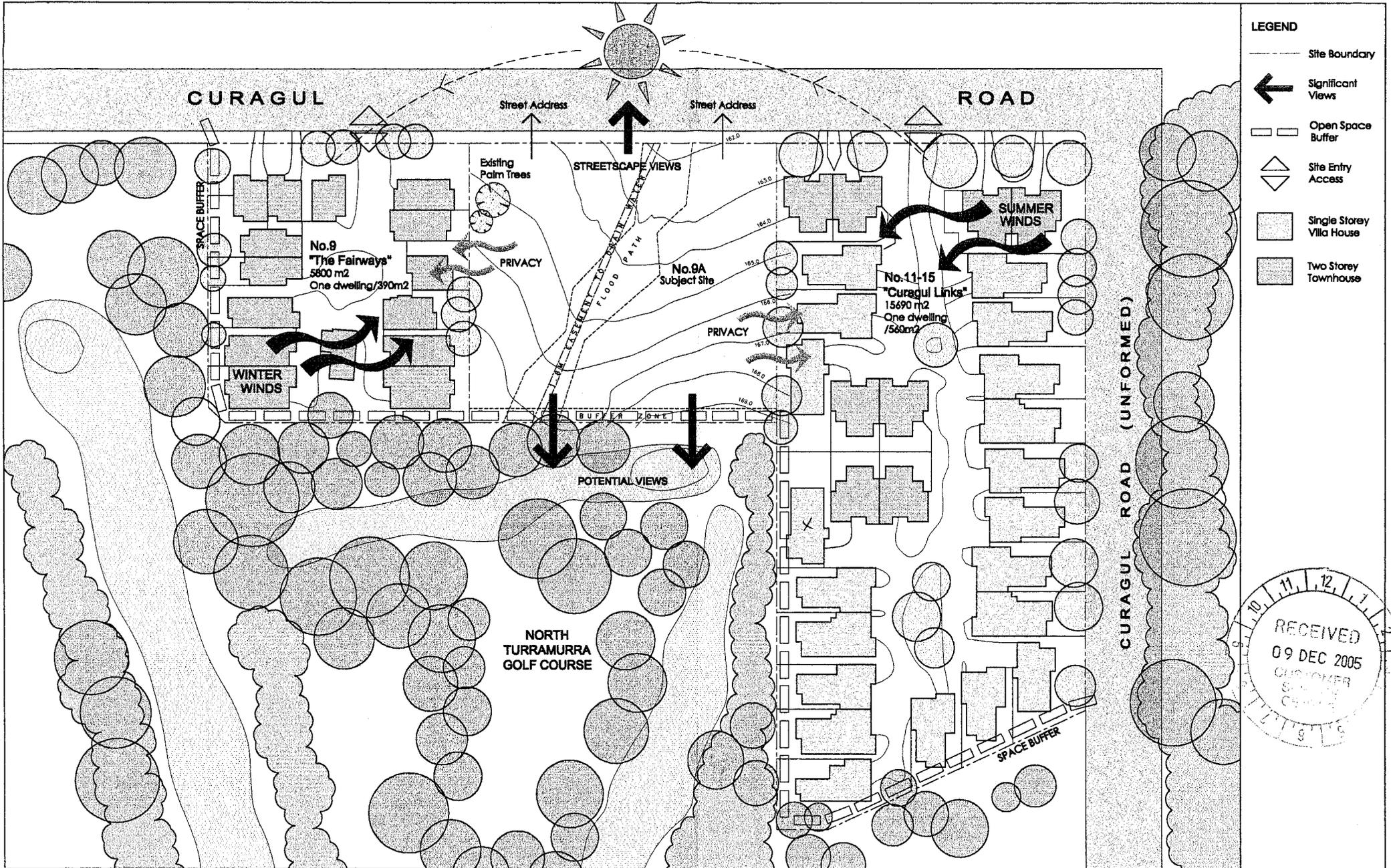
WINDOW/DOOR TABLE					
No.	SL	RL	WIDTH	HEIGHT	TYPE
A	164.44	1.80	1.50		WIN
B	164.94	1.50	1.00		WIN
C	164.74	1.80	1.20		WIN
D	165.54	1.80	1.15		WIN
E	165.84	0.90	1.00		WIN
F	167.64	1.80	1.16		WIN
G	167.84	0.90	1.00		WIN
H	169.74	1.80	1.15		WIN
I	168.08	2.20	1.85		DOOR
J	169.94	1.90	1.00		WIN
K	169.74	1.40	1.20		WIN
L	168.30	2.40	2.28		DOOR
M	169.74	0.50	0.60		WIN
N	168.30	2.18	2.28		DOOR
O	172.53	1.80	1.14		WIN
P	167.85	2.18	2.28		DOOR
Q	167.85	2.40	2.28		DOOR
R	167.85	2.18	2.28		DOOR
S	167.65	2.40	2.28		DOOR
T	172.00	1.24	1.10		WIN
U	172.00	1.80	1.10		WIN
V	165.10	2.32	2.28		DOOR
W	168.21	1.60	1.00		WIN
X	168.26	0.96	1.00		WIN
Y	171.56	0.63	1.00		WIN
Z	171.56	0.96	1.40		WIN
AA	166.15	2.42	2.00		DOOR
BB	166.15	2.18	2.00		DOOR
CC	165.55	2.18	2.00		DOOR
DD	167.26	0.50	0.60		WIN
EE	165.55	2.42	2.00		DOOR
FF	169.85	1.80	1.10		WIN

- SYMBOLS**
- STORMWATER PIT
 - ELECTRICITY POLE
 - HYDRANT

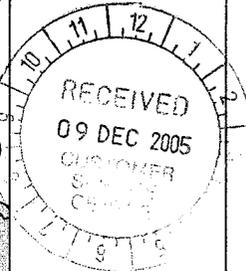


NOTES:
 TREE SPREADS SHOWN APPROXIMATELY ONLY
 VISIBLE SERVICES SHOWN ONLY (NOT INVESTIGATED)
 BOUNDARIES NOT SURVEYED (TITLE DIMENSIONS ADOPTED)
 AHD LEVEL (SSM 66039) ADOPTED FROM SCMS AS AT 25/08/05
 --- DENOTES EASEMENT TO DRAIN WATER 1.8m WIDE
 - - - - DENOTES RESTRICTION ON THE USE OF LAND (VIDE DP1027585)

W E DAW & ASSOCIATES
 DETAIL SURVEY OF 9A CURAGUL STREET, NORTH TURRAMURRA
 SURVEYED BY: J. WALTON & B. DAW DATUM: SSM66039
 SURVEYED: 25-08-2005 CONTOUR INT: 0.5m (AHD) RL.163.25
 DRAWN BY: J. WALTON DRAWN: 31-08-05 SCALE 1:200



- LEGEND**
- Site Boundary
 - ← Significant Views
 - Open Space Buffer
 - ◇ Site Entry Access
 - Single Storey Villa House
 - Two Storey Townhouse



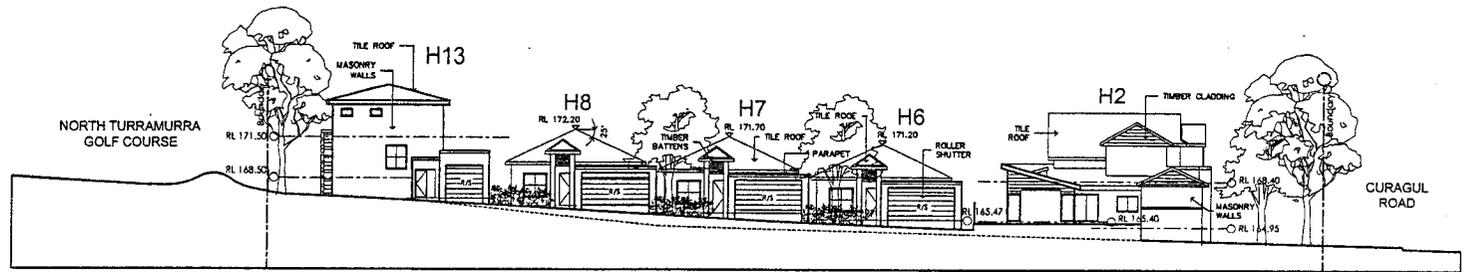
ARCHITECT
HSA
 Suite 2 / 450 Darling Street, BALMAIN NSW 2041
 PH: (02) 9618 7886 FX: (02) 9618 7886

PROJECT
**Proposed Villa and Townhouse Development at
 9A CURAGUL ROAD, NORTH TURRAMURRA**

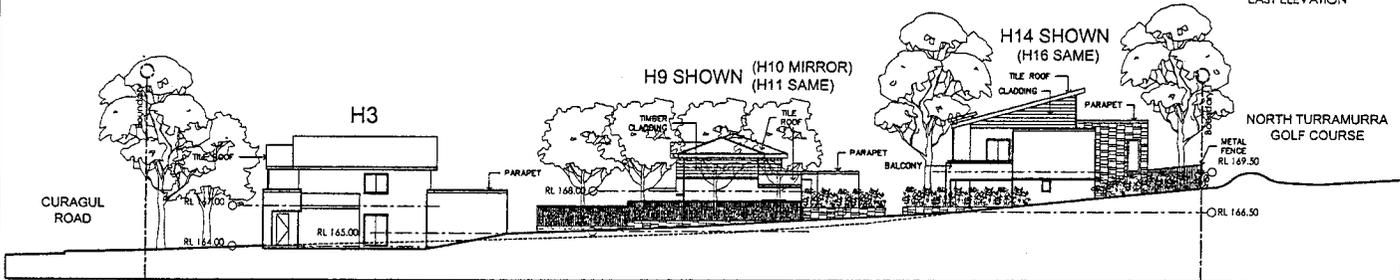
DWG TITLE ©
SITE ANALYSIS PLAN

DATE AUG 2005
 SCALE 1:1000
 JOB No 0514

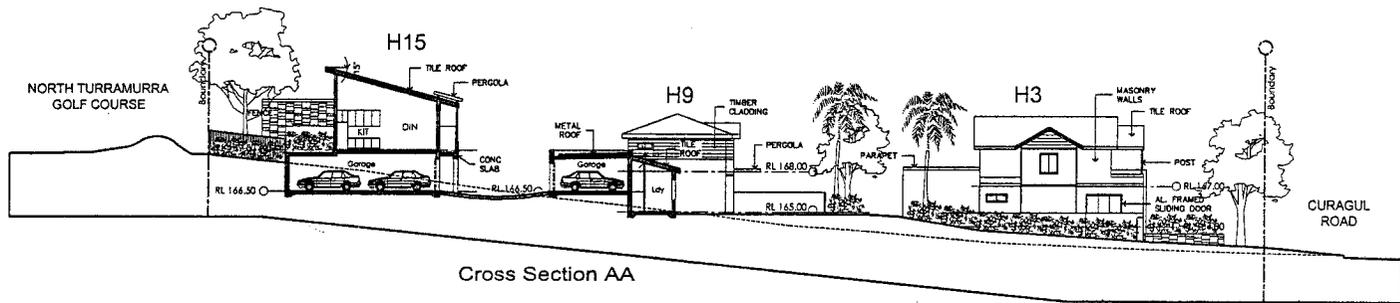
DWG NUMBER
SA01



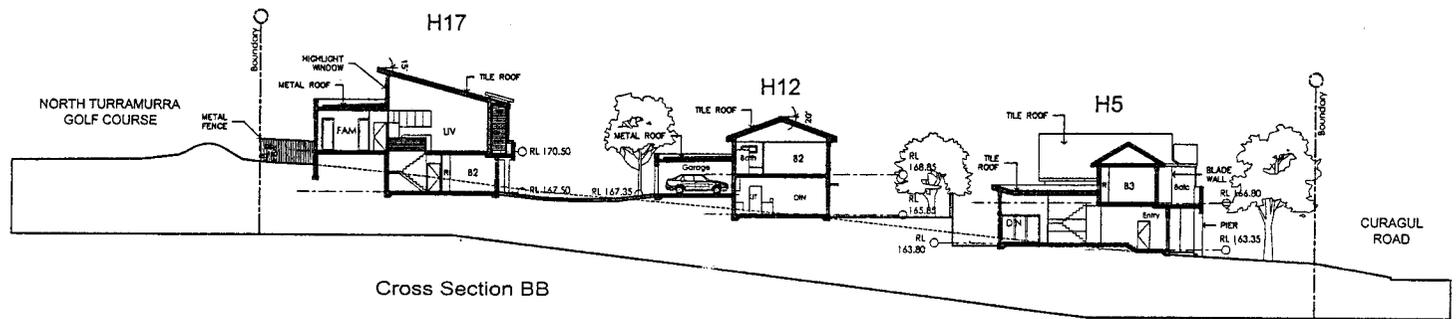
Internal Elevation
EAST ELEVATION



Internal Elevation
WEST ELEVATION

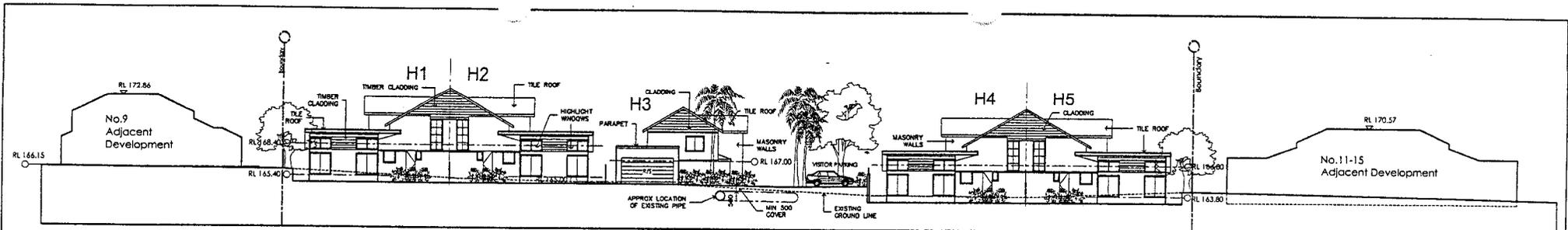


Cross Section AA

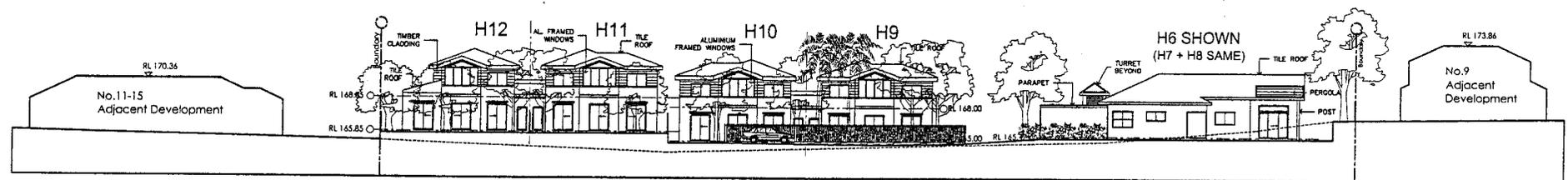


Cross Section BB

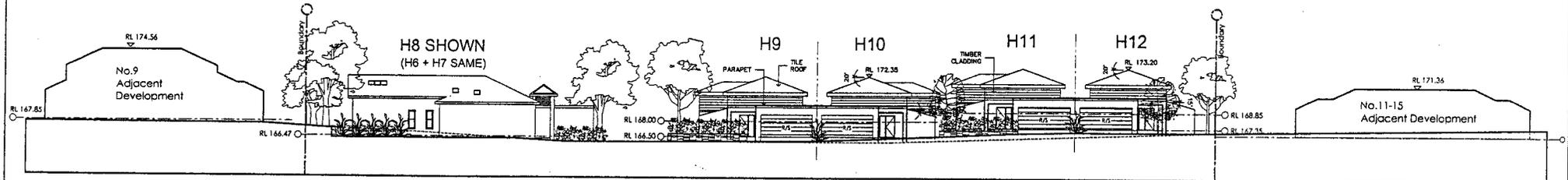
<small>Architect and Client warrant that all dimensions, notes and specifications are correct and that the drawings shall be submitted to the Planning and Development Department for the issue of approved shop drawings, if required, and the construction of the works.</small>		D	H13 AMENDED	15.11.05	ARCHITECT	CLIENT	PROJECT	DATE	SEP 2005	DWG NUMBER	
G	FSR & BUA REDUCED/SR2A REVIEW APPLICATION	22.11.08	C	ISSUE TO MODELMAKER	5.11.05	HSA 77430 Darling Street, BALMAIN NSW 2041 PH: (02) 9618 7888 FAX: (02) 9618 7868	Villa & Townhouse Development at 9A CURAGUL ROAD NORTH TURRAMURRA	ELEVATIONS & SECTIONS		SCALE 1:200 CRIP - JOB NO. 0514	DA06 SHEET G
F	BN COLLECTION AREAS ADDED HIGHLIGHT WINDOWS ADDED TO H1,H2,H4&H5 SUN AWOLIES ADDED		B	ISSUE TO RURAL FIRE SERVICE	25.10.05			0 2 4 6 8 10M			
FOR DEVELOPMENT APPLICATION PURPOSES ONLY		18.06.08	A	PRELIMINARY ISSUE TO CONSULTANTS	11.10.05			DATE	0514		
E	DEVELOPMENT APPLICATION	22.11.05	656K	AMENDMENT	DATE						



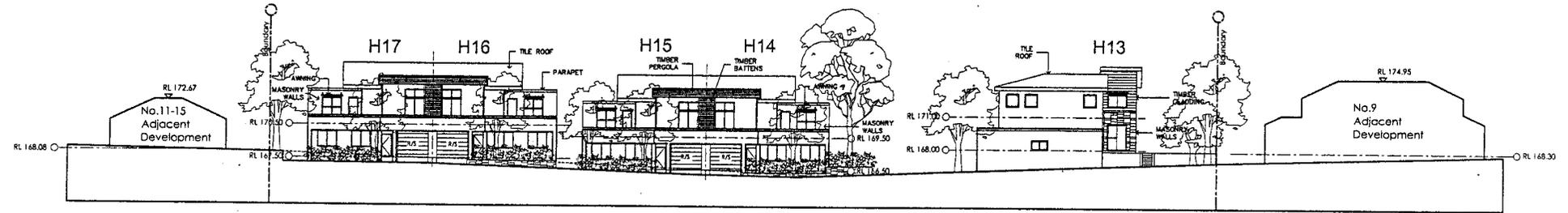
Internal Elevation
SOUTH ELEVATION



Internal Elevation
NORTH ELEVATION

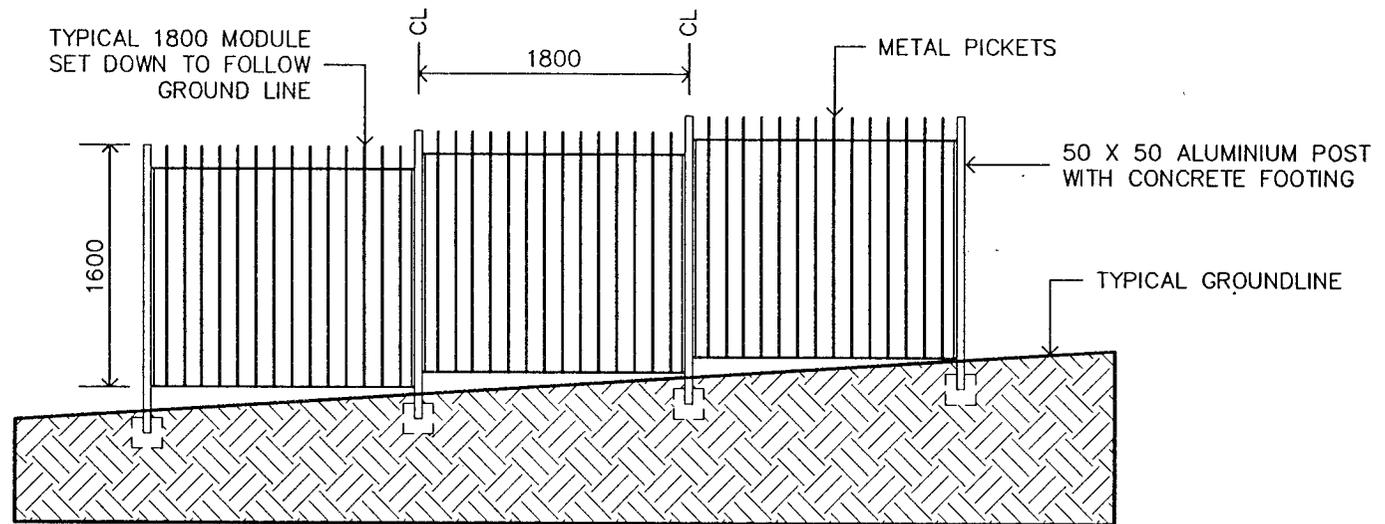


Internal Elevation
SOUTH ELEVATION



Internal Elevation
NORTH ELEVATION

Drafting and Construction shall verify all dimensions before any work commences. All work drawings shall be submitted to the Proprietor and manufacturer and all dimensions shall be in the metric system.		The Applicant does not warrant or take any responsibility for the accuracy or effect of the information provided to other Contractors, other than that which is the responsibility of the Contractor. This contract is subject to the provisions of the contract.		FOR DEVELOPMENT APPLICATION PURPOSES ONLY		D H13 AMENDED 15.11.05 15.11.05	C ISSUE TO MODELMAKER 8.11.05	B ISSUE TO RURAL FIRE SERVICE 25.10.05	A PRELIMINARY ISSUE TO CONSULTANTS 11.10.05	E DEVELOPMENT APPLICATION 22.11.05	DATE 15.11.05	ARCHITECT HSA 2/430 Curragh Street, BALMAIN NSW 2041 PH: (02) 9618 7899 FAX: (02) 9618 7868	CLIENT Harb Enterprises Pty Ltd	PROJECT Villa & Townhouse Development at 9A CURAGUL ROAD NORTH TURRAMURRA	DATE SEP 2005	SCALE 1:200	DATE 0514	SHEET NUMBER DA05
ELEVATIONS																		
JOB NO. 0514 ISSUE G																		



TYPICAL BOUNDARY FENCE DETAIL

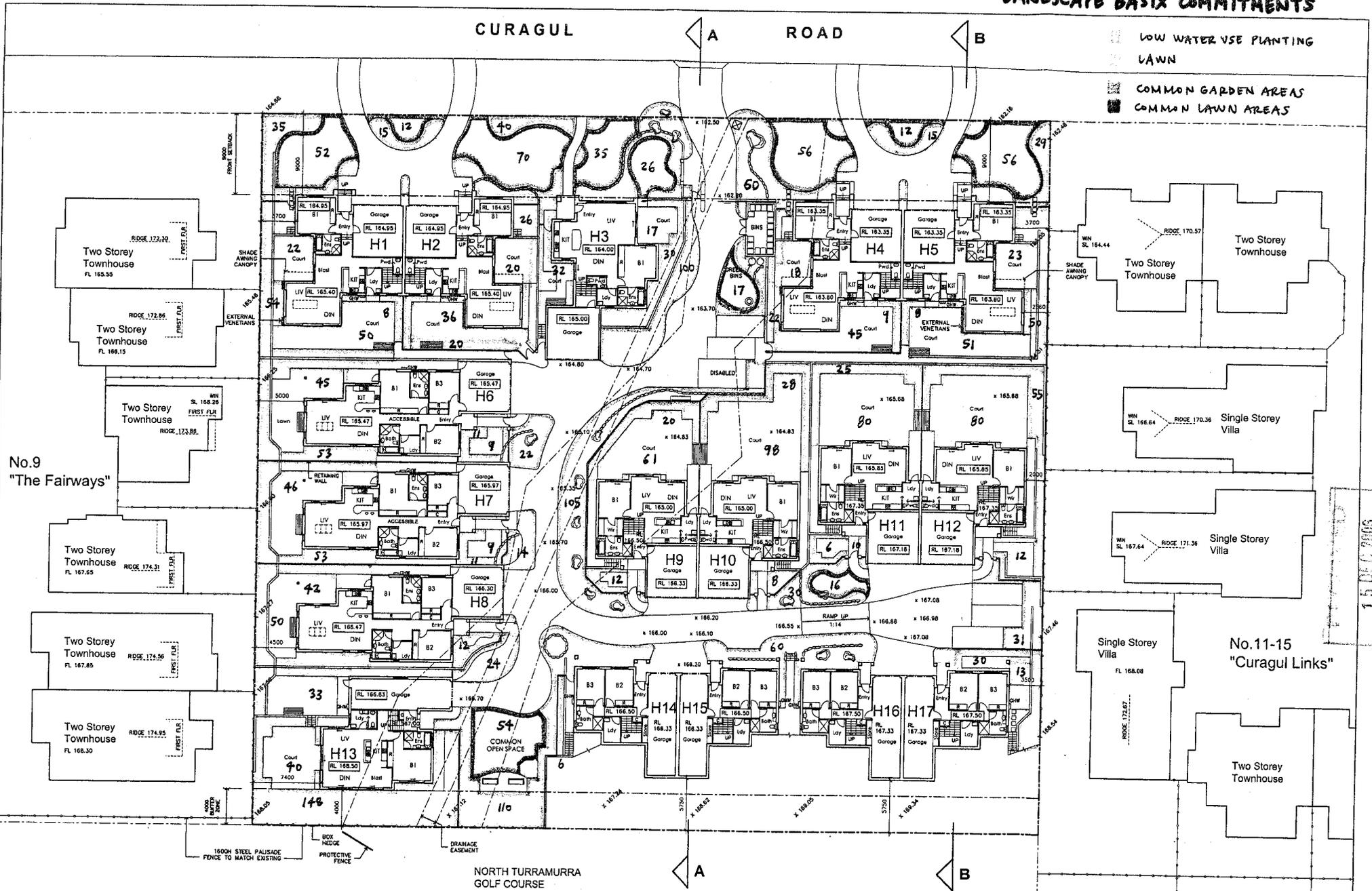
RECEIVED
 15 DEC 2006
 CUSTOMER SERVICE CENTER

ARCHITECT HSA Architects Interior Design & Project Management Suite 2 / 430 Darling Street, BALMAIN NSW 2041 PH: (02) 9818 7899 FX: (02) 9818 7866	PROJECT 9A Curagul Road NORTH TURRAMURRA	DWG TITLE © FENCE DETAILS	DATE NOV 2006	DWG NUMBER F01
	CLIENT Harb Enterprises Pty Ltd		SCALE 1:50	
			JOB No 0514	ISSUE A

LANDSCAPE BASIS COMMITMENTS

CURAGUL ROAD

- LOW WATER USE PLANTING
- LAWN
- COMMON GARDEN AREAS
- COMMON LAWN AREAS



No.9
"The Fairways"

No.11-15
"Curagul Links"

NORTH TURRAMURRA
GOLF COURSE

<p>Builder and Commission shall verify all dimensions before any work commences. All dimensions shall be referred to the finished and as shown on the drawings unless otherwise stated in the notes of approval and drawings. (Type) Structure has provisions that apply.</p>		D	H13 AMENDED	11.11.05	ARCHITECT	<p>HSA 2 / 430 Darling Street, BALMAIN NSW 2041 PH: (02) 9618 7859 FX: (02) 9618 7866</p>	<p>CLIENT Harb Enterprises Pty Ltd</p>	<p>PROJECT Villa & Townhouse Development at 9A CURAGUL ROAD NORTH TURRAMURRA</p>		<p>DATE SEP 2005</p>	<p>DWG NUMBER DA01</p>
C	FSR & BUA REDUCED	22.11.06	C	FINAL ISSUE TO CONSULTANTS	1.11.05						
F	SIN COLLECTION AREAS ADDED HIGHLIGHT WINDOWS ADDED TO H1, H2, H4 & H5 COMMON OPEN SPACE INCREASED H13-H17 OPENED REDUCED, FENCES ADDED	18.08.06	B	ISSUE TO RURAL FIRE SERVICE	25.10.05						
FOR DEVELOPMENT APPLICATION PURPOSES ONLY			A	PRELIMINARY ISSUE TO CONSULTANTS	11.10.05						
E	DEVELOPMENT APPLICATION	22.11.05	REV	MIDWAY	DATE						

GROUND FLOOR PLAN

SCALE 1:200
DATE 0514

DA01

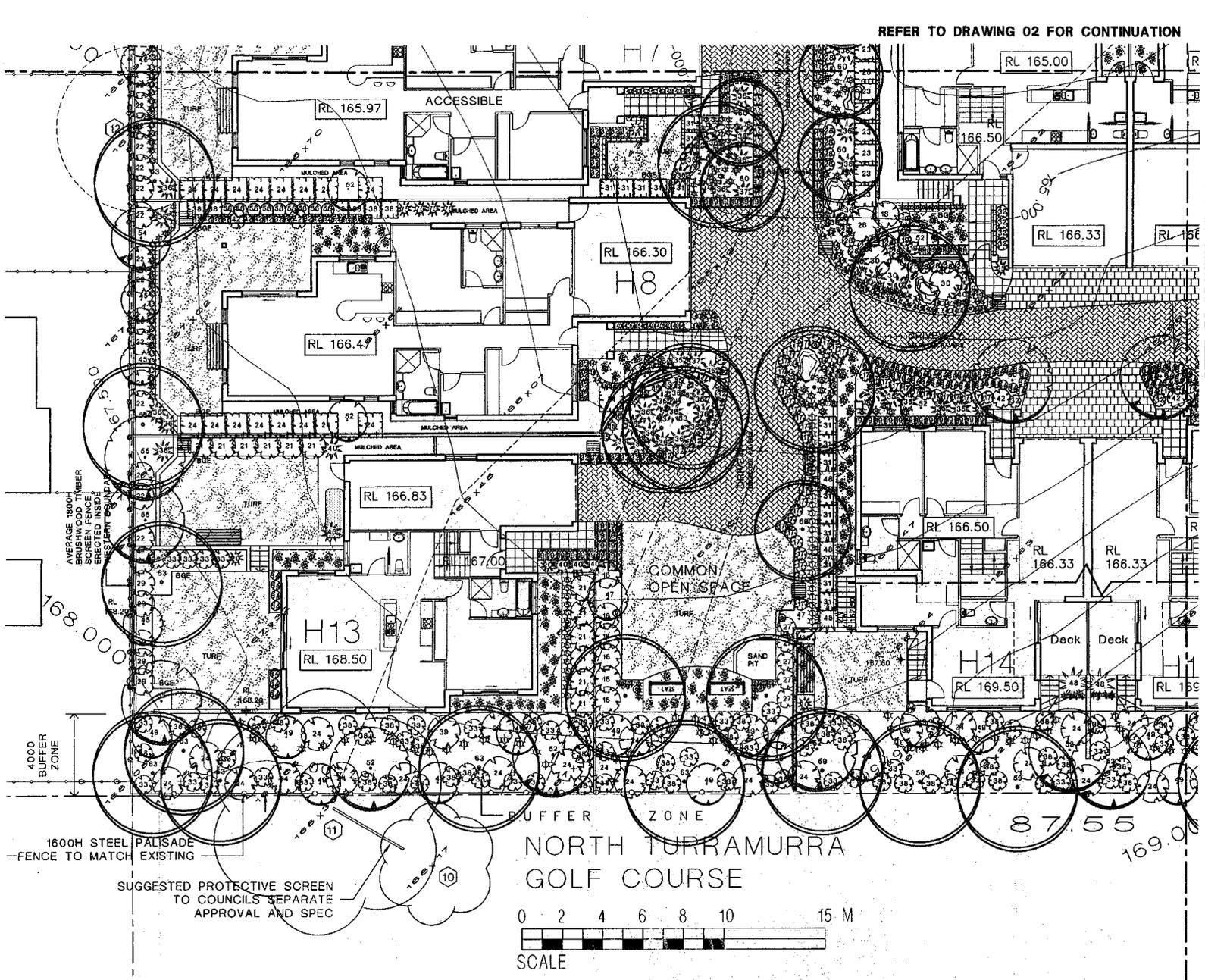
SCALE G

LEGEND

	EXISTING RL
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED
	EXISTING TREE NO.
	BRICK GARDEN EDGE
	LAWN AREA
	SELECTED CONC. STEPPING STONES
	100 DEPTH WHITE RIVER PEBBLES WITH WEED MAT UNDER
	BUSH ROCK RETAINING WALL
	SELECTED ROCK FEATURE
	SELECTED CLOTHES LINE
	SELECTED LETTER BOX
	SELECTED GARDEN ILLUMINATION
	SELECTED POT / ORNAMENT

FINISHES SCHEDULE

ITEM	MATERIAL
DRIVEWAY	SELECTED STENCILED CONCRETE
PATIO	SELECTED TILES
PATH	SELECTED STENCILED CONCRETE
SOIL	LAWN AREA 1st QUALITY TOP SOIL GURDISH BED NATIVE GARDEN MIX
LAWN	SRI WALTER BUFFALO REFER TO DETAIL 1
MULCH	PINE BARK MULCH NUGGET DECORATIVE GRAVEL TO OSD AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
GARDEN EDGE	SELECTED PRESSED BRICK OR AS SELECTED REFER TO DETAIL 1
RETAINING WALL	SELECTED MASONRY WALL TO ENG. DETAIL
ILLUMINATION	SELECTED BOLLARD ILLUMINATION
FENCE	COURTYARDS 900 HIGH LAPPED & CAPPED TIMBER FENCE EASTERN BOUNDARY EXISTING 900 HIGH TIMBER FENCE WESTERN BOUNDARY 1500 HIGH BRUSH WOOD FENCE FENCED INSIDE BOUNDARY REAR BOUNDARY 1500 HIGH BRUSH WOOD FENCE FENCED INSIDE BOUNDARY REAR 900 HIGH STEEL PALISADE FENCE TO MATCH EXISTING FRONT - REFER TO ARCHITECT'S DETAIL



REFER TO DRAWING 02 FOR CONTINUATION

REFER TO DRAWING 05 FOR CONTINUATION

REV	DESCRIPTION	REV BY	REVISION DATE
A	COUNCIL DA ISSUE		30.11.05
B	AMEND AS PER ARCH. CHG. AND CIVIL PLANNING SPEC		12.12.06
C	AMEND AS PER ARCH. CHG. AND CIVIL PLANNING LAYOUT TO REAR BAY		17.07.07

IMPORTANT NOTICE:
IT MUST BE NOTED THAT ANY DEVIATION FROM THE APPROVED DESIGN IS NOT AUTHORISED UNDER THE DEVELOPMENT CONSENT
ANY ALTERATION TO DESIGN AND PLANT MATERIAL MUST BE APPROVED BY COUNCIL IN WRITING
FINAL CERTIFICATE WILL NOT BE ISSUED IF LANDSCAPE WORKS ARE NOT CONSTRUCTED AS PER THE APPROVED PLANS

- NOTE:**
1. Designer must verify all dimensions of the lot before commencing any work or making any site changes which may be approved later.
 2. Do not place anything in a drain - A/D.
 3. This drawing is to be read in conjunction with ARCHITECTURE, STRUCTURE and SERVICES PLANS.
 4. All existing trees to remain shall be protected as per arborist report & council requirements.
 5. All planting shall be in accordance with the A/D SPEC.
 6. Through-hole concrete eaves must be installed at all garden areas.
 7. See contract for how to be carried out without prior approval from council.
 8. An obligation to the best of their respective skills but shall comply with approved council requirements or standards.
 9. Substitution of plant material or materials will not be permitted.
 10. Unless otherwise specified or directed, all structures are to be built by the installing landscape company.
 11. All glass must adhere to safety glass standards as per Australian Standards.
 12. Provide set-back distance to garden beds & lawn areas where required - refer to DETAIL 10.
 13. Refer to contract plan for location of all existing services.
 14. Refer to architectural drawings & Sections for siting and approval of all structures.
 15. All measures which shall comply with all applicable DA, BA, EPP and other relevant regulatory requirements and any other relevant regulatory requirements.
 16. All measures which shall comply with all applicable DA, BA, EPP and other relevant regulatory requirements and any other relevant regulatory requirements.
 17. All measures which shall comply with all applicable DA, BA, EPP and other relevant regulatory requirements and any other relevant regulatory requirements.

VILLA & TOWNHOUSE DEVELOPMENT
9A CURAGUL ROAD
NORTH TURRAMURRA

ARCHITECT: HSA
CLIENT: Harb Enterprises Pty Ltd



DRAWING TITLE: LANDSCAPE CONCEPT PLAN

DRAWN	SCALE	CHECKED	DATE
FF	1:100		

DRAWING NUMBER: 050166DA4/5 REV: C

Authorised Issuance
Landscape Designer & Manager Ltd



LEGEND

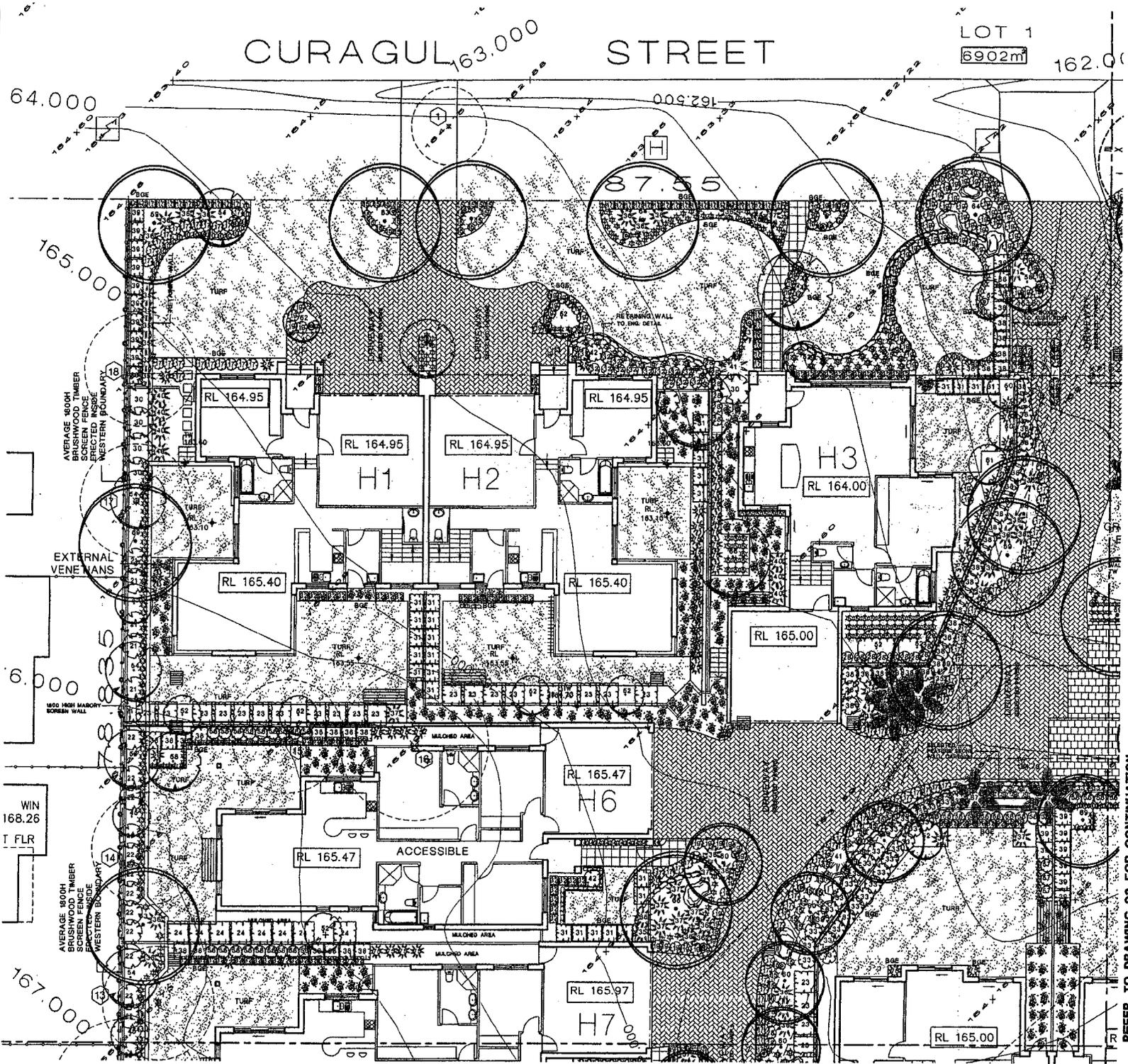
- EXISTING RL
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED
- EXISTING TREE NO.
- BGC BRICK GARDEN EDGE
- LAWN AREA
- SELECTED CONC. STEPPING STONES
- 100mm DEPTH DECOMPOSED GRANITE WITH WOOD MAT UNDER
- 100 DEPTH WHITE RIVER PEBBLES WITH WOOD MAT UNDER
- BUSH ROCK RETAINING WALL
- SELECTED ROCK FEATURE
- SELECTED CLOTHES LINE
- SELECTED LETTER BOX
- SELECTED GARDEN ILLUMINATION
- SELECTED POT / ORNAMENT

FINISHES SCHEDULE

ITEM	MATERIAL
DRIVEWAY	SELECTED STENCILED CONCRETE
PATIO	SELECTED TILES
PATH	SELECTED STENCILED CONCRETE
SOIL	LAWN AREA 1st QUALITY TOP SOIL GARDEN BED NATIVE GARDEN MIX
LAWN	SFR WALTER BUFFALO REFER TO DETAIL 1
MALCH	PINE BARK 50MM MIDGET DECORATIVE GRAVEL TO OBD AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
GARDEN EDGE	SELECTED PRESSED BRICK OR AS SELECTED REFER TO DETAIL 1
RETAINING WALL	SELECTED MASONRY WALL TO ENG. DETAIL
ILLUMINATION	SELECTED BOLLARD ILLUMINATION
FENCE	COURTYARD 1800 HIGH LAPPED & CAPPED TIMBER FENCE EASTERN BOUNDARY EXISTING 900 HIGH TIMBER FENCE WESTERN BOUNDARY 1800 HIGH BRUSH WOOD FENCE BRITTED BRICK BOUNDARY REAR BOUNDARY 1800 HIGH BRUSH WOOD FENCE BRITTED BRICK BOUNDARY REAR 1800 HIGH STEEL PALMBADE FENCE TO MATCH EXISTING FRONT REFER TO ARCHITECT'S DETAIL

CURAGUL STREET

LOT 1
6902m²



REV. DESCRIPTION	REV. BY	REVISION DATE
A COUNCIL DA ISSUE		26.10.09
B AMEND AS PER ARCH. ENG. AND CIVIL PLANT SUPP.		12.12.08
C AMEND AS PER ARCH. ENG. AND CIVIL PLANT SUPP.		17.12.08
D ENG. PLANTING LAYOUT TO BEAR NO1		17.12.07

IMPORTANT NOTICE:
IT MUST BE NOTED THAT ANY DEVIATION FROM THE APPROVED DESIGN IS NOT AUTHORISED UNDER THE DEVELOPMENT CONSENT.
ANY ALTERATION TO DESIGN AND PLANT MATERIAL MUST BE APPROVED BY COUNCIL IN WRITING.
FINAL CERTIFICATE WILL NOT BE ISSUED IF LANDSCAPE WORKS ARE NOT CONSTRUCTED AS PER THE APPROVED PLANS.

- NOTE:**
1. Check drawings and verify all dimensions of the site before commencing any work.
 2. Do not start working if it is stated - ASB.
 3. Do not start work until you have received all necessary approvals from the Council.
 4. All existing trees to remain shall be protected as per approved report & approved specifications.
 5. All planting shall be in accordance with the AS 4373.
 6. Thoroughly water and mulch areas of garden trees.
 7. Maintenance of the works to be carried out without any approval from the Council.
 8. All materials to be used shall be of the highest quality and shall comply with the relevant Australian Standards.
 9. Installation of plant species or varieties not on the list.
 10. All materials shall be stored in a secure area.
 11. All areas shall be watered & mulched as per the approved specifications.
 12. All areas shall be watered & mulched as per the approved specifications.
 13. Refer to survey plan for position of all existing services.
 14. Refer to architectural drawings & Schedule for colour and proposed finishes.
 15. All materials shall be stored in a secure area.
 16. All materials shall be stored in a secure area.
 17. All materials shall be stored in a secure area.
 18. All materials shall be stored in a secure area.
 19. All materials shall be stored in a secure area.
 20. All materials shall be stored in a secure area.

VILLA & TOWNHOUSE DEVELOPMENT
9A CURAGUL ROAD
NORTH TURRAMURRA

ARCHITECT: HSA
CLIENT: Harb Enterprises Pty Ltd



DRAWING TITLE: LANDSCAPE CONCEPT PLAN
DRAWN BY: [Signature]
SCALE: 1:100
CHECKED BY: [Signature]
DATE: 24 APR 2009
DRAWING NUMBER: 050166DA2/5
REV: C
Landscape Design & Management Ltd

REFER TO DRAWING 04 FOR CONTINUATION

REFER TO DRAWING 03 FOR CONTINUATION



ON-SITE DETENTION TANK
12.0m x 5.0m x 1.6m DEEP
TOP OF GRATE OVERFLOW 164.00 FROM
TANK INVERT 162.30

DRIVEWAY CROSSOVER TO
COUNCIL SPECIFICATION

DISCHARGE TO EXISTING PIT
TO THE SATISFACTION OF COUNCIL
MAKE GOOD EXISTING CONSTRUCTION
INVERT LEVEL OF OUTLET SHALL BE
SITE CONFIRMED PRIOR
TO COMMENCEMENT OF WORKS

25% BYPASS OSD SYSTEM
SHOWN HATCHED

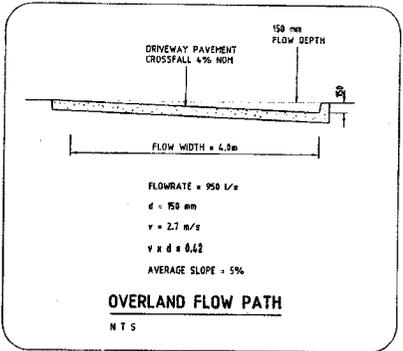
CURAGUL

ROAD

EXISTING PIT
TOG 162.0 approx
IL 161.2

JUNCTION PIT
TOG 162.0
IL 162.0

DSD TANK



WARNING
LOCATION AND DEPTH OF ALL
UNDERGROUND SERVICES TO BE
INVESTIGATED WITH THE
RELEVANT AUTHORITIES PRIOR
TO COMMENCING WORK

STORMWATER LINES ARE DIAGRAMMATIC TO
DEMONSTRATE PRACTICABILITY AND ARE
SUBJECT TO DETAIL DESIGN AT CONSTRUCTION
CERTIFICATE STAGE

OVERLAND FLOW PATH
REFER TYPICAL DETAIL

TYPICAL RAINWATER/RE-USE TANK
EACH DWELLING TO HAVE 1500 L
ABOVE OR BELOW GROUND TANK
FOR RE-USE IN ACCORDANCE WITH THE
REQUIREMENTS OF THE BASIX CERT.
INSTALL IN ACCORDANCE WITH
MANUFACTURERS SPECIFICATION,
AS 3500, DEPARTMENT OF HEALTH
AND COUNCIL'S GUIDELINES.
DIRECT 70 m² MIN ROOF AREA TO
RE-USE TANK. REFER DETAIL SHEET C1
OVERFLOW TO MAIN STORMWATER SYSTEM

PROVIDE TAIL-IN WORKS TO DIRECT
FLOW TO MAIN OVERLAND FLOW
PATH TO FUTURE DETAIL AT C.C.
STAGE

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

- RAINWATER RE-USE SYSTEM NOTES**
- RAINWATER SUPPLY PLUMBING TO BE CONNECTED AS REQUIRED BY BASIX CERTIFICATE
 - TOWNWATER CONNECTION TO RAINWATER TANK TO BE TO THE SATISFACTION OF SYDNEY WATER. THIS MAY REQUIRE PROVISION OF:
 - PERMANENT AIR GAP
 - A BACKFLOW PREVENTION DEVICE
 - NO DIRECT CONNECTION BETWEEN TOWN WATER SUPPLY AND THE RAIN WATER SUPPLY
 - AN APPROVED STOP VALVE AND/OR PRESSURE LIFTING VALVE AT THE RAINWATER TANK
 - PROVIDE AT LEAST ONE (1) EXTERNAL HOSE COCK ON THE TOWN WATER SUPPLY FOR FIRE FIGHTING.
 - PROVIDE APPROPRIATE ISOLATION VALVES AND/OR SOLENOID VALVES TO CONTROL TOWN WATER SUPPLY INLET TO TANK IN ORDER TO ACHIEVE THE TOP-UP ZONE INDICATED ON THE TYPICAL DETAIL.
 - ALL PLUMBING WORKS ARE TO BE CARRIED OUT BY LICENSED PLUMBERS IN ACCORDANCE WITH AS3548.1 NATIONAL PLUMBING AND DRAINAGE CODE.
 - PRESSURE PUMP ELECTRICAL CONNECTION TO BE CARRIED OUT BY LICENSED ELECTRICIAN.
 - ONLY 1% OF RUN-OFF IS TO BE DIRECTED TO THE RAINWATER TANK. SURFACE WATER INLETS ARE NOT TO BE CONNECTED.
 - PIPE MATERIALS FOR RAINWATER SUPPLY PLUMBING ARE TO BE CLEARLY APPROVED MATERIALS TO AS 3500 PART 1 SECTION 2 AND TO BE CLEARLY AND PERMANENTLY IDENTIFIED "RAINWATER". THIS MAY BE ACHIEVED FOR BELOW GROUND PIPES USING IDENTIFICATION TAPE MADE IN ACCORDANCE WITH AS 2848 OR FOR ABOVE GROUND PIPES BY USING ADHESIVE PIPE MARKERS (MADE IN ACCORDANCE WITH AS1551).
 - EVERY RAINWATER SUPPLY OUTLET POINT AND THE RAINWATER TANK ARE TO BE LABELLED "RAINWATER" ON A METALLIC SIGN IN ACCORDANCE WITH AS 1319.
 - ALL INLETS AND OUTLETS TO THE RAINWATER TANK ARE TO HAVE SUITABLE MEASURES PROVIDED TO PREVENT MOSQUITO AND VERMIN ENTRY.



RECEIVED 09 DEC 2005 C.C.1	DATE
DEVELOPMENT APPLICATION ISSUE	11/2005
REVISION DETAILS	DRAWN APPR. DATE

AFCE Environment + Building
A DIVISION OF APPELBYRD FORREST CONSULTING ENGINEERS Pty Ltd
401-403 RIVERVIEW DRIVE, SYDNEY NSW 2015
151 RIVERVIEW DRIVE, SYDNEY NSW 2015
TEL: 02 9551 2311 FAX: 02 9551 2854
MOB: 0414 542 197 FAX: 02 9551 2854

CLIENT/HOLDER:
HARB ENTERPRISES PTY LTD

PROJECT:
**PROPOSED RESIDENTIAL DEVELOPMENT
#9a CURAGUL RD NTH TURRAMURRA**

DRAWING TITLE:
STORMWATER MANAGEMENT CONCEPT PLAN

DRAWN	CF	11/2005	APPROVED
DESIGNED	BK	11/2005	<i>[Signature]</i>
CHECKED	BAK/LDA		L.D. APPELBYRD (LIC. INSTR. NPER-3) LEVER AND STRUCTURAL
JOB No.	362302	SHEET 2 OF 4	DRAWING No. 362302/C2 REV. 0

PLAN - STORMWATER MANAGEMENT CONCE>T
SCALE 1:200/A1, 14/00/A3

© COPYRIGHT, THIS DESIGN AND PLAN IS THE PROPERTY OF AFCE Environment + Building AND MUST NOT BE USED, REPRODUCED, OR COMED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.

Strata Certificate

Name of Council/Accredited Certifier

being satisfied that the requirements of the * Strata Schemes (Freehold Development) Act 1973 or * Strata Schemes (Leasehold Development) Act 1986 have been complied with, approves of the proposed:

* strata plan/strata plan of subdivision

illustrated in the annexure to this certificate.

*The accredited certifier is satisfied that the plan is consistent with a relevant development consent in force, and that all conditions of the development consent that by its terms are required to be complied with before a strata certificate may be issued, have been complied with.

*The strata plan/strata plan of subdivision is part of a development scheme. The * council/ accredited certifier is satisfied that the plan is consistent with any applicable conditions of any development consent and that the plan gives effect to the stage of the strata development contract to which it relates.

*The council does not object to the encroachment of the building beyond the alignment of

*The Accredited Certifier is satisfied that the building complies with a relevant development consent in force that allows the encroachment.

*This approval is given on the condition that the use of lot (s) (being utility lot/s designed to be used primarily for the storage or accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like) is restricted to the proprietor or occupier of a lot or proposed lot (not being such a utility lot) the subject of the strata scheme concerned, as referred to in * section 39 of the Strata Scheme (Freehold Development) Act 1973 or * section 88 of the Strata Schemes (Leasehold Development) Act 1986.

Date

Subdivision No

Accreditation No

Relevant Development Consent No

issued by

.....
 Authorised Person/General Manager/Accredited Certifier
 *Complete or delete if applicable.

Surveyors Certificate

I,

of

a surveyor registered under the Surveyors Act 1929, hereby certify that:

(1) each applicable requirement of

- * Schedule 1A to the Strata Schemes (Freehold Development) Act 1973
- * Schedule 1A to the Strata Schemes (Leasehold Development) Act 1986 has been met;

(2) * (a) the building encroaches on a public place;

- * (b) the building encroaches on land (other than a public place), in respect of which encroachment an appropriate easement:
- * has been created by registered +
- * is to be created under section 88B of the Conveyancing Act 1919

(3) * this survey information recorded in the accompanying location plan is accurate.

Signature:

Date:

* Delete if inapplicable

* State whether leasing or plan, and quote registered number.

THIS IS SHEET 1 OF MY PLAN IN **3** SHEETS

*(Insert type being adopted) Model By-laws adopted for this scheme
 Keeping of Animals: Option A/B/C

*Schedule of By-laws in ___ sheets filed with plan

* No By-laws apply

* Strike out whichever is inapplicable

PLAN OF SUBDIVISION OF LOT 1 IN DP 1027585

L.G.A.: **KU-RING-GAI** Suburb/Locality: **NORTH TURRAMURRA**

Parish: **GORDON** County: **CUMBERLAND**

Registered:

Purpose:

Ref. Map:

Last Plan:

Name of, and address for service of notices on, the owners corporation.

THE OWNERS STRATA PLAN
No. 9A CURAGUL ROAD, NORTH TURRAMURRA NSW 2074
(REVISION A)

(Address required on original strata plan only)

FOR LOCATION PLAN SEE SHEET 2

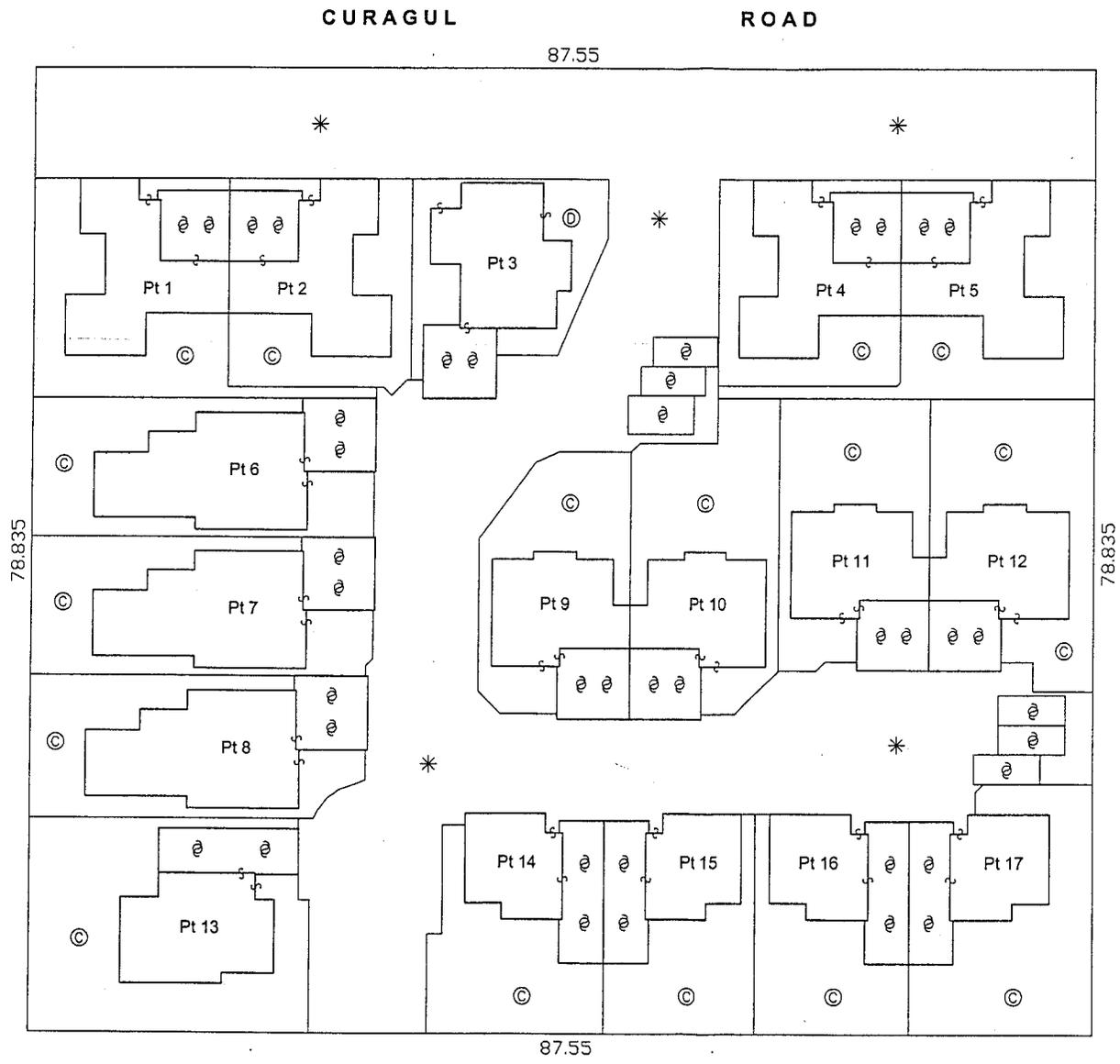
Signatures, seals and statements of intention to create easements, restrictions on the use of land or positive covenants

SCHEDULE OF UNIT ENTITLEMENT

PRELIMINARY

THIS PLAN IS A DRAFT ONLY AND IS NOT CHECKED OR REGISTERED AT THE DEPARTMENT OF LAND AND PROPERTY INFORMATION

RECEIVED
 15 DEC 2006
 CUSTOMER SERVICE CENTRE



9a Curagul Road
North Turramurra

LEGEND OF SYMBOLS	
⊙	INDICATES BALCONY
⊚	INDICATES COURTYARD
*	INDICATES COMMON PROPERTY
ⓐ	INDICATES CAR SPACE
Ⓧ	INDICATES DECK

15 DEC 2006
CUSTOMER SERVICE CENTRE

LOCATION PLAN
GROUND FLOOR PLAN

Reduction Ratio 1:400

Lengths are in metres

PRELIMINARY

Registered Surveyor	Authorised Person/General Manager/Accredited Certifier
---------------------	--

SURVEYOR'S REFERENCE:

DEVELOPMENT APPLICATION RESIDENTIAL VILLAS AND TOWN HOUSES

SUMMARY SHEET

REPORT TITLE:	9A CURAGUL ROAD, NORTH TURRAMURRA
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	1377/05
SUBJECT LAND:	9A Curagul Road, North Turramurra. Lot 1 DP1027585
APPLICANT:	Harb Enterprises Pty. Ltd.
OWNER:	Harb Enterprises Pty. Ltd.
DESIGNER:	H Sidaway and Associates Pty. Ltd.
PRESENT USE:	Vacant
ZONING:	Residential 2(h)
HERITAGE:	No
PERMISSIBLE UNDER:	KPSO
COUNCIL'S POLICIES APPLICABLE:	KPSO DCP 23 Curagul Road, North Turramurra DCP 31 - Access DCP 40 - Waste Management DCP 43 - Car Parking DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 20, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	8 December, 2005 22 August, 2006 (Amended plans)
PROPOSAL:	Villa, Townhouse Development and Strata Subdivision.

RECOMMENDATION:

Refusal

PURPOSE FOR REPORT

To determine development application No. 1377/05 which seeks consent for the erection of a mix of 17 villa and townhouse dwellings with associated parking and strata subdivision.

EXECUTIVE SUMMARY**Issues:**

- Floor space ratio
- Built-upon area
- Decks within restricted development area
- Solar access to open space areas within and outside the site
- Dimensions of open space areas.
- Location of communal open space
- Compliance with BASIX landscape commitments
- Lack of detail in contamination report
- Non-compliance with waste enclosure requirements
- Building encroachment within landscape buffer zone
- Lack of detail for courtyard walls, boundary fencing
- Width of double garages
- Strata plan does not match amended unit plan

Submissions:

Fourteen (14)

Land & Environment Court Appeal:

No

Recommendation:

Refusal

THE SITE AND SURROUNDING AREA**The site**

Visual character study category:	Identified but not dated
Lot & DP number:	Lot 1 in DP 1027585
Easements/rights of way:	Yes
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	No
Endangered species:	Yes: Duffy's Forest Ecological Community

Urban bushland: No

Contaminated land: No

The site is vacant and located on the southern side of Curagul Road at Turrumurra to the east of Bobbin Head Road. It is known as No. 9A Curagul Road.

The site has an area of 6902m² with a frontage of 87.55metres and a depth of 78.835 metres. It is subject to an easement to drain water 1.8 metres wide and a restriction as to user over part of the site adjacent to the drainage easement, which prevents the construction of permanent structures under certain circumstances.

Surrounding development:

Mix of villa/townhouse and retirement accommodation.

THE PROPOSAL

The proposal is to erect 17 villa/townhouse dwellings with associated car parking and strata subdivision.

Dwelling Units 1, 2, 4 and 5

These two storey units have frontage to and access their garages from Curagul Road.

At the ground level they comprise the following: porch, entry, bedroom 1 with en-suite and walk in robe, hall, staircase, laundry, powder room, store, kitchen, living/dining area, deck and a double garage.

At the upper level they comprise the following: two bedrooms, bathroom, stairs, landing and a balcony.

Dwelling Unit 3

A two storey unit with frontage to Curagul Road and with vehicle access from the central driveway at the rear of the dwelling unit.

At the ground level the unit comprises the following: porch, entry, bedroom 1 with en-suite, staircase, laundry, powder room, study, kitchen, living/dining area, deck and a double garage.

At the upper level the unit comprises the following: two bedrooms, bathroom, stairs and landing.

Dwelling Units 6, 7 and 8

These single storey units have frontage to the central driveway.

They comprise the following: porch, entry hall, 3 bedrooms, 1 with en-suite, laundry, bathroom, kitchen, living/dining area, deck and a double garage.

Dwelling Units 9, 10, 11 and 12

These two storey units have frontage to and access their garages from the central driveway.

At the ground level they comprise the following: porch, entry, bedroom 1 with en-suite, study, staircase, laundry, powder room, store, kitchen, living/dining area, deck and a double garage.

At the upper level they comprise the following: two bedrooms, bathroom, stairs and a landing.

Dwelling Unit 13

A two storey unit with frontage to and access the garage from the central driveway.

At the ground level the unit comprises the following: porch, entry, bedroom 1 with en-suite, staircase, laundry, powder room, kitchen, living/dining area and a tandem double garage.

At the upper level the unit comprises the following: two bedrooms, bathroom, stairs and landing.

Dwelling Units 14, 15, 16 and 17

These two storey units have frontage to and access their garages from the central drive way.

At the ground level they comprise the following: porch, entry, hall, stairs, laundry, bathroom, 2 bedrooms and a tandem double garage.

At the upper level they comprise the following: stairs, landing, living room, kitchen, dining/family room, bedroom 1 with en-suite, study, powder room, deck and a balcony.

A garbage enclosure is located adjacent to the western side of Dwelling unit 4 and the green waste collection area is at the rear of the site adjacent to Dwelling unit 13.

A small common open space area is located at the rear of the site between Dwelling units 13 and 14.

A strata subdivision of the development is proposed creating 17 titles and common property.

Amended plans dated 22 August, 2006 were lodged to address concerns of Council.

The amendments related to the provision of an on-site garbage collection area, addition of skylights to improve solar access and an increase in the area of the communal open space.

CONSULTATION - COMMUNITY

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

Original scheme dated 8 December, 2005

- ✓ 1. *Russell Fox. Unit 130, 381 Bobbin Head Road, North Turrumurra NSW 2074*
- ✓ 2. *... Merylyn Davidson. 5/9 Curagul Road North Turrumurra NSW 2074*
- ✓ 3. *... Eric Okely. General Manager The Cotswolds Village. 28 Curagul Road, North Turrumurra ... NSW 2074*
- ✓ 4. *... Ernest Henry. 1/11-15 Curagul Road, North Turrumurra NSW 2074*
- ✓ 5. *... Betty Musgrove. 131/381 Bobbin Head Road, North Turrumurra NSW 2074*
- 6. *... James and Marianne Cochrane. 129/381 Bobbin Head Road, North Turrumurra NSW 2074*
- ✓ 7. *... Rosalie Geddes. 4/9 Curagul Road, North Turrumurra NSW 2074*
- ✓ 8. *... Jim and Trish Johnson. 21/11-15 Curagul Road, North Turrumurra NSW 2074*

9. ... John Ford and Sheng-Chun Chao 28/11-15 Curagul Road, North Turrumurra NSW 2074

10. ... Peter and Sue Gisbone. 26/11 Curagul Road, North Turrumurra NSW 2074

✓ 11. ... Helen Bird. 8/9 Curagul Road, North Turrumurra NSW 2074

✓ 12. ... M and C Smith. 27/11-15 Curagul Road, North Turrumurra NSW 2074

✓ 13. ... A Anderson. 381 Bobbin Head Road, North Turrumurra NSW 2074

14. ... D Sullivan 123/381 Huon Park North Turrumurra NSW 2074

The submissions raised the following issues:

1. Russell Fox. Unit 130, 381 Bobbin Head Road, North Turrumurra NSW 2074

Concerned with drainage from the site and with the noxious material that may be contained with the stormwater.

Council's Development Control Engineer is satisfied that drainage from the site will be acceptable. See 5 below.

However, Council's Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant. See 5 below.

2. ... Marilyn Davidson. 5/9 Curagul Road North Turrumurra NSW 2074

Exceeds the built upon area.

Agreed, Council does not support this variation.

Loss of views to the east

Yes, views to the east will be affected.

Loss of privacy. Dwelling Unit 8 living room windows face Unit 5's master bedroom.

The separation distance between both sets of windows will comply with Amcord guidelines.

Loss of tree at the rear of adjoining Unit 4 (9 Curagul). Provides protection to Unit 5's courtyard.

Council's Landscape Development Officer considers that the nominated tree is a weed species and should be removed. Proposed landscaping in the area should provide some early morning shade.

Include high quality landscaping between Dwelling Unit 8 and Unit 5 to provide privacy and depth to Unit 5's patio area.

The proposed landscaping would appear to satisfy this requirement.

Retain the existing fence

The application does not provide any detail in regard to fencing.

3. ... *Eric Okely. General Manager The Cotswolds Village. 28 Curagul Road, North Turramurra*
... NSW 2074

Concern about the limited water and sewerage supply services in the area. Will fire fighting services be affected?

Water and sewerage services are the responsibility of the Sydney Water.
Fire fighting services should not be affected.

Will the pumping station in the village grounds be expanded

Unknown.

Will the increased traffic require road widening

No road widening is proposed.

4. ... *Ernest Henry. 1/11-15 Curagul Road, North Turramurra NSW 2074*

Will the root systems of the proposed landscaping adjacent to the eastern boundary of Dwelling Unit 5 destabilize the proposed retaining wall.

It is unlikely, however the wall is to be built within the curtilage of Dwelling Unit 5 and as such will be their responsibility.

Overshadowing of private open space by Dwelling Unit 5 to adjoining Unit 1/11-15 Curagul Road, to the east during the afternoon in winter.

It would appear that the overshadowing is generated by the lower level of Dwelling Unit 5 and as such improvement would prove difficult. The proposed development complies with the setback and building envelope requirements of DCP 23. It would appear that the private open space of Unit 1/11 – 15 Curagul Road would be in shadow for the entire day during the winter solstice. A more detailed shadow analysis should be undertaken in this location.

5. ... *Betty Musgrove. 131/381 Bobbin Head Road, North Turramurra NSW 2074*

Need for a sullage pit in Curagul Road and the exposed sewer pipe

This development will attract conditions that kerb and gutter be constructed for the frontage of the site. This will necessitate the construction of a kerb inlet pit to replace the existing open pit over the stormwater line (the exposed sewer pipe will have to be covered as part of these works). These works would be conditioned on any consent and the detailed design would be submitted prior to CC for Council's approval under the Roads Act.

The development itself will be required to implement permanent water quality measures under Chapter 8 of DCP 47. After completion of the works, the quality of runoff from the property should be improved by the retention and re-use and detention systems proposed.

Council's Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant.

Construction of development, concern for run-off

The installation of erosion control barriers would be conditional to any approval.

6. ... *James and Marianne Cochrane. 129/381 Bobbin Head Road, North Turrumurra NSW 2074*

Concern about downstream drainage and associated debris within Huon Park

Refer to 5 above.

Concern about the sewer pipe adjacent to the open ended pipe from the golf course

Refer to 5 above.

7. ... *Rosalie Geddes. 4/9 Curagul Road, North Turrumurra NSW 2074*

Concern about the loss of an 'Acer negunda' tree on the boundary between Unit 4 (9 Curagul) and Dwelling Unit 7. Would like this tree retained

Council's Landscape Development Officer considers that the nominated tree is a weed species and should be removed. Proposed landscaping in the area should provide some shade.

What type of fence proposed for the common boundary

No details have been provided in regard to the side boundary fencing.

Concerned about the colours of the proposed development

This is a subjective point of view. Council is not concerned with the colour of the proposal.

8. ... *Jim and Trish Johnson. 21/11-15 Curagul Road, North Turrumurra NSW 2074*

The density of the development is too high

Agreed. Council does not support this variation.

Overshadowing during winter of the homes along the eastern boundary of the proposed development.. Needs to be setback further from the side boundaries

Yes, there will be overshadowing of the private open space areas within 11-15 Curagul during winter. The proposed development complies with the setback and building envelope requirements of DCP 23. The proposed development appears to comply with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space areas of the single storey dwellings adjoining the eastern boundary, however a detailed shadow analysis would be needed for confirmation.

9. ... *John Ford and Sheng-Chun Chao 28/11-15 Curagul Road, North Turrumurra NSW 2074*

Over development of the site.

The density and built-upon areas of the proposal do not comply with DCP 23. Council does not support the variation.

Visual and acoustic privacy concerns, type of fencing proposed

No details have been provided in regard to the side boundary fencing.

The proposal complies with Amcord guidelines in respect of separation distances between Dwelling Unit 5 and Unit 28 (9 Curagul) buildings.

Overshadowing during winter of the homes along the eastern boundary of the proposed development.

Yes, there will be overshadowing of private open space.

The proposal appears to comply with Amcord guidelines in respect of separation distances.

The proposed development appears to comply with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space, refer to 8 above..

10. ... Peter and Sue Gisbone. 26/11 Curagul Road, North Turramurra NSW 2074

Overshadowing of western side of Unit 26 (11 Curagul) including rooms within the unit and a large area of private open space.

The proposed development complies with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space, refer to 8 above. The shadow projections indicate that only a small area of the western wall would be affected.

Are shadow diagrams based on true north

Yes.

Overlooking from windows and balconies within the proposed development

The separation distances between residences comply with Amcord guidelines.

The proposed development complies with the setback and building envelope requirements of DCP 23.

Loss of airflow from westerly and north westerly winds.

Council has no information in respect of changes to airflow.

Acoustic privacy

The separation distances between residences comply with Amcord guidelines.

Views and vistas

The proposed development complies with the setback and building envelope requirements of DCP 23.

Fencing

No details have been provided in regard to the side boundary fencing.

Landscaping

The common boundary is proposed to be planted with a row of *Dodonaea viscosa* 'Purpurea' Purple Leafed Sticky Hop Bush to a height at maturity of 3 metres and and 4 *Tristaniaopsis laurina* Water Gums to a mature height of 8 metres.

Services

Water and sewerage services are the responsibility of Sydney Water.

Built-upon area is excessive

Agreed. Council does not agree with the variation.

Height of Dwelling Unit 17

The height of this dwelling complies with the DCP.

Boundary setback

The proposed development complies with the setback and building envelope requirements of DCP 23.

Compatibility of built form

Council does not have objections to this issue.

Visually Prominent sites

Council would not consider that Dwelling Unit 17 is a visually prominent site. Refer to previous comments on height, separation distances ,etc..

Access and Parking, opposite bedroom windows, headlight nuisance

A suitable screen could be erected at the rear of the visitor parking spaces.

Storm-water drainage

Council's Development Control Engineer considers the drainage arrangements for the proposal acceptable subject to conditions.

Council's Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant.

11. ... Helen Bird. 8/9 Curagul Road, North Turramurra NSW 2074***Additional traffic***

Yes, there will be additional traffic. The applicant's traffic consultant has advised that there will not be any unsatisfactory traffic capacity, safety or environmental related implications.

Evacuation and fire danger

Rural Fire Services have been consulted and raise no objection to the proposal.

The site does not require the issue of a Bush Fire Safety Authority.

Sewerage services

This is a matter for Sydney Water.

Retention of trees

Only one tree is proposed to be retained within the property. Council will require that the two existing palms be transplanted within the site.

12. ... M and C Smith. 27/11-15 Curagul Road, North Turramurra NSW 2074

Concern over the location of the single storey dwellings in the proposed development. They should have been placed adjacent to the existing single storey development in the adjoining development to the east

This is a sensible suggestion. No doubt the applicant may have reasons for not considering this, possibly related to the location of the existing drainage system within the site and their desire to maximize returns.

Excessive built-upon area

Agreed.

Set back to Dwelling Unit 12, closer to the side boundary than others within the proposed development

The proposed dwelling complies with the setback and building envelope requirements of DCP 23.

Landscape fencing and walls on common boundaries

No details have been provided in regard to common boundary fencing.

Overshadowing

The proposed development appears to comply with Amcord, Element 5.4, A8.4, in regard to sunlight to private open space, refer to 8 above.

Rural Fire Service comments

The site does not require the issue of a Bush Fire Safety Authority. Rural fire services have not raised any particular issues.

13. ... A Anderson. 351 Bobbin Head Road, North Turrumurra NSW 2074

Increased traffic

The applicant's traffic consultant has advised that there will not be any unsatisfactory traffic capacity, safety or environmental related implications.

14. ... D Sullivan 123/381 Huon Park North Turrumurra NSW 2074

Drainage and unwanted debris and exposed sewer pipe

This development will attract conditions that kerb and gutter be constructed for the frontage of the site. This will necessitate the construction of a kerb inlet pit to replace the existing open pit over the stormwater line (the exposed sewer pipe will have to be covered as part of these works). These works would be conditioned on any consent and the detailed design would be submitted prior to CC for Council's approval under the Roads Act.

The development itself will be required to implement permanent water quality measures under Chapter 8 of DCP 47. After completion of the works, the quality of runoff from the property should be improved by the retention and re-use and detention systems proposed.

Councils Principal Environmental Scientist does have concerns related to contamination of stormwater and additional investigation will be required to be undertaken by the applicant.

Amended plans dated 18/8/06 were received by Council on 22 August, 2006.

The amended plans were not notified as the amendments were relatively minor.

CONSULTATION - WITHIN COUNCIL

Urban Design

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

Introduction

This Development Application was received in December 2005. This is the first review of this DA by Olsson & Associates Architects. As the buildings proposed are a maximum of 2 storeys in height, SEPP 65 is not applicable to this DA.

1.0 Design Review

Principle 1: Context

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

Comment:

The built form context is comprised of -

- the North Turrumurra Golf Club directly south of the site. An easement of 4-8m runs along the southern boundary adjoining the golf course to provide physical and visual separation;*
- the Turrumurra House Nursing Home located directly north of the site, with buildings up to three storeys in height;*
- existing one and two storey villas adjoining the site to the west at No. 9 Curragul Road and to the east at No. 11-15;*

The site is 87.5m wide fronting Curragul Street and 78.8m long. The site slopes down from the Golf Course to Curragul Street by some 5.5m. There are good filtered views across from the golf course, through the site to the Kuring-gai Chase National Park. It is the objective of DCP 23 that views are maintained out from the Golf Course to the National Park.

The site comprises a small number of large canopy trees along the western boundary that are not significant. A valley runs diagonally across the site and is described as a wetland in DCP 23. A drainage pipe runs along the valley below ground to a detention tank at Curragul Street.

The adjoining sites to the east and west have a Residential 2(h) zoning and to the south of the site a portion of the Golf Course has a Residential 2(g) zoning. The site to the north of Curragul Street has a 2(g) zoning.

The Residential 2(h) zoning of this site and existing buildings adjoining the sites to the east and west as well as the existing buildings to the north of Curagul Street establishes the future scale of development on this sites as being 1 to 2 storey maximum. It is the objective of LEP 194 and DCP 23 to ensure that any new residential buildings are compatible with the existing environmental character in the immediate context and that they have a harmonious relationship with the adjoining developments. The scope available for minimising the impact of the proposed development on the existing residential buildings and neighbouring aged housing is limited to the siting of the proposed buildings, the setbacks and quality of the landscape within the setbacks and the architectural form and character of the buildings.

Principle 2: Scale

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

Comment:

It is the objective of DCP 23 to maintain a view across the site from the Golf Course, north, to the National Park. All buildings along the rear boundary are two storeys in height and have main flat roofs opening to the south at an angle of 15-17 degrees. It is recommended that the roofs to buildings at the rear of the site are reduced in pitch to further increase the views across the site to the National Park.

The proposed buildings step with the slope of the land. A common open space is proposed along the rear boundary and is to be planted with moisture tolerant trees and shrubs as recommended in DCP 23. The proposed large canopy moisture tolerant tree planting between building H13 and H14 creates a vista from the Golf Course to the "wetland" area of the site as encouraged in DCP 23.

The scale of development is acceptable, as it complies with the 2(h) controls.

Principle 3: Built Form

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

Comment:

The site is required to have a minimum front setback zone of 9m, but an average across the width of the site of 10.5m. Buildings H1-H5 have a setback of 9m, less than the 10.5m average across the site. The neighbouring building to the east of the site is set back some

7m to 9m and the adjoining building to the west is set back 9m. A number of large canopy trees have been proposed in the front building setback zone. It is recommended that the 9m setback is accepted, however Council's landscape architect should ensure that the proposed landscape in the setback area is of sufficient quality density and size to allow the reduced setback.

The proposed buildings are set back 2m to 7m along the eastern boundary of the site and 2.5m to 7.5m along the western boundary at ground floor. There are a number of buildings along these boundaries that are two storeys in height. These floors are setback between 3.5m to 8.2m in excess of the 3.0m recommended in DCP 23. There is only one window proposed in Building H17 that overlooks a neighbouring property, however this window is not a major window and it is setback some 12m from the neighbouring building.

The proposed buildings are setback between 4m to 10.5m along the rear boundary site. It is a requirement of DCP 23 that an 8m setback is required along the eastern part of the rear boundary to facilitate large canopy tree planting as this area is a golf ball hazard. No documents in the DA submission indicate where this 8m setback is located. It is recommended that a drawing is provided to indicate where the 8m setback required in DCP 23 is located.

Units H16 and H17 are located in the south-eastern corner of the site, potentially within the recommended 8m setback zone required in DCP 23. The first floor of these units are setback 4m to 9m. If it is established that these buildings are within the setback zone required in DCP 23, it is recommended that Units H16 and H17 are set back 8m from the rear of the site and that more than one large canopy tree is provided in this setback zone.

The proposed form of the buildings is a series buildings of different sizes and with different roof forms that are harmonious with those found in the surrounding context and in particular on the neighbouring sites. The elevation to Curagul Street comprises gable ends, hip and valley roofs and framed entries similar to those found in the adjoining developments. In this respect, the built form is acceptable.

Principle 4: Density

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

The proposed site coverage is 54% in excess of the 50% maximum in DCP 23. The proposed FSR is 0.45:1, in excess of the maximum 0.4:1 in DCP 23. There is 1 dwelling/406m² proposed, less than the maximum of 1 dwelling/390m², resulting in 17 dwellings. It is possible, however, on this site to achieve 18 dwellings whilst complying with the site coverage and FSR controls. The excessive floor area and site coverage is a result of the dwelling areas being too large. It is recommended that Units H16 and H17 are setback 8m from the southern boundary in order to reduce the floor area and site coverage of the proposed DA.

Principle 5: Resource, energy and water efficiency

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

All living rooms to dwellings have a northerly aspect and is to be commended. Building depths are less than 18m and ensures that all dwellings can be naturally cross-ventilated and daylight.

The proposed driveway has been efficiently designed limiting the amount of paved areas on the site. The driveway has been designed to collect rainwater for reuse onsite. The use of raised timber decks in private courtyards maximises the amount of pervious site area. Each dwelling is to have a rainwater tank collecting water from any paved areas or from roof drainage. This is to be commended.

Principle 6: Landscape

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

Comment:

The proposed landscape includes a number of large canopy trees between buildings and within setbacks. There are a number of large canopy trees proposed in both common open space, as well as private open space.

Adjacent to the Golf Course a number of large canopy trees are proposed. However, in the south-eastern corner of the site, there is only one large canopy tree proposed between Units H16 and H17. DCP 23 requires that additional large canopy tree planting is provided in this area of the site within an increased 8m setback zone as this zone is a potential golf ball hazard and in close proximity to a golf course green. It is recommended that a number of large canopy trees are provided within the 8m setback zone at the south-eastern corner of the site.

Otherwise, the landscape is acceptable.

Principle 7: Amenity

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

More than 70% of apartments will receive greater than 3 hours sunlight between 9am and 3pm in mid-winter. More than 60% of apartments are naturally cross-ventilated. All kitchens are located on external walls and all living rooms will receive greater than 3

hours sunlight between 9am and 3pm in mid-winter. All apartments will be able to be naturally cross-ventilated.

Principle 8: Safety and Security

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

There are no perceived safety or security issues.

Principle 9: Social Dimensions

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

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

The mix of apartments is acceptable.

Principle 10: Aesthetics

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

The proposed dwellings use a palette of materials and building forms that reinforce the dwellings location within a landscape setting and provide articulation.

2.0 Conclusion and recommendations

It is recommended that-

- *the roofs to buildings at the rear of the site are reduced in pitch to further increase the views across the site to the National Park*
- *Council's landscape architect should ensure that the proposed landscape in the 9m setback of Buildings H1 to H5 is of sufficient quality density and size to allow the reduced setback*
- *that a drawing is provided to indicate where the 8m setback required in DCP 23 is located;*
- *that Units H16 and H17 are set back 8m from the rear of the site and that more than one large canopy tree is provided in this setback zone;*
- *that Units H16 and H17 are setback 8m from the southern boundary in order to*

- *reduce the floor area and site coverage of the proposed DA;*
- *that a number of large canopy trees are provided within the 8m setback zone at the south-eastern corner of the site.*

Landscaping

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

AMENDED PLANS

Numerous amendments have been made to the plans however only 1 of these relate to landscape issues which is the reduction in the width of the decks along the southern boundary by 700mm.

DCP23 - Buffer Zone

Regardless of the reduction in the width of the decks along the southern boundary the amended plans do not comply with Clause 13.4 of DCP 23 which states that "No development is to occur within the restricted development area identified on LEP131 and as shown on Landscape Plan No LP01/93 dated 18th November 1993 as buffer zone."

The designated buffer zone is 4 metres wide along the southern boundary adjacent to the Golf Course extending to 8 metres wide at the south eastern corner.

BASIX

An amended BASIX Certificate has not been submitted with the amended plans however, given the minor changes to the proposal it is presumed that the previous landscape commitments nominated will still be required.

It is a requirement under the BASIX Certificate that the applicant show compliance with the landscape commitments on the DA plans. The plans submitted do not comply with the BASIX landscape commitments.

It would appear that the landscape commitments required for some of the units is substantial and large areas of turf will have to be substituted for indigenous or low water use species. This will impact on the useable outdoor space available.

Landscape Proposal

The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons.

The landscape plan shall comply with clause 14.4 of Development Control Plan 23.

The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)

Tree 15 - *Livistona australis* (Cabbage Tree Palm) and Tree 16 - *Phoenix canariensis* (Canary Island Palm) are to be transplanted and appropriately relocated on the site.

CONCLUSION

The Landscape Section cannot support the amended application in relation to landscape issues for the following reasons.

The proposal does not comply with DCP23 Clause 13.4. No development is permitted within the designated buffer zones. The proposed decks along the southern boundary shall be deleted.

The plans do not indicate compliance with BASIX landscape commitments. A separate plan shall be submitted clearly indicating the landscaped areas for each dwelling and the common area that comply with BASIX, (hatching or shading of the areas is required).

The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons.

The landscape plan shall comply with clause 14.4 of Development Control Plan 23.

The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)

Tree 15 - *Livistona australis* (Cabbage Tree Palm) and Tree 16 - *Phoenix canariensis* (Canary Island Palm) are to be transplanted and appropriately relocated on the site.

Engineering

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

The application is for the construction of 17 townhouses on vacant land. Strata subdivision is indicated on the application form.

The following documentation was used for the assessment:

The Turnbull Group Statement of Environmental Effects, November 2005;

W.E.Daw & Associates detail survey, dated 31-08-05;

Transport and Traffic Planning Associates Assessment of Traffic and Parking Implications, November 2005;

AFCE Environment + Building Stormwater management and Environmental site Management Concept Plans, 362302/C1 to C4, all Rev.0;

HSA Architectural plan Ground floor plan DA01 Issue F.

The application is supported subject to conditions.

Water management

The site is traversed by a Council drainage pipe and a Restriction on Use over the 100 year ARI overland flow extent. This restriction was placed by Council upon registration of DP1027585, and the terms of the restriction are:

*“No permanent structure such as a dwelling, garage, impervious fence or swimming pool nor the placing of fill will be permitted to be constructed on the land affected by this restriction except where it can be adequately demonstrated that the structure or fill will:
not be subject to damage by stormwater in the 100 year flood event;
not impede the overland flow of stormwater in the 100 year flood event;
not increase the risk of flooding of other properties;
not have a significant adverse affect (sic) on the natural environment.”*

The proposal is in keeping with these terms since the concept stormwater plan shows that the overland flow can be contained in the driveway section. It will be tidy for the extent of the restriction to be modified in conjunction with the subject development. This can be done prior to occupation.

The stormwater concept plan shows an individual rainwater tank for each dwelling and the BASIX commitments are for the re-use of the retained roofwater for toilet flushing, clothes washing and irrigation.

An on site detention tank is also shown under the driveway and this is satisfactory. The site is already subject to a Positive Covenant and Restriction on Use over any on site detention system under the terms of DA1027585.

Stormwater quality controls are required under DCP 23 and Council’s DCP 47, however these can be provided separately and may be shown on the Construction Certificate plans. The recommended conditions include this.

Discharge of stormwater from the site is to the “pit” in the easement which is just at the Curagul Road property boundary. At present this is an open excavation. The construction of a pit will be required – see below under “Council infrastructure”. It is understood that a PVC conduit which crosses this excavation is a sewer service, possibly private. This service will have to be covered or relaid and, if Sydney Water does not have any requirements for this, then the engineer will have to include it in the design.

Traffic and parking

The main access to the development is via a 5.5 metre wide driveway in the centre of the frontage. Four of the dwellings are to share two direct accesses off Curagul Road. Reversing into the street from those four dwellings is considered acceptable, since sight distance is good and traffic volumes are low.

Traffic generation is 11 to 14 vehicle movements per peak hour, which is a relatively minor increase on traffic volumes in Bobbin Head Road and not likely to adversely affect conditions in Curagul Road.

Waste management

Council’s Manager Waste Services has commented on the proposal (31 August), so no further discussion is required from Development Engineers.

Council infrastructure

The existing trunk drainage pipe within the easement appears to need replacing (the survey plan has a note "damaged"), and the open unformed pit in Curagul Road will have to be properly constructed. DCP 23 also requires the construction of kerb and gutter, road shoulder and footpath for the frontage of the site. The design for these works will have to be submitted to Council for approval; this can be done prior to issue of the Construction Certificate.

Engineering conditions have been provided in respect of any forthcoming approval.

Waste Services

Council's Waste Services Officer has commented on the proposal as follows:

- *The waste bin enclosure does not comply with the provisions of DCP40.*
- *The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste.*
- *Night lighting, hot and cold hose cock, should be provided for cleaning*
- *Bin arrangement does not allow for ease in stacking. Bins should not be arranged in stack formation.*
- *Green wastes are to be serviced from the street.*

Open Space

Open space has advised that it is to be made clear that an existing 18 hole golf course is already in operation opposite the proposed development site. The operation of a golf course results in its use from dawn to dusk with maintenance work occurring between this time as well. Associated issues such as noise, traffic, flying golf balls etc do at times impact on surrounding residents.

The use of the site as a golf course will continue in future years and it is expected that any new surrounding properties will have to take into consideration the aforementioned impacts.

Principal Environmental Scientist

This memo relates to the preliminary environment assessment (PEA) by Brink & Associates. The study found that there were a number of areas of potential environmental concern at the site of the proposed development. The concerns related to electrical cables and issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery) and an area of disturbed soil was located in the site. It was also suggested that pesticides may have been used on the site. Such concerns demand that sediment and stormwater issues need to be carefully managed at this site for human and environmental health reasons.

I was concerned that this PEA included very little detail on the stormwater easement through the site, that accompanying plans indicate will be overbuilt by the proposed development. I consider that escape of soil material and potential contaminates (as identified by the PEA) into the stormwater from the site could pose a risk to local environmental, particularly during and after heavy rain. In

addition it may have health implications for the retirement complex immediately downstream of the site. It was acknowledged in the PEA that the condition of the enclosed stormwater was cracked in places.

The stormwater easement within this sites flows into an unnamed tributary of Cowan Creek in Ku-ring-gai Chase National park, and thus is considered as a sensitive environment. After heavy rainfall it would potentially only take a few minutes for pollutants from this site to be washed into the National park and Cowan Creek, adding to the environmental pressures posed from urban runoff.

I would suggest that a stormwater plan for the proposed development identify such environmental sensitivities and also address the potential risks of soil contamination associated with development of the site. Amelioration measures for this proposed development need to include strict sediment controls during the development activity. The proposal should make use of water sensitive urban design measures that maximize the use of porous surfaces and promote retention and reabsorption of stormwater runoff into the soil. On-site treatment of stormwater would be highly desirable. Water tanks for landscaping and other non-potable uses could also be considered for the proposal. Measures to prevent or improve the quality and flows of runoff and nutrients from the site should be considered. Council's new Riparian Policy (2004) and DCP 47, can provide guidance in regard to riparian zones and water quality. Developers need to be able to demonstrate that proposed developments will not decrease, but maintain or improve water quality.

CONSULTATION – OUTSIDE COUNCIL

Rural Fire Services

This is not an integrated referral.

Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service are as follows:

Please be advised that the DA - 1377/05 does not require the issue of a Bush Fire Safety Authority. Accordingly, the application is referred back to Council for your final determination.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 – Remediation of Land

Insufficient detail provided in respect of the environmental assessment of the site.

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

Insufficient detail provided in respect of the environmental assessment of the site.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE

Development standard	Proposed	Complies
Clause 33 Aesthetic appearance	Aesthetic appearance of the proposal from the golf course	YES
Clause 43 (7)(a) Site area (min): 929m²	6902m ²	YES
Clause 43 (7)(a) Street frontage (min): 18.28m	87.55m	YES
Clause 46 Height (max): 7m without the Consent of Council		YES
Clause 53 Car parking spaces (min):		
• 1 space /flat (residents)	2 spaces per unit	YES
• Minimum size 5.4m x 2.4m)	5.4 x 2.7	YES
• Suitable access		YES
Clause 60 Floor space ratio: 0.4 : 1	0.45:1	NO
Clause 60BA Built-upon area: 50%	54%	NO
LEP 131 Structures within restricted area	Decks to Dwelling units 13 – 17 proposed within restricted area	NO

The proposal does not comply with the requirements of Clause 60, floor space ratio and Clause 60BA built-upon area of the Ku-ring-gai Planning Scheme Ordinance (KPSO) as well as the objectives of Local Environmental Plan 131 (LEP 131) which seeks to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern boundary of the land.

STATE ENVIRONMENTAL PLANNING POLICY NO.1 (DEVELOPMENT STANDARDS)

The applicant has submitted a State Environmental Planning Policy No.1 (Development Standards) objection to the requirements of Clauses 60 and 60BA of the KPSO with regard to the floor space ratio and the built-upon area.

AIMS OF THE POLICY

SEPP 1 aims to provide flexibility in the application of planning controls, where strict compliance with a development standard would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the following specific objectives of the Environmental Planning and Assessment Act, 1979:

“(a) to encourage:

(i) the proper management development and conservation of natural and man-made resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

(ii) the promotion and co-ordination of the orderly and economic use and development of land;”

Clause 6 of the SEPP 1 states as follows:

“Where development could, but for any development standard, be carried out under the Act (either with or without necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.”

Floor space ratio

60. (1) In each of the zones specified in Column I of the Table to this clause, the ratio of the total floor space area of any building to the area of the site upon which the building is or is proposed to be erected (which may be referred as the 'floor space ratio', shall not be greater than that set out opposite such zone in Column II of the Table:

TABLE

Column I	Column II
Zone No 2(d)	0.85:1
Zone No 2(e)	0.50:1
Zone No 2(h)	0.40:1

Purpose of the development standard

There are no objectives listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) indicating the reasons for the standard set out in Clause 60 regarding the floor space ratio required in Zone 2(h).

However, it is considered that this standard was established to ensure that the bulk and scale of development meets the aims and objectives for residential zones as set out in Schedule 9 of the KPSO.

Variation to the standard

The proposal seeks a floor space ratio of 0.45:1 in lieu of the required 0.4:1.

Reasons for non-compliance

The applicant has provided the following reasons for non-compliance with the standard. As part of the applicants argument references have been made to the requirements of Development Control Plan No23.

> *The FSR is noted as a density control however it is significant to note that the actual density expressed in terms of dwellings per square is less than permitted by the DCP which is 1 per 390m² whereas 1 per 406m² is proposed;*

- > For medium density development a density of 1 dwelling per 406m² is in real terms not overly dense;
- > The FSR proposed is only marginally beyond the 0.4:1 standard by an amount of 0.05:1;
- > This is considered numerically significant and is of such a small variation that it could not be read by an observer due to the fact that the proposed development will not exhibit any outward or internal symptoms of overdevelopment;
- > The FSR control determines that amount of floorspace in relation to the size of the site and is thus primarily a bulk control;
- > The proposed development consists of a variety of single storey dwelling houses, two storey dwelling houses and townhouses and is of a bulk and scale not dissimilar to those on each side and obviously less than the housing in evidence on the northern side of Curagul Rd;
- > Accordingly it is apparent that the proposal will respect the character of the existing medium density housing in the street as required by Clause 10 of the DCP;
- > Further the development will create a high quality heavily landscaped context for the site and one that will allow views to the golf course from the development for residents. Vistas from the course over the site are limited due to the existence of a berm adjacent to the boundary and screen planting. Further it is desirable to create privacy for residents. None the less an aspect across the site will be maintained in the development in pursuit of the objective.

Whether compliance is unreasonable or unnecessary

The proposed density of 45% exceeds the development standard by 5%.

A 40% density would permit a gross floor space of 2760.8m² while the 5 % increase adds an additional 345m² of floor space. This is roughly the equivalent of two single storey dwellings. A reduction in the gross floor space would have the potential to decrease the overall built-upon area and/or reduce building bulk which would be beneficial in improving solar access to areas of private open space both within and outside the site and the need to have structures encroach within the restricted area. It would also help the development to comply with the BASIX landscape commitments.

It is to be noted that the developments on both sides of the proposed development were required to comply with the 40% density development standard.

Whether the application is consistent with the aims of the policy set out in Clause 3

For the reasons stated above the application is not consistent with Clause 3 nor with the objects specified in Section 5 (a)(i) and (ii) of the Act.

Whether there is concurrence

The proposed non-compliance does not raise any matter of significance related to state or regional environmental planning.

The proposed non-compliance in relation to 40% density will result in an adverse impact on adjoining sites and the wider community as residential and open space amenity will be affected for the reasons given above.

Accordingly, the public benefit in maintaining the planning controls will be compromised in this instance, the SEPP 1 objection does not have merit and compliance with the development standard is reasonable and necessary.

Built-upon area of land at 9-15 Curagul Road, North Turramurra

60BA (1) This clause applies to land situated at 9-15 Curagul Road, North Turramurra, shown coloured light scarlet with dark red edging and lettered "2(h)", and partly marked with black cross hatching, on the map marked "Ku-ring-gai Local Environmental Plan No. 131" deposited in the office of the Council.

(2) Notwithstanding any other provisions of this Ordinance, the maximum built-upon area of the land to which this clause applies is 50 per cent

(3) For the purpose of this clause, "built-upon area" has the same meaning as in Clause 60C(4).

"Built-upon area" means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

Purpose of the development standard

There are no objectives listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) indicating the reasons for the standard set out in Clause 60BA regarding the built-upon area required in land situated at 9 – 15 Curagul Road, North Turramurra, in Zone 2(h).

However, it is considered that this standard was established to ensure that the site retains adequate space for substantial landscaping to enhance the natural features of the site and adjoining areas of development and to provide pervious areas capable of rainwater absorption and to meet the aims and objectives for residential zones as set out in Schedule 9 of the KPSO.

Variation to the standard

The proposal seeks a built-upon area of 54%, (60% if permeable pavement is included) in lieu of 50%.

Reasons for non-compliance

The applicant has provided the following reasons for non-compliance with the standard. As part of the applicants argument references have been made to the requirements of Development Control Plan No23.

- > *The proposed built upon area is 60% (inclusive of 6% permeable paving) whereas the standard calls for a maximum of 50%. The amount of the non compliance is numerically minor and it cannot be suggested that there is an unreasonable proportion of the site provided as landscaped area;*
- > *The site at present is distinguished by not providing a landscape quality due to it being characterized by open areas of turf, The proposed treatment will create a heavily planted contextual landscaped environment contrary to the existing situation, thus enhancing the environment in achievement of the objective;*
- > *The distribution of high quality soft landscaped area has achieved a balance of planting over the entirety of the site including significant frontage planting and compliance with the buffer planting area to the golf course. Additionally planting has been distributed through out the site between the buildings and along the driveway areas to enable a landscaped environment to be appreciated from all points of view;*
- > *A comprehensive storm water strategy prepared by Appleyard Forest accompanies the submission ensuring that the development adopts water sensitive urban design in both the retention and detection of water on the site and also includes 6% of permeable paving to allow water infiltration;*
- > *The golf course constitutes public land and the proposal has achieved compliance with the buffer landscaping requirements as detailed in the DCP.*

Whether compliance is unreasonable or unnecessary

The proposed built-upon area of 60% for the development exceeds the development standard by 20% when the permeable driveway is included.

The proposed development encroaches within the 4 metres wide restricted development area as indicated in the Residential 2(h) zone on the Ku-ring-gai Planning Scheme zoning map and the solar access to a number of private open space areas is poor.

An application that complied with the 50% maximum built-upon area would provide an additional 1380m² of landscaped open space that would enable compliance with the aims of the restricted zone and provide greater flexibility for the provision of private open space areas with acceptable standards of solar access within and outside the site. It would also help the development to comply with the BASIX landscape commitments.

It is to be noted that the developments on both sides of the proposed development were required to comply with the 50% built-upon area development standard.

Whether the application is consistent with the aims of the policy set out in Clause 3

For the reasons stated above the application is not consistent with Clause 3 nor with the objects specified in Section 5 (a)(i) and (ii) of the Act.

Whether there is concurrence

The proposed non-compliance does not raise any matter of significance related to state or regional environmental planning.

The proposed non-compliance in relation to built-upon area will result in an adverse impact on adjoining sites and the wider community as residential and open space amenity will be affected for the reasons given above.

Accordingly, the public benefit in maintaining the planning controls will be compromised in this instance, the SEPP 1 objection does not have merit and compliance with the development standard is reasonable and necessary.

Draft SEPP (Application of Development Standard) 2004

The aims of this draft SEPP (Application of Development Standard) 2004 are:

- (a) *to provide an appropriate degree of flexibility in the application to particular development of a development standard specified in or under an environmental planning instrument, and*
- (b) *to achieve better outcomes for and from development in the circumstances addressed in this Policy, and*
- (c) *to promote good strategic planning practice by incorporating provisions allowing flexibility in local environmental plans.*

Clause 7(2) of draft SEPP (Application of Development Standard) 2004 also sets out the requirements that must be demonstrated in writing to justify the departure. This includes:

- (a) *that the proposed departure from the development standard will result in a better environmental planning outcome than that which could have been achieved on the site had the standard been complied with, and*
- (b) *that the proposed development will be in the public interest by being consistent with any aims and objectives expressed in, or implied from:*
 - I. *the zone in which the development is proposed to be carried out,*
 - II. *the development standard, or in any relevant environmental planning instrument.*

The above departures would not result in a better environmental planning outcome than that which could have been achieved on the site had the site density and built-upon area complied with the KPSO standards as this would have provided potentially smaller building footprints thus providing sufficient open space land for the development to comply with the restricted development area and improved solar access to private open space areas because of the reduced built-upon area and possible building bulk.

The proposal is not consistent with the objectives of the residential zoning under Schedule 9 of the KPSO and is not considered acceptable for the reasons addressed above under SEPP 1 objections.

Structures within restricted area

The deck areas of units 13 to 17 are proposed to be erected within the restricted area as shown on the map marked "Ku-ring-gai Local Environmental Plan No.131" (LEP131).

The aims and objectives of LEP131 are as follows:

(a) ..

(b) to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern and western boundaries of that land; and

(c) ..

A State Environmental Planning Policy No. 1 objection has not been lodged in respect of this variation to the Ku-ring-gai Planning Scheme Ordinance and LEP131.

Should an SEPP 1 objection be lodged it would not be supported.

POLICY PROVISIONS DCP 23

COMPLIANCE TABLE		
Policy standard	Proposed	Complies
Clause 11 Density		
Site area/dwelling: 390m² (min)	407m ²	YES
Floor space ratio: 0.4:1	0.45:1	NO
Clause 12 Building sizes		
Ceiling height max.: 8 m	≤ 8 m	YES
Ridge height max.: 10.5 m	≤ 10.5 m	YES
Building height plane:	No encroachments	YES
Clause 13 Building setbacks & building lines		
Building setback: min. 9 m, average 10.5 m	9m 9m	YES NO
Side setback: Comply with building envelope	No encroachments	YES
No development within restricted development area: min, setback 4 m, average 8 m	Units 13, 14, 15, 16 and 17' decking encroaches	NO
Length of wall: 12 m (max.)	Upper level front elevation of units 1, 2, 4 and 5 Exceeds 12 m , but balcony breaks up the facade	YES

Clause 14 Site development and Landscaping		
Built-upon area: 50% (max.)	54%	NO
Compliance with Landscape Plan LP01/93		NO
Clause 15 Tree cover	Only two significant trees to be retained	YES
Clause 16 Streetscape, building design		
Compliance with Clauses 10, 11, 12, 13, 14, 15 of DCP		NO
Compatible character with existing development		YES
Appearance of single detached house when viewed from the street		NO
Energy efficient	Basix provided	YES
Clause 17 Visually prominent sites		
Cut and fill: 1.5 m (max.)	Cut: up to 2 m, fill: up to 1.6 m	NO
Clause 18 Privacy and overlooking.		
Must comply with Clauses 13 and 14	Does not comply	NO
Orientation of windows		YES
Balconies and decks		NO

Clause 19 Sunlight access Compliance with Clause 13 and 14 Access to sunlight. Proposed buildings Proposed private open space Adjoining buildings Adjoining private open space	<p style="text-align: center;">Acceptable Unacceptable for units 1, 2, 4, 5, 15, and 16</p>	<p style="text-align: center;">NO</p> <p style="text-align: center;">YES NO</p> <p style="text-align: center;">YES NO</p>
Clause 20 Private open space Minimum width and depth 5 x 5 metres Direct access to living areas Maximise solar access	<p style="text-align: center;">Minor variations to Units 8, 9, 13, 15, and 16</p> <p style="text-align: center;">Unacceptable for units 1, 2, 4, 5, 15, and 16</p>	<p style="text-align: center;">NO</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">NO</p>
Clause 21 Private courtyards Minimum width and depth 5 x 5 metres Clearly defined walls, fencing Consider privacy Balconies, consider overlooking	<p style="text-align: center;">Minor variations to Units 8, 9, 13, 15, and 16</p> <p style="text-align: center;">Fencing detail not provided</p> <p style="text-align: center;">Detail not provided</p> <p style="text-align: center;">Acceptable</p>	<p style="text-align: center;">NO</p> <p style="text-align: center;">NO</p> <p style="text-align: center;">NO</p> <p style="text-align: center;">YES</p>
Clause 22 Common open space	<p style="text-align: center;">Partly located in restricted zone Not convenient to all units particularly 1 and 5</p>	<p style="text-align: center;">NO</p>
Clause 23 Traffic	<p style="text-align: center;">Acceptable traffic report submitted.</p>	<p style="text-align: center;">YES</p>
Clause 24 Access and parking	<p style="text-align: center;">40 spaces provided which complies. Double garage dimension slightly less than DCP 23 requirements</p>	<p style="text-align: center;">NO</p>
Clause 25 Views	<p style="text-align: center;">Acceptable</p>	<p style="text-align: center;">YES</p>
Clause 26 Noise	<p style="text-align: center;">Acceptable</p>	<p style="text-align: center;">YES</p>

Clause 11 Density

Comments on the floor space ratio have been provided within the SEPP 1 discussion.

Clause 13 Building setbacks & building lines

Curagul Road setback

The building setback to Curagul Road does not meet the minimum average set back of 10.5 metres. This is not significant as the developments on both sides of the proposed development have reduced building setbacks of 9.5 metres on the west and 7.5 metres on the east. The Curagul road setback is acceptable.

No development within restricted development area:

The rear decks of Dwelling Units 13 to 17 encroach within the 4 metres wide buffer planting zone and Dwelling Units 16 and 17 also within the 8 metres zone. Dwelling 5 encroaches into the 10 metres buffer zone fronting Curagul Road.

The intention of Development Control Plan No.23 is to prohibit development within the buffer planting zone and while this has been relaxed in some locations on adjoining development it is inappropriate to do so for this development along the southern boundary given the adjoining golf course green.

The objectives of the buffer planting zone are as follows:

- 1) Prevent damage to people and property as a result of stray golf balls.
- 2) Provide an opportunity for landscaping to screen the subject land from the golf course.
- 3) To enhance and encourage views from the golf course to the National Park and future open space areas within the subject site.
- 4) To provide an opportunity to erect protective fencing between the subject land and the golf course in an unobtrusive location which is to be well screened.

There is no objection to the encroachment of Dwelling Unit 5 into the 10 metres buffer zone fronting Curagul Road.

The Development Control Plan also requires the developer to enter into a deed of agreement and create a Section 88B Instrument to prohibit development within the buffer zone. This not considered practical and should not be imposed.

Clause 14 Site development and landscaping.

Built-upon area

Comments on the built-upon area have been provided within the SEPP 1 discussion.

Compliance with Landscape Plan LP01/93

Refer to discussion above and the Landscape Development Officers report.

Clause 16 Streetscape and building design

Compliance with Clauses 10, 11, 12, 13, 14, 15 of DCP

Refer to discussions above.

Appearance of single detached house when viewed from the street

When viewed from Curagul Road Dwelling Units 1 and 2 and 4 and 5 do not appear as single dwellings. However, they are not dissimilar to other dwellings on adjoining sites and no objection is raised.

Clause 17 Visually prominent sites

Cut and fill: 1.5 m (max.)

There are numerous locations on the site where the cut and fill will exceed the DCP controls. Overall they are acceptable as they will not be particularly noticeable from adjoining sites.

Clause 18 Privacy and overlooking

Must comply with Clauses 13 and 14

Refer to previous discussion.

Balconies and decks

The decks to Dwelling Units 13 to 17 will have the potential to directly overlook the adjoining golf course which contravenes the DCP. This partly caused by the fact that the decks are proposed to be erected within the restricted zone (plantation buffer zone) and this reduces the available land for screen planting.

Clause 19 Sunlight access

Must comply with Clauses 13 and 14

Refer to previous discussion.

Private open space to proposed development

The sunlight access to the private open space areas of Dwelling Units 1, 2, 4, 5, 15 and 16 is poor. These areas are in shade in mid winter for the entire day which is not acceptable

There are concerns related to sunlight access to adjoining properties on both the east and the west of the site, in particular Dwelling 1 at 11 – 15 Curagul Road. It would appear that the private open space for this dwelling will be in shade in mid winter for the entire day which is not acceptable. Other adjoining dwellings are affected to a lesser degree, however additional detail of overshadowing would be required to obtain an accurate effect.

Clause 20 Private open space

Minimum width and depth 5 x 5 metres

There are variations to the standard in Dwelling Units 8, 9, 13, 15, and 16. The variation to Dwelling Units 8 and 9 is small and can be accepted. The area of private open space for Dwelling Units 13, 15 and 16 while not providing the minimum dimensions of 5 x 5 metres is also within the restricted plantation buffer zone which was not the intent of the DCP as is part of the private open space to Dwelling Units 14 and 15.

Maximise solar access

Refer to previous comments.

Clause 21 Private courtyards

Minimum width and depth 5 x 5 metres

Refer previous comments.

Clearly defined walls, fencing

Wall and fencing detail has not been provided. Detailed fencing details indicating the height type and location.

Consider privacy

Courtyard privacy cannot be considered until fencing details are provided.

Clause 22 Common open space

The location of the common open space is not suitable for all dwellings in the development complex, particularly Dwelling Units 1 and 5. It would be preferred in a more central location.

Clause 24 Access and parking

Garage dimensions

In Dwelling Units 1 to 12 the double garage dimensions of 5.4 x 5.4 metres do not meet the DCP, nor the Car Parking Code in regard to the minimum width requirements. It is considered that as a minimum they should be amended to comply with the Car Parking Code requirements and provide a minimum width of 5.6 metres.

Development Control Plan 31 – Access

DCP 31 requires that the development provide 1 dwelling that is accessible to the disabled. Dwellings 6 and 7 have been provided as accessible dwellings in accordance with the DCP. Matters for assessment under DCP 31 have been taken into account in the assessment of this application.

No detail has been provided in respect of compliance with the relative adaptable housing standards. There is concern that the double garages will not meet the standards and no disabled visitor parking space has been provided.

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.

Development Control Plan No. 43 – Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application.

Development Control Plan 47 – Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application.

Section 94 Plan

The development attracts a section 94 contribution of \$393,577.92 which is required to be paid for the 16 additional dwellings, made up as follows, 3 dwellings of 142m² in area at \$19,039.30 and 13 dwellings of $\geq 150\text{m}^2$ in area at \$25,881.54.

STRATA TITLE

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Subdivision (cl.58A):

The proposed strata title of the dwellings within the proposed development, defined as subdivision, is permissible with the consent of Council under the provisions of Clause 58A of the KPSO. The provisions of Clause 58A allows subdivision within the Residential 2(h) zone. Despite this, no development standards are provided for strata subdivision. The proposal must therefore be considered under the aims and objectives for residential zones.

Aims and objectives for residential zones:

The proposal for strata subdivision is consistent with the aims and objectives for the residential zones, and: (i) maintains the amenity and environmental character of the residential zone; and (ii) allows for residential development compatible with the character of the area.

POLICY PROVISIONS

Subdivision Code

The Subdivision Code does not include any specific provisions for strata subdivision nor does it apply to land zoned Residential 2(h). However, Clause 8 of that Code deals with final plans of subdivision for certification under the Local Government Act and Section 88B instruments under the Conveyancing Act. Appropriate conditions of consent are provided to ensure compliance with these provisions.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

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

RECOMMENDATION:

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 1377/05 for the construction of a Villa, Townhouse Development and Strata Subdivision on land at 9A Curagul Road, North Turramurra], as shown on plans prepared by HSA, Job No. 0514, Drawings DA01, Revision F, Dated 18/08/06, DA02, Revision G, Dated 18/08/06, DA03, Revision G, Dated 18/08/06, DA04, Revision F, Dated 18/08/06, DA05, Revision F, Dated 18/08/06, DA06, Revision F, Dated 18/08/06, for the following reasons:

- (1) The proposal is an overdevelopment of the site.
- (2) The proposal does not comply with the 'floor space ratio' of Clause 60 of the Ku-ring-gai Planning Scheme Ordinance.
 Clause 60 permits a maximum floor space ratio of 0.4:1. The proposed development has a floor space ratio of 0.45:1.
 The non-compliance with the floor space ratio results in an increased building bulk and scale which has an impact on the built-upon area of the site and compromises;
 - (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and
 - (ii) solar access to private open space areas both within (units 1, 2, 4, 5, 15, and 16) and outside of the site (particularly the Dwelling at No.1/11 – 15 Curagul Road).
 - (iii) compliance with the BASIX landscape commitments.

The State Environmental Planning Policy No. 1 objection lodged in respect of this non-compliance is not supported.

- (3) The proposal does not comply with the 'built-upon area' of Clause 60BA of the Ku-ring-gai Planning Scheme Ordinance.

Clause 60BA permits a maximum built-upon area of 50%. The proposed development has a built-upon area of 60%

The non-compliance with the built-upon area compromises

- (i) the 4 metres wide restricted development area of Local Environmental Plan 131 with the construction of deck areas within that area and
- (ii) solar access to private open space areas both within (units 1, 2, 4, 5, 15, and 16) and outside of the site (particularly the Dwelling at No.1/11 – 15 Curagul Road).
- (iii) compliance with the BASIX landscape commitments.

The State Environmental Planning Policy No. 1 objection lodged in respect of this non-compliance is not supported.

- (4) The proposal does not comply with Clauses 2 (b) and 5 of Local Environmental Plan No. 131 which seeks to prevent the erection of structures or the carrying out of certain other development within 4 metres of the southern boundary of the land.

The deck areas of units 13 to 17 are proposed to be erected within this restricted area.

A State Environmental Planning Policy No. 1 objection has not been lodged in respect of this non-compliance.

- (5) Assessment of the impacts of the development in respect of State Environmental Planning Policy No. 55 Remediation of Land and Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River cannot be completely assessed due to lack of detail in the contamination report prepared by Brink and Associates. Further investigation is required in respect of the following;

- issues of potential soil contamination from the previous site occupants (including use for a veterinary surgery)
- an area of disturbed soil located in the site.
- a suggestion that pesticides may have been used on the site
- the need for sediment and stormwater issues to be carefully managed at the site for human and environmental health reasons.
- escape of soil material and potential contaminants (as identified by the PEA) into the stormwater from the site as this could pose a risk to the local environmental, particularly during and after heavy rain
- health implications for the retirement complex immediately downstream of the site.
- The potential for pollutants from this site to be washed into the National park and Cowan Creek, adding to the environmental pressures posed from urban runoff.

- (6) The plans do not indicate compliance with BASIX landscape commitments. A separate plan is needed to clearly indicate the landscaped areas for each dwelling and the common area that comply with the BASIX Certificate submitted with the application, (hatching or shading of the areas is required).

- (7) Certification by an accredited access consultant has not been provided in respect of compliance with the relative adaptable housing standards and Australian standards.

There is concern that the dimensions of the double garages will not meet the standards and no disabled visitor parking space has been provided.

- (8) The landscape proposal by Vision Dynamics, Drawing No's 050166DA1- A5/5, Revision A and dated 30/11/05 are not considered satisfactory for the following reasons;
- The landscape plan shall comply with clause 14.4 of Development Control Plan 23.
 - The layout of the garden beds within the buffer zones adjacent to the Golf Course and Curagul Road shall comply with Development Control Plan 23 Landscape Plan No. LP01/93 dated 18/11/93. (Refer to the note of the plan for Buffer Planting Zones.)
 - Tree 15 - *Livistona australis* (Cabbage Tree Palm) and Tree 16 – *Phoenix canariensis* (Canary Island Palm) are to be transplanted and appropriately relocated on the site.
- (9) The waste bin enclosure does not comply with the provisions of Development Control Plan No.40 and Policy for Construction and Demolition Waste Management
- The enclosure should be fully enclosed with a roof and drainage connected to the sewer for floor waste.
 - Night lighting, hot and cold hose cock, should be provided for cleaning
 - Bin arrangement does not allow for ease in stacking. Bins should not be arranged in stack formation.
 - Green wastes are to be serviced from the street.
- (10) The proposal does not comply with the following requirements of Development Control Plan 23 Nos. 9, 9A, 11 and 15 Curagul Road, North Turramurra as follows;

Clause 11 Density

- The proposal provides a floor space ratio of 0.45:1 in lieu of 0.4:1.
Refer to comments under 1 above.

Clause 13 Building setbacks and building lines

- The proposed construction of decks to units 13 to 17 within the 4 metres wide plantation buffer zone.
- The proposed construction of units 16 and 17 within the 8 metres wide and variable width plantation buffer zone.

The objectives of the buffer planting zone are as follows:

- 1) Prevent damage to people and property as a result of stray golf balls.
- 2) Provide an opportunity for landscaping to screen the subject land from the golf course.
- 3) To enhance and encourage views from the golf course to the National Park and future open space areas within the subject site.
- 4) To provide an opportunity to erect protective fencing between the subject land and the golf course in an unobtrusive location which is to be well screened.

Clause 14 Site development and landscaping

- The proposal provides a built-upon area of 60% in lieu of 50%.
Refer to comments under 2 above.
- The proposal does not comply with the landscape plan LP01/93 attached to DCP 23 with regard to buffer zone planting.
Refer above.

Clause 19 Sunlight access

- The sunlight access to the private open space areas of units 1, 2, 4, 5, 15 and 16 within the development site and to the adjoining development to the east and the west, particularly Dwelling 1/11 – 15 Curagul Road is unacceptable.
Further detailed shadowing would be required to establish the effects on the adjoining properties. A reduced built-upon area would provide flexibility in the location of private open space areas.

Clause 20 Private open space

- There are variations to the standard in regard to the minimum dimensions of Units 8, 9, 13, 15, and 16. The variation to units 8 and 9 is small and can be accepted. The area of private open space for Units 13, 15 and 16 while not providing the minimum dimensions of 5 x 5 metres is also within the restricted plantation buffer zone which was not the intent of the DCP, as is part of the private open space to units 14 and 15.

Clause 21 Private courtyards

- Wall and courtyard fencing (including side boundaries) detail has not been provided, is missing or is difficult to interpret.
This creates difficulties in assessing privacy aspects in the courtyards. A detailed plan indicating courtyard wall or fencing details would be of assistance. The plan should include top of wall and ground levels and fencing heights.

Clause 22 Common open space

- The location of the common open space is not suitable for all dwellings in the development complex, particularly Dwellings 1 and 5. It would be preferred in a more central location.

Clause 24 Access and parking

- In Units 1 to 12 the double garage dimensions of 5.4 x 5.4 metres do not meet the DCP, nor the Car Parking Code in regard to the minimum width requirements. It is considered that as a minimum they should be amended to comply with the Car Parking Code requirements and provide a minimum clear width of 5.6 metres.

- (11) The strata plan does not correspond to the amended building plans adjacent to units 4 and 13.

- (12) No information has been provided in respect of the availability of water and sewerage services to the site.

DRAFT CONDITIONS
Should the application be appealed

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 SIXTEEN (16) ADDITIONAL DWELLINGS IS CURRENTLY \$393,577.92. 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 (Insert figure for relevant Suburb) - Turramurra	\$4 723.00
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

It is recommended that-

- *the roofs to buildings at the rear of the site are reduced in pitch to further increase the views across the site to the National Park*
- *Council's landscape architect should ensure that the proposed landscape in the 9m setback of Buildings H1 to H5 is of sufficient quality density and size to allow the*

reduced setback

- *that a drawing is provided to indicate where the 8m setback required in DCP 23 is located;*
- *that Units H16 and H17 are set back 8m from the rear of the site and that more than one large canopy tree is provided in this setback zone;*
- *that Units H16 and H17 are setback 8m from the southern boundary in order to reduce the floor area and site coverage of the proposed DA;*
- *that a number of large canopy trees are provided within the 8m setback zone at the south-eastern corner of the site.*

Visual and acoustic screens are to be erected on the eastern side of the visitor spaces adjacent to Dwelling 17.

Dwellings 6 and 7 are to be provided as accessible units in accordance with SDCP 31.

Stewart
**Development Assessment Officer/
 Executive Assessment Officer**

12/10/06

[Signature]
**Team Leader
 Development Assessment Services**

**Matthew Prendergast
 Manager
 Development Assessment Services**

**Michael Miocic
 Director
 Development and Regulatory Services**

Attachments:



PROTECTED DISCLOSURES ACT INTERNAL REPORTING POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To recommend the adoption of a revised Internal Reporting Policy for protected disclosures.
BACKGROUND:	The Protected Disclosures Act commenced on 1 March 1995 as an act to encourage and protect whistleblowers.
COMMENTS:	Council adopted an Internal Reporting Policy for protected disclosures on 15 April 1997. The policy has now been reviewed in accordance with the latest model policy issued by the NSW Ombudsman.
RECOMMENDATION:	That the revised Internal Reporting Policy - Protected Disclosures be adopted.

PURPOSE OF REPORT

To recommend the adoption of a revised Internal Reporting Policy for protected disclosures.

BACKGROUND

The *Protected Disclosures Act 1994* (the Act) commenced operation on 1 March 1995 as a means of encouraging and providing protection to whistleblowers. The Act applies to Councillors and Council staff.

The purpose of the Act is to ensure that anyone who makes a disclosure under the legislation receives protection from reprisals and that the matters raised in a disclosure are properly investigated.

The Act aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.

Disclosures are voluntary.

To be protected a disclosure must be made to any of the following:

- a nominated disclosure officer as set out in the Council's Internal Reporting Policy
- the Independent Commission Against Corruption in respect of corruption
- the NSW Ombudsman in respect of maladministration
- the Director-General of the Department of Local Government in respect of serious and substantial waste of public money.

A disclosure may also be made to a journalist or a member of parliament in certain circumstances where the disclosure has already been made and it has not been dealt with in an appropriate or timely manner.

A disclosure is not protected if it:

- was made frivolously or vexatiously
- was made primarily to avoid dismissal or disciplinary action
- it contains intentionally false or misleading statements
- it questions the merit of government policy.

It is an offence for anyone to take detrimental action against a person who has made a protected disclosure.

COMMENTS

Council is required to have an Internal Reporting Policy for protected disclosures. The current policy was adopted on 15 April 1997. The policy has now been reviewed and updated in accordance with the latest model policy issued by the NSW Ombudsman.

Item 3

S04255
30 May 2007

A copy of the revised Policy is attached.

Briefly the changes to the policy are:

- minor changes throughout to text and setting out to improve clarity and understanding
- addition of a lengthy definition of maladministration
- addition of a note in respect of the definition of serious and substantial waste
- clarification of the types of disclosures external investigating authorities may accept
- addition of a note in respect of disclosures by or about councillors
- clarification of procedures if a whistleblower believes that reprisal action has occurred
- revised diagram of the internal reporting system.

Essentially the revisions have clarified and strengthened the policy.

The revised draft includes the current list of Nominated Disclosure Officers. This list is to be reviewed to more fully reflect the composition and demographics of the staff.

CONSULTATION

No consultation is required or has been undertaken. The revised policy uses the latest model policy issued by the NSW Ombudsman.

FINANCIAL CONSIDERATIONS

There are no specific financial considerations associated with the adoption of the revised policy. Staff education and training in respect of the policy will be incorporated into normal training programs.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The revised policy was reviewed by the General Manager and all Directors.

SUMMARY

Council adopted an Internal Reporting Policy for protected disclosures on 15 April 1997. The policy has now been revised and updated in accordance with the latest model policy issued by the NSW Ombudsman. Various changes have been made to clarify and aid understanding of the reporting of protected disclosures.

RECOMMENDATION

That the revised Internal Reporting Policy – Protected Disclosures be adopted, subject to the list of Nominated Disclosure Officers being reviewed to more fully reflect the composition and demographics of the staff.

John Clark
Director Corporate

John McKee
General Manager

Attachments: Internal Reporting Policy - Protected Disclosures - 795617



Internal Reporting Policy

PROTECTED DISCLOSURES

Effective [date 2007]

Internal Reporting Policy

Protected Disclosures Act 1994

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C O N T E N T S

Doc distribution	Internal only	Doc status	Final draft	File No	S04255
Document owner	Dir Corporate	Contact officer/s	Senior Governance Officer		
Approval date		Approved by			
Effective date		Review period	1 year	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
1.0	15 April 1997	Original			
2.0		Ombudsman's model policy 5 th edition			

INTERNAL REPORTING POLICY

PROTECTED DISCLOSURES ACT 1994

1. Support for persons who make disclosures

Ku-ring-gai Council does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.

Ku-ring-gai Council is committed to the aims and objectives of the *Protected Disclosures Act*. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff or Councillors which disclose corrupt conduct, maladministration, or serious and substantial waste of public money.

Ku-ring-gai Council will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

2. Purpose of the policy

This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Ku-ring-gai Council or its staff. The system enables such internal disclosures to be made to the Disclosure Coordinator or a Nominated Disclosure Officer, or the Mayor, as an alternative to the General Manager.

This Policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this Policy.

3. Object of the Act

The *Protected Disclosures Act 1994* commenced operation on 1 March 1995. The purpose of the Act is to ensure that staff who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the

public sector.

This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters,
- protecting people from reprisals that might otherwise be inflicted on them because of these disclosures, and
- providing for those disclosures to be properly investigated and dealt with.

4. Definitions

Three key concepts in the internal reporting system are "corrupt conduct" (4.1), "maladministration"(4.2) and "serious and substantial waste of public money"(4.3).

4.1 Corrupt conduct

Corrupt conduct is defined in sections 8 and 9 of the *Independent Commission Against Corruption Act 1988* (ICAC Act). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms. Taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

4.2 Maladministration

Maladministration is defined in the *Protected Disclosures Act* as conduct that involves action or inaction of a serious nature that is:

- contrary to law, or
- unreasonable, unjust, oppressive or improperly discriminatory, or
- based wholly or partly on improper motives (section 11).

The conduct covered by these terms includes:

- contrary to law, eg
 - a decision or action contrary to law
 - a decision or action ultra vires (ie the decision-maker had no power to make the decision or to do the act)
 - a decision or action contrary to lawful and reasonable orders from people or agencies with authority to make or give such orders
 - a breach of natural justice or procedural fairness
 - improperly exercising a delegated power (eg. a decision or action not

- o authorised by a delegation or acting under the direction of another)
- o unauthorized disclosure of confidential information
- o a decision or action induced or affected by fraud
- unreasonable, eg
 - o a decision or action inconsistent with adopted guidelines or policies or with a decision or action which involves facts or circumstances not justified by any evidence, or so unreasonable that no reasonable person could so decide or act (eg irrational)
 - o an arbitrary, partial, unfair or inequitable decision or action
 - o a policy that is applied inflexibly and without regard to the merits of an individual case
 - o a decision or action that does not take into account all relevant considerations or that takes into account irrelevant considerations
 - o serious delays in making a decision or taking action
 - o failing to give notice of rights
 - o giving wrong, inaccurate or misleading advice leading to detriment
 - o failing to apply the law
 - o failing to rectify identified mistakes, errors, oversights or improprieties
 - o a decision or action based on incorrect or misinterpreted information
 - o failing to properly investigate
- unjust, eg
 - o a decision or action not justified by any evidence or that is unreasonable
 - o a partial, unfair, inequitable or unconscionable decision or action
- oppressive, eg
 - o an unconscionable decision or action
 - o where the means used are not reasonably proportional to the ends to be achieved
 - o an abuse of power, intimidation or harassment
- improperly discriminatory, eg
 - o the inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so
 - o applying a distinction not authorised by law, or failing to make a distinction which is authorised or required by law
- based wholly or partly on improper motives, eg
 - o a decision or action for a purpose other than that for which a power was conferred (ie in order to achieve a particular outcome)
 - o a conflict of interest
 - o bad faith or dishonesty
 - o seeking or accepting gifts or benefits in connection with performance of official duties
 - o misusing public property, official services or facilities.

4.3 Serious and substantial waste

The term serious and substantial waste is not defined in the *Protected Disclosures Act*. The Auditor-General provides following working definition:

Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste.

The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.

Types:

Absolute - Serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example \$200,000.

Systemic - The waste indicates a pattern which results from a system weakness within the public authority.

Material - The serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to affect a public authority's capacity to perform its primary functions.

Material By Nature Not Amount - The serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate (alternatively, this type of waste may constitute "maladministration" as defined in the *Protected Disclosures Act*).

Note: It is possible that in assessing the seriousness of waste or administrative conduct for the purposes of whether either is covered by the Act, differences in the size, budgets, responsibilities of agencies may be taken into account (what is serious for a small agency may not be so serious for a large agency).

Waste can take many forms, for example:

- misappropriation or misuse of public property,
- the purchase of unnecessary or inadequate goods and services,
- too many staff being employed in a particular area, incurring costs which might otherwise have been avoided,
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment,
- programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.

Waste can result from such things as:

- the absence of appropriate safeguards to prevent the theft or misuse of public property,
- purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purpose, and
- purchasing practices where the lowest price is not obtained for comparable goods or services.

5. What disclosures are protected under the Act?

5.1 What disclosures are protected?

Disclosures are protected under the Act if they:

- are made:
 - in accordance with this Internal Reporting Policy; or
 - to the General Manager; or
 - to one of the investigating authorities nominated in the Act;
- AND**
- show or tend to show corrupt conduct, maladministration, or serious and substantial waste of public money by Ku-ring-gai Council or any of its staff
- AND**
- are made voluntarily.

The relevant investigating authorities nominated in the Act are:

- Ombudsman, for maladministration,
- Independent Commission Against Corruption (ICAC), for matters involving corrupt conduct,
- Director-General of the Department of Local Government (DLG), for matters involving serious and substantial waste of local government money (including all revenue, loans and other money, received or held by, for or on account of, a council or county council).

See clause 8 for more information on alternative avenues for disclosures.

5.2 What disclosures are not protected?

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- are made frivolously or vexatiously,
- primarily question the merits of government policy (including any formal policy adopted by resolution of the governing body of a council, ie the elected Councillors), or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

6. Reporting under the internal reporting system

The people or positions to whom internal disclosures can be made in accordance with the Act and this policy are:

the Disclosure Coordinator (Senior Governance Officer):
Geoff O'Rourke

the Nominated Disclosure officers:

Bill Bright
John Clark
Mary Gillies
Roger Guerin
Richard Kinninmont
Deborah Silva

the General Manager:

John McKee

the Mayor

(if the disclosure concerns or involves the General Manager or a Councillor)

Where a person contemplating making a disclosure is concerned about publicly approaching the Disclosure Coordinator or a Nominated Disclosure Officer (or General Manager), they can request a meeting in a discreet location away from the workplace.

Note:

- *Council staff who wish to make a protected disclosure which involves a Councillor may do so to the Mayor, the General Manager, or an investigating authority (ie the Ombudsman, ICAC or Director General of the DLG)..*
- *A Councillor who wishes to make a protected disclosure which involves another Councillor may do so to the Mayor, the General Manager, or an investigating authority (ie the Ombudsman, ICAC or Director General of the DLG).*
- *If the Mayor wishes to make a protected disclosure they may do so to the General Manager or an investigating authority (ie the Ombudsman, ICAC or Director General of the DLG).*

7. Roles and responsibilities

This Internal Reporting Policy places responsibilities upon staff at all levels within Ku-ring-gai Council.

7.1 Staff

Staff are encouraged to report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste in accordance with this Policy.

All staff of Ku-ring-gai Council have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of a person who has made a disclosure. Further, they should protect and maintain the confidentiality of any person they know or suspect to have made disclosures.

7.2 Nominated Disclosure Officers

Nominated Disclosure Officers are responsible for receiving, forwarding and/or acting upon disclosures made in accordance with the Policy.

Nominated Disclosure Officers will:

- clearly explain to the person making a disclosure what will happen in relation to the information received,
- when requested by a person wishing to make a disclosure, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary away from the workplace),
- put in writing and date any disclosures received orally (and have the person making the disclosure sign the document),
- deal with disclosures impartially,
- forward disclosures to the Disclosure Coordinator or the General Manager for assessment,
- take all necessary and reasonable steps to ensure that the identity of the person who has made a disclosure, and any person who is the subject of a disclosure, are kept confidential (where this is practical and reasonable), and
- support any person who has made a disclosure and protect them from victimisation, harassment or any other form of reprisal.

7.3 Disclosure Coordinator

The Disclosure Coordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures.

The Disclosure Coordinator will:

- provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager;
- impartially assess each disclosure to determine:
 - whether the disclosure appears to be a protected disclosure within the meaning of the Act,
 - whether the disclosure covers another agency and should therefore be referred to the principal officer of that agency,

- the appropriate action to be taken in relation to a disclosure that concerns Ku-ring-gai Council, for example -
 - no action/decline,
 - the appropriate person to take responsibility for dealing with the disclosure,
 - preliminary or informal investigation,
 - formal investigation,
 - prosecution or disciplinary action,
 - referral to an investigating authority for investigation or other appropriate action, or
 - referral to the NSW Police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct),
- consult with the General Manager about all disclosures received, other than where a disclosure concerns the General Manager,
- be responsible for either carrying out or coordinating any internal investigation arising out of a disclosure, subject to any relevant directions of the General Manager, report to the General Manager on the findings of any investigation and recommended remedial action,
- take all necessary and reasonable steps to ensure that the identity of the person who has made a disclosure (where this is practical and reasonable), and any person who is the subject of a disclosure, are kept confidential,
- support any person who has made a disclosure and protect them from victimisation, harassment or any other form of reprisal,
- report actual or suspected corrupt conduct to the General Manager in a timely manner to enable them to comply with the ICAC Act.

7.4 General Manager

Disclosures may be made directly to the General Manager, rather than by way of the Internal Reporting System established under this Policy.

In such circumstances, the General Manager will:

- impartially assess each disclosure to determine:
 - whether the disclosure appears to be a protected disclosure within the meaning of the Act,
 - whether the disclosure concerns another agency and should therefore be referred to the principal officer of that agency,
 - the appropriate action to be taken in relation to the disclosure that concerns Ku-ring-gai Council, for example:
 - no action/decline,
 - the appropriate person to take responsibility for dealing with the disclosure,
 - preliminary or informal investigation,
 - formal investigation,
 - prosecution or disciplinary action,
 - referral to an investigating authority for investigation or other appropriate action, or
 - referral to the NSW Police (if a criminal matter) or the ICAC (if the

- matter concerns corrupt conduct),
- receive reports from the Disclosure Coordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken,
- take all necessary and reasonable steps to ensure that the identity of the person who has made a disclosure, and any person who is the subject of a disclosure, are kept confidential (where this is practical and reasonable),
- have primary responsibility for protecting any person who has made a disclosure, or provided information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal,
- be responsible for implementing organisational reform identified as necessary following investigation of a disclosure, and
- report criminal offences to the NSW Police and actual or suspected corrupt conduct to ICAC (under s.11 of the ICAC Act).

7.5 The Mayor

The Mayor may receive internal disclosures from any member of staff of the Council or any Councillor concerning the General Manager or a Councillor.

The Mayor will:

- impartially assess each disclosure made to them about the General Manager or a Councillor to determine:
 - whether the disclosure appears to be a protected disclosure within the meaning of the Act,
Note: In making this assessment the Mayor may seek guidance from the Disclosure Coordinator, General Manager (if appropriate) or an investigating authority (ie the Ombudsman, ICAC or the Director-General of the DLG).
 - the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example:
 - no action/decline,
 - the appropriate person to take responsibility for dealing with the disclosure,
 - preliminary or informal investigation,
 - formal investigation,
 - prosecution or disciplinary action,
 - referral to an investigating authority for investigation or other appropriate action, or
 - referral to the NSW Police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- refer disclosures to the General Manager for appropriate action if they concern the Council's administration, within the day to day responsibilities of the General Manager,

- take all necessary and reasonable steps to ensure that the identity of the person who has made the disclosure, and any person who is the subject of the disclosure, are kept confidential (where this practical and reasonable).

8. Alternative avenues for disclosures

Alternative avenues available to staff for making a protected disclosure under the Act (other than by means of the internal reporting system established under this Policy for the purpose of the Act), are as follows:

- to the General Manager, or
- to one of the investigating authorities under the Act (eg. the Ombudsman, ICAC or Director General of the DLG), or
- to a journalist or a member of Parliament (where certain per-conditions apply).

Disclosures made to a journalist or a Member of Parliament will only be protected **if certain conditions are met:**

- the person making the disclosure to a journalist or member of Parliament must have already made substantially the same disclosure through the internal reporting system, or to the General Manager or an investigating authority in accordance with the Act,
- the responsible officer must have reasonable grounds for believing that the disclosure is substantially true and **the disclosure must be substantially true**, and
- the investigating authority, Council staff or public official to whom the matter was originally referred has:
 - decided not to investigate the matter, or
 - decided to investigate the matter but not completed the investigation within six months of the original disclosure, or
 - investigated the matter but not recommended any action in respect of the matter, or
 - failed to notify the person making the disclosure, within six months of the disclosure, of whether the matter is to be investigated.

9. Rights of a person who is the subject of a disclosure

The rights of any person who is the subject of a disclosure will also be protected.

In this regard:

- the confidentiality of the identity of any person who is the subject of a disclosure will be protected and maintained (where this is practical and reasonable),
- all disclosures will be assessed and acted on impartially, fairly and reasonably,

- responsible officers who receive a disclosure in accordance with this Policy are obliged to:
 - protect and maintain the confidentiality of the identity of any person who is the subject of a disclosure (where this is practical and reasonable),
 - assess the disclosure impartially, and
 - act fairly to any person who is the subject of a disclosure,
- all disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining the confidentiality of both the identity of the whistleblower and any person who is the subject of a disclosure (where this is practical and reasonable),
- where investigations or other enquiries do not substantiate a disclosure, the fact the investigation/enquiry has been carried out, where practical the results of the investigation/enquiry, and the identity of any person who is the subject of a disclosure will be kept confidential, unless they request otherwise,
- a person who is the subject of a disclosure (whether a protected disclosure under the Act or otherwise) which is investigated by or on behalf of a council, has the right to be:
 - informed as to the substance of the allegations,
 - informed as to the substance of any adverse comment that may be included in a report/memorandum/letter or the like arising out of any such investigation, and
 - given a reasonable opportunity to put their case (either orally or in writing) to the people carrying out the investigation for or on behalf of the Council, before any decision/determination/report/memorandum/letter or the like is made,
- where the allegations in a disclosure have been investigated by or on behalf of a council, and the person the subject of any allegations is aware of the substance of the allegations, the substance of any adverse comment, or the fact of the investigation, they should be formally advised as to the outcome of the investigation, regardless of the outcome, and
- where the allegations contained in a disclosure are clearly wrong or unsubstantiated, the person who is the subject of a disclosure is entitled to the support of the Council and its senior management (the nature of the support – ie what is reasonable and appropriate - would depend on the circumstances of the case eg it could include a public statement of support or a letter setting out the Council's views that the allegations were either clearly wrong or unsubstantiated).

10. Protection available under the Act

10.1 Protection against reprisals

The Act provides protection by imposing penalties on a person who takes detrimental action against another person substantially in reprisal for a protected disclosure.

Penalties can be imposed by means of fines and imprisonment.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss,
- intimidation or harassment,
- discrimination, disadvantage or adverse treatment in relation to employment,
- dismissal from, or prejudice in, employment, or disciplinary proceeding.

In any such proceedings the whistleblower only needs to show that they made a protected disclosure and suffered detrimental action. It then lies on the defendant to prove that the detrimental action shown to have been taken against the whistleblower was not substantially in reprisal for the person making the protected disclosure.

Any member of staff or Councillor who believes that detrimental action is being taken against them substantially in reprisal for the making of an internal disclosure in accordance with this Policy should immediately bring the allegations to the attention of the General Manager or the Mayor.

If a member of staff or Councillor who made an internal disclosure feels that such reprisals are not being effectively dealt with, they should contact the Ombudsman, the ICAC, or the Director-General of the DLG.

If an external disclosure was made to an investigating authority, the authority will either deal with the allegation or provide advice and guidance to the person concerned.

10.2 Protection against actions

The Act provides that a person is not subject to any liability for making a protected disclosure and no action, claim or demand may be taken or made of or against the person for making the disclosure. This provision has effect despite any duty of secrecy or confidentiality or any other restriction on disclosure by a public official.

A person who has made a protected disclosure has a defence of absolute privilege in proceedings for defamation.

A person who has made a protected disclosure is taken not to have committed any offence against an Act which imposes a duty to maintain confidentiality with respect to any information disclosed.

10.3 Confidentiality

The Act requires investigating authorities, councils and council officers to whom protected disclosures are made or referred, not to disclose information that might identify or tend to identify the person who makes a disclosure.

The exceptions to the confidential requirement are where:

- the person consents in writing to the disclosure of that information, or
- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure, or
- the investigating authority, council or council officer is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or disclosure is otherwise in the public interest.

Decisions about natural justice, effective investigation and public interest will be made by the General Manager or the Mayor, depending on the circumstances. In all cases the person who made the disclosure will be consulted before such a decision is made.

Note: If guidance is needed in relation to the requirements of natural justice, effective investigation and public interest, this may be sought from the Ombudsman or another investigating authority.

10.4 Freedom of Information exemption

Under the Freedom of Information Act 1989, a document is exempt from release if it contains matter the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act.

11. Notification of action taken or proposed

A person who makes a protected disclosure must be notified, within six months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

If a disclosure is made in accordance with this Policy, the Disclosure Coordinator is responsible for the six month notification to the person who made the disclosure, unless this responsibility has been retained by or allocated to another staff member by the General Manager.

However, if a disclosure is made to the Mayor under this Policy, the Mayor is responsible for the six month notification to the person who made the disclosure, unless they direct the General Manager, Disclosure Coordinator or another nominated officer to assume this responsibility.

The notification provided to the person who made the disclosure should contain sufficient information to demonstrate that adequate and appropriate action was taken, or is proposed to be taken, in respect of the disclosure. **This should include a statement of the reasons for the decisions made or action taken in response to the disclosure.**

The notification should include sufficient information to enable the person who made the disclosure to make an assessment as to whether the circumstances listed in section 19(3)(a)-(c) of the Act (relating to disclosures to members of Parliament and journalists) apply, ie whether:

- a decision was made not to investigate the matter, or
- a decision was made to investigate the matter, but the investigation was not completed within six months of the original decision being made; or
- a decision was made to investigate the matter, but the investigation has not been completed within six months of the original decision being made; or
- the matter was investigated but no recommendation was made for the taking of any action in respect of the matter.

One of the purposes of this is to give the whistleblower enough information to be able to properly assess whether it is appropriate or warranted to make a disclosure to an MP or journalist.

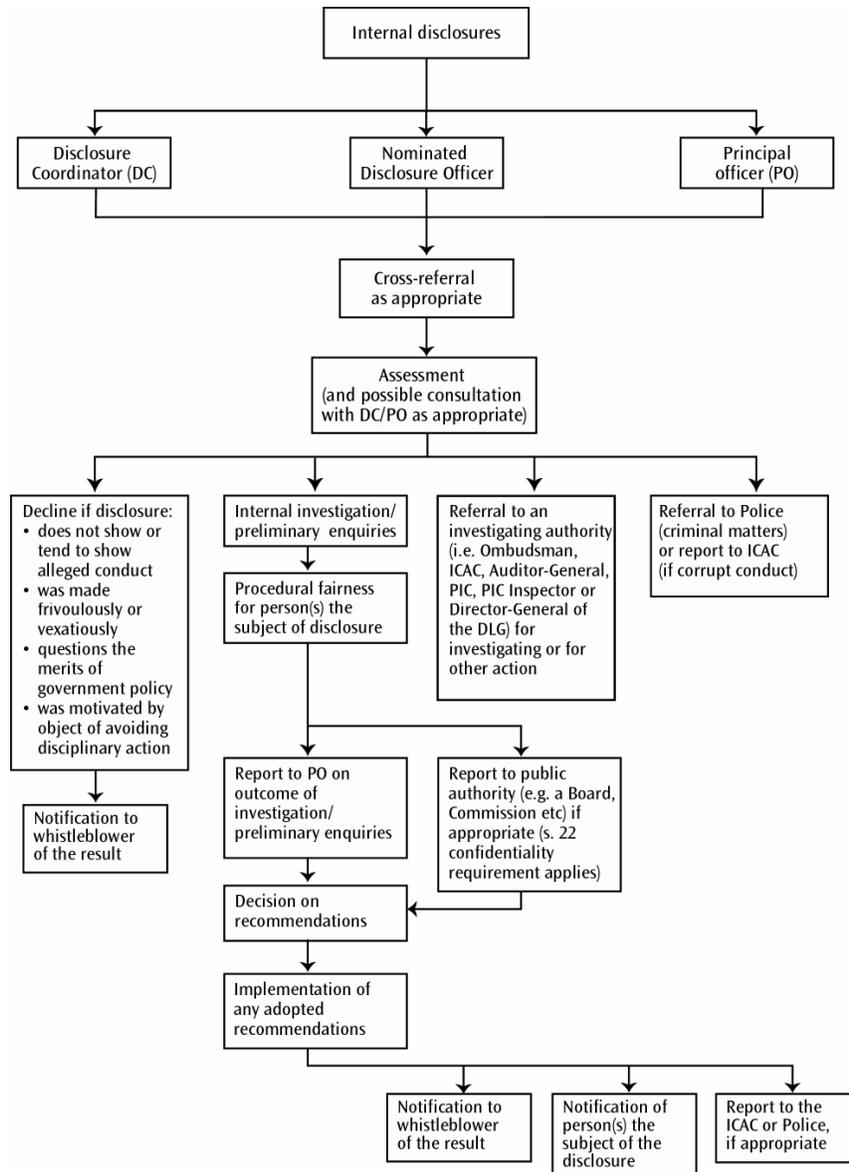
12. Review

This Policy shall be reviewed annually to ensure that it meets the object of the legislation, and facilitates the making of disclosures under the Act.

13. Diagram of the internal reporting system

See Figure 1

Figure 1 – Diagram of the internal reporting system



INVESTMENT & LOAN LIABILITY AS AT 31 MAY 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council investment allocations, returns on investments and details of loan liabilities for May 2007.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 18 July 2006 (Minute No.254).

COMMENTS:

The Reserve Bank of Australia (RBA) maintained the official cash rate at 6.25% during the month of May.

RECOMMENDATION:

That the summary of investments and loan liabilities for May 2007 be received and noted.

PURPOSE OF REPORT

To present to Council investment allocations, returns on investments and details of loan liabilities for May 2007.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 18 July 2006 (Minute No. 254).

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

COMMENTS

During the month of May, Council had a net cash inflow of \$4,680,000 and gross interest and capital appreciation on Council's investments was \$235,000.

Council's total investment portfolio at the end of May 2007 is \$52,296,900. This compares to an opening balance of \$36,366,900 as at 1 July 2006.

Council's interest on investments for May year to date is \$2,617,500 compared to a year to date budget of \$2,530,000.

Council's total debt as at 31 May 2007 stands at \$10,039,200.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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

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

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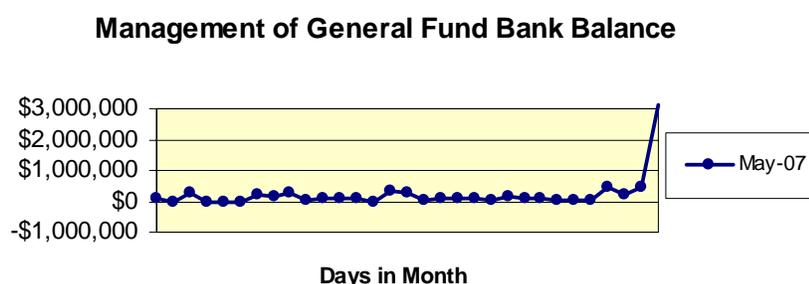
▪ **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council’s Fund Managers and direct securities.

Council’s Investment Policy requires that not more than 35% of funds are to be with any one Fund Manager. All funds are kept below this required level of 35%.

Management of General Fund Bank Balance

During May, Council had a net inflow of funds of \$4,680,000. This was largely as a result of payments received from the final rates instalment due at month end.



Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested at 31-May-07 \$000's	Period Return (%)	YTD Return (%)	% of Total Invested
Macquarie Bank	Macquarie Income Plus	A	9,834	6.30	6.66	18.62
Select Access Investments	Titanium AAA	AAA	2,000	7.37	7.23	3.79
Deutsche Bank	Deutsche Income	A	11,778	6.60	6.74	22.30
Perpetual	Perpetual Credit Income	A	5,376	6.67	6.53	10.18
Bendigo Bank	Turrumurra Community Bank	BBB	559	6.52	6.32	1.06
Adelaide Bank	AAA SAVER	AAA	11,750	6.52	6.57	22.25
CBA/Helix Capital Jersey	Oasis Portfolio Note	AAA	2,000	7.34	7.33	3.79
Longreach/Rabobank	Longreach CPWF	AAA	3,377	30.13	26.52	6.39
ABN AMRO/Rembrandt Australia	SURF CPDO	AAA	2,015	8.46	8.38	3.82
NSW Treasury Corp	KRGC Tcorp MTGF	UNRATED	2,116	9.89	9.54	4.01
UBS AG London	LongreachSTIRM	AA+	1,000	2.55	3.93	1.89
WBC/Athena Finance	Camelot	AA-	1,006	-14.49	2.64	1.90
TOTALS/WEIGHTED AVERAGES			52,811	7.85	7.87	100

Matured/Traded Investments - Weighted YTD Average Return (%)	5.94
Weighted Average Overall Return Year To Date (%)	7.77
Benchmark Return: UBSWA Bank Bill Index(%)	6.42
Variance From Benchmark (%)	1.35

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The weighted average return for the total portfolio year to date was 7.77% compared to the benchmark of the UBS Bank Bill Index of 6.42%.

Comments on Individual Investment Performance

Longreach/Rabobank: This investment is in property, infrastructure and utilities and was made on 29 September 2006. The unit price has improved by 12.56% since inception with an increase of 2.26% over the month of May. As this investment has been in existence for less than 1 year, returns when annualised can appear to exaggerate performance. It should be noted that the actual return for the fund is 12.56% which is above the Fund Manager's expectation to have a target range of 8% to 10% pa over the life of the investment.

NSW Treasury Corporation: The investment in the medium term growth fund was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 13.8%, international shares 12.5%, bonds and cash 73.7%. The returns from the equity and property sectors remained very strong in May, buoyed by solid corporate earnings and a healthy outlook for economic growth, which resulted in a 9.54% return annualised on this investment.

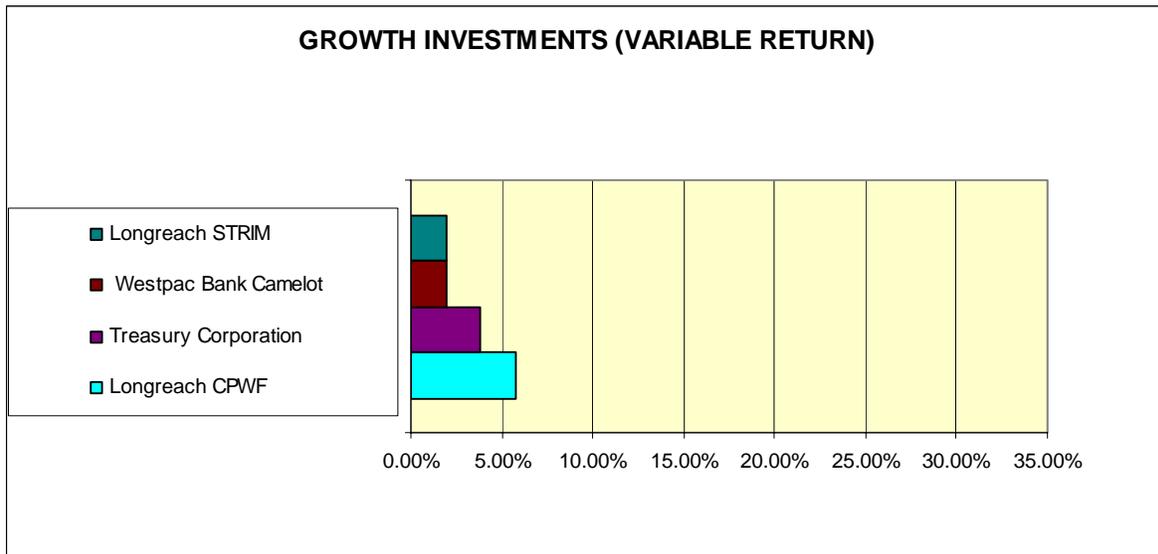
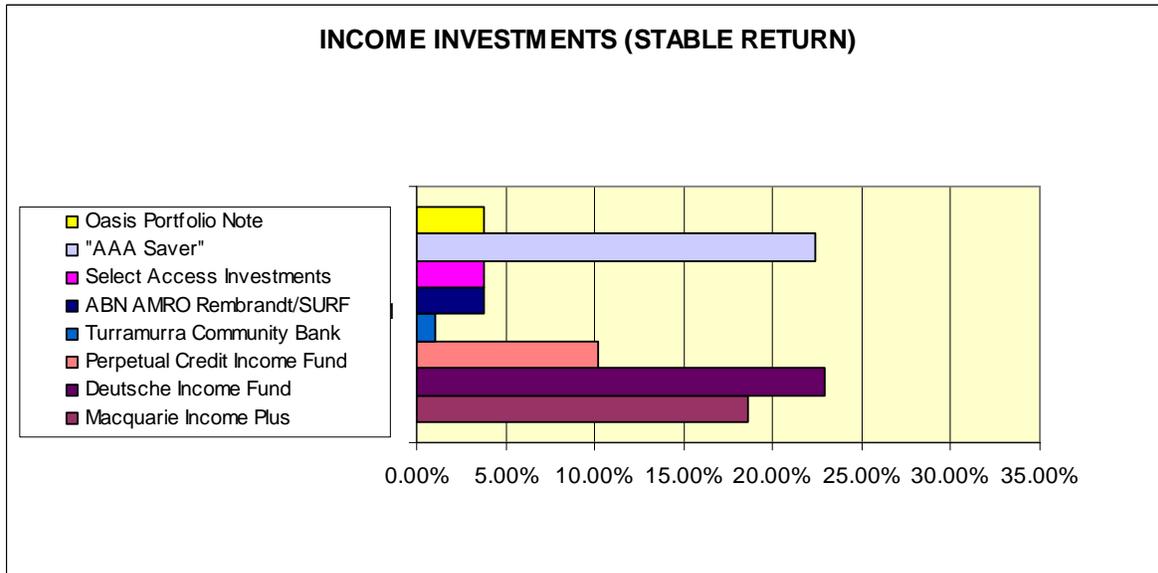
WBC Athena Finance/Camelot: This new investment made at the end of February 2007 in a fund that provides an opportunity to diversify into a unique foreign exchange strategy with low correlation to other products and asset classes. The fund had a negative return for the month of 1.3%, or 14.5% annualised. The fund trades \$US and \$A, and during May its \$A holding fell from \$US83.05c at the start of the month to \$US81.96c at the end. Overall performance for this investment is positive at 2.64% and early indications of June performance are for a further gain of approximately 0.4%. This is a growth investment and some degree of volatility of return is to be expected on a month to month basis. As return of capital for this product is guaranteed, long term performance cannot be negative.

Longreach/STIRM: This new investment in February linked to the performance of a short term interest rate yield enhancement strategy. Returns are based on a fixed coupon of 2.5% pa payable quarterly and a floating coupon based on the performance with additional return on maturity as capital gain. As fees for this product were taken up front, the Net Asset Value (NAV) started 0.50% lower at 99.50. To date, no floating coupon performance returns have been paid and the investments performance is shown at its fixed coupon return only. Capital return for the investment is guaranteed at maturity and fund manager's expectation is a target return between 8% and 10% per annum over the term of the investment.

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Council's funds during May were allocated as follows:



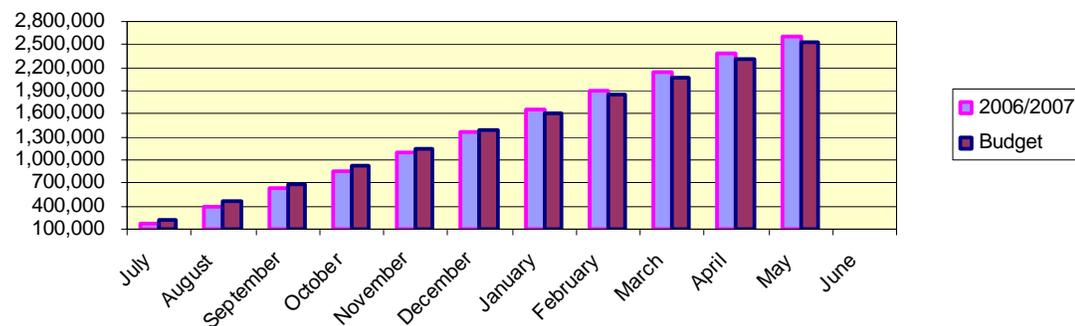
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Cumulative Interest

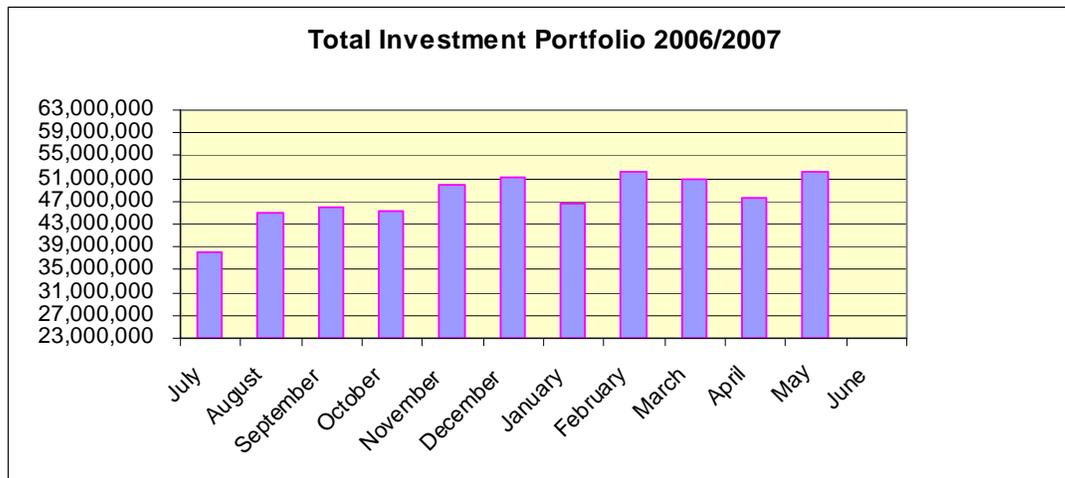
The following chart compares the interest earned on a cumulative monthly basis against the budgeted year to date forecast. At the end of May, year to date interest earnings totalled \$2,617,500 against a budget of \$2,530,000, representing a positive variance of \$87,500. This positive performance has been achieved despite the non-realisation of a budgeted \$450,000 interest earnings on funds from the planned depot sale which has been deferred to 2007/08.

Cumulative Interest 2006/2007 v's Budget



Total Investment Portfolio

The following chart tracks the year to date investment portfolio balances for 2006/2007.



During May 2007 Council’s investment portfolio increased by \$4,680,000.

Council’s closing investment portfolio after interest and fees of \$52,296,900 in May 2007 is \$15,930,000 higher than the July 2006 opening balance of \$36,366,900.

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Summary of Borrowings

There were no loan repayments made in May leaving total debt at \$10,039,200.

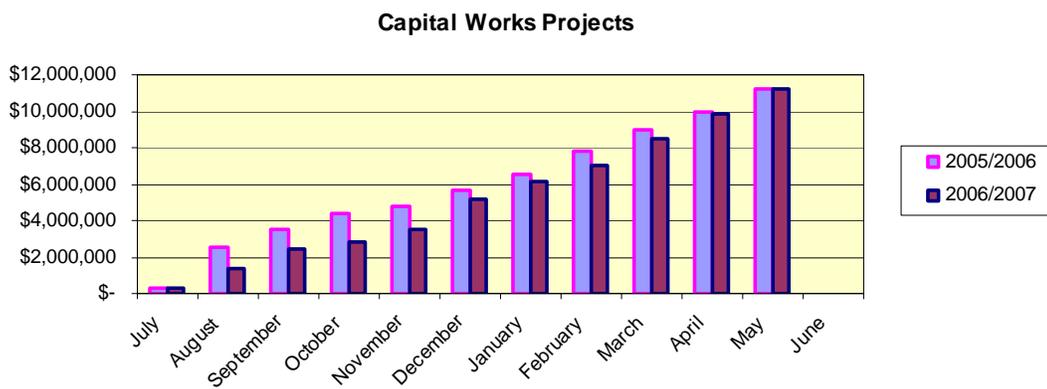
Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$807,641	\$192,359	6.32%	29-Jun-98	29-Jun-08
CBA No 1	128	\$2,600,000	\$2,080,000	\$520,000	6.56%	29-Jun-99	13-Jun-09
CBA No 2	129	\$2,600,000	\$1,820,000	\$780,000	6.56%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$1,229,331	\$1,370,669	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$956,850	\$1,643,150	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$552,510	\$1,329,490	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$349,402	\$1,450,598	6.36%	23-Jun-04	23-Jun-14
Westpac	134	\$1,600,000	\$183,495	\$1,416,505	6.05%	29-Jun-05	30-Jun-15
NAB	135	\$1,400,000	\$63,607	\$1,336,393	6.48%	30-Jun-06	29-Jun-16
TOTAL		\$18,082,000	\$8,042,836	\$10,039,164			

Capital Works Projects

During May 2007, Council expended \$1,325,800 on capital works, which compares to \$1,264,800 during May 2006, an increase of \$61,000.

Council’s 2006/2007 total revised budget for capital works is \$16,965,550, which leaves funds of \$5,759,500 unexpended at the end of May.

The following graph compares the gross cumulative monthly expenditure totals for capital works for financial years 2005/2006 and 2006/2007.



CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) maintained the official cash rate at 6.25% during the month of May.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 May 2007:

- Council's total investment portfolio is \$52,296,900. This compares to an opening balance of \$36,366,900 as at 1 July 2006, an increase of \$15,930,000.
- Council's interest on investments totals \$2,617,500. This compares to the year to date budget of \$2,530,000.
- Council's total debt stands at \$10,039,200.

RECOMMENDATION

That the summary of investments and loan liabilities for May 2007 be received and noted.

CERTIFICATE OF THE DIRECTOR FINANCE & BUSINESS

I certify that as at the date of this report the investments listed have been made and are held in compliance with Council's Investment Policy and appropriate legislation.

Edwin Athaide
Accounting Officer

John Clark
Director Corporate

MOTIONS FOR 2007 NSROC ANNUAL CONFERENCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider motions for submission to the NSROC 2007 Annual Conference.

BACKGROUND:

NSROC members have been invited to submit motions for consideration at the Annual Conference. The motions should address regional issues and seek to alter existing NSROC policy or introduce new policy.

COMMENTS:

The following motions have been submitted by Councillors for consideration by Council:

- A. Fringe Benefits Tax Legislation vs Sustainability principles.
- B. Climate Change

RECOMMENDATION:

That the motions regarding Fringe Benefits Tax Legislation vs Sustainability principles and Climate Change be submitted to the 2 August 2007 NSROC Annual Conference.

PURPOSE OF REPORT

To consider motions for submission to the NSROC 2007 Annual Conference.

BACKGROUND

NSROC members have been invited to submit motions for consideration at the Annual Conference. The motions should address regional issues and seek to alter existing NSROC policy or introduce new policy.

COMMENTS

As part of the NSROC Annual Conference motions are submitted by member Councils which address regional issues. These motions are then tabled for attendees to consider and debate. NSROC is therefore seeking from Council (two or three) motions that have been adopted by Council that we wish to put on the conference agenda.

Motions should seek to alter existing NSROC policy or introduce new policy. Motions should address regional rather than single Council issues, although support may be sought from NSROC by individual Councils on matters of principle. Motions that are supported by NSROC may be referred to the Local Government Association conference for further consideration.

The following motions have been submitted by Councillors for consideration by Council:

- A. NSROC submit to the Local Government Conference a motion to make representation to the appropriate bodies to request amendments to the current Fringe Benefits Tax legislation that encourages the overuse of vehicles to achieve tax benefit at the detriment of human health and the environment. This legislation should encourage a commitment to sustainable principles that would provide incentives to lessen vehicle kilometres travelled, encourage fuel efficient and alternative fuel vehicles and promote other alternative transport incentives for companies.
- B. That NSROC submit to the Local Government Conference a motion to call on State government to develop a comprehensive strategy that will address mitigation and adaptation to climate change. This should investigate State and Local government's current and future liability across policy, planning, infrastructure and asset management, operations and investment strategy area as well as promoting leadership and demonstrating a sound commitment to sustainability.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the recommendations contained within this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Councillors have submitted issues they wish to be considered at the NSROC Annual Conference and these have been included in this report.

SUMMARY

NSROC is inviting Council to submit two or three issues of regional significance for consideration and debate at the NSROC Annual Conference. Motions that are supported by NSROC may be referred to the Local Government Association conference for further consideration.

RECOMMENDATION

That the motions regarding Fringe Benefits Tax Legislation vs Sustainability principles and Climate Change be submitted to the 2 August 2007 NSROC Annual Conference.

John Clark
Director Corporate

STATEMENT OF BUSINESS ETHICS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To recommend the adoption of a Statement of Business Ethics.

BACKGROUND:

The Department of Local Government and the Independent Commission Against Corruption recommend that Councils have a Statement of Business Ethics.

COMMENTS:

A draft Statement of Business Ethics has been prepared.

RECOMMENDATION:

That the draft Statement of Business Ethics be adopted.

PURPOSE OF REPORT

To recommend the adoption of a Statement of Business Ethics.

BACKGROUND

The Department of Local Government (DLG) and the Independent Commission Against Corruption (ICAC) recommend that Councils have a Statement of Business Ethics.

Such a statement provides ethical guidance to individuals, organisations and companies that are in, or proposing to be in, a business relationship with Council. It sets out the standards of ethical behaviour that will be followed by Council staff and what is expected from others in all Council business dealings.

The intention is that a copy of the statement be made available in any situation where Council deals with suppliers of goods and services, eg it will be provided to suppliers, contractors, consultants, tenderers and any other business partners. It will set the ground rules for ensuring mutual understanding of the public duty obligations of the Council and staff.

COMMENTS

A draft statement has been prepared having regard to an ICAC publication *Developing a statement of business ethics* (May 2004). A copy of the draft statement is **attached**. After adoption the layout and presentation of the Statement will be enhanced prior to public distribution.

The draft uses a very simple plain English approach so that it can readily apply and be clear to all suppliers, etc.

CONSULTATION

None required or undertaken.

FINANCIAL CONSIDERATIONS

There will be some costs involved in the initial printing and distribution of the statement. Over time the statement will be incorporated into the standard documentation for all procurement processes.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The draft statement was developed and reviewed in conjunction with the General Manager, directors, managers and other staff who have a procurement role.

SUMMARY

The Statement of Business Ethics will be a valuable aid in building strong ethical relationships with Council's suppliers and business partners. It will set the ground rules for ensuring mutual understanding of the public duty obligations of the Council and staff.

RECOMMENDATION

That the draft Statement of Business Ethics be adopted.

John Clark
Director Corporate

John McKee
General Manager

Attachments: Draft Statement of Business Ethics - 789627

Council and this statement...

Ku-ring-gai Council works with private, public and non-profit sectors to provide a diverse range of services to the community. The community expects us to have high ethical standards in everything we do. We are expected to not have any conflict between our own interests and our obligations to the community.

This statement is intended for anyone in the private, public or non-profit sectors who is involved in a business arrangement with us or is proposing to be in such an arrangement. It explains our ethical position. Anyone dealing with Ku-ring-gai Council in a business arrangement is expected to comply with the ethical framework in which we work. This statement outlines what you can expect from us and what we will expect from you in any business dealings.

In this statement, “we”, “us” and “our” refer to Ku-ring-gai Council, its Councillors, staff, authorised delegates and volunteers. “You” and “your” refers to individuals, organisations and businesses (including agents and sub-contractors) that deal with or wish to deal with Ku-ring-gai Council.

We operate under a *Code of Conduct* that is based on the following key principles:

Integrity

We must not place ourselves under any financial or other obligation that might reasonably be thought to influence us in the performance of our duties.

Leadership

We promote and support the key principles by demonstrating effective leadership which maintains and strengthens public trust and confidence in the integrity of the Council.

Selflessness

We make our decisions solely in the public interest and do not act in order to gain any financial or other benefit for ourselves, our family, friends or business interests.

Objectivity

We make our decisions solely on merit and in accordance with our statutory obligations.

Accountability

We are accountable to the public for our decisions and actions and must consider issues on their merits, taking into account the views of others.

Openness

We are as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands this.

Honesty

We act honestly. We declare private interests relating to our public duties and take steps to resolve any conflicts in a way that protects the public interest.

Respect

We treat others with respect at all times.

What this means ...

This means we uphold high standards of behaviour and ethics. We:

- Act with integrity to maintain public trust
- Resolve personal and professional conflicts in the public interest
- Respect and follow the spirit and intent of the law as well as our policies and procedures
- Use all public resources properly and efficiently
- Make decisions based on merit
- Give reasons for our decisions.

In making our business decisions we strive to obtain the best value for money. Depending on the circumstances, our decision making takes into account many things including upfront costs, ongoing costs, suitability, quality, reliability, availability, experience, reputation, safety, legal compliance and environmental friendliness.

While we strive to obtain the best price for goods and services we do not necessarily buy at the cheapest price nor sell at the highest price. We are required to call tenders for goods and services estimated to cost more than \$150,000 and to specify the assessment criteria in our tender documents. We obtain quotes for other goods and services in accordance with our *Purchasing Policy and Procedures Manual*. However, we do not always go to open tender nor get quotes for low value items. We do not generally invite proposals from businesses that have performed poorly in the past. We do not normally restrict our dealings to just one business unless there are exceptional circumstances and valid reasons to do so.

We are fair in our decision making. That means we are objective, reasonable and even-handed. It does not mean that we can satisfy everyone all of the time. If you are adversely affected by our decision that may be unfortunate, but it does not necessarily mean it is unfair. We will publicly support our decisions unless we have to maintain confidentiality or protect privacy.

What you can expect from us ...

You can expect us to:

- Be professional, honest, accessible, open, fair and ethical
- Communicate clearly and respond promptly to questions resolving any issues quickly
- Comply with the law, this statement and the policies and procedures that guide our methods of operation
- Provide open competition for work in the necessary or optimum way
- Resolve any actual, perceived or potential conflicts of interest in the public interest
- Make objective decisions based on merit considering reasonable criteria and only relevant and material facts
- Strive to achieve the best value for money
- Never seek any gifts or other personal benefits
- Protect privacy and confidentiality where necessary
- Provide a safe and healthy work environment.

What we expect from you ...

We expect you to:

- Be professional, honest, accessible, open, fair and ethical
- Communicate clearly and respond promptly to questions resolving any issues quickly
- Comply with the law, this statement, our policies and procedures and all relevant specifications
- Declare to us any actual, perceived or potential conflicts of interest if and when they occur and work with us to resolve them in the public interest
- Provide us with a quality product or service on time that gives us value for money
- Not pressure us in our decision making
- Not offer to us any bribes, gifts or benefits that are intended to influence our decision making
- Not be involved in any collusive practices
- Talk directly to us about any problems you have with our relationship and not discuss anything publicly or with the media
- Protect privacy and confidentiality where expected or necessary
- Tell us about any unethical business practices that you know exist
- Provide a safe and healthy work environment.

Other important things to note also ...

Gifts

We do not expect to get a gift from you in return for work from us. While we do not encourage gift giving we do understand that sometimes people like to show appreciation or demonstrate good faith in our business relationship by giving a gift. Only token gifts of nominal value that do not create a sense of obligation may be accepted by us. We have a *Gifts and Benefits Policy* and a Register in which certain gifts are recorded.

Sponsorships

We sometimes get financial or other sponsorship for our activities and events. We also provide sponsorships, grants and donations to others. In accordance with our *Sponsorship Policy* our sponsorship practices are open and transparent and do not compromise our decision making.

Secondary employment

In accordance with our *Secondary Employment Policy* we cannot have a second job that might create a conflict of interest. We can not use commercially sensitive information in order to get another job.

Non-compliance...

If we engage in unethical or illegal (including corrupt) behaviour it could lead to:

- Criminal investigation
- Criminal prosecution
- Loss of reputation
- Disciplinary action that may result in dismissal.

If you engage in any unethical or illegal (including corrupt) behaviour it could lead to:

- Criminal investigation
- Criminal prosecution
- Termination of order/contract
- Disqualification of tender
- Loss of future work
- Loss of approval
- Loss of reputation.

Further information...

We think that compliance with this statement benefits everyone and upholds public trust and confidence in Ku-ring-gai Council. Understanding and complying with this statement may also assist you to compete on a level playing field to obtain other public sector work operating under similar requirements.

If you have any questions about this statement please contact our Public Officer. If you are concerned about a possible breach of this statement, or about any conduct that could involve fraud, corruption, maladministration or

Ku-ring-gai Council. Statement of Business Ethics. [effective date]

serious and substantial waste of public funds, please contact the General Manager or Internal Ombudsman. You may also consider contacting the NSW Ombudsman and/or the Independent Commission Against Corruption (ICAC).

Ku-ring-gai Council 818 Pacific Highway, Gordon Locked Bag 1056, Pymble NSW 2073	Ph 9424 0888 Fax 9424 0880 kmc@kmc.nsw.gov.au www.kmc.nsw.gov.au
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DRAFT

Doc distribution	External/internal	Doc status	Draft	File No	S05248
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Approval date		Approved by			
Effective date		Review period	3 year	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
1.0		Original			

TRANSFER TO COUNCIL OF LOT 13 DP 1012827 NELSON ROAD, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the acceptance of a proposal to the Department of Planning to transfer Lot 13 DP1012827, located at the rear of 43 Nelson Road, Lindfield into Council's ownership.

BACKGROUND:

In January 2007, Council staff wrote to the Department of Planning regarding their intentions for 0.2414ha area of land zoned County Open Space adjoining Council's Wombin Reserve.

On 1 February 2007, the Department of Planning confirmed its support for the divestment of Lot 13 DP 1012827 Nelson Road, Lindfield in favour of Council. This transfer is subject to Council agreeing to enter into a Land Transfer Agreement and Order, which places restrictions on the future use of the land.

COMMENTS:

Acceptance of the Transfer Agreement will represent further consolidation of Council's bushland for environmental protection and open space recreation purposes.

RECOMMENDATION:

That Council endorse the land transfer of Lot 13 DP 1012827 from NSW Department of Planning to Ku-ring-gai Council.

PURPOSE OF REPORT

To advise Council of the acceptance of a proposal to the Department of Planning to transfer Lot 13 DP1012827, located at the rear of 43 Nelson Road Lindfield into Council's ownership.

BACKGROUND

Council staff wrote to the NSW Department of Planning (DoP) on 12 January 2007 regarding Lot 13 DP 1012827 Nelson Road, Lindfield (refer to Attachment 3). The subject land is located at the rear of 43 Nelson Road, Lindfield and is surrounded by Council-owned land known as 'Wombin Reserve' (refer to Attachment 1 and 2). The subject land exists as a degraded remnant of Sydney Turpentine Ironbark Forest (listed as an endangered ecological community under the *NSW Threatened Species Conservation Act, 1995*) and exhibits potential for rehabilitation.

At the Ordinary Meeting of Council on 6 February 2007, Council resolved to allocate the grant amount of \$5,000 for environmental restoration works within Lot 13 DP 1012827 under Council's Environmental Levy small grants scheme. This grant was used to expand the current bush regeneration contract within Wombin Reserve. The extension of grant funding and commitment by Council to regenerate the subject land is consistent with the conditions of the Land Transfer Agreement and Order (refer to Attachment 5 and 6).

On 1 February 2007, the DoP confirmed its support for the divestment of Lot 13 DP 1012827 Nelson Road, Lindfield in favour of Council (refer to Attachment 4). This transfer is subject to Council agreeing to enter into a Land Transfer Agreement and Order, which places restrictions on the use of the land. A Caveat will be registered on title to ensure the use of the land for open space purposes, accessible to the general public.

COMMENTS

On 26 February 2007, staff accepted the land transfer conditions in principle, subject to formal Council approval and resolution (refer to Attachment 7). Acceptance of the Land Transfer Agreement will represent the further consolidation of Council's bushland for environmental protection and open space recreation purposes.

Upon consolidation of the subject land with the surrounding Wombin Reserve, the subject land will be governed under section 1.3 of the Bushland Plan of Management (adopted in May 2006). It is intended that this land be identified as a separate parcel for the purposes of preventing any future disputes concerning the sale or transfer of the subject land and to demonstrate compliance with land use requirements as contained in the Order.

In transferring the subject land to Council, the DoP has imposed the following terms and conditions:

1. A Caveat will be lodged on title to ensure Council's use of the subject land is exclusively for open space recreation purposes.

Item 7

S03709
28 May 2007

2. The land must be kept free of noxious weeds and animals; clean and free of rubbish and debris; free of all contaminants and hazardous materials in compliance with all statutes and regulations.
3. The land must not be used for any purpose other than other recreational purposes or so as to reduce the Open Space to less than 90% of the area of any land.

Encumbrances on the subject land include an easement for sewer purposes over the existing line of pipes and a 1m wide drainage easement. It is not foreseen that these encumbrances will have an impact on the Transfer Agreement and future use of the land.

CONSULTATION

Staff have consulted with Council's solicitors with regards to the Draft Land Transfer Agreement and Order to ensure Council's financial and land management interests are protected.

FINANCIAL CONSIDERATIONS

It is proposed that the transfer costs will be as follows:

- Transfer cost of \$1.00;
- Legal fees for review of the Transfer Agreement and Order \$1,500;
- Registration of the Transfer Agreement and lodgement of caveat – (DoP costs).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Strategy have consulted with the Corporate, Community and Operations Departments in the preparation of this Report.

SUMMARY

The transfer of Lot 13 DP 1012827 from the DoP to Ku-ring-gai Council will consolidate an additional land parcel with Wombin Reserve. While there are a number of conditions associated with the Transfer Agreement, it is unlikely that these conditions will have a significant financial impact on Council or create land management requirements inconsistent with current operational practices occurring in the adjoining Wombin Reserve. In the short term, funding from Council's Environmental Levy will be used to expand the current bush regeneration activities in the Reserve to the subject land.

Upon Council acquiring Lot 13 DP 1012827, the subject land similar to that of Wombin Reserve, will be governed by Council's Bushland Plan of Management (May 2006). The subject land will be classified as Community Land and further categorised as Natural Area, Bushland upon acquisition, in accordance with the *Local Government Act, 1993*.

RECOMMENDATION

- A. That Council endorse the acceptance of the land transfer of Lot 13 DP 1012827 from the NSW Department of Planning on the terms and conditions contained in the Land Transfer Agreement and Order.
- B. That the subject land (Lot 13 DP 1012827) be classified as Community Land and further categorised as Natural Area, Bushland upon acquisition, in accordance with the *Local Government Act, 1993*.
- C. That following acquisition of the subject land, it be managed consistent with Wombin Reserve and be governed by Council's generic Bushland Plan of Management (May 2006).
- D. That the Mayor and General Manager be authorised to execute and affix the Common Seal on all documentation associated with the Land Transfer Agreement and Order.
- E. That Council undertake bush regeneration on the subject land in accordance with the allocated Environmental Levy small grant funding to improve the condition of the land.

Graeme Williams
Community Environment Officer

Peter Davies
Manager Sustainability & Natural Environment

Cherry Varde
Community Land Projects Officer

Steven Head
Director Strategy

- Attachments:**
- 1. Deposited Plan No 1012827 - 787983**
 - 2. Site Location Plan - 787958**
 - 3. Council Proposition letter of 12 January 2007 - 721963**
 - 4. Department of Planning Confirmation letter of 1 February 2007 - 731369**
 - 5. Draft Land Transfer Agreement - 787974**
 - 6. Draft Order - 787970**
 - 7. Council letter of 26 February 2007 - 739033**

PLAN FORM 2

SIGNATURE AND SEALS ONLY.

Signed at Marrickville the 28 day of MARCH 2022. For Commonwealth Bank of Australia A.C.N. 123 123 124 by its duly appointed Attorney under Power of Attorney Book 4049 No. 321

(Signature) *[Signature]*
 (Witness) *[Signature]*
 (Signature) *[Signature]*

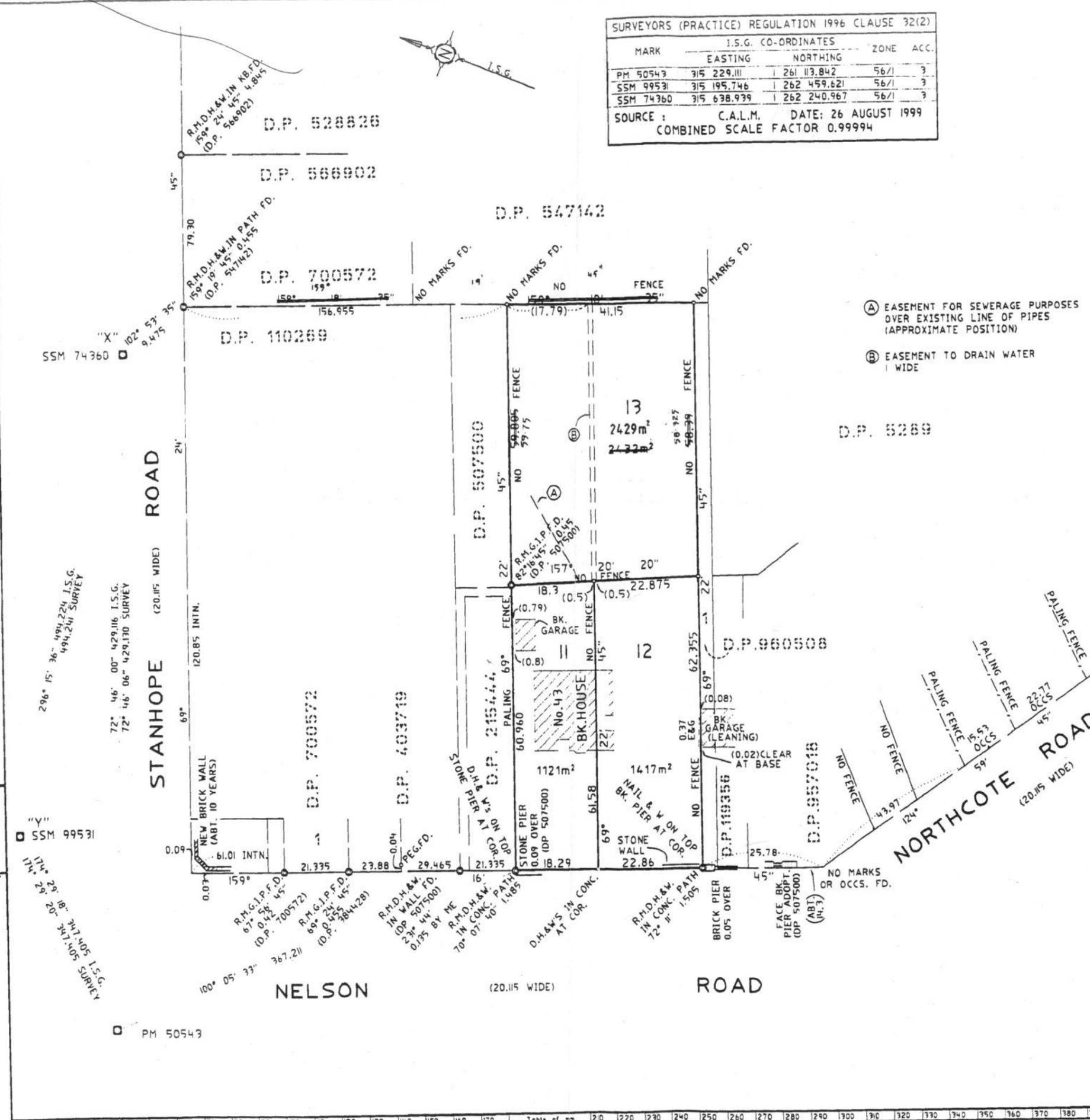
Ensa Pacherran

Rachel Clare Fitzhardinge

SIGNED by me RACHEL CLARE FITZHARDINGE as delegate of Minister administering the Environmental Planning and Assessment Act 1979. I hereby certify that I have not made the revocation of such delegation.

Crown Lands Office Approval
 PLAN APPROVED
 Authorised Officer
 Land District
 Paper No. pages
 Field Book

Council's Certificate
 I hereby certify that -
 (a) the requirements of the Local Government Act 1993 (other than the requirements for the registration of plans), and
 (b) the requirements of Part 3 division 2 of the Water Board Act 1987, or Part 5 Division 7 of the Hunter Water Board (Corporatisation) Act 1991,
 have been complied with by the applicant in relation to the proposed
 (insert "new road", "subdivision" or "consolidated lot") set out herein
 Subdivision No.
 Date
 (Signature)
 General Manager/Authorised Person
 Council File No.
 * This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or the land to be subdivided is wholly outside the areas of operations of the Water Board and the Hunter Water Corporation Ltd.
 * Delete if inapplicable.



SURVEYORS (PRACTICE) REGULATION 1996 CLAUSE 32(2)

MARK	I.S.G. CO-ORDINATES		ZONE	ACC.
	EASTING	NORTHING		
PM 50543	315 229.111	1 261 113.842	56/1	3
SSM 99531	315 195.746	1 262 459.621	56/1	3
SSM 74360	315 638.939	1 262 240.967	56/1	3

SOURCE: C.A.L.M. DATE: 26 AUGUST 1999
 COMBINED SCALE FACTOR 0.99994

DP1012827
 Registered: 15.5.2006
 C.A.:
 Title System: TORRENS
 Purpose: ACQUISITION (NOT A CURRENT PLAN AT REG'N S7A CONV. ACT)
 Ref. Mod: KU-RING-GAI SHT 29
 Last Plan: DP100906-DP964958

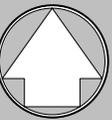
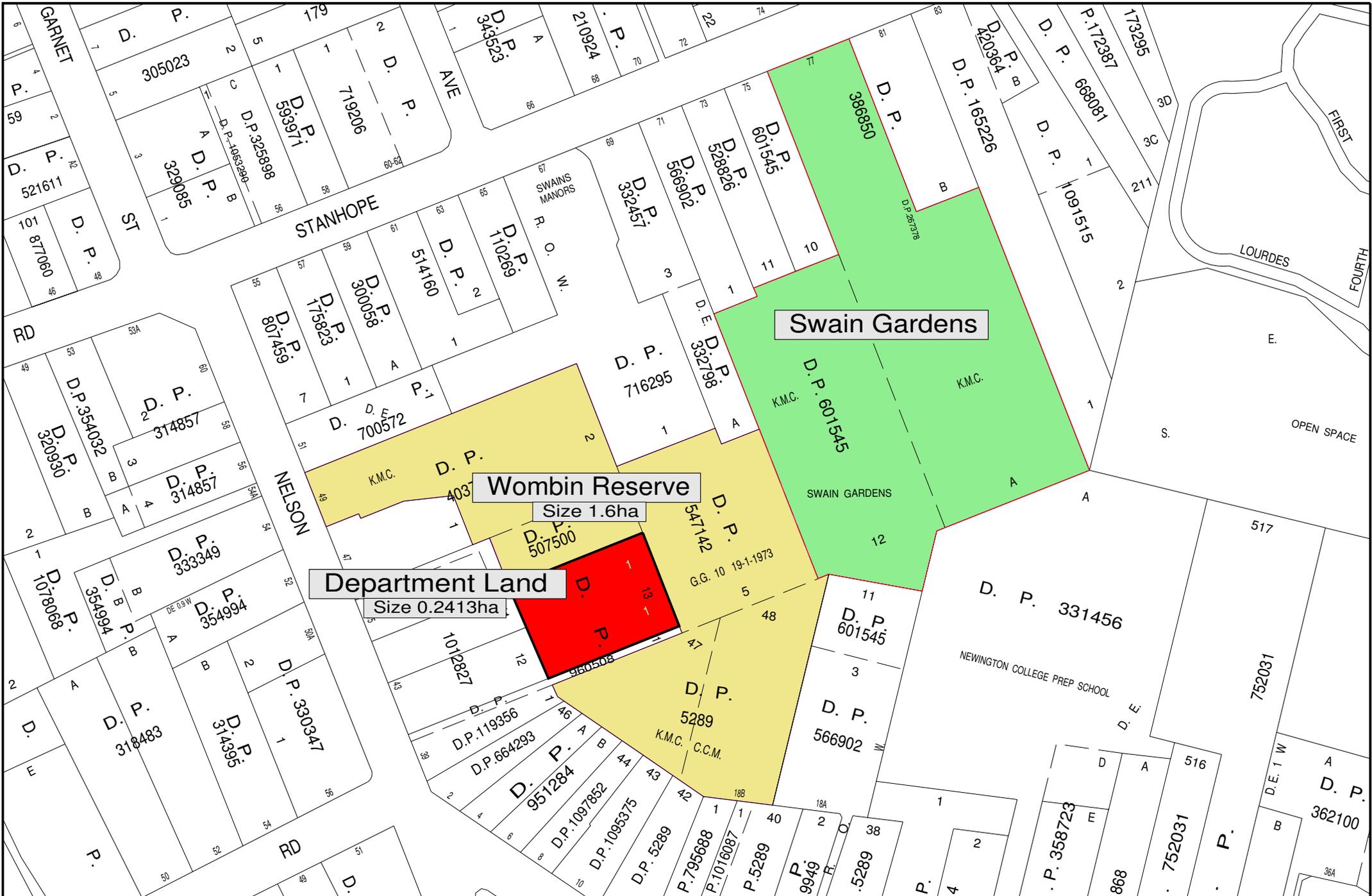
PLAN OF SUBDIVISION OF LOT 1 IN D.P. 1000906 & LOT 1 IN D.P. 964958
 Lengths are in metres. Reduction Ratio 1: 800
 L.G.A. KU-RING-GAI
 Locality LINDFIELD
 Parish GORDON
 County CUMBERLAND

This is sheet 1 of my plan in 1 sheets (Delete if inapplicable)
 TERENCE JOHN WALKER
 DECATARD SMITH AND PARTNERS
 of 11/19-23 BRIDGE STREET, PYMBLE
 a surveyor registered under the Surveyors Act 1929, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1996 and was completed on 1/10/99.
 The survey relates to LOTS 11, 12, 13

(Signature) *[Signature]*
 Datum Line: "X" - "Y" Surveyor registered under the Surveyors Act 1929
 Zone: Suburban/Country
 Plans used in preparation of survey/compilation:
 DP 507500 DP 5289 DP 957018
 DP 403719 DP 951284 DP 547142
 DP 700572 DP 119356 DP 566902
 DP 215444 DP 964958
 DP 1000906 DP 960508

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.
 PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE:
 1.) EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF PIPES
 2.) RESTRICTION ON THE USE OF THE LAND
 3.) EASEMENT TO DRAIN WATER 1 WIDE
 LOT 13 IS TO BE ACQUIRED BY THE MINISTER ADMINISTERING THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.

PLAN AMENDED IN L.T.O AT SURVEYORS REQUEST



05-06-2007

1:2000

Land Transfer to Council of Lot 13 D.P. 1012827



S03709
12 January 2007

Peter Lee
NSW Department of Planning
Land Management Branch
PO Box 404
PARRAMATTA NSW 2124

cc: Brian Jones
Suellen Fitzgerald

Dear Mr Lee

LOT 13, DP 1012827 NELSON ROAD, LINDFIELD

I refer to conversations with Council staff regarding the land known as Lot 13, DP 1012827 Nelson Road, Lindfield (Property Id 103069). As discussed, the abovementioned land is owned by the NSW Department of Planning and zoned County Open Space. The land adjoins a small area of Council land known as 'Wombin Reserve', zoned Recreation 6(a), which is classified as Community Land and categorised as a Natural Area under the *Local Government Act 1993* (see attached map).

Both parcels of land contain remnant vegetation consistent with that described as 'Sydney Turpentine Ironbark Forest', an endangered ecological community under the *NSW Threatened Species and Conservation Act 1995*. However, the land owned by the Department is degraded with noxious and environmental weed species and contains cleared areas of grass due to its historical use as a residential property.

Council is seeking approval to consolidate the land owned by the Department with the adjoining Council reserve, due to the areas small size and high socio-environmental value. Further to the above, Council is seeking to undertake environmental restoration works on the land currently owned by the Department. Council is due to consider an environmental restoration grant to the value of \$5,000 for environmental restoration works within the above mentioned land in February 2007. To achieve the proposed outcome, Council is requesting that the Department consider the divestment of the land to Ku-ring-gai Council.

Accordingly, please advise Council of the Department's position in relation to this matter. Should you wish to discuss this further please contact Graeme Williams 9424 0771 or Deborah Silva on 9424 0858.

Yours sincerely,



Steven Head
Director Open Space and Planning



NSW GOVERNMENT
Department of Planning

1 February 2007

Contact: Ashley West
Phone: (02) 9895 7650
Fax: (02) 9895 7946
Email: ashley.west@planning.nsw.gov.au
Your ref: S03709

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

Attention: Steven Head

Dear Steven,

Subject: Lot 13 DP 1012827, Nelson Road, Lindfield

I refer to your letter dated 12 January 2007 in relation to Lot 13 DP1012827 and the request of Council for the Department to transfer ownership of this parcel of land.

An initial review of this parcel of land has been conducted and I'm pleased to agree that the Department is willing to transfer the land to Council.

The transfer of this land will be subject to Council agreeing to enter into a standard land transfer agreement and order with the Department. This agreement registers on title a caveat and restriction on use that the subject land must be kept and used for open space purposes accessible to the general public.

I have enclosed for your information proforma documents that outline a typical transfer agreement and order.

The Department looks forward to being of assistance with the transfer and Council should contact Andrew Keech on 9895 7950 who will be able to assist your team with the transfer.

Yours sincerely

Peter Lee
Director
Land Management Branch



Land Transfer Agreement

Corporation

Minister administering the Environmental Planning and
Assessment Act 1979

Council

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9	Sale proceeds	3
10	Maintenance of Land	4
11	Caveat	4
12	Legal costs and stamp duty	4
13	GST	4
14	General	4

Land Transfer Agreement

Parties The Corporation as a corporation sole with the corporate name "Minister administering the Environmental Planning and Assessment Act 1979" ABN 36 691 806 169 of c/- Land Management Branch, Level 8, 2-10 Wentworth Street, Parramatta NSW 2150 (**Corporation**)

(**Council**)

- Recitals**
- A The Corporation owns the land being set out in the Schedule of Lands attached (**Land**).
 - B The Land was acquired by the Corporation with funds provided by the Coastal Lands Protection Fund for open space recreational uses..
 - C The Land may only be used for any recreational purpose permitted for land classified as community land and categorised as a natural area under the *Local Government Act 1993* (**Recreational Purposes**). This requirement applies to a single lot or where a number of lots have contiguous boundaries a group of lots, forming part of the Land.(**Site**)
 - D Council has requested the Corporation to transfer the Land to Council for \$1.00 (**Consideration**).
 - E The parties wish to record their understanding of this transaction as set out in this Land Transfer Agreement (**Agreement**).

It is agreed

1 Transfer

The Corporation will transfer to Council for the Consideration the Land. Council holds the Land subject to the terms and conditions set out in this Agreement none of which merge on completion of the transfer.

2 Public recognition

Council will ensure that the Corporation:

- (a) will receive appropriate recognition of the Corporation's role in the provision of open space in any signs relating to the Land; and
- (b) will obtain formal recognition of the title hand over which will be handed over by the relevant Minister in a public ceremony if requested by the Corporation.

3 Acceptance of land in current condition

Council accepts the Land in its present state and condition and state of repair including any contamination or hazardous substances or latent or patent defects.

Council waives any existing and future claims or redress of any kind which it may have against the Corporation because of contamination or hazardous substances or any other environmental damage on or surrounding the Land.

Council accepts the Land with any existing occupation or tenancies.

OPTIONAL

3A Existing Leases

The Corporation discloses the Leases listed in the Schedule of Leases attached (**Leases**). The Council acknowledges receipt of copies of the Leases and will not request any further information or evidence of the Leases or otherwise raise any requisitions, objections or claims now or in the future in respect of the Leases. The Council will from the date of the transfer of the Land comply with all obligations of the Corporation under the Leases.

4 Site use

Council must use the entire Land for Open Space Recreational Purposes.

Council must ensure that the Land is not used for any purpose other than Open Space Recreational Purposes.

5 Notification

Council must promptly notify the Corporation of the following:

- (a) any proposal to vary the use of the Land; and
- (b) any change in the use of the Land or if the Land ceases to be used for Open Space Recreational Purposes.

6 Consent of Corporation

Council must not without the prior consent of the Corporation do any of:

- (a) seek permission from the local Council or any authority to vary the zoning or permitted use for the Land or reclassify the Land under Chapter 6 of the *Local Government Act 1993*;
- (b) grant any lease, licence or other right of possession or use of the Land for a period exceeding 21 years (including any option to renew);
- (c) mortgage or charge the Land or otherwise provide the Land as security;
- (d) grant any other rights in the Land including any easement, restrictive covenant or positive covenant for a period exceeding 21 years (including any option to renew) except an easement over part of the Land granted to a public authority for nominal consideration;

-
- (e) subdivide or consolidate the Land; and
 - (f) take any action that may discharge, supersede, suspend, invalidate or otherwise vary or diminish the effect of this Agreement.

The Corporation's consent may be given, withheld, refused or given with conditions as the Corporation considers appropriate.

7 Retransfer

If, in the reasonable opinion of the Corporation any part of the Land ceases to be used for Open Space Recreational Purposes then at the request of the Corporation the Land must be transferred to the Corporation.

The consideration payable to the Council for the transfer of the Land to the Corporation will be \$1.00. The Council must at the request of the Corporation do all things reasonably necessary to promptly transfer the Land to the Corporation.

The Land to be transferred includes all improvements and fixtures on the Land but does not include any fittings, equipment or materials installed or placed on the Land by the Council which must be removed prior to completion of the transfer of Land to the Corporation.

8 Right of first refusal

In addition to Clause 7, in consideration of the transfer of the Land to the Council under this Agreement, Council must not offer, sell or transfer the Land without first offering it to the Corporation by serving on the Corporation:

- (a) notice that it intends to sell the Land giving details of sale process; and
- (b) a form of Contract for Sale of the Land completed with the exception of the price.

Sale Notice Date means the date of service of this notice of sale and contract.

The Corporation may at any time up to 2 months after the Sale Notice Date accept the offer of the Council for the sale of the Land in which case the price will be \$1.00.

If the Corporation does not within 2 months after the Sale Notice Date accept the offer then for the next 10 months Council may transfer the Land.

A notice of sale properly served under this clause lapses as if it had never been served if the Land is not transferred within one year after the Sale Notice Date.

9 Sale proceeds

The proceeds from any compulsory acquisition, sale or other disposal of the Land must be paid to the Corporation.

10 Maintenance of Land

The Land must be kept:

- (a) free of all noxious weeds and growths and all feral animals, vermin, noxious animals and pest animals;
- (b) clean and free of all waste, rubbish and debris;
- (c) free of all contaminants, hazardous material or any other substance or material likely to injure the health of any person, flora or fauna on or surrounding the Land; and
- (d) in compliance with all statutes, regulations, ordinances, codes, rules, proclamations, ministerial directives, by-laws, planning instruments, development consents, directions from any authority or other laws (including the Building Code of Australia and any relevant Australian standard) from time to time.

11 Caveat

The parties agree that this Agreement gives the Corporation a caveatable interest in the Land.

Council will at the request of the Corporation consent to a caveat on the Land and must not object to or take any action to remove the caveat.

12 Legal costs and stamp duty

Each party to this agreement will be responsible for its own legal costs and all duties, fees, charges and expenses relating to this Agreement.

13 GST

Not applicable

14 General

Name, Gender and Corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

Jointly & Severally

Any provision of this Agreement to be performed by two or more persons binds those persons jointly and each of them severally.

Bodies and Associations

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

Statutes and Regulations

Reference to a statute or ordinance includes all regulations under and amendments to that statute or ordinance whether by subsequent statute or otherwise and a statute or ordinance passed in substitution for the statute or ordinance.

Headings

Headings and any marginal notes have been inserted for convenience only and do not in any way limit or govern the construction of the terms of this Agreement.

Entire Agreement

This Agreement constitutes the entire agreement of the parties in respect of the Land and supersedes all prior agreements, understandings and negotiations in relation to the Land. A variation of any term of this Agreement must be in writing and signed by the parties.

Business Days

Where under or pursuant to the Agreement the day on or by which any act, matter or thing is to be done is a Saturday or a Sunday or a public holiday in the State or place in which the Land is situated, such act, matter or thing may be done on the next succeeding day which is not a Saturday, Sunday or public holiday.

Include

The word "include" (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

Rule of Construction

In the interpretation of this Agreement no rule of construction applies to the disadvantage of one party on the basis that that party put forward this Agreement.

Notices etc.

Any notices, notification, nomination, request, approval or consent must be in writing and will be properly executed if signed by an officer, manager or solicitor of the party giving it. All communications to the Corporation must be marked to the attention of the Land Management Branch.

Goods and Services Tax

In this Agreement, unless the contrary intention appears, the words "GST", "tax invoice" and "taxable supply" have the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999*.

Further Assurance

Each party must do all things and execute all further documents necessary to give a full effect to this Agreement.

Regulatory Authority

Any approval or consent given by the Corporation pursuant to this Agreement is not and may not be taken as the grant of any consent or approval by the Corporation as a consent or regulatory authority pursuant to any legislation including the *Environmental Planning and Assessment Act 1979*.

Land

The word "Land" includes any part of the Land.

Successors and Assigns

The rights and obligations under this Agreement apply to the parties and their successors and assigns.

Severable Obligations

Each obligation, right and provision in the Agreement is a separate severable obligation, right or provision. If any part of the Agreement is invalid, illegal or unenforceable, the remaining parts of this Agreement will not be affected and will continue to be enforceable.

Dated:

Executed as a deed

Signed by me as delegate of The Minister)
administering The Environmental Planning &)
Assessment Act 1979 and I hereby certify that I)
have no notice of the revocation of such)
delegation in the presence:

.....

Signature of Witness

.....

Print Name of Witness

.....

Signature of Delegate

.....

Print Name of Delegate

Executed by)
the General Manager on behalf of Council)
pursuant to delegation dated)
under Section 377 of the *Local Government Act*)
1993:

.....

Signature of Witness

.....

Print Name

.....

Address of Witness

.....

Signature of General Manager

Title Reference	Lot/Section/Deposited Plan	Street

This and the following 4 pages are Annexure "A" to the Restriction on Use of Land Vested in Prescribed Authority lodged by the Minister Administering the Environmental Planning and Assessment Act 1979 dated

Order

Corporation	Minister Administering the Environmental Planning and Assessment Act 1979
Council	(Council)

Order

Land: ~~Lots 1 and 2 DP 221700, Lot A DP328641 and Lot 78 DP3115 Part Lot x DP xxxxxx~~ vested in the Corporation.

The Land was acquired by the Corporation with funds provided by the Sydney Regional Development Fund for open space and recreational uses. It is intended that the Land be transferred to Camden Council for maintenance and management. This Order is made to ensure that the Land remains open space and available for recreational uses, failing which the Land is to be returned to the Corporation for nominal consideration.

1 Definitions

Corporation means the corporation sole with the corporate name "Minister Administering the Environmental Planning & Assessment Act 1979" and its successors.

Land includes any part of the Land.

Open Space means an area either open or with improvements and structures (such as roads, pavements, fences, tennis courts, pools and sport fields) that are not roofed and enclosed.

Owner means every person claiming an interest in the Land or any part of it.

Recreational Purposes means any recreational purpose permitted for land classified as community land and categorised as a natural area, sports ground, park, an area of cultural significance or for general community use (including the proposed canine centre) under the *Local Government Act 1993*.

2 Land use

As a public positive covenant pursuant to Section 88D *Conveyancing Act 1919* the entire Land must be used for Recreational Purposes with not less than 62.69% of the area of any Site remaining Open Space.

The Land must not be used for any purpose other than Recreational Purposes or so as to reduce the Open Space to less than 90% of the area of any Site.

3 Notification

The Owner must promptly notify the Corporation of the following:

- (i) any proposal to vary the use of the Land; and
- (ii) any change in the use of the Land or if the Land ceases to be used for Recreational Purposes.

4 Consent of Corporation

The Owner must not without the prior consent of the Corporation:

- (i) seek permission from the local Council or any authority to vary the zoning or permitted use for the Land or reclassify the Land under Chapter 6 of the *Local Government Act 1993*;
- (ii) grant any lease, licence or other right of possession or use of the Land for a period exceeding 21 years (including any option to renew);
- (iii) mortgage or charge the Land or otherwise provide the Land as security;
- (iv) grant any other rights in the Land including any easement, restrictive covenant or positive covenant for a period exceeding 21 years (including any option to renew) except an easement over part of the Land granted to a public authority for nominal consideration;
- (v) subdivide or consolidate the Land; or
- (vi) take any action that may discharge, supersede, suspend, invalidate or otherwise vary or diminish the affect of this Order.

The Corporation's consent may be given, withheld, refused or given with conditions as the Corporation considers appropriate.

5 Retransfer

If, in the reasonable opinion of the Corporation:

- (i) any part of the Land ceases to be used for Recreational Purposes;
- (ii) less than 90% of the Land any Site remains Open Space; or
- (iii) either (a) or (b) is threatened or likely to occur,

then at the request of the Corporation the Land must be transferred to the Corporation.

The consideration payable to the Owner for the transfer of the Land to the Corporation will be \$1.00. The Owner must at the request of the Corporation do all things reasonably necessary to promptly transfer the Land to the Corporation.

The Land to be transferred includes all improvements and fixtures on the Land but does not include any fittings, equipment or materials installed or placed on the Land by the Owner which must be removed prior to completion of the transfer of Land to the Corporation.

6 Maintenance of Land

The Land must be kept:

- (i) free of all noxious weeds and growths and all feral animals, vermin, noxious animals and pest animals;
- (ii) clean and free of all waste, rubbish and debris;
- (iii) free of all contaminants, hazardous material or any other substance or material likely to injure the health of any person, flora or fauna on or surrounding the Land;

- (iv) in compliance with all statutes, regulations, ordinances, codes, rules, proclamations, ministerial directives, by-laws, planning instruments, development consents, directions from any authority or other laws (including the Building Code of Australia and any relevant Australian standard) from time to time.

The improvements, fixtures and fittings on the Land must be kept in good repair and working order.

7 Interpretation

(a) Name, Gender and Corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

(b) Jointly and Severally

Any covenants to be performed under this Order by two or more persons binds those persons jointly and each of them severally.

(c) Bodies and Associations

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

(d) Statutes and Regulations

Reference to a statute or ordinance includes all regulations under and amendments to that statute or ordinance whether by subsequent statute or otherwise and a statute or ordinance passed in substitution for the statute or ordinance.

(e) Business Days

Where under or pursuant to this Order the day on or by which any act, matter or thing is to be done is a Saturday or a Sunday or a public holiday in the State or place in which the Land is situated, such act, matter or thing may be done on the next succeeding day which is not a Saturday, Sunday or public holiday.

(f) Include

The word "include" (in any form) when introducing one or more specific items does not limit the meaning of the general words to those items or to items of a similar kind.

(g) Notices etc.

Any notices, notification, request, approval, or consent must be in writing and will be properly executed if signed by an officer, manager or solicitor of the party giving it. All communications to the Corporation must be marked to the attention of the Land Management Branch.

(h) Severable Obligations

Each obligation, right and provision in the Order is a separate severable obligation, right or provision. If any part of the Order is invalid, illegal or unenforceable, the remaining parts of this Order will not be affected and will continue to be enforceable.

DATED

SIGNED by me as delegate of THE MINISTER)
ADMINISTERING THE ENVIRONMENTAL)
PLANNING & ASSESSMENT ACT 1979 and I)
hereby certify that I have no notice of the)
revocation of such delegation in the presence:

.....

.....

Signature of Delegate

Signature of Witness

.....

.....

Print Name of Delegate

Print Name of Witness

Land Transfer Agreement

Corporation	Minister administering the Environmental Planning and Assessment Act 1979
Council	Ku-ring-gai Municipal Council

Contents

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2	Public recognition	1
3	Acceptance of land in current condition	1
4	Site use	1
5	Notification	2
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Land Transfer Agreement

- Parties** The Corporation as a corporation sole with the corporate name “Minister administering the Environmental Planning and Assessment Act 1979”
ABN 36 691 806 169 of c/- Land Management Branch, Level 4, 10 Valentine Avenue, Parramatta NSW 2150 (**Corporation**)
Ku-Ring-Gai Municipal Council of 818 Pacific Highway, Gordon NSW 2072
Locked Bag 1056, Pymble NSW 2073 (**Council**)
- Recitals**
- A The Corporation owns the land being set out in the Schedule of Lands attached (**Land**).
 - B The Land was acquired by the Corporation with funds provided by the Sydney Regional Development Fund for open space recreational uses.
 - C The Land may only be used for any recreational purpose permitted for land classified as community land and categorised as a natural area under the *Local Government Act 1993* (**Recreational Purposes**). This requirement applies to a single lot or where a number of lots have contiguous boundaries a group of lots, forming part of the Land. (**Site**)
 - D Council has requested the Corporation to transfer the Land to Council for \$1.00 (**Consideration**).
 - E The parties wish to record their understanding of this transaction as set out in this Land Transfer Agreement (**Agreement**).

It is agreed

1 Transfer

The Corporation will transfer to Council for the Consideration the Land. Council holds the Land subject to the terms and conditions set out in this Agreement none of which merge on completion of the transfer.

2 Public recognition

Council will ensure that the Corporation:

- (a) will receive appropriate recognition of the Corporation’s role in the provision of open space in any signs relating to the Land; and
- (b) will obtain formal recognition of the title hand over which will be handed over by the relevant Minister in a public ceremony if requested by the Corporation.

3 Acceptance of land in current condition

Council accepts the Land in its present state and condition and state of repair including any contamination or hazardous substances or latent or patent defects.

Council waives any existing and future claims or redress of any kind which it may have against the Corporation because of contamination or hazardous substances or any other environmental damage on or surrounding the Land.

Council accepts the Land with any existing occupation or tenancies.

4 Site use

Council must use the entire Land for Open Space Recreational Purposes.

Council must ensure that the Land is not used for any purpose other than Open Space Recreational Purposes.

5 Notification

Council must promptly notify the Corporation of the following:

- (a) any proposal to vary the use of the Land; and
- (b) any change in the use of the Land or if the Land ceases to be used for Open Space Recreational Purposes.

6 Consent of Corporation

Council must not without the prior consent of the Corporation do any of:

- (a) seek permission from the local Council or any authority to vary the zoning or permitted use for the Land or reclassify the Land under Chapter 6 of the *Local Government Act 1993*;
- (b) grant any lease, licence or other right of possession or use of the Land for a period exceeding 21 years (including any option to renew);
- (c) mortgage or charge the Land or otherwise provide the Land as security;
- (d) grant any other rights in the Land including any easement, restrictive covenant or positive covenant for a period exceeding 21 years (including any option to renew) except an easement over part of the Land granted to a public authority for nominal consideration;
- (e) subdivide or consolidate the Land; and
- (f) take any action that may discharge, supersede, suspend, invalidate or otherwise vary or diminish the effect of this Agreement.

The Corporation's consent may be given, withheld, refused or given with conditions as the Corporation considers appropriate.

7 Retransfer

If, in the reasonable opinion of the Corporation any part of the Land ceases to be used for Open Space Recreational Purposes then at the request of the Corporation the Land must be transferred to the Corporation.

The consideration payable to the Council for the transfer of the Land to the Corporation will be \$1.00. The Council must at the request of the Corporation do all things reasonably necessary to promptly transfer the Land to the Corporation.

The Land to be transferred includes all improvements and fixtures on the Land but does not include any fittings, equipment or materials installed or placed on the Land by the Council which must be removed prior to completion of the transfer of Land to the Corporation.

8 Right of first refusal

In addition to Clause 7, in consideration of the transfer of the Land to the Council under this Agreement, Council must not offer, sell or transfer the Land without first offering it to the Corporation by serving on the Corporation:

- (a) notice that it intends to sell the Land giving details of sale process; and
- (b) a form of Contract for Sale of the Land completed with the exception of the price.

Sale Notice Date means the date of service of this notice of sale and contract.

The Corporation may at any time up to 2 months after the Sale Notice Date accept the offer of the Council for the sale of the Land in which case the price will be \$1.00.

If the Corporation does not within 2 months after the Sale Notice Date accept the offer then for the next 10 months Council may transfer the Land.

A notice of sale properly served under this clause lapses as if it had never been served if the Land is not transferred within one year after the Sale Notice Date.

9 Sale proceeds

The proceeds from any compulsory acquisition, sale or other disposal of the Land must be paid to the Corporation.

10 Maintenance of Land

The Land must be kept:

- (a) free of all noxious weeds and growths and all feral animals, vermin, noxious animals and pest animals;
- (b) clean and free of all waste, rubbish and debris;
- (c) free of all contaminants, hazardous material or any other substance or material likely to injure the health of any person, flora or fauna on or surrounding the Land; and
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11 Caveat

The parties agree that this Agreement gives the Corporation a caveatable interest in the Land.

Council will at the request of the Corporation consent to a caveat on the Land and must not object to or take any action to remove the caveat.

12 Legal costs and stamp duty

Each party to this agreement will be responsible for its own legal costs and all duties, fees, charges and expenses relating to this Agreement.

13 GST

Not applicable

14 General

Name, Gender and Corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

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Any provision of this Agreement to be performed by two or more persons binds those persons jointly and each of them severally.

Bodies and Associations

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

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Reference to a statute or ordinance includes all regulations under and amendments to that statute or ordinance whether by subsequent statute or otherwise and a statute or ordinance passed in substitution for the statute or ordinance.

Headings

Headings and any marginal notes have been inserted for convenience only and do not in any way limit or govern the construction of the terms of this Agreement.

Entire Agreement

This Agreement constitutes the entire agreement of the parties in respect of the Land and supersedes all prior agreements, understandings and negotiations in relation to the Land. A variation of any term of this Agreement must be in writing and signed by the parties.

Business Days

Where under or pursuant to the Agreement the day on or by which any act, matter or thing is to be done is a Saturday or a Sunday or a public holiday in the State or place in which the Land is situated, such act, matter or thing may be done on the next succeeding day which is not a Saturday, Sunday or public holiday.

Include

The word “include” (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

Rule of Construction

In the interpretation of this Agreement no rule of construction applies to the disadvantage of one party on the basis that that party put forward this Agreement.

Notices etc.

Any notices, notification, nomination, request, approval or consent must be in writing and will be properly executed if signed by an officer, manager or solicitor of the party giving it. All communications to the Corporation must be marked to the attention of the Land Management Branch.

Goods and Services Tax

In this Agreement, unless the contrary intention appears, the words “GST”, “tax invoice” and “taxable supply” have the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999*.

Further Assurance

Each party must do all things and execute all further documents necessary to give a full effect to this Agreement.

Regulatory Authority

Any approval or consent given by the Corporation pursuant to this Agreement is not and may not be taken as the grant of any consent or approval by the Corporation as a consent or regulatory authority pursuant to any legislation including the *Environmental Planning and Assessment Act 1979*.

Land

The word “Land” includes any part of the Land.

Successors and Assigns

The rights and obligations under this Agreement apply to the parties and their successors and assigns.

Severable Obligations

Each obligation, right and provision in the Agreement is a separate severable obligation, right or provision. If any part of the Agreement is invalid, illegal or unenforceable, the remaining parts of this Agreement will not be affected and will continue to be enforceable.

Dated:

Executed as a deed

Signed by me as delegate of The Minister)
administering The Environmental Planning &)
Assessment Act 1979 and I hereby certify that)
I have no notice of the revocation of such) Signature of Delegate
delegation in the presence:)
..... Print Name of Delegate

.....
Signature of Witness
.....
Print Name of Witness

Executed by)
the General Manager on behalf of Council)
pursuant to delegation dated)
under Section 377 of the *Local Government*)
Act 1993:)
.....

..... Signature of General Manager
Signature of Witness
.....
Print Name
.....
Address of Witness

Title Reference	Lot/Section/Deposited Plan	Street
13/1012827	Lot 13 in DP 1012827	Nelson St, Lindfield

This and the following 4 pages are Annexure “A” to the Restriction on Use of Land Vested in Prescribed Authority lodged by the Minister Administering the Environmental Planning and Assessment Act 1979 dated

Order

Corporation	Minister Administering the Environmental Planning and Assessment Act 1979
Council	Ku-ring-gai Municipal Council

Order

Land: Lot 13 DP 1012827 vested in the Corporation.

The Land was acquired by the Corporation with funds provided by the Sydney Regional Development Fund for open space and recreational uses. It is intended that the Land be transferred to Ku-ring-gai Council for maintenance and management. This Order is made to ensure that the Land remains open space and available for recreational uses, failing which the Land is to be returned to the Corporation for nominal consideration.

1 Definitions

Corporation means the corporation sole with the corporate name “Minister Administering the Environmental Planning & Assessment Act 1979” and its successors.

Land includes any part of the Land.

Open Space means an area either open or with improvements and structures (such as roads, pavements, fences, tennis courts, pools and sport fields) that are not roofed and enclosed.

Owner means every person claiming an interest in the Land or any part of it.

Recreational Purposes means any recreational purpose permitted for land classified as community land and categorised as a natural area, sports ground, park, an area of cultural significance or for general community use under the *Local Government Act 1993*.

2 Land use

As a public positive covenant pursuant to Section 88D *Conveyancing Act 1919* the entire Land must be used for Recreational Purposes with not less than 90% of the area of any Land remaining Open Space.

3 Notification

The Owner must promptly notify the Corporation of the following:

- (i) any proposal to vary the use of the Land; and
- (ii) any change in the use of the Land or if the Land ceases to be used for Recreational Purposes.

4 Consent of Corporation

The Owner must not without the prior consent of the Corporation:

- (i) seek permission from the local Council or any authority to vary the zoning or permitted use for the Land or reclassify the Land under Chapter 6 of the *Local Government Act 1993*;
- (ii) grant any lease, licence or other right of possession or use of the Land for a period exceeding 21 years (including any option to renew);

- (iii) mortgage or charge the Land or otherwise provide the Land as security;
- (iv) grant any other rights in the Land including any easement, restrictive covenant or positive covenant for a period exceeding 21 years (including any option to renew) except an easement over part of the Land granted to a public authority for nominal consideration;
- (v) subdivide or consolidate the Land; or
- (vi) take any action that may discharge, supersede, suspend, invalidate or otherwise vary or diminish the affect of this Order.

The Corporation's consent may be given, withheld, refused or given with conditions as the Corporation considers appropriate.

5 Retransfer

If, in the reasonable opinion of the Corporation:

- (i) any part of the Land ceases to be used for Recreational Purposes;
- (ii) less than 90% of any Land remains Open Space; or
- (iii) either (a) or (b) is threatened or likely to occur,

then at the request of the Corporation the Land must be transferred to the Corporation.

The consideration payable to the Owner for the transfer of the Land to the Corporation will be \$1.00. The Owner must at the request of the Corporation do all things reasonably necessary to promptly transfer the Land to the Corporation.

The Land to be transferred includes all improvements and fixtures on the Land but does not include any fittings, equipment or materials installed or placed on the Land by the Owner which must be removed prior to completion of the transfer of Land to the Corporation.

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The Land must be kept:

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- (ii) clean and free of all waste, rubbish and debris;
- (iii) free of all contaminants, hazardous material or any other substance or material likely to injure the health of any person, flora or fauna on or surrounding the Land;
- (iv) in compliance with all statutes, regulations, ordinances, codes, rules, proclamations, ministerial directives, by-laws, planning instruments, development consents, directions from any authority or other laws (including the Building Code of Australia and any relevant Australian standard) from time to time.

The improvements, fixtures and fittings on the Land must be kept in good repair and working order.

7 Interpretation

(a) Name, Gender and Corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

(b) Jointly and Severally

Any covenants to be performed under this Order by two or more persons binds those persons jointly and each of them severally.

(c) Bodies and Associations

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

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Each obligation, right and provision in the Order is a separate severable obligation, right or provision. If any part of the Order is invalid, illegal or unenforceable, the remaining parts of this Order will not be affected and will continue to be enforceable.

DATED

SIGNED by me as delegate of THE MINISTER)
ADMINISTERING THE ENVIRONMENTAL)
PLANNING & ASSESSMENT ACT 1979 and I)
hereby certify that I have no notice of the)
revocation of such delegation in the presence:

.....

.....

Signature of Delegate

Signature of Witness

.....

.....

Print Name of Delegate

Print Name of Witness

S03709

26 February 2007

130101130210102010012301210223313

Mr Peter Lee
Director General
NSW Department of Planning
Land Management Branch
PO Box 404
PARRAMATTA NSW 2124

Attention: Andrew Keech

Dear Mr Keech

**LAND TRANSFER BETWEEN DEPARTMENT OF PLANNING AND
KU-RING-GAI COUNCIL - LOT 13 DP 1012827, NELSON ROAD, LINDFIELD.**

I refer to your letter dated 1 February 2007, regarding the transfer to Council of Lot 13 DP 1012827, Nelson Road, Lindfield.

Council is pleased with the Department's favourable response and, in principle, accepts the terms stated in the Department's draft Land Transfer agreement. Official confirmation of terms stated in the Land Transfer agreement will be subject to legal review and Council endorsement.

A copy of the Department's standard Land Transfer agreement has been forwarded to Council's solicitors for review and a response will be provided to the Department in due course.

If you wish to discuss further please contact Graeme Williams, Community Environment Officer on 9424 0771 or Cherry Varde, Land Administration Officer (Mondays, Tuesdays and Fridays) on 9424 0820.

Yours sincerely



Steven Head
Director Open Space & Planning

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP MEETING - MINUTES OF 18 JUNE 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 18 June 2007.

BACKGROUND:

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS:

At the meeting of 18 June 2007 six items were presented including the North Turrumurra Recreation Area Draft Concept Master Plan, Draft Open Space Acquisition Strategy, progress on Environmental Levy projects, Development Application for 102 Rosedale Road update, current and proposed Blue Gum High Forest mapping and Bushland Encroachment Policy and case study presentation.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 18 June 2007 be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 18 June 2007.

BACKGROUND

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

There were five items for general business discussion at the meeting of Monday 18 June 2007:

1. North Turrumurra Recreation Area Draft Concept Master Plan
2. Draft Open Space Acquisition Strategy.
3. Update on progress of the Environmental Levy Capital Works program.
4. Discussion on the Development Application lodged for 102 Rosedale Road.
5. Discussion on the current and proposed actions of staff in addressing the conservation and management of Blue Gum High Forest including future mapping.
6. Discussion on Council's adopted Bushland Encroachment Policy including a case study of an encroachment in Pymble.

CONSULTATION

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

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

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9 January 2007

SUMMARY

The Reference Group considered six items of business at its meeting held on Monday, 18 June 2007. The North Turrumurra Recreation Area Draft Concept Master Plan, Draft Open Space Acquisition Strategy, updates in relation to the Environmental Levy and the Development Application and sale for 102 Rosedale Road, mapping of Blue Gum High Forest and encroachments within the Local Government Area.

RECOMMENDATION

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 18 June 2007 be received and noted.

Peter Davies
**Manager Sustainability &
Natural Environment**

Steven Head
Director Strategy

Attachments: Minutes of Meeting of 18 June 2007 - 719439

BUSHLAND CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Monday 18 June 2007
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Margery Street Margaret Booth Colin Manton Michelle Leishman Ian Wright (Observer)	Clr. M. Shelley – Deputy Chair	Peter Davies – Manager Sustainability & Natural Environments Graeme Williams – Community Environment Officer Jenny Scott – Sustainability Program Leader

Apologies:

Members	Councillors	Staff
Nancy Pallin Chris McIntosh David Robinson	Clr N. Ebbeck Clr. A. Andrew – Chair Clr. E. Malicki	Steven Head – Director Strategy

Meeting open 7.00pm.

Declaration of Pecuniary Interests:

No pecuniary interests declared.

Confirmation of Minutes:

Minutes accepted by Colin Manton and seconded by Margaret Booth.

Business arising from the previous meeting:

No business arising.

General Business:

BC&NARG 41 – North Turrumurra Recreation Area Draft Concept Master Plan

Margery Street raised the issue of traffic and the need for greater provisions in relation to bike paths. She also highlighted that there has been no mention of the location of bike tracks though it was noted in the study as a need. Manager Sustainability & Natural Environments will follow this up with the Sport & Recreation Planner.

BC&NARG 42 – Draft Open Space Acquisition Strategy

Manager Sustainability & Natural Environments gave an overview of the Strategy noting in particular that it was directed towards the identification of open space land for parks not broader open space land provision such as formal recreation areas and bushland. Margery Street noted the study should look at connections and pathways (such as cycle tracks and walkways) to maximise use and access of any new or expansion of existing parks.

BC&NARG 43 – Environmental Levy Capital Works

Manager Sustainability & Natural Environments gave the Committee an update in relation to the Levy and ran through the Environmental Levy Capital Works spreadsheet prepared by the Environmental Levy Program Leader.

BC&NARG 44 – 102 Rosedale Road update

Manager Sustainability & Natural Environments updated the Committee on 102 Rosedale Road in relation to the Development Application. Various discussion points were made by Committee members on the value of the Blue Gum High Forest at this site and the importance of the land in questions of the overall Reserve.

Councillor Shelley left this meeting at 7.50pm

BC&NARG 45 – Blue Gum High Forest Mapping

Council's Community Environment Officer gave a presentation to the Committee on the current and proposed Endangered Ecological Communities mapping methodology by Council. Michelle Leishman suggested contacting David Keith from the NSW Scientific Committee to clarify definitions, publications and methods. Michelle also mentioned the importance of mapping Sydney Turpentine Ironbark Forest (STIF) as part of the project.

BC&NARG 46 – Bushland Encroachment Policy

Council's Community Environment Officer gave the Committee an overview of the Bushland Encroachment Policy since adoption in March 2007 and specifically discussed the encroachments surrounding Maddison Reserve, Pymble.

Council's Community Environment Officer presented the Committee with an encroachment case study as requested by Council Hall at Korangi Road Pymble. The Committee recommended the below options to resolve the matter:

- Physical signage to identify the property as community land to clarify public access rights;
- The encroachment should be dealt with as per the adopted Policy; and
- Understand that Council may incur additional maintenance and/ or associated costs in resolving the matter.

Other business:

- Nominations for the 2007-2009 have been finalised.
- Nomination form to be sent to Ian Wright (has been actioned).
- Contact list for Mayor's e-newsletter to Committee (has been actioned).
- Colin Manton distributed a Rural Fire Service brochure titled "Before you light that fire".
- Update on the possum bridges (motion activated camera) – noted for agenda next meeting.
- Seventh Day Adventist Hospital site visit – noted for agenda next meeting.

Next Meeting

Monday 13 August 2007 – Level 3 Ante Room at 7.00pm.

Meeting Closed at 9.20pm

PARKS, SPORT & RECREATION REFERENCE GROUP - MINUTES OF MEETING HELD 24 MAY 2007 & RENEWAL OF REFERENCE GROUP MEMBERSHIP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To bring to the attention of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 24 May 2007.
BACKGROUND:	The role of the Parks, Sport and Recreation Reference Group (PS&RRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.
COMMENTS:	Eight (8) items of business were discussed (PSRRG 64 – PSRRG 71). Comments have been provided on items relevant to Council in the Minutes and items not referred to relate to general business of the Reference Group. Three members of the PS&RRG have not re-nominated for the next two year term of the committee and four new nominations have been received.
RECOMMENDATION:	That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on Thursday, 24 May 2007 be received and noted, that the size of the Group membership be increased from fifteen (15) to seventeen (17) members, that the seventeen (17) nominations be accepted as members of the Parks, Sport and Recreation Reference Group for a two year period, effective 17 July 2007, and that the three (3) retiring members be thanked for their input and contributions to the Group.

PURPOSE OF REPORT

To bring to the attention of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 24 May 2007.

BACKGROUND

The role of the Parks, Sport and Recreation Reference Group (PS&RRG) is to provide resident, user group and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management in relation to parks, sport and recreation.

COMMENTS

At the meeting held on 24 May, 2007, eight items of business were discussed. Comments have been provided on items relevant to Council. Items not referred, relate to matters requiring further consideration prior to recommendation to Council, or were items directed towards the sharing of information.

Major items discussed included the Canoon Road Recreation Area and the requirement for a development plan for netball in the Local Government Area (LGA), the North Turramurra Recreation Area public exhibition period and the sportsfield capital works program.

The Natural Areas Special Projects Officer addressed the meeting on the potential for improved and increased recreational opportunities in bushland areas. Discussion was also held on the trial of the dog off-leash area at Bert Oldfield Oval and Acron Oval.

Other matters discussed related to future open space areas and specifically new sportsfield locations.

During the meeting nomination forms were distributed to group members for the next two year term of the Group. Following the meeting members of the Group who were not present at the meeting were also contacted to ascertain their interest in re-nominating for the group. Following this process thirteen (13) members of the group indicated their willingness to continue as a Group member for the next term and three members did not seek re-nomination, these three being Mr Hugh Bennett, Mr Peter Duncan and Mr Nick Farr-Jones. It is recommended that the thirteen (13) re-nominations be accepted as members the three outgoing Group members formally acknowledged for their work on the committee with a letter from Council.

An advertisement was also placed in the North Shore Times on 25 May 2007 seeking new nominations for the PS&RRG. Nominations were received from Ms Julie Garland McLellan, Mr John McFadden, Mr Peter Rezek and Mrs Mel Kassem.

In order for Council to accept all four nominations it will be necessary for Council to approve an increase in the size of the Reference Group membership from fifteen (15) to seventeen (17)

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members. This increase in Group membership is considered reasonable as the extra cross-section of community representatives will be beneficial to the Group. It is therefore recommended that Council accept the nominations for these four persons and appoint them as members of the PS&RRG effective 17 July 2007, until the next Local Government elections, scheduled for September 2008.

CONSULTATION

The Reference Group is a consultative forum representing the interest of residents, user groups and industry professionals.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

The Parks, Sport and Recreation Reference Group meeting of 24 May 2007 discussed the Canoon Road Recreation Area and the requirement for a development plan for netball in the LGA, the North Turrumurra Recreation Area public exhibition period, and the sportsfield capital works program.

It also discussed the development of the 2007-2011 Management Plan and future opportunities for the expansion and augmentation of sporting facilities across the Ku-ring-gai Local Government Area.

Membership of the PS&RRG was also discussed. Three (3) members did not seek re-election and thirteen (13) current members re-nominated for a further two year period. Following an advertising period, four (4) additional nominations were received.

It is proposed that the size of the Reference Group membership be increased from fifteen (15) to seventeen (17) members, that the seventeen (17) nominations received be accepted as members of the Parks, Sport and Recreation Reference Group effective 17 July 2007, until the next scheduled local government election in September 2008. Also it is considered appropriate that the three (3) retiring members be thanked for their input and contributions to the Group.

RECOMMENDATION

- A. That the Minutes of the Parks, Sport and Recreation Reference Group meeting, held on Thursday 24 May 2007, be received and noted.

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- B. That the Parks Sport & Recreation Reference Group Charter be amended to identify a maximum membership of seventeen (17) members.
- C. That the seventeen (17) nominations be accepted as members of the Parks, Sport and Recreation Reference Group, effective 17 July 2007 until the next scheduled local government election in September 2008.
- D. That the three (3) retiring members be thanked for their input and contributions to the Parks Sport and Recreation Reference Group.

Roger Faulkner
Sport and Recreation Planner

Steven Head
Director Strategy

Attachments:

- 1. Minutes of Meeting held on Thursday, 24 May 2007 - 793262**
- 2. Parks Sport and Recreation Reference Group nomination forms received from new nominees - Confidential**

Ku-ring-gai Council

Parks, Sport and Recreation Reference Group

Minutes from meeting on

Thursday 24 May 2007

Level 3, Council Building

7.00pm - 8.30pm

Chair: Mayor Nick Ebbeck

Attendees:

Members	Councillors	Staff	Guests
Hugh Bennett	Nick Ebbeck Mayor	Peter Davies Manager Sustainability & Natural Environments	Mr Paul Duffell
Craig Bryant		Roger Faulkner Sport and Recreation Planner	Mr John McFadden
Grant Corderoy		Mary-Lou Lewis Special Projects Officer Natural Areas	
Andrew Falk			
Alan Fredericks			
Frank Freeman			
Matthew Horne			
David Howard <i>(no voting rights)</i>			

Apologies:

Members	Councillors	Staff
John Ceccato	Cr Elaine Malicki	Steven Head Director Strategy
Peter Duncan		
Nick Farr-Jones		
Birgitte Lund		
Michael Nesteroff		
Ann Smith		
Sandra Van De Water		
Campbell Wratt		

Meeting Commenced: 7.00pm

Declaration of Pecuniary Interests

No pecuniary interests were declared.

Confirmation of Previous Minutes

Frank Freeman moved that the Minutes from 8 March 2007 meeting be accepted. Alan Fredericks seconded the motion, with the motion being moved unanimously.

Business Arising

None

General Business

PSRRG 64 - Membership of PS&RRG

Under the Charter adopted by Council for Reference Groups, membership is valid for two (2) years. In this respect, members were invited to renominate if they wanted to continue as members of the PSRRG. Nomination forms were distributed. The group was informed that membership to the PS&RRG had been advertised in the local press. The Mayor, Cllr Ebbeck informed the group that Mr Nick Farr-Jones would not be renominating. Mr Hugh Bennett and Mr Peter Duncan subsequently informed Council that they will not be renominating as members of the PSRRG. Four new nominations have been received and will be reported to the Ordinary Meeting of Council on 17 July 2007.

PSRRG 65 – Autumn Sports Forum

The Sport and Recreation Planner report on the issues discussed at the Autumn Sports Forum held on Monday 30 April 2007 at Killara West Pymble Rugby Union Club, Lofberg Oval, West Pymble. The Forum was very well attended by local clubs and associations. The focus issues at the forum were current use and sustainability of sportsfields, and building partnerships with school communities. Other items included an update from the Parks, Sport and Recreation Reference Group delivered by Campbell Wratt, facility booking procedures, alternative training locations and best use of playing field areas, and an open forum.

PSRRG 66 – NSROC Sportsfield Officers Group

The Sport and Recreation Planner reported on the meeting held on Monday 7 May 2007 at Ku-ring-gai Council. The NSROC group decided that it should focus the next few meetings on developing a NSROC response to the recommendations of the NSW Parliamentary Inquiry into Sportsground Management. Inquiry recommendations discussed included developing a Memorandum of Understanding with the Department of Education for access to school sportsfields and reducing the length of playing seasons.

PSRRG 67– Greenwood Quarry Feasibility Study and Canoon Road Recreation Area

The Sport and Recreation Planner explained the resolution of Council from the Ordinary Meeting of Council on 27 March 2007 to not proceed with any further investigation of Greenwood Quarry as a netball location, but to continue to explore long term opportunities for the future use of Greenwood Quarry as a regional sporting facility. Council resolution included the preparation of a draft Plan of Management for Canoon Road Recreation Area in conjunction with a development plan for netball in Ku-ring-gai which includes the development of satellite sites across the LGA. The resolution included referring the matter to the PSRRG.

Grant Corderoy, PSRRG member and President of the Ku-ring-gai Netball Association (KNA), explained that KNA is one of the most visible and high profile netball associations in NSW. KNA has a large contingent of representative teams but no courts with lights for representative teams to practice, therefore these teams are forced to travel to Homebush and other courts outside the LGA to practice. He explained that satellite venues for

competition matches present challenges due to the centralised nature of competition days, as additional venues require more umpires, officials and volunteers to run the competitions. Without lights KNA is also locked in to playing on Saturdays only, which is very inflexible. At Canoon Road there are 25 netball courts, with 4 of these dedicated for car parking. Currently the growth of netball in the LGA is unable to meet current demand due to the lack of evening training venues. He also estimated that if 8 courts at Canoon Road were floodlit and 4 courts at Warimoo were floodlit, KNA could cater for an increase of 3500 – 4500 players.

Motion – A. Fredericks moved that the PSRRG support the resolution of Council to prepare a draft Plan of Management for Canoon Road Recreation Area in conjunction with a development plan for netball in Ku-ring-gai which includes the development of satellite sites across the LGA. M. Horne seconded the motion, and the motion was carried unanimously.

PSRRG 68 - Masterplans for District Parks

Sport and Recreation Planner explained that the draft Masterplans for The Swain Gardens and Sir David Martin Reserve were nearing completion and would be reported to the Ordinary Meeting of Council on 17 July 2007 for consideration to be placed on public exhibition.

The next District Park Landscape Masterplan to be commenced is for Turramurra Park and Karuah Park. The Mayor, Clr Ebbeck suggested that Council considers closing the road between the two parks as part of this Masterplan.

PSRRG 69 - Recreation in Bushland

The Natural Areas Special Projects Officer led a discussion about recreational opportunities in bushland areas. The issue of illegal bike jumps in bushland was discussed and it was generally agreed that more organisation is required for all types of recreational activities in bushland areas and that more publicity of programs to clubs was required, especially for holiday activities. It was agreed that Council needs to get representatives from mountain bike groups and bush users around the table to discuss how better to coexist and cooperate in bushland areas. It was suggested that a sub-committee be organised to explore the issues, possibly to be coordinated by Alan Fredericks and Sandra Van De Water. To be further discussed at next meeting.

PSRRG 70 – West Lindfield Sport and Recreation Club Business Plan

The Mayor discussed the concept for the WLSRC to convert two of the bowling greens to Futsal soccer courts. Further discussion at next PSRRG meeting.

PSRRG 71 - On-Going Agenda Items

Capital Works Program:- Manager Sustainability and Natural Environments updated the group about the progress of the sportsfields capital works program.

- Edenborough Park Sportsfield – stormwater harvesting project had commenced construction, with the floodlights proposal currently receiving pre-DA comments.
- Lindfield Oval No.2 – stormwater harvesting and field upgrade to commence at the end of the current winter season.
- Auluba Oval No.1 & 2 – floodlights and field upgrade pre-DA consultation and DA to be submitted, stormwater harvesting still being investigated.
- Comenarra Sportsfield – it has been decided that the proposed floodlight upgrade will not proceed at this point as there are higher priority sportsfields for floodlight

upgrades, field upgrade and stormwater harvesting to proceed during the coming summer.

- The Glade – stormwater harvesting project consultants still investigating potential for project.
- Bicentennial Park – stormwater harvesting opportunities to be investigated.

List of projects for 2008/09 to be tabled at the next PSRRG meeting.

Development of the 2007/2011 Management Plan:- Manager Sustainability and Natural Environments addressed the meeting on the development of the 2007-2011 Management Plan, focusing on sections related to parks, sport and recreation area. Draft Plan currently on public exhibition.

Sportsfield locations:- Manager Sustainability and Natural Environments gave brief update on the ongoing lease negotiations with the Avondale Pony Club. The potential for converting the Avondale Pony Club to a sportsfield was discussed. The potential for a new field in South Turramurra (sometimes known as the B2 land/horse paddock), including the concept of a synthetic facility with floodlights at this site, was discussed. North Turramurra Recreation Area preferred option to be placed on public exhibition was also discussed.

For next meeting a list of alternatives for sportsfield locations and the issues involved in the three alternatives discussed at the meeting to be tabled for discussion.

Dog Off-Leash Areas:- Sport and Recreation Planner have an update on the trial off-leash areas at Bert Oldfield Oval, Killara (review of new on-leash hours due to be undertaken in November) and Acron Oval, St Ives (review of trial off-leash area due to be undertaken in July).

North Turramurra Recreation Area:- the preferred concept Masterplan will be placed on public exhibition from 1-29 June 2007. Comments will be reported to the next meeting of the PSRRG.

Bannockburn Oval:- concept plans for an athletics facility are nearing completion. Council officers will present these plans to the next meeting of the PSRRG.

Aquatic Feasibility Study:- :- Manager Sustainability and Natural Environments updated the group on the Council resolution to re-develop West Pymble Pool to include a new 25metre, 8 lane indoor heated pool whilst retaining the existing 50 metre pool.

Meeting Closed: 9.30pm

SPRING SPORTS FORUM: Monday 22 October 2007

**Next Meeting: Thursday 12 July 2007
7.00pm – 9.30pm
Level 3, Council Building, Ante Room.**

ENVIRONMENTAL LEVY SMALL GRANTS SCHEME - ROUND FOUR

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's support to fund the fourth round of the community small grants scheme funded by the Environmental Levy.

BACKGROUND:

The community small grants scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. As part of a review process an independent small grants panel has been established, as resolved by Council.

COMMENTS:

19 applications were received under round four of the program. Of these, the small grants panel recommended funding 9 applications with a combined contribution of \$40,000.

RECOMMENDATION:

That Council supports the decision to fund the 9 projects recommended by the small grants panel as part of the Environmental Levy.

PURPOSE OF REPORT

To seek Council's support to fund the fourth round of the community small grants scheme funded by the Environmental Levy.

BACKGROUND

The community small grants scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. The scheme was identified in the development of the Environmental Levy with strong support by the residents and Councillors as an opportunity to invest at the local level into projects of direct community benefit.

As part of the scheme, it was identified that an independent panel be established to provide a community and peer review of grant applications and funding protocols. This panel would then make recommendations to Council for the funding of projects, the subject of this report. Membership on this panel was previously considered and supported by Council on 26 September 2005.

Table 1 below outlines the number of projects and amount of money funded by the Environmental Levy in each round to date.

Table 1: Summary of grants funded by the Environmental Levy to date

	Number of successful applications	Funding allocation
Round 1	2	\$12,500
Round 2	12	\$52,249
Round 3	9	\$36,982

COMMENTS

The fourth round of funding was promoted through advertisements in local papers, the Mayor's column, bus shelters, website and through the Out in the Open and Bushcare News. Applications closed on 31 May, 2007.

The panel met on 18 June, 2007 to discuss the applications and make recommendations. Table 2 provides a summary of the applications recommended for funding. A detailed summary of recommendation of the applications received by the panel is provided as Attachment 1. As part of the panel's deliberations it suggested that the Environmental Levy not fund water tanks in their own right and fees for Development Applications to this effect.

Table 2: Summary of successful applications received

Applicant	Project summary	Funding sought	Recommended Funding
Michelle Leishman	Bush regeneration works at Warrawee Public School	\$5,000	\$5,000
Bruce Taylor	Bush regeneration at cliff line Gordon	\$5,000	\$5,000
John Pearman	“Moonview” sustainable House DVD	\$5,000	\$5,000
Friends of Lane Cove National Park	Coupes Creek Regeneration Eastern Bank	\$5,000	\$5,000
Julie Antill	Pre-emptive bush regeneration at North Turramurra to North Wahroonga	\$5,000	\$5,000
Christine Julian	Community access service, The Spastic Centre NSW for a community sustainable garden	\$1,000	\$1,000
Sacred Heart Primary School	Bush Regeneration and landscaping adjacent to school oval	\$5,000	\$5,000
Tom Macdonald	Little Blue Gum Creek rehabilitation	\$5,000	\$5,000
Justine Bednorz	Weed identification program for the general public	\$5,000	\$4,000
TOTAL		\$41,000	\$40,000

Ten applications were not successful however the small grants panel provided the applicants with suggestions and directions to enable their projects to materialise (refer to attachment 1).

CONSULTATION

Consultation on the review and selection of grant projects has been undertaken by the small grants panel. This comprises of 3 local residents, with experience in:

- Government policy and guidelines;
- Writing skills;
- Community projects;
- Local issues;
- Reviewing projects; and
- Environmental issues.

Correspondence was through email, post and face-to-face meetings and 2 Council representatives were present at the meeting on 18 June, 2007.

FINANCIAL CONSIDERATIONS

\$80,000 per year has been allocated for the community small grants scheme each year as part of the Environmental Levy, with two rounds of grants available per year. A total of \$40,000 has been allocated for this round for funds from the 2006/07 financial year.

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20 June 2007

Successful applicants of funds are required to complete paperwork (Attachment 2 and Attachment 3) depending if they have an ABN number.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Due to the focus of the applications on the natural environment and bushland, consultation was only undertaken within the Strategy department.

SUMMARY

This report seeks Council’s endorsement for the projects to be funded from the Environmental Levy, round four of the community small grants scheme. A total of 19 applications were received for this round of which the panel has recommended that nine projects be funded. The ten projects that have not been recommended for funding have been provided feedback that may assist with further development of their grant applications.

RECOMMENDATION

That Council supports the following applications for funding under round four of the community small grants scheme:

1.	Warrawee Public School – bush regeneration	\$5,000
2.	Bruce Taylor – Bush regeneration at cliff line Gordon	\$5,000
3.	John Pearman – “Moonview” sustainable house DVD	\$5,000
4.	Friends of Lane Cove National Park– creek regeneration	\$5,000
5.	Julie Antill – Pre-emptive bush regeneration at North Turramurra to North Wahroonga	\$5,000
6.	Christine Julian – Community access service, The Spastic Centre NSW - community sustainable garden	\$1,000
7.	Sacred Heart Primary School – bush regeneration	\$5,000
8.	Tom MacDonald - Little Blue Gum Creek rehabilitation	\$5,000
9.	Justine Bednorz – weed identification program for general public	\$4,000
TOTAL		\$40,000

Mary-Lou Lewis
Natural Areas & Environmental
Levy Program Leader

Peter Davies
Manager Sustainability &
Natural Environments

Steven Head
Director Strategy

Attachments:

1. Detailed summary of applications received - 791932
2. Statement by supplier form - ATO - 791953
3. Environmental Levy Small Grants Scheme - Tax Invoice - 791956

Round four closed 31 May 2007 Environmental Levy Small Grants

Applicant Name	Project name	Advisory Committee and <i>staff [in italics]</i> comments on applications	Amount requested	Successful	Amount allocated for project
Culum Brown	Micro Climate for Flying Fox Reserve	<ul style="list-style-type: none"> • This is the second attempt by the applicant after being unsuccessful in round three. Concerns were raised as to the benefit to the Ku-ring-gai community as only a small portion of the study area is in Ku-ring-gai. It was considered that there were other funding opportunities available. • No time line noted and there is a discrepancy in cash budget • <i>Prior to the application consultation with applicants occurred to establish greater benefit of the research outcomes to Ku-ring-gai, however this was not reflected in the application</i> 	\$5,000	No	-
Sally Atkins	Life cycle project	<ul style="list-style-type: none"> • This application is a landscape and water tank project. It was considered that other State Government funding opportunities exist for financial assistance for the purchase of water tanks else where. • Committee suggested this program does not fund water tanks while other opportunities exist. • <i>Staff worked with the applicant on the scope of the project however the outcomes were not considered suitable</i> 	\$5,000	No	-
Kathy Cowley	Blue Gum High Forest tree study	<ul style="list-style-type: none"> • This application proposed a study and produce a map of Blue Gum High Forest within Ku-ring-gai. • <i>The committee expressed concerns that Council would not own the data and therefore limit its broad benefit</i> • <i>Prior to application Council had commenced a mapping project that is still underway. Presently this is seeking the advice from the NSW Scientific Committee and other recognised experts in BGHF and will be discussed in greater detail with Council once more information is available..</i> • <i>Further discussions with the applicant may occur to involve them and other appropriate community groups and stakeholders in subsequent elements of the project.</i> 	\$5,000	No	-

Round four closed 31 May 2007 Environmental Levy Small Grants

Jill Johnson	Lower Blackbutt Creek bushcare	<ul style="list-style-type: none"> • This is the third application from the Lower Blackbutt Creek Bushcare group for the same site. • Maintenance needs to be assured by the applicant prior to any further primary work or additional sites are opened up by regeneration. • <i>A site inspection was undertaken with the contractor employed by the Group to determine the value of the project. It was determined that this application would extend the commitments of the Bushcare group unnecessarily and have the potential to compromise earlier work</i> 	\$4,310	No	-
Evelyn Grace Deck	Rothwell Road embankment	<ul style="list-style-type: none"> • This application is for street verge landscaping. The Committee suggested it should be undertaken as part of a community volunteer partnership through the Parkcare or Streetcare program and was not considered suitable for small grants funding. • <i>Applicant has been made aware of these programs and a CRS has been generated to assist in the reactive works</i> 	\$5,000	No	-
Michelle Leishman	Warrawee Public School	<ul style="list-style-type: none"> • This application is for bush regeneration on the school property. • Council would be happy to be involved in the opening on completion of works • <i>This application is similar in nature to the other school based applications previously funded by the small grants program</i> 	\$5,000	Yes	\$5,000
Bruce Taylor	Cliff line bush regeneration	<ul style="list-style-type: none"> • This application follows on from an application in round two from the Ku-ring-gai Bat Association (KBA) notifying residents living around the Bat Colony regarding the hazards of weeds. Expert cliff line regeneration work is required, which this funding would cover. • Natural regeneration post weeding should be monitored for the success or failure of this project. 	\$5,000	Yes	\$5,000

Round four closed 31 May 2007 Environmental Levy Small Grants

		<ul style="list-style-type: none"> • <i>Regeneration at this site is difficult and staff supervision and guidance will be required to ensure outcomes of the project are met</i> 			
John Pearman	“Moonview” sustainable House DVD	<ul style="list-style-type: none"> • Funding would support the making of a DVD for use by all community members who are interested in sustainable house design. Concerns were raised as to the support of a resident however further investigation revealed Moonview is an example in the Greenhouse Action Plan and part of Cities for Climate Change with the site able to be used to broadly promote sustainable design and construction. • Suggest the DVD can be also made as a pod cast, available for ipods and available on Council’s website. • <i>This project could form part of a larger Council wide initiative to promote and encourage sustainable design and this idea was discussed with the Urban Design section of Council</i> 	\$5,000	Yes	\$5,000
P&C Lindfield Public School	Perimeter weed removal	<ul style="list-style-type: none"> • This application is for funds for weed control on school grounds. • The Committee felt that other applications were more deserving as the applicant has applied in round two of small grants for the same project. 	\$4,500	No	-
Friends of Lane Cove National Park	Coupes Creek Regeneration Eastern Bank	<ul style="list-style-type: none"> • This application sought funds for weed removal and bush regeneration on Council land adjacent to National Park land where regenerating is currently occurring. • Council needs to assure the applicant that funding is only for one year as the application is inferring that work will be required each year. • <i>This site is forms the boundary between Council and NPWS estates and provides an opportunity to develop a working relationship involving the community</i> 	\$5,000	Yes	\$5,000
Julie Antill	Pre-emptive bush	<ul style="list-style-type: none"> • This application attempts to provide effect weed management 	\$5,000	Yes	\$5,000

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	regeneration - North Wahroonga Fire trail	<p>in regards to disturbance and time. Timely weed control can reduce possible further costs.</p> <ul style="list-style-type: none"> • The Committee require photographic evidence to determine rate of potential weed spread. • <i>Success of this project will be hard to measure however it is important that some regeneration of the site occur as a starting point</i> 			
Christine Julian	<p>Community access service The spastic centre NSW The backyard garden</p>	<ul style="list-style-type: none"> • This application involves a number of community groups for landscaping an environment for special needs people. The request was small so is supported on social grounds as opposed to environmental. • Input from Rotary, small grants and volunteer. A large community benefit with little benefit to the environment. • <i>The funding sought for this project is low and there are significant social benefits</i> 	\$1,000	Yes	\$1,000
Melanie Leavers	<p>Pymble Turramurra Kindergarten Tiddalick's Tanks</p>	<ul style="list-style-type: none"> • This application is a water tank project. It was considered that State Government funding opportunities exist for financial assistance for the purchase of water tanks else where. • The Committee suggested this program does not fund water tanks while other opportunities exist • <i>This decision is consistent with the comments from Council when determining the round three of small grants</i> 	\$5,000	No	-
Linda Brown	<p>Wildlife tunnel under Lady Game Drive</p>	<ul style="list-style-type: none"> • This application sought funds to determine suitability of a fauna tunnel under Lady Game Drive. This study would suit an undergraduate student. The applicant will be contacted by a student to proceed with this project • An excellent opportunity for an undergraduate student, who can draw on other studies and previous trials. • <i>Staff have contacted Macquarie University to discuss the project with the applicant</i> 	\$5,000	No	-
St Ives Bowling	DA for environmental	<ul style="list-style-type: none"> • This application requests funding for a DA to improve water 	\$10,000	No	-

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and Recreational Club	project water harvesting, storage facilities and water recycling	<p>efficiency at the Club.</p> <ul style="list-style-type: none"> • The Committee would review a future application once the DA has been approved and a new application will be assessed on the projects merits. • The Committee would like to recommend that Council does not support the funding of Development Applications (DA). • <i>The nature of the application was to explicitly fund the development application fee, and while the project may have merit as a whole the project was not couched in the broader terms</i> 			
Sacred Heart primary School	Bush Regeneration	<ul style="list-style-type: none"> • This application endeavours to employ bush regeneration practise and landscaping to assist the Blue Gum High Forest community repair work on the school land. The vegetation line creates an important link to the ridge top. The Committee recommends photographic evidence should be taken over the duration of the project to monitor progress. • <i>Site was inspected prior to lodging application and the project should have strong outcomes</i> 	\$5,000	Yes	\$5,000
Deb Watson	Early childhood Education. Sustainable development in the early childhood sector	<ul style="list-style-type: none"> • This application from a private education business based on Randwick was requesting funds to further develop sustainability education to pre school children. The Committee felt the project was not a high benefit to the Ku-ring-gai community. • <i>This was focused on environmental education and while there are merits the project seemed to be seeking council funds to develop a small business for the applicant</i> 	\$8,050	No	-
Tom Macdonald	Little Blue Gum Creek rehabilitation	<ul style="list-style-type: none"> • This application sought funding to perform bush regeneration work at Little Blue Gum Creek. The funds would compliment the existing efforts bushcare have made. The Committee felt a report by the Contractor should be supplied to Council on completion and the applicant should monitor the work. 	\$5,000	Yes	\$5,000

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Environmental Levy Small Grants**

		<ul style="list-style-type: none"> • <i>Site inspected with applicant prior to lodging and project should produce successful outcomes.</i> 			
Justine Bednorz	Weed identification for general public	<ul style="list-style-type: none"> • This application requests funds to support an informative display of weeds in a variety of local shopping centre around Ku-ring-gai. Council will assist in purchasing the display board for the group. Feedback to Council regarding the success of these projects should be required. • <i>Staff undertake similar projects as part of "Weedbuster" week and there seems to be benefits. This project should take focus on specific weeds during the year to maximise benefits. This will be discusses with the applicant should funding be provided.</i> 	\$5,000	Yes	\$4,000
		TOTAL	\$97,860		\$40,000

TAX INVOICE

Environmental Levy Small grants Scheme

**This form will constitute a Tax Invoice for GST purposes.
This MUST be filled in to complete the grant application.**

Invoice Date:	<input type="text"/>	Invoice Amount:	<input type="text"/>	*Applicant ABN:	<input type="text"/>
Applicant/Organisation: <input type="text"/>					
Name of Invoice Recipient:		<input type="text" value="Ku-Ring-Gai Council"/>	ABN of Invoice Recipient: <input type="text" value="86 408 856 411"/>		
Purpose Of Funding: <input type="text"/>					
<input type="text"/>					

PLEASE NOTE:

***Australian Business Number (ABN)**

If you do not have an ABN or do not wish to quote your ABN, Council is required to withhold 48.5% of the total funds granted and forward it to the Australian Taxation Office (ATO), unless you complete and endorse a "Statement by a Supplier" form issued by the ATO. This form is submitted to Council as part of your application for funding, not to the ATO. (A copy of this form is attached.)

IS THE ORGANISATION REGISTERED FOR GST? Yes No

If the organisation is registered for GST, then the GST will be added to the total amount of the donation and this form will constitute a Tax Invoice.

CONTACT DETAILS

Contact Person Name and Title:	<input type="text"/>				
Contact Numbers Work:	<input type="text"/>	Mobile:	<input type="text"/>	Home:	<input type="text"/>
Postal Address:	<input type="text"/>				
	<input type="text"/>				
Cheque Payee:	<input type="text"/>				
Signature:	<input type="text"/>	Date:	<input type="text"/>		

**Please forward this form to Council's Environmental Levy project leader by email, envirolevy@kmc.nsw.gov.au
Fax on 9424 0870 or**

Post: Environmental Levy Small Grants, Ku-Ring-Gai Council, Locked Bag 1056 PYMBLE NSW 2073

STAFF USE ONLY:			
Total Amount of Funds exclusive of GST:	<input type="text" value="\$"/>	GST:	<input type="text" value="\$"/>
Total Including GST	<input type="text" value="\$"/>		

16 STANHOPE ROAD, KILLARA - POTENTIAL HERITAGE ITEM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the independent heritage assessment of 16 Stanhope Road, Killara.

BACKGROUND:

The potential heritage items were placed on non-statutory exhibition from 20 November to 20 December 2006. The property at 16 Stanhope Road, Killara, was further considered on 12 June 2007 and Council resolved that the peer review by an independent heritage consultant be expedited to enable this information to be considered as part of the report on the current development application for the site.

COMMENTS:

The independent heritage consultant reviewed the existing studies prepared by Perumal Murphy Alessi April 2006, Godden MacKay Logan August 2006 and Graham Brooks and Associates December 2006 and other relevant information. The report concludes it has insufficient heritage significance to justify it being individually listed as a heritage item.

RECOMMENDATION:

That 16 Stanhope Road, Killara be deleted from the potential heritage item list.

PURPOSE OF REPORT

For Council to consider the independent heritage assessment of 16 Stanhope Road, Killara.

BACKGROUND

The potential heritage items were placed on non-statutory public exhibition from 20 November - 20 December 2006 and submissions were received from the public during this period. Council received a submission from the owners of 16 Stanhope Road, Killara. The property at 16 Stanhope Road Killara, was further considered on 12 June 2007 and Council resolved that the peer review by an independent heritage consultant be expedited to enable this information to be considered as part of the report on the current development application for the site. A report was prepared by an independent heritage consultant Ian Kirk from INHERITage, Heritage Advisers & Consultants (see **Attachment 1**).

COMMENTS

The report from Ian Kirk reviewed the existing studies prepared by Perumal Murphy Alessi April 2006, Godden MacKay Logan August 2006 and Graham Brooks and Associates December 2006 and other relevant information from Council. In addition the consultant inspected the site including its interior. Additional research was also conducted into the suggestions that the house had been designed by the prominent architectural firm Budden & Greenwell. The consultants additional research and comparative study of other dwellings, concludes “it seems highly unlikely the house at 16 Stanhope Road was designed by Budden & Greenwell”. In addition the consultant found that there have been significant changes to the interior, sides and rear of the dwelling that have affected the heritage significance of the dwelling. However the integrity of the front of the house is listed as high.

A summary of the INHERITage assessment of the significance of the house and the recommendations of the report is as follows:

“The house at 16 Stanhope Road , Killara is a representative example of upper middle class housing in Killara, during the interwar period. It dates from the key period of development for the Springdale estate and makes a positive contribution to the street and the proposed heritage conservation area. The house demonstrates some of the key aspects of Inter War Georgian Revival Style, although there are better and more refined examples in the local area.”

The report concludes that 16 Stanhope Road Killara:

“has insufficient heritage significance to justify it being individually listed as a heritage item. The house is a representative example of an interwar Georgian revival house in Killara. It

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does not appear to have been designed by a prominent architect and is not highly intact. Whilst the garden setting contributes to the house and the streetscape it has been compromised by subdivision. I generally concur with the report by Godden Mackay Logan that the house is a contributory building within the proposed Killara heritage conservation area.”

The property at 16 Stanhope, Killara is currently identified as a Contributory item in the small National Trust Urban Conservation Area 10, Killara. Stanhope Road contains many other heritage listed and contributory items. However, while it is listed as an urban conservation area by the National Trust, this UCA has no statutory power and is not listed within any draft or gazetted environmental planning instrument.

Whilst the consultant has identified it as a contributory item, there is no statutory urban conservation area in place for this precinct, either gazetted or within a draft environmental planning instrument.

CONSULTATION

Consultation has been conducted as part of Council’s Potential Heritage Item Review project, which includes 16 Stanhope Road, Killara as outlined in the report to Council on 12 June 2007. The property owners, consultants and persons who made a submission were notified of this report going to council.

FINANCIAL CONSIDERATIONS

Project costs for the potential heritage item review are covered by the Strategy Department Capital Projects Budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken with Council’s Heritage Advisor, and the Development and Regulatory Services section in preparation of this report.

Comments from Council’s heritage officer are provided below:

“There are now several different and conflicting reports on this property. Three reports (3) conclude that the house is not worthy of listing as an individual item but is a contributory building in the UCA and streetscape. The authors of those reports have all included an inspection of the interior, the exteriors and have an accurate history of the site. The authors of the report that indicates the house should be listed as an individual item, did not make an inspection of the interiors, sides or rear of the house.

I note that the NSW Heritage Office received a nomination for protection under the Heritage Act. They inspected the site in May 2007 and have advised they will not make an Interim

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Heritage Order. They have advised that the issue is a matter for Ku-ring-gai Council to determine as it has the responsibility of managing local heritage. However, they do make a comment that alterations to the interior, sides and rear of a building does not remove its local heritage significance.

The statement of significance in the Ian Kirk report is incorrect in that it claims the building was built in the "major development period" in Stanhope Road. The lot for No 16 was created as a subdivision of the adjoining heritage item at No 18, which was built c 1900. The Springdale Estate was first offered for sale as 1 acre lots in 1893. Subdivision and constriction of this house represents a second phase in the development of the streetscape/UCA.

I disagree that the alterations to the house have reduced its potential heritage value. In my opinion they are just typical alterations that occur to a house in response to changing living standards over an 85 year period.

My conclusion is that I largely agree with the Ian Kirk report that the house is a contributory element in the Stanhope Road streetscape and the Killara UCA. On architectural or aesthetic merit I agree that it does not reach the threshold for listing as an individual item but is a contributory item in the streetscape and UCA."

SUMMARY

Council engaged an independent heritage consultant to assess the heritage significance of 16 Stanhope Road, Killara and the previous heritage assessments prepared for the property. The consultants report concludes that 16 Stanhope Road Killara has insufficient heritage significance to justify it being individually listed as a heritage item.

RECOMMENDATION

- A. That 16 Stanhope Road, Killara be deleted from Council's potential heritage item list.
- B. That Council notify all affected residents and all persons who made a submission of its decision

Antony Fabbro
Manager Urban Planning

Steven Head
Director Strategy

Attachments: Heritage Assessment Report by INHERITage - 797070

Heritage Assessment Report

of

16 Stanhope Rd Killara



by

**INHERITage
Heritage Advisors & Consultants
PO Box 670
Chatswood NSW 2057**

**Tel: 02 9419 8939
Email: inheritg@bigpond.net.au**

June 2007

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- 7.0 Conclusion and Recommendations**

1.0 INTRODUCTION

1.1 Background

This Heritage Assessment Review of 16 Stanhope Rd Killara was commissioned by Ku-ring-gai Council.

This report has drawn on information and research from other reports prepared by Perumal Murphy Alessi dated April 2006, Godden Mackay Logan dated August 2006, and Graham Brooks and Associates dated December 2006.

This report has been prepared by Ian Kirk - Heritage Advisor to Armidale Dumaresq and Inverell Shire Councils, former advisor to Woollahra, Moree Plains, City of Sydney and South Sydney Councils and listed consultant with the NSW Heritage Office with considerable heritage experience working individually and as part of a consultant team.

1.2 Objectives

The object of this report is to review the reports prepared on the heritage significance of the house at 16 Stanhope Rd Killara which is a potential heritage item.

This report is not intended to be, nor should be interpreted as a Conservation Plan for the buildings.

1.3 Methodology

This report has been prepared in accordance with the Heritage Assessment guidelines from the NSW Heritage Manual published by Heritage Office and the Department of Urban Affairs and Planning, The Conservation Plan by J.S. Kerr published by the National Trust of Australia (NSW), 4th Edition, 1996, and The Revised Burra Charter by P. Marquis-Kyle & M. Walker, published by Australia ICOMOS, 1999.

1.4 Limitations

The report has been prepared from historical research and analysis without excavation or physical intervention to the building fabric or site.

2.0 HISTORIC BACKGROUND

The history of the site has been well researched by previous reports and only limited further research has been carried out for the purpose of this report. A concise history of the site is included for clarity.

The site is within the Springdale Estate which was first subdivided and offered for sale in 1896 and then re-offered for sale in 1899. In 1922, Sydney merchant Percival Charles Basche purchased Lot 3 of the Springdale Estate from Arthur Ducker. At the Council meeting of 22 November 1922 building approval was granted and the existing house was constructed by 1924.¹

The house is first listed in the Sands Directory of 1924 and was initially known as "St Helens" and included a garage at the rear.

The house was sold in 1934 to Harold A. F. Rofe – Medical Practitioner and was transferred to his wife Roma C Rofe in 1960. In 1965, the property was sold to Chilton Investments who subdivided the site into 2 lots. Access to the new rear battleaxe lot was via a driveway created on the eastern side of the site. The house on the rear lot was constructed in the late 1960's.²

3.0 ASSESSMENT OF STREETScape

The subject site is on the northern side of Stanhope Rd between the Pacific Highway and Culworth Ave in Killara within the municipality of Ku-ring-gai.

Stanhope Rd is a wide street which has been little altered since its original construction and has Brushbox Street trees

There is parallel parking on the both sides of the street.

The original subdivision pattern of this section of the street has generally been retained but slightly eroded by the battleaxe subdivisions.

To the east of the site is a 2 storey Federation Arts and Crafts house which is listed as a Heritage Item. To the west is an Inter War bungalow that has been added to and altered. Directly opposite is a single storey cottage c1980.

The streetscape integrity is medium within the vicinity of the subject site.

¹ Research notes prepared by Kathie Rieth for 16 Stanhope Rd

² Report by Godden Mackay Logan August 2006

4.0 DESCRIPTION of BUILDING

4.1 Exterior

The house is a 2 storey Georgian Revival style house constructed of dark liver colour face brickwork on sandstone basecoursing with timber double hung colonial style shuttered windows, timber doors and a glazed hipped and gable terra cotta tiled roof with dominant chimneys.

The main 2 storey section of the house is symmetrical with projecting central triple arched front porch and directly above is an enclosed balcony with gable roof. There is a side projecting service room wing which is set back at ground floor level on the western side and an attached aluminium double carport on the eastern side.

The exterior of the house is largely intact at the front but has been altered at the sides and rear.

The landscaped garden setting contributes to the house and the streetscape but has been compromised by later subdivision.



South Elevation



North Elevation

4.2 Interior

The interior does not demonstrate any unusual or rare features and is somewhat dated in that it includes fanlights over the internal doors which is normally associated with houses from an earlier period. The interior features original beamed ceilings to the principal ground floor rooms, and an original fireplace to the study, but the remainder of the interior has been altered, extended and refurbished. Much of the internal alterations and additions appear to date from 1965 when the site was subdivided.

The integrity of the house is high to the front, medium to the sides, and low to the rear and interior.



Stairwell c1965



Study c 1924



Main Bathroom c 1965



Living Room – fireplace altered



Master Bedroom – fireplace removed

4.3 Designer

It has been suggested by others that this house may have been designed by the prominent architectural firm of Budden and Greenwell. This suggestion is based on Tender Notices in the trade journal "NSW Contract Reporter" dating from around the time the house was constructed.

As part of this review, other houses reportedly designed by Budden and Greenwell around 1924³ in Killara were inspected. It was noted that all of these other houses had terra cotta shingle or slate roofs and each was an accomplished well designed and detailed building.



30 Springale Rd c1925



8 Nyora St c1921



21 Lorne Ave



5 Locksley Street

On a comparative basis, it seems highly unlikely the house at 16 Stanhope Rd was designed by Budden and Greenwell. It is clearly not of the same design quality as the above houses which were designed by the firm during the same period. It also does not have a shingle or slate roof common to all the other houses inspected.

³ Spreadsheet prepared by Kathie Reith

5.0 ASSESSMENT of SIGNIFICANCE

Criterion (a): an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house demonstrates the type of housing being developed for upper middle class families in the Killara area during the inter war period.

Criterion (b): an item has strong or special association with the life or works of a person, or group of person, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house does not meet this criteria.

Criterion (c): an item is important to demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area) :-

The house has some aesthetic significance as an example of an Inter War Georgian Revival style residence in a landscaped garden setting. It demonstrates some of the key aspects of that style and makes a positive contribution to the streetscape.

Criterion (d): an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons :-

The house is a representative example of an upper middle class residence constructed for a wealthy businessman in the inter war period. It does not appear to be associated with any particular community or cultural group.

Criterion (e) : an item has potential to yield information that will contribute to and understanding of NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house is unlikely to reveal any further information that will contribute to the cultural history of NSW.

Criterion (f): an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);

The house is not rare and does not satisfy this criterion.

Criterion (g): an item is important in demonstrating the principal characteristics of a class of NSW's: cultural or natural places; cultural or natural environments; (or a class of the local area's);cultural or natural places; cultural or natural environments) :-

The building demonstrates upper middle class housing on the upper north shore during the Inter War period.

6.0 STATEMENT OF SIGNIFICANCE

The house at 16 Stanhope Rd Killara is a representative example of upper middle class housing in Killara during the Inter War period. It dates from the key period of development for the Springdale Estate and makes a positive contribution to the streetscape and proposed Heritage Conservation Area. The house demonstrates some of the key aspects of the Inter War Georgian Revival style although there are better and more refined examples in the local area.

7.0 CONCLUSION AND RECOMMENDATIONS

Following my inspection of the house and reviewing the reports already prepared by others, in my opinion the house at 16 Stanhope Rd Killara has insufficient heritage significance to justify it being individually listed as a Heritage Item within the Ku-ring-gai Council Area.

The house is a representative example of an Inter War Georgian revival house in Killara. It does not appear to have been designed by a prominent architect and is not highly intact. Whilst the garden setting contributes to the house and the streetscape is has been compromised by subdivision.

I generally concur with the report by Godden Mackay Logan that the house is a contributory building within the proposed Killara Heritage Conservation Area.

NOTICE OF MOTION

AFFORDABLE HOUSING IN KU-RING-GAI

Notice of Motion from Councillor T Hall dated 9 July 2007.

I move:

"That Council seek to take a more active role in the provision of affordable housing for older people in the Ku-ring-gai community to help address the issue of "ageing in place".

This should include investigations into the potential to use community classified land with particular reference to the opportunities presented by the Lindfield Library site at 257 to 259 Pacific Highway, Lindfield".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

NOTICE OF MOTION

INSTALLATION OF SOLAR PANELS

Notice of Motion from Councillor T Hall dated 9 July 2007.

I move:

"That the current review of Council's exempt and complying development control plan include the installation of solar panels for hot water systems and other solar panels as exempt development, with the exception of heritage listed developments, and that the details of its inclusion in the exempt and complying development control plan be discussed at the next Planning Committee".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

NOTICE OF MOTION

102 ROSEDALE ROAD, ST IVES

Notice of Motion from Councillor T Hall dated 9 July 2007.

On 26 September 2006, Council resolved Minute No 386 to determine a course of action regarding the purchase of 102 Rosedale Road, St Ives. The purchase is to ensure the ongoing protection of the significant ecological community contained within the land.

The General Manager has undertaken negotiations with the owners of the land within the delegated authority.

The owners of the land have refused all offers submitted by Council, and have now lodged a Development Application for a single residential development on the land.

Given the significance of the ecological community contained within the land, Council needs to consider an alternative course of action to effect the acquisition and conservation of the land.

This could be best achieved by Council authorising the General Manager to further negotiate with the owners of the land or their representatives to progress this matter and advise Council as a matter of urgency the results of discussions for its consideration.

I move:

"That Council authorise the General Manager to undertake further discussions with the owners of the land or their representatives and report the matter to Council.

The General Manager seeks further opportunities, commitment, resources and partnership from Commonwealth and State agencies in relation to the acquisition and conservation of this land and these matters are included in reporting to Council.

That consideration of this matter by Council be held in Confidential (*Section 10A(2)(c) – Information that would confer a commercial advantage*).

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

NOTICE OF MOTION

FORMER FREEWAY CORRIDOR LAND IN SOUTH TURRAMURRA

Notice of Motion from Councillor E Malicki dated 9 July 2007.

I move:

"That the residential component of the development of freeway corridor land in South Turramurra be pursued as a Sustainable Village. Council through negotiations with other landholders and through a specific DCP for the site that should seek the highest standards for sustainable design encapsulating energy and water conservation, landscaping to promote biodiversity, community responsibility, social benefit and economic soundness, so that the area becomes a model for similar development throughout Sydney. The recent paper and presentation concerning the Thuringowa Village development at the ITCC Conference provides a solid background and guidance to this proposal".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

TURRAMURRA VILLAGE PARK - CORNER WILLIAM STREET & PACIFIC HIGHWAY, TURRAMURRA

Notice of Motion from Councillor E Malicki dated 9 July 2007.

Given the intensified development of Turramurra Town Centre and the surrounding highway corridor any area of open space within the vicinity should be managed as a precious resource. Turramurra Village Park is one of those areas. It is however currently acknowledged as being poorly designed and unattractive. It would be motivating for the Turramurra Community if Council were to begin work with the community to create a vibrant and attractive place, a park that is desirable to use and of real value to the people of Turramurra and Ku-ring-gai.

I move:

"That the consultation and design for the future park on this site commence during 2007/2008, with the capacity for staged work to commence in this period subject to future resolution of Council".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward