



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 18 OCTOBER 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 11 October 2005

Minutes to be circulated separately

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

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

GB.1 **2 Dakara Close, Pymble - Construction of Retaining Wall (Amended Design)** **1**

.
File: DA1172/02-5

Ward: Gordon

Applicant: Daniel Mendola, Built-on Management

Owner: Adrian Bois

To determine the Section 96(1) application to modify the consent to DA 1172/02 in respect of one already constructed (unauthorised) retaining wall. The matter has been called to Council by the Mayor.

Recommendation:

Approval

GB.2 **4 Illoura Avenue, Wahroonga - Torrens Title Subdivision of a Heritage Property, Creating Two (2) Lots** **15**

.
File: DA1349/04

Ward: Wahroonga

Applicant: STX Developments Pty Ltd

Owner: John F R Strang

To determine Development Application No. 1349/04 which seeks consent for the Torrens Title subdivision of one existing heritage listed property from (1) lot into two (2)

Recommendation:

Approval

GB.3 **2 to 8 Burleigh Street, Lindfield - Demolition of Existing Structures & Construction of a Residential Flat Building Comprising 31 Units, 50 Basement Car Spaces and Landscaping** **54**

.
File: DA0062/05

Ward: Roseville
Applicant: J & Q Investments Pty Ltd
Owners: J Ka-May-Wu : 2-4 Burleigh Street
P & E Chien: 6 Burleigh Street
RN Hale & CM Evans: 8 Burleigh Street

To determine Development Application No. 62/05 which seeks consent for the demolition of existing structures, construction of a residential flat building comprising 31 units, including basement car parking and landscaping.

Recommendation:

Approval

GB.4 **23 Newhaven Place & 36 to 42 Stanley Street, St Ives - Supplementary Report** **127**

.
File: DA0239/05

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

Recommendation:

Approval

GB.5 **Annual Financial Statements for the Year ended 30 June 2005** **235**

.
File: S04503

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2005.

Recommendation:

That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer.

GB.6 Capital Works Carried Forward 2004/2005 314

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File: S03638

To seek endorsement from Council to carry forward the attached list of 2004/2005 projects into the current financial year.

Recommendation:

That Council approve the attached list of carried forward projects and that the net balance of \$437,000 be funded from working funds.

GB.7 Ku-ring-gai Access Advisory Committee 328

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005 be received and noted.

GB.8 Environmental Levy Community Advisory Committees 335

.
File: S04078

To recommend appointment to the Environmental Levy community advisory committees.

Recommendation:

That Council support the 19 nominations as listed to the three community committees to assist in the delivery and review of the Environmental Levy.

GB.9 Interface Sites Between Medium Density (2d3) Sites and Single Dwellings 351

.
File: S04048

To consider the planning consultants report on sites at the interface with medium density 2(d3) zones and single dwellings.

Recommendation:

That Council resolve to prepare a Draft Local Environmental Plan in respect of nominated sites at interface locations for their rezoning. That nominated heritage items at interface locations be the subject of a re-assessment of their heritage status within their potential future context, before determining whether they should be included in any new Draft Local Environmental Plan.

GB.10 34 Billyard Avenue, Wahroonga - Application for Rezoning 450

.
File: S04482

To consider an application for the rezoning of the convent lands at 34 Billyard Avenue, Wahroonga.

Recommendation:

That Council resolve to prepare a Draft Local Environmental Plan to rezone 34 Billyard Avenue, Wahroonga to 2(c) and place it on public exhibition in accordance with statutory requirements.

GB.11 Council Adoption of Revised & Additional Fees & Charges 506

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File: S03918

To report to Council on the public exhibition of additional fees and charges for 2005/2006 Management Plan and for Council consideration to adopt the revised and additional fees and charges.

Recommendation:

That Council adopt the exhibited additional fees and charges as an amendment to the 2005/2006 Management Plan.

GB.12 Heritage Advisory Committee - Minutes of Meeting held 27 June 2005 510

.
File: S03816

For Council to receive and note the minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

Recommendation:

That Council note the minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

GB.13 Additional Bus Shelters - Public Consultation Review & Proposed Sites 520

File: S03552

To report the comments and outcome from the public consultation on the proposed locations of additional shelters and seek approval for the installation of shelters.

Recommendation:

That Council approves the location of most of the additional shelters proposed requiring further negotiation with residents in accordance with the recommendations of the report.

EXTRA REPORTS CIRCULATED AT MEETING

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 Open Space Amenities Cleaning Contract 1
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: S04475

Report by Director Open Space dated 15 September 2005.

Brian Bell
GENERAL MANAGER

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Environmental Planning & Assessment Act 1979
(as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 DAKARA CLOSE, PYMBLE - CONSTRUCTION OF RETAINING WALL (AMENDED DESIGN)
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1172/02
SUBJECT LAND:	2 Dakara Close, Pymble
APPLICANT:	Daniel Mendola, Built-on Management
OWNER:	Adrian Bois
DESIGNER:	A L Bois
PRESENT USE:	Residential in construction
ZONING:	Residential 2C
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	DCP 38, DCP 47
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	16 August 2004
40 DAY PERIOD EXPIRED:	25 September 2004
PROPOSAL:	Construction of retaining wall (Amended Design)
RECOMMENDATION:	Approval

Item 1

DEVELOPMENT APPLICATION N^o 1172/02
PREMISES: 2 DAKARA CLOSE, PYMBLE
PROPOSAL: CONSTRUCTION OF RETAINING WALL
(AMENDED DESIGN)
APPLICANT: DANIEL MENDOLA, BUILT-ON
MANAGEMENT
OWNER: ADRIAN BOIS
DESIGNER A L BOIS

PURPOSE FOR REPORT

To determine the Section 96(1) application to modify the consent to DA 1172/02 in respect of one already constructed (unauthorised) retaining wall. The matter has been called to Council by the Mayor.

EXECUTIVE SUMMARY

Issues:

- suitability of retaining wall
- whether the site is satisfactorily drained
- impacts on adjoining owners

Submissions: Two (2) submissions were received.

Land and Environment Court: No appeal has been lodged.

Recommendation: Approval.

HISTORY

22 August 2002 DA 1172/02 for new dwelling lodged.

20 January 2003 DA 1172/02 approved. Condition 44 of the consent stated that the landscape plan shall have, inter alia, the following amendments:

- c Details of any retaining walls including heights
- d Proposed changes to existing soil levels
- e Appropriate screen planting that will suit the shallow soil conditions, preferably locally occurring native species;
- f The native understorey at the rear of the property shall be preserved
- g The natural rock outcrops at the rear of the property shall be preserved
- h Retain the existing native vegetation between the proposed dwelling and the south western boundary.”

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3 November 2003	Landscape plan lodged at the same time as S96 application (Amendment B to approved plans) submitted for minor changes to dwelling design.
23 December 2003	Report from Landscape Development Officer advising that the Landscape Plan is satisfactory. This plan shows the proposed retaining wall to be a maximum height of 3m at the southern corner. The report specifies that the wall is to be relocated 3m off the boundary with a lower wall (outer) wall 2m off the boundary. The endorsed concept plan showed markings in red requiring the wall to be located 3m from the boundary. The plan also indicated that the wall would be constructed of pine logs.
June/July/August 2003	Various complaints received from adjoining properties about unauthorised landfill, retaining walls built without approval, and associated concern about safety of the wall and drainage from the site, and unauthorized tree removal.
6 August 2004	Certificate of Structural Adequacy from Engineers Burgess, Arnott and Grava submitted to Council.
12 August 2004	Fax sent by Council to the Private Certifier advising that the works commenced on site were unauthorised.
16 August 2004	Section 96 application lodged for the sandstone retaining wall.
September 2004	Building Certificate (BC0155/05) requested for second lower retaining wall at the rear of the property. (Matter not yet determined at the date of preparation of this report).
20 September 2004	Emergency Orders issued for demolition of unauthorised retaining wall due to concerns that they were built over a Sydney Water Sewer without approval and concerns regarding structural adequacy.
9 November 2004	S96 notified (delay due to deficiency in submitted Engineering Certificate regarding structural adequacy of walls).
November 2004	Two objections received from adjoining property owners Mr Hoch and Mr Bilmoria
6 June 2005	Notice of Intention to serve Order sent following flooding of adjoining properties. Owner required to connect stormwater to prevent stormwater runoff damage occurring to adjoining properties during a storm event.

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22 June 2005 Order served requiring owner to connect drainage to required easement.

July 2005 Pit connected.

August 2005 Inspections by Council's Compliance Officer reveal that the blockage may be due to cracked pipes on either 4 Dakara Close or 4 Quadrant Close. Respective owners advised that this is a private matter, which must be resolved.

THE SITE AND SURROUNDING AREA

The Site

Zoning:	Residential 2C
Visual Character Study Category:	1945-1968
Lot Number:	17
DP Number:	243620
Area:	942m ²
Side of Street:	Eastern
Cross Fall:	North-west to south-east
Stormwater Drainage:	Yes
Heritage Affected:	No
Required Setback:	Not applicable to this application
Integrated Development:	No
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is a very steep residential allotment oriented north-west to south-east with rocky outcrops at the rear.

Surrounding development:

The area is low density residential comprising both one and two storey homes. Many sites are quite steep with rocky outcrops interspersed with significant trees and other vegetation cover.

THE PROPOSAL

Council's original consent for the new dwelling at the subject site did not deal with details of the retaining wall, as these were not provided by the applicant. The approval was issued subject to lodgement of a revised landscape plan.

However, in landscape plans (undated) by A Total Concept, notes made in red by Council's Landscape Officer clearly required the main wall to be set back at a distance of 3m from the

Item 1

boundary and a lower wall to be located at a distance of 2m from the boundary for the purpose of additional planting. Both sections of the wall were to be built of pine logs. The inner wall was shown to be a maximum of 3 metres high at its highest point.

The inner wall, the subject of the application, has been partly constructed without prior development consent in a combination of rock boulders and pine logs. Council's approval is sought retrospectively.

The finished height of the wall at its closest point to the common (south-western) boundary with No. 4 Dakara Close, will be 4.2m and will comprise the following components:

- A height of 2.8m to the top of the sandstone blocks at its highest point (inclusive of the pine log base. This part of the wall has already been built;
- Two layers of stone grey concrete split face blocks having a height of 400mm as edging to the raised garden area; and
- 1m high railing or garden hedge located on top of the concrete blocks and enclosing the private open space area.

The rock edge of the wall was built at 1.8m from the common boundary.

The applicant has justified his use of stone for the retaining wall in the following manner:

1. The materials are sympathetic to the surrounding environment;
2. Most of the sandstone used was extracted from the site during the excavation process forming a continuity of the existing natural landscape;
3. The use of natural sandstone blocks has reduced the importation of foreign materials to the landscape;
4. The re-use of the on-site sandstone has greatly reduced the disposal of natural stone from the site;
5. The natural stone has excellent drainage properties, helping in maintaining the natural flow of drainage on site.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, owners of surrounding properties were given notice of the application. In response, two submissions were received:

1. Mr C Hoch of 4 Dakara Close, Pymble
2. Mr Daraius Bilmoria of 4 Quadrant Close, Pymble

The submissions raised the following issues:

Wall was built contrary to approval of 17 February 2004 at a distance of 2320mm from our common side boundary, being the south-west boundary of the development (Submission by C Hoch).

Two retaining walls were built in 2004 without prior Council approval.

The original development approval required details to be provided with the Construction Certificate. Details as shown on the landscape plan indicated the wall being located 3m from the boundary.

A landscape plan was submitted to Council but considered unsatisfactory with a number of amendments required. A private certifier, in consultation with Council's Landscape Officer, has recently certified the Landscape Plan.

This wall as constructed is located 876mm closer to the common boundary than the 3 metres required by Council's Landscape Development Officer. The wall, as built, is of stone, contrary to the Landscape Plan submitted to Council in 2004 which required the wall to be constructed of pine logs and built in two parts to allow for planting in a raised area, between an inner and outer wall.

Height of the wall

The final height of the wall is up to 2.8m at its highest point. This is 200mm lower than the required height advised by Council's Landscape Officer. There is still garden edging proposed to be added to the wall (additional 400mm) and either a railing or hedge at a further height of 1 metre. The total height would then 4.2 metres.

Concern regarding structural inadequacy of the wall

An engineer's certificate, dated 8 November 2004, was supplied to Council certifying the structural adequacy of the wall.

Building of the wall over Sydney Water sewer

Approval of the works over the sewer has now been obtained from Sydney Water and satisfactory evidence submitted to Council dated 9 March 2005.

Visual impact on adjoining neighbour

The wall, as built, has a visual impact on the adjoining neighbour. This impact would have been less had the wall been built in the manner approved. It is possible however to soften the impact of this wall by additional landscaping.

CONSULTATION - WITHIN COUNCIL

Landscaping

There are two relevant reports from the Landscape Development Officer.

The first report dated 29 November 2004 relating to the S96 application, and follows lodgement of the application in August 2004.

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“A landscaping plan by A Total Concept (undated) indicated the construction of a level outdoor lawn area at the rear of the dwelling. As the site is very steep the proposed retaining walls range in height from 2 - 4 metres. To reduce the impact of the wall on the adjoining property, the wall was to be terraced so that some soft landscaping could be carried out. The plan indicated that the wall was to be constructed of logs.

Changes to the plan were made in consultation with the owner to relocate the wall off the south-western boundary to allow enough space for screen planting. This plan was recommended for approval, however, it was never stamped as the owner withdrew the plan and was to lodge a Section 96 application for the wall.

The rock wall that has been constructed will allow for a 1.5m wide garden strip adjacent to the side south-western boundary. Due to the shallow soil conditions on the site the outer log retaining wall is proposed to be constructed along the south-western side to provide sufficient depth of soil for screen planting.

The location of the existing rock wall only differs slightly from the previously proposed log wall.

The Landscape Section considers the rock and log wall to be acceptable as there will sufficient space and soil depth to adequately screen the wall along the south-western boundary.

The landscape plan by A L Bois (owner) is not considered satisfactory and has been required to be amended.

The second report is an update of outstanding issues associated with the site.

“An inspection of the property was conducted on 6 June 2005.

Various understorey vegetation has been removed from the rear yard, however, the majority were weeds such as Camphor Laurel, Privet and Lantana.

An amended landscape plan is still to be submitted “.

The amended landscape plan has just recently been submitted to the Private Certifier. The Private Certifier consulted with Council's Landscape Assessment Officer and has certified the plan, subject to some additional planting being *Dodonaea triquetra* (Hop Bush); *Elaeocarpus reticulatus* (Blueberry Ash) and *Pittosporum revolutum* (Pittosporum).

Engineering

A structural engineers certificate from Robert Grava of Burgess, Arnott & Grava has been submitted which states that *“the retaining wall is structurally adequate to support the loads imposed upon it in accordance with applicable Australian Standards.”*

The performance of the drainage system has been linked to this Section 96 application as adjoining owners felt that the construction of the wall in the manner undertaken may have contributed to the failure of the installed drainage system resulting in flooding to their properties during storm events.

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Engineers initially expressed concerns about whether or not the drainage system has been built strictly in accordance with the approved design. Following a meeting with all Council officers involved, it was agreed that the best way to determine the adequacy of the drainage system as built and to avoid further sediment pollution incidents occurring would be to insist on the immediate connection of the stormwater system to the relevant easement and then to ascertain whether or not the level and position of the pit, as built, is acceptable.

The pit has now been connected to the stormwater pipes which cross adjoining properties. Should further drainage problems arise, Council can take the appropriate action to rectify the problem depending on whether the problem is demonstrated to arise from the drainage design, on site inadequacies in its construction or due to pipe failures on adjoining properties.

PROVISIONS OF RELEVANT LEGISLATION

Section 96 modification must satisfy the following tests:

The proposed modifications to the retaining wall which is a minor component of the development consent which also included a new two storey dwelling house. As such, the development is still considered substantially the same as that for which consent was initially granted.

Amendments:

1. Use of different materials (inner wall to be in stone rather than pine logs);

This is satisfactory as it incorporates the use of an alternate natural material.

2. Inner wall closer to the boundary by 876mm

Not entirely satisfactory, as it increases the visual impact of the retaining wall on the adjoining owner of No. 4 Dakara Close;

3. Lower in overall height by 200mm

This change is satisfactory.

Ku-ring-gai Planning Scheme Ordinance

Aims and objectives for residential zones

The retaining wall, as built in natural materials, satisfies the objectives of Schedule 9 of the KPSO.

POLICY PROVISIONS

Development Control Plan 38 - Residential Design Code

The retaining wall is contrary to DCP 38 in that it exceeds 500mm in fill relative to natural ground and is within 2m of the boundary (Section 5.3.7). The height of fill variation was, however, allowed in the development consent.

Also Section 5.3.10 of DCP 38 requires the landscaping proposal to provide sufficient planting to development so as to ensure that the built form does not dominate views from neighbouring properties.

Whilst not originally satisfactory, the final landscape proposal now provides for softening of the wall from the perspective of adjoining properties.

Development Control 7 - Water Management

The stormwater from the subject site has now been connected as required by the development consent. Any further maintenance to the existing stormwater pipes on adjoining properties is a matter between the owners. Should further drainage problems arise, then Council will take action against the owner on whose property the broken pipe is located.

LIKELY IMPACTS

The proposal is unlikely to 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 nor an area of critical habit.

The site including the retaining wall can be adequately landscaped and conditions relating to soil erosion are in effect. Given the recent connection of the drainage pit to pipes which take stormwater away from the property to the nearby creek, 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 considered suitable for the proposed development.

UNAUTHORISED WORKS

Had the above amendments been applied for prior to being constructed, the use of stone in lieu of pine logs would have been supported as it is a natural material and sympathetic to the site. However, the distances of 3m from south-western boundary to the higher inner wall and 2m to the outer lower wall, as required by Council's Landscape Development Officer, would have been preferable to the setback as constructed. However, this can be remedied through the provision of suitable landscaping as outlined earlier in the Landscape Development section of this report.

CONCLUSION

Having regard to the provisions of S96 of the Environmental Planning and Assessment Act, the proposed modification is considered to be satisfactory. Therefore it is recommended that the application be approved.

RECOMMENDATION

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

THAT Council, as the consent authority, modify development consent to DA1172/02 for a new dwelling on land at 2 Dakara Close, Pymble, in the following manner:

1. Condition 1 is modified by allowing plans associated with the retaining wall (Job No. 01-147 Drawing Nos. WD19, 20 and 21 drawn by A L Bois and dated October 2004 and revised Landscaped Drawings by A Total Concept Landscape Architects, dated August 2005 and certified by J Storch, Landscape Architect to be included with the list A approved plans in condition 1.

U Lang
Executive Assessment Officer

S Cox
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

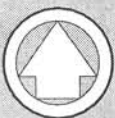
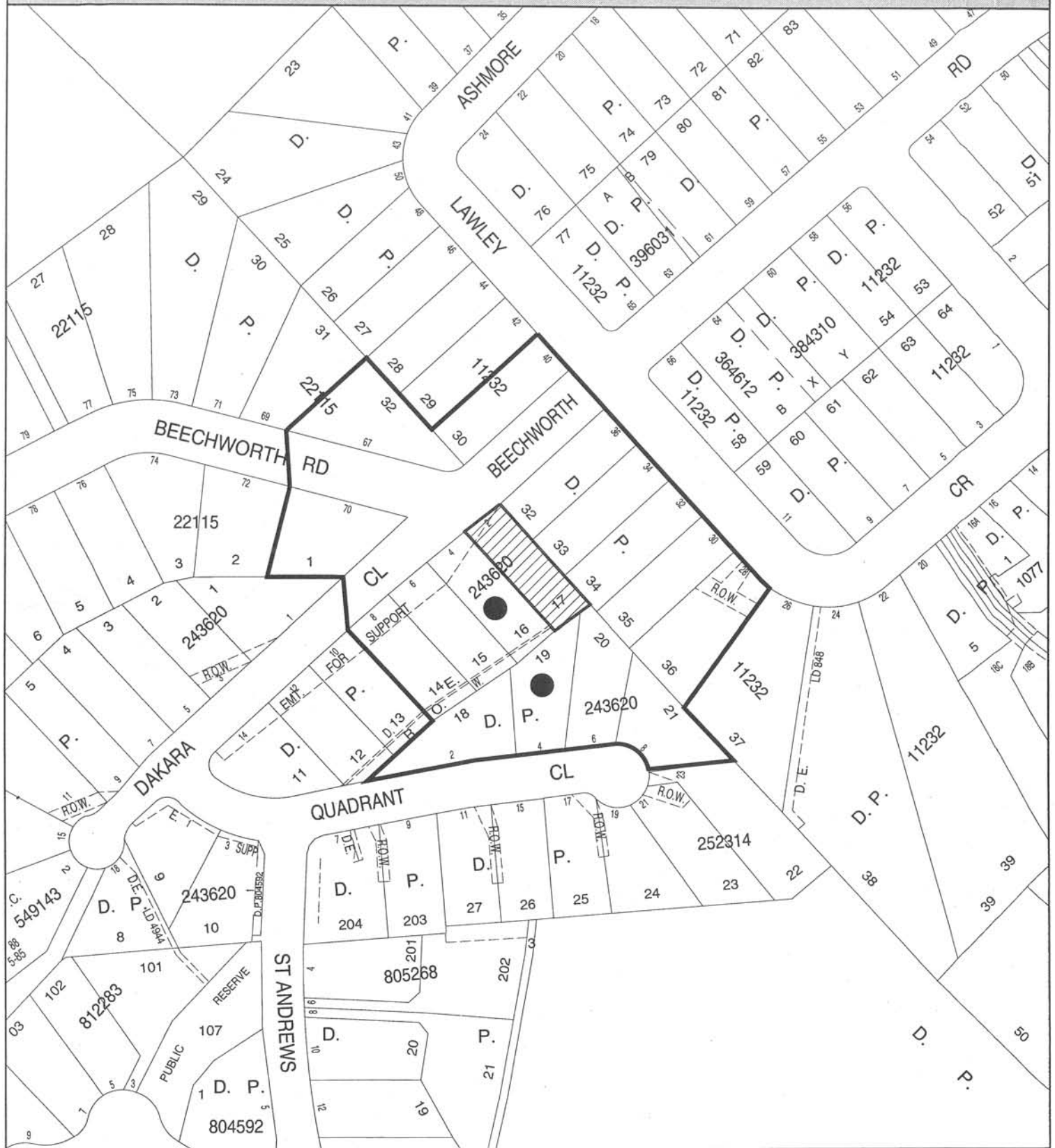
Attachments:

- 1. Location Sketch showing objectors' properties - 541892**
- 2. Revised Plans of Retaining Wall - 541891**

LOCATION SKETCH

2 Dakara Close, PYMBLE NSW

DEVELOPMENT APPLICATION No DA 1172/02 (S96)



Scale : 1:2000

04-10-2005



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



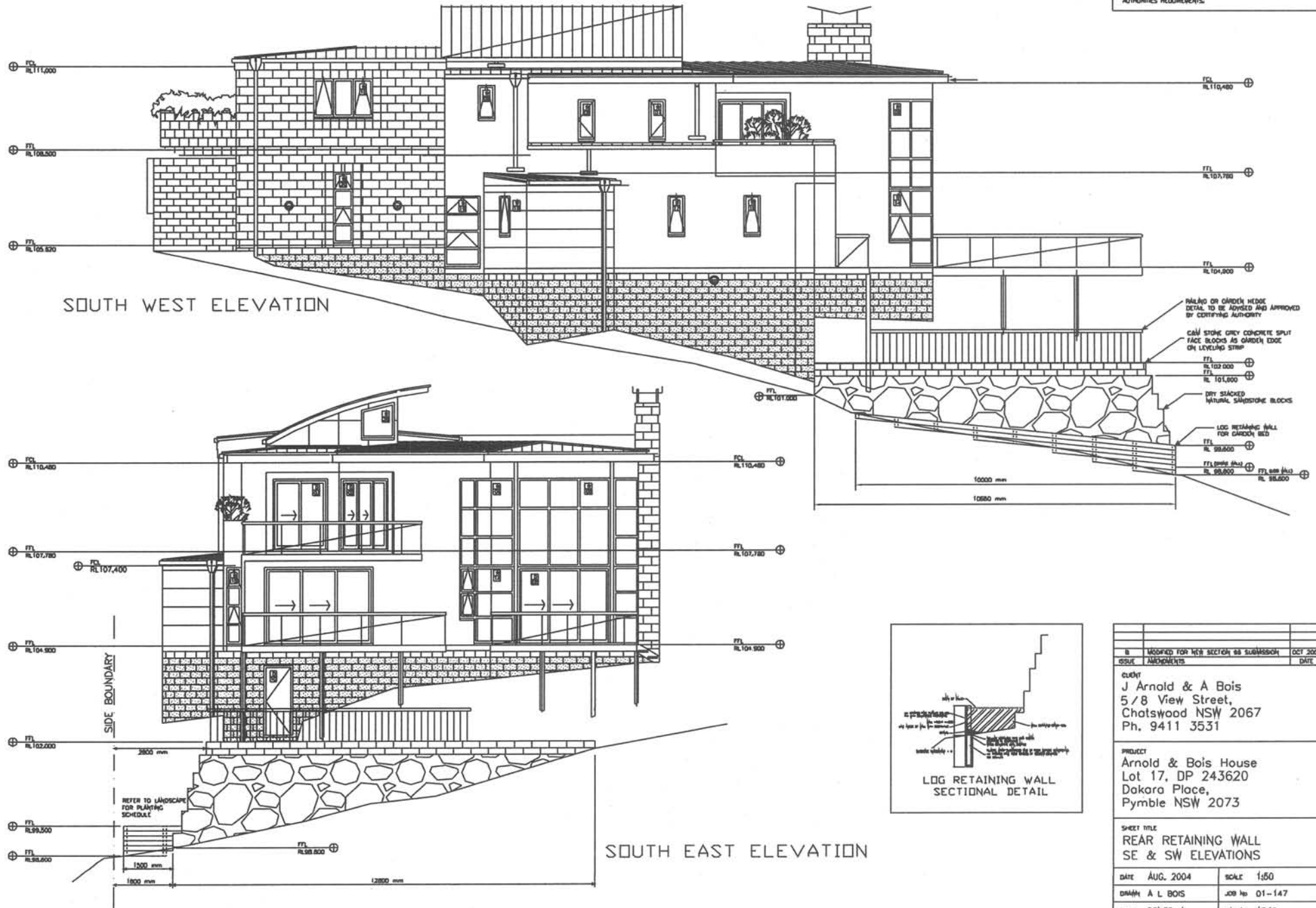
SUBMISSION



CIRCULATED AREA



NOTE-ALL WORK TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS, BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITIES REQUIREMENTS.

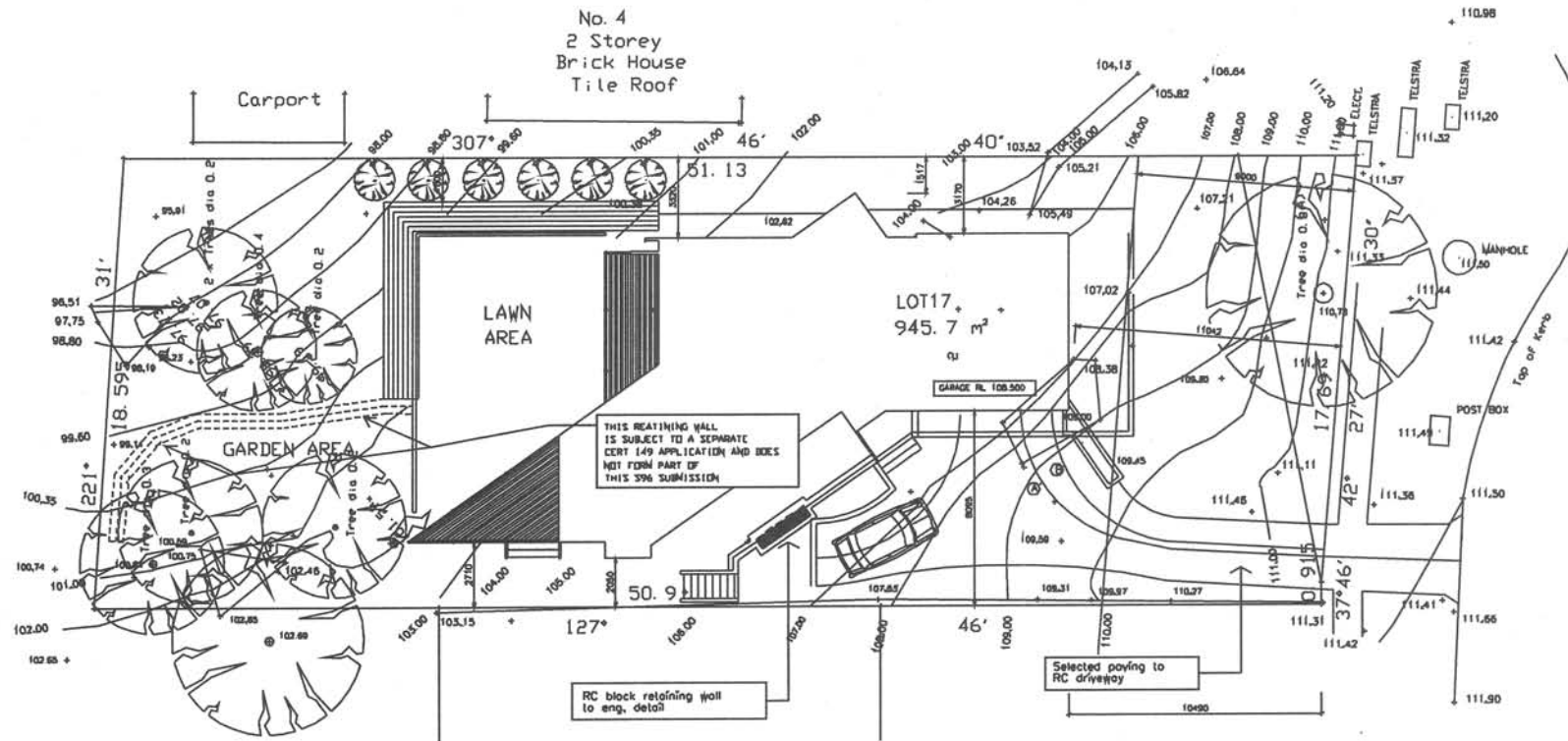


ISSUE	MODIFIED FOR NEW SECTION 88 SUBMISSION	OCT 2004
ISSUE	AMENDMENTS	DATE
CLIENT		
J Arnold & A Bois		
5/8 View Street,		
Chatswood NSW 2067		
Ph. 9411 3531		
PROJECT		
Arnold & Bois House		
Lot 17, DP 243620		
Dakara Place,		
Pymble NSW 2073		
SHEET TITLE		
REAR RETAINING WALL		
SE & SW ELEVATIONS		
DATE	AUG. 2004	SCALE 1:50
DRAWN	A L BOIS	JOB No 01-147
ISSUE	CONST. A	DATE No WD19

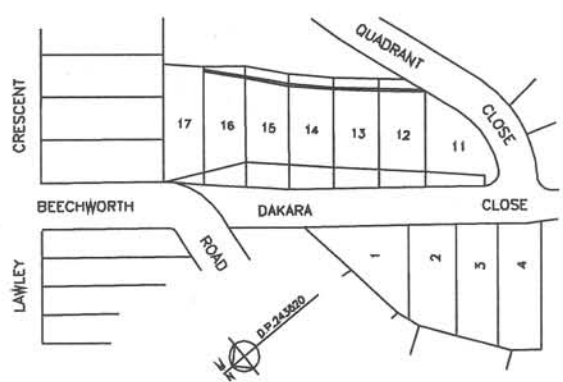
SOUTH WEST ELEVATION

SOUTH EAST ELEVATION

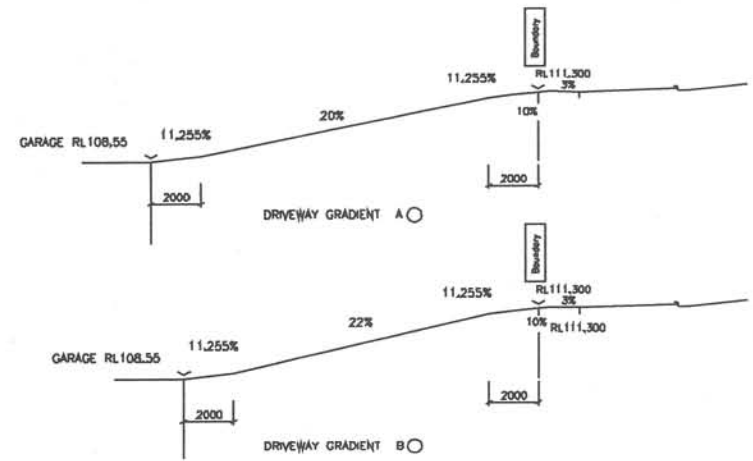
B	MODIFIED FOR NEW SECTION 8 SUBMISSION		OCT 20
ISSUE	AMENDMENTS		DATE
<p>CLIENT</p> <p>J Arnold & A Bois</p> <p>5/8 View Street,</p> <p>Chatswood NSW 2067</p> <p>Ph. 9411 3531</p>			
<p>PROJECT</p> <p>Arnold & Bois House</p> <p>Lot 17, DP 243620</p> <p>Dakara Place,</p> <p>Pymble NSW 2073</p>			
<p>SHEET TITLE</p> <p>REAR RETAINING WALL</p> <p>OVERLAY</p>			
DATE	AUG. 2004	SCALE	1:50
DRAWN	A L BOIS	JOB NO	01-147
ISSUE	CONST. A	DWG NO	W020



DAKARA CLOSE



LOCATION PLAN
SCALE NTS



SCALE	AMENDMENTS	DATE
CLIENT J Arnold & A Bois 5/8 View Street, Chatswood NSW 2067 Ph. 9411 3531		
PROJECT Arnold & Bois House Lot 17, DP 243620 Dakara Place, Pymble NSW 2073		
SHEET TITLE PLAN - REAR RETAINING WALL		
DATE	AUG. 2004	SCALE 1:100
DRAWN	A L BOIS	JOB No 01-147
ISSUE	CONST. A	DRG No WD21

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	4 ILLOURA AVENUE, WAHROONGA - TORRENS TITLE SUBDIVISION OF A HERITAGE PROPERTY, CREATING TWO (2) LOTS
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	1349/04
SUBJECT LAND:	4 Illoura Avenue, Wahroonga
APPLICANT:	STX Developments Pty Ltd
OWNER:	John F R Strang
DESIGNER:	Erica Marshall-McClelland (Lyle Marshall & Associates)
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	Yes
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance (KPSO)
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 38, DCP 47, Subdivision Code
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SREP 20, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	16 December 2004
40 DAY PERIOD EXPIRED:	25 January 2005
PROPOSAL:	Torrens Title subdivision of a heritage property, creating two (2) lots
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 1349/04
PREMISES: 4 ILLOURA AVENUE, WAHROONGA
PROPOSAL: TORRENS TITLE SUBDIVISION OF A
HERITAGE PROPERTY, CREATING TWO
(2) LOTS
APPLICANT: STX DEVELOPMENTS PTY LTD
OWNER: JOHN F R STRANG
DESIGNER ERICA MARSHALL-MCCLELLAND (LYLE
MARSHALL & ASSOCIATES)

PURPOSE FOR REPORT

To determine Development Application No. 1349/04 which seeks consent for the Torrens Title subdivision of one existing heritage listed property from (1) lot into two (2). Torrens title subdivisions relating to heritage listed properties are required to be determined by full Council.

EXECUTIVE SUMMARY

Issues: Heritage impacts, trees and access.
Submissions: Three (3) submissions received.
Land and Environment Court appeal: No appeal lodged.
Recommendation: Approval

HISTORY

There is no development history relevant to the application.

THE SITE AND SURROUNDS

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1890-1920, listed in the Ku-ring-gai Heritage Study
Lot Number:	3
DP Number:	586458
Area:	4914m ²
Side of Street:	Western
Cross Fall:	4 metres from east to west
Stormwater Drainage:	Illoura Avenue
Heritage Affected:	Yes
Required Setback:	9 metres
Integrated Development:	No
Bush Fire Prone Land:	No

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Endangered Species: No
Urban Bushland: No
Contaminated Land: No

The site is located on the western side of Illoura Avenue, Wahroonga, a quiet cul-de-sac located at the end of Redleaf Avenue. The existing lot is 4914m² in area, is square in shape, with an uneven rear boundary.

The site currently contains a heritage listed, two storey, Federation/Queen Anne dwelling. The site also contains a swimming pool, tennis court, extensive garden areas and significant vegetation. A circular, gravel driveway exists within the front setback to Illoura Avenue.

Surrounding development

The streetscape of Illoura Avenue is dominated by large, Federation style, dwellings with generous setbacks and formal gardens. The site is located within walking distance of Wahroonga Park, Wahroonga Railway Station and the Wahroonga Village shopping centre.

Directly adjoining the site to the north, is a battle axe residential property and to the west is St Andrews Wahroonga Preparatory School. Two large residential properties, developed with single dwellings, adjoin the site to the south. Illoura Avenue bounds the site to the east.

The surrounding area was rezoned to Residential 2(c2) under Local Environmental Plan No. 194. However, the site and adjoining church and school, to the west, are zoned 2(c) and special uses (church) respectively.

THE PROPOSAL

The proposal is for the Torrens title subdivision of the existing property into two (2) lots ('Lot A' and 'Lot B') and the construction of a driveway accessed from Illoura Avenue, extending along the northern boundary of the site.

Proposed Lot A measures 3122.84m² in area. This lot contains the existing heritage listed dwelling and associated structures.

Proposed Lot B measures 1791.09m² in area (including access) Lot B is accessed via an access handle off Illoura Avenue. Lot B comprises two distinct areas. Area A is square in shape, has an area of 713.4m² and is located in the north-western corner of the site. Area B has a width of 22.76 metres and a length of 41.2 metres. Area B is identified in the proposal as the primary location for any future dwelling house upon the site.

The access handle to Lot B has a width of 5-5.5 metres and has a length of 38 metres. The proposed driveway meanders within the access handle, to enable the retention of existing vegetation along the northern boundary.

Proposed Lot B has an area of 1791.09m². Excluding the access handle the site has an area of 1580m². Along the northern boundary of the site, a 0.5 metre wide easement for Telstra, electrical

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service and gas is proposed. A 1 metre wide easement for stormwater is proposed along the southern boundary of Lot B.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application.

The following submissions were received:

1. *Glendinning Minto and Associates on behalf of Mrs I S Tio, 11A Stuart Street Wahroonga*
2. *J R Bevers, 12 Illoura Avenue, Wahroonga*

The submissions raised the following issues:

That privacy and amenity between No. 11A Stuart Street and the subject site be maintained

An existing stand of bamboo and a Sydney Blue Gum tree exist adjacent the southern boundary (proposed Lot B). This vegetation is not proposed to be removed under the current application, however may require removal or relocation to enable the future development of proposed Lot B. **Condition No. 14** is recommended requiring the provision of vegetative screening along the northern and southern boundaries to protect the privacy of No.'s 12 Illoura Avenue and 11A Stuart Avenue.

In respect of privacy between No. 11A Stuart Street and any future development upon Lot B, this is an issue which can only be addressed as part of the assessment of future development on the newly created, vacant lot.

That No. 11A Stuart Street can be protected from overland flows

In order to protect No. 11A Stuart Street, engineering **Conditions No. 18-19** require the provision of a driveway with a 150mm kerb along the northern boundary. Furthermore, **Conditions No. 17-18, 30-31** require that stormwater be piped into an interallotment drainage system to be connected to an existing drainage easement and the Council stormwater system.

That a large ficus tree located on the northern boundary be removed due to instability

Council's Landscape Officer recommends that the ficus tree be removed as it has an aggressive root system and is incompatible with surrounding development. (Refer to **Condition No. 2**).

CONSULTATION – OUTSIDE COUNCIL

NSW Heritage Office

On 13 January 2005, Council referred this application to the Heritage Office for comment. The following response was received, dated 14 March 2005:

It is noted that the subject building is listed on Council's Local Environmental Plan and is considered to be of significance to the local community. It is also noted that the building is adjacent to other identified heritage items in the area, including St Johns Uniting Church and Manse (SHR 01670), and 'Cedar Bank', a large Inter War Mediterranean house opposite the site in Illoura Avenue.

The proposed subdivision of 4 Illoura Avenue is in keeping with the trend to subdivide in the local area. However, Council in determining this matter, should consider the following recommendation:

That the northern end of the property boundary of the proposed subdivision is extended to the west to encompass the existing tree line so that the heritage values of 'Redhall' and its landscaped garden setting are screened and protected from potential impacts as a result of future developments on the new subdivision.

The proposed subdivision has been designed to retain the crucial heritage aspects of the property such as the building, front setback area, streetscape and significant trees. The proposed amendment suggested by the Heritage Office would render the subdivision unsatisfactory, in that the proposed new lot would not be of suitable dimensions to facilitate development to meet the aims and objectives for development in Ku-ring-gai.

Council's Heritage Advisor has reviewed the suggested amendment, and in conjunction with Council's Landscape Officer, can support the proposed subdivision, subject to **Condition No. 27** that achieves the underlying principles of the Heritage Office's comments (refer Heritage Advisor's comments below).

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

Council's Landscape Officer, Mr Stephen Fenn, has commented on the application as follows:

This application is supported subject to conditions.

Site description

The property's landscape consists essentially of exotic species, except for the few remnant canopy and understorey trees from the Sydney Turpentine/Ironbark Forest Vegetation Community, growing mostly along its northern perimeter and north-western portion. Most of the understorey Pittosporum undulatum (Sweet Pittosporum) are in various stages of decline

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or senescent. A dense band of Phyllostachys sp. (Rhizomatous Bamboo) extends adjacent to the southern and western boundaries within the property's south-western portion.

Proposed lot

The proposed lot, of irregular shape and 1791.1 square metres in area (including access handle), is located within the rear garden or across the western side of the subject property. It's access is via a corridor alongside the property's northern boundary. The proposed lot consists of 2 areas: a rectangular area to the south and a square area to the north. Both areas indicate suitable building envelopes although the southern portion would be more suitable for siting a dwelling (as indicated) away from the kindergarten's outdoor play space adjoining the northern portion.

Vegetative screening, 8 metres in height and mostly of low ornamental value, currently separates the existing dwelling from the majority of the proposed new lot. Screening with vegetation of similar scale along the inter-allotment boundary would largely maintain the current sense of separation at the site.

Retention of the young Eucalyptus saligna (Sydney Blue Gum) (T78), being 20 metres height, in healthy condition and located close to the central southern boundary of the proposed lot, is highly desirable. This tree is given high significance in the applicant's Arboricultural Audit for retention and the indicative dwelling has been given adequate clearance from it.

The Angophora costata (Sydney Red Gum) (T54), being 18 metres height and in fair condition, is located close to the central western boundary of the lot's northern portion. It appears that the cavity in the tree's trunk at the main fork, would render its longevity suspect, despite the arborist's Class 2 (highly significant) level and a moderate (16 – 39 years) safe useful life expectancy (SULE). The main fork in the tree's trunk should be closely examined to determine its structural integrity due to the high target. This tree is not proposed or required to be removed as part of the subdivision application. Removal of the tree could be considered at a later date through an application under Council's TPO.

Access handle

The section of the access handle forward of the tennis court should be increased to 6.65 metres width, to correspond with the northern end of the property's Illoura Avenue brick fence to allow the driveway to be increased to 3 metres width and provide for boundary planting. Beyond the 13 metres point, the curve toward the northern boundary could be eased and the driveway straightened beyond the curve again allowing 1 metre planting space to either boundary.

Locating the passing bay, as required by Council's Development Control Engineer, at the position of Howea forsteriana (Kentia Palm) (T31) and Crataegus sp. (Hawthorn) (T32) would be supported. The proposed suspended concrete driveway on plan no.8802-2-03 prepared by Lyle Marshall & Associates Pty Ltd and dated November 2004 is supported as it will protect the root zone of Angophora costata (Sydney Red Gum) - T20 and Eucalyptus microcorys (Tallowood) (T35) located within the access handle of No. 10 Illoura Avenue.

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Of the 2 prominent trees: Angophora costata (Sydney Red Gum) (T20) and Ficus sp. (Fig Tree) (T21) located within the proposed access handle, the former tree is a forest remnant, of 20 metres height, fair form and condition that should be retained. The latter tree is semi-mature of 15 metres height. It has a noticeable inclusion between its 2 trunks close to ground, and its aggressive root system is incompatible with the increasing level of surrounding development, therefore its removal is supported.

Most of the Pittosporum undulatum (Sweet Pittosporum) (T19), located adjacent to the Illoura Avenue boundary is dead. Its replacement with a substantial tree that will address the Illoura Avenue streetscape is highly desirable (refer to Condition No. 11).

Council's Landscape Development Officer supports the subdivision and the recommendations of Tree Wise Men submitted by the applicant. An increase in the width of the driveway is not considered viable or necessary. The proposed right of carriageway achieves maximum width within the physical constraints provided by the existing tennis court on Proposed Lot A and the northern boundary.

The access proposed adequately retains existing trees, allows space for additional shrub planting along the northern boundary and is supported by Council's Development Engineer.

Conditions No.'s 2-15, 37-44 address these issues raised by the Landscape Development Officer.

Development Engineer

Council's Development Engineer, Robert Lam, has made the following comments:

This application seeks approval for the Torrens title subdivision of 1 lot into 2. The site falls away from the street to the extent that a gravity drainage solution is not feasible. The applicant has submitted title documents demonstrating that the subject property benefits from a drainage easement which was created under the previous subdivision. It is not known whether there is a pipe within the easement and if there is one, whether it is in a good condition. Should this application be supported, the applicant is required to construct a new system or attest the capacity and condition of the existing interallotment drainage system (refer to Condition No. 17). Suitable conditions will be imposed to cover this requirement.

Under the proposed subdivision, the applicant is also required to construct a paved driveway within the access handle serving proposed Lot B. which It is considered appropriate that all essential services including the paved driveway are provided at the time of subdivision so that any future developments, particularly the rear allotment will have readily and proper access to the street (refer to Condition No. 19)

In light of the above, the following engineering requirements will apply to this proposed Torrens subdivision, and will be conditioned accordingly:

- *The construction of interallotment drainage system over proposed Lot B and existing Lot 1 of DP586458.*

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- *The construction of the driveway within the access handle. The driveway crossing shall be 3.7 metres wide in order to comply with Council's Specifications. The driveway shall have a minimum width of 3.0 metres and passing opportunities are to be provided in accordance with AS2890.1 since the length exceeds 30 metres.*

The Development Engineer does not object to the proposal, subject to **Conditions No. 16-22, 30-33** included in the recommendation.

Heritage

Council's Heritage Advisor (Paul Dignam) has assessed the application and made the following comment:

Site elements

Before the major development period in Ku-ring-gai in the Inter War period, Wahroonga was characterised by large houses set in estate gardens with a combination of built elements, formal and informal gardens, some limited bush areas and often vegetable gardens. Most of the large estates have been broken up, but most early houses remain sited in smaller gardens.

This property is fortunate in that early subdivisions have retained most of the early site elements. The site is also visually screened from development to the south, west and north by substantial trees. It retains many early site elements including a tennis court, pool, sunken formal garden, open lawns and informal areas. The circular drive is a later alteration, the original drive being provided from Stuart Street. It is consistent with the style of the house. Currently there is no garage on the site. Although there is a gravel parking area next to the main entrance of the house.

Proposed subdivision

The application proposes subdivision into two lots with an access handle to the north of the tennis court. The subdivision would remove the open lawn area to the west of the house and much of the informal bushy area. The more important site elements would be retained although the open private grassed areas would be vastly reduced. Due to the existing screening on the site, I do not believe the subdivision would reduce the primary significance of the item. Enough of the site would be retained.

The proposed new lot would have an awkward shape with a long access handle and two rectangular areas shown as Area A and Area B. The applicant has shown how a relatively large building footprint could be accommodated in Area B with little impact to the existing house or site. Area A could be developed as an interesting garden space for the new house and would be visually screened.

My major concern is that the private, open lawn area directly to the north west of the house between the pool and a curving line of trees would be compromised. I suggest a boundary variation so that the open area of lawn and the curving line of trees could be retained with the

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main house. Such a variation would not prohibit opportunities for building on the new lot and would provide two distinct areas.

Conclusions

For this site, subdivision is satisfactory as the majority of site elements can be retained and there is adequate tree cover to provide screening and act as buffers. However, I suggest some modification of the proposed boundaries.

The application has been considered with respect to the impact of the new boundary on a stand of trees existing between 'proposed Area A' and 'proposed Area B' (Lot B). The applicant has submitted an indicative building footprint for proposed Lot B. This indicates that the large stand of trees referred to by Council's Heritage Advisor would most likely be retained in any future construction of the site.

Council's Landscape Development Officer has been consulted with respect to the age and health of the stand of trees. The stand includes a Bird of Paradise, a Large leaved Privet (weed), a Camellia Sasanqua, a False Cypress and a number of Weeping Figs. The grove of trees is young (less than 20 years old) and does not comprise early plantings or any particular heritage significance.

In light of this information, Council's Heritage Advisor has provided a further comment:

In my earlier comments, the proposed subdivision was largely supported as it retained most of the significant site elements including the tennis court, pool, sunken formal garden, open lawns and informal garden areas. However, I suggested a boundary variation should be made so that the open area of lawn and the curving line of trees to the north west of the house could be retained with the heritage item as they assist in defining a visual curtilage to the property and would also assist in screening the subdivided lot (and future residential development) from the item.

The NSW Heritage Office has recommended a similar modification to the boundary could be made.

Council's Landscape Development Officer, has advised me that the subject trees are recent plantings, about 20 years old. On that basis, I agree that the trees would have little or no historic value to the heritage item but would assist in screening the proposed lot from the heritage item.

As an option to modifying the proposed boundary, it would also be appropriate to retain the proposed boundaries provided that new trees were planted on the heritage item along the proposed boundary that would reach a sufficient height and width to provide screening and also serve to visually define the curtilage of the heritage item.

Conclusions and recommendations

The proposed subdivision is acceptable as proposed, provided additional trees are planted on the heritage item near the boundary of the proposed lots. The proposed trees should be super

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advanced and should reach a minimum height of 5 metres and be planted so that they provide continuous screening.

Proposed condition

In order to define the north-western curtilage of the heritage item from the proposed new lot screening trees are to be planted on the heritage item at a suitable distance from the proposed boundary that reach a height of at least 5 meters and sufficient spread to provide continuous screening between the proposed lots. The trees must be super advanced trees and planted as specified by a qualified landscape architect or horticulturist. The location of the trees are to be approved by Council's Heritage Advisor and the species of tree approved by Council's Landscape Development Officer.

The recommendation of Council's Heritage Advisor is included in **Condition No. 27.**

Statutory Provisions

The relevant matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings:

State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy No. 55 requires Council to consider the development history of a site and its potential for containing contaminated material.

The subject site has historically been used for residential purposes and is unlikely to be affected by contamination. Further consideration is therefore unnecessary in this instance.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

Sydney Regional Environmental Plan No. 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposal will increase impermeable surfaces on the site. However, the development has been considered acceptable by Council's Development Engineer with respect to stormwater, subject to conditions.

Ku-ring-gai Planning Scheme Ordinance

Aims and Objectives for Residential Zones

The development is considered to have satisfied the relevant aims and objectives for residential development as outlined by Schedule 9.

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The above matters are considered in detail within this report.

COMPLIANCE TABLE		
Development Standard	Proposals Numeric Compliance	Complies
Site Area: 3122.84m²		
Minimum Allotment Size		
• Site Area: 929m ² (min) (street)	Lot A 3122.84m ²	YES
• Site Area: 1,300m ² (min) (hatchet shape)	Lot B 1791m ²	YES
• Site Width: 18m (min)	Lot A 63m	YES
	Lot B 22m	YES
• Height: 8m or 2 storey (max)	8m/2 storey (Lot A/existing dwelling)	YES
Subdivision for Dwelling Houses		YES
• Site Area: 929m ² (min) and 1,300m ² (ex access for hatchet shaped lot)	Lot A 3122.84m ²	YES
	Lot B 1580m ² (ex access)	YES
• Site Width: 18m (min)	Lot A 63m	YES
	Lot B 22m	YES
• Access width (hatchet shaped lot) 4.6m	5m	YES
Built-Upon Areas 60%(max)	15% Lot A (existing dwelling) <60 Lot B (indicative dwelling)	YES YES

The following is a detailed discussion of the above relevant matters:

Minimum size allotments (cl.43):

KPSO Clause 43 (3) stipulates minimum allotment sizes within the Residential 2(c2) zone for the construction of a dwelling house.

The minimum area for a rectangular allotment with a street frontage is 929m² (Clause 43(3)(a)). Clause 43(3)(d) provides a minimum allotment size of 1300m² for a hatchet-shaped allotment, exclusive of an access corridor which is to have a width of not less than 4.6 metres.

As indicated in the *Compliance Table*, the proposal complies with the minimum area requirements and the minimum width for an access corridor.

Height of buildings (cl.46)

As indicated, an existing, two storey, heritage building exists on proposed Lot A. The height of this dwelling is not proposed to change. The height of any dwelling proposed for Lot B would be the subject of a future development application. The proposal is consistent with KPSO Clause 46.

FSR (cl.60)

KPSO Clause 60 does not contain a minimum floor space ratio standard for the site.

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Built-Upon Areas (cl.60C)

KPSO Clause 60 provides a maximum built upon area of 60%.

Proposed Lot A, which contains the existing dwelling achieves a built upon area of 15%. This calculation excludes the existing gravel driveway which is not a 'built structure' or included in the definition of built upon area.

The indicative building footprint given for proposed Lot B at 10% also demonstrates compliance with the KPSO in this regard.

Heritage/conservation areas (cl.61D - 61I)

No. 4 Illoura Avenue, Wahroonga is classified as a heritage item under Schedule 4 of the KPSO.

Clause 61 stipulates that a person shall not demolish, alter, damage an item of heritage or subdivide the land on which the building is situated, except with the consent of Council.

Council shall not grant consent to a development application unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

A Heritage Impact Statement, prepared by Noel Bell Ridley Smith and Partners Pty Ltd, was submitted with the application detailing the significance of the site.

In summary, the Statement indicates the following:

“Redhall” is a very large face brick and rough cast rendered, ‘Federation’ era house with a complex terra cotta shingle tiled roof. The gables feature Old English style details. The house has been extended and modified sympathetically on at least two occasions.

The house is set in extensive formal and informal gardens that have previously been reduced by subdivision.

“Redhall” is a good representative example of the early 20th century residential development of the upper North Shore by affluent merchants and professionals. Built for Robert Winton Gillespie in 1907, it demonstrates the status of the Gillespie family in the local community.

The house is a good demonstration of the mature phase of the “Queen Anne’ design set in surroundings that reflect the fashion for retaining remnant forest settings combined with an excellent later example of an Inter War formal garden. Though situated on a much reduced curtilage, the building and its garden retain a substantial presentation to Illoura Avenue that compliments the heritage property on the opposite side of the road, ‘Cedar Bank’ giving some indication of the Pre War residential character that was typical of the suburb.

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The house was sympathetically modified in the 1930s and again in 1949 following its transfer to Jean Winton Ward.

Based on the inclusion/exclusion criteria of the NSW Heritage Manual, the place has high Local heritage significance for Historic Evolution, Historical Association and Aesthetic values as a Representative example of upper middle class residence of the early 20th century.

The Heritage Impact Assessment also assessed the impact of the subdivision using the guide questions provided in the NSW Heritage Office Guidelines:

Has an adequate setting for the heritage item been provided, enabling its heritage significance to be maintained?

The proposed subdivision carefully avoids any of the significant areas and features of the site, and ensures that an adequate physical setting for the house is retained to support its identified significance as an example of a large suburban house of the Federation era.

Have adequate visual catchments or corridors been provided to the heritage item from major viewing points and from the item to outside elements with which it has important visual or functional relationships?

All of the existing important view corridors and relationships are retained by the proposal and new development on the proposed land will have no significant impact on the setting or the visibility of the heritage item either from the public domain or from within the site.

Are buffer areas required to screen the heritage item from visually unsympathetic development?

Appropriate landscape buffers are retained in the proposal to screen new development from the established setting of the heritage item and its principal garden setting.

How has the historical allotment pattern been considered?

The historical allotment pattern has previously been modified, however the present proposal maintains the existing visual presentation of the property to the street curtailing the proposed development to a battle axe allotment that is screened from view.

Does the proposed curtilage adequately consider the matters of appropriate design, style and taste related to the heritage item and its identified significance?

The proposed subdivision takes matters discussed in the body of this report into consideration and retains the major identified significance of the place.

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Is there any significant wider functional or interrelationship of the item with the surrounding area?

There is no significant wider functional relationship of the item with the surrounding area. These connections which once existed are largely defunct due to previous curtailment of the site.

Are significant visual links identified and maintained?

The study identified all significant visual links and the proposal maintains these.

Is the scale of the proposed curtilage and setting adequate to the scale and character of the heritage item?

The scale of garden settings for large houses in the area varies widely. Many examples happily sit on reduced curtilages without any loss or significance. Few, if any of the major sites in the area retain their full original complement of land, outbuildings, gardens and other features intact. In the current proposal the incremental reduction in land area of the original setting will not significantly affect the presentation of the house to the public, the enjoyment of the place by the owners or the significance of the component elements as they have been assessed.

Are all the significant heritage features within the proposed curtilage?

The proposal retains all of the identified significant features of the site intact within the proposed reduced curtilage.

Are significant landscape components of the original development maintained within the proposed curtilage?

The areas to be excised from the site do not contain any of the significant formally planned landscape elements of the site leaving them to form the residual setting of the house and its presentation to the public domain.

Are there linked archaeological remains which would be separated from the item by any proposed subdivision?

There is no evidence that any significant archaeological relics associated with the earlier site development or the present form of the development that would be separated by the proposed subdivision of the site.

The report concludes that:

The proposed reduced curtilage in this application is considered totally adequate to allow an appropriate appreciation of the primary heritage qualities of the heritage item as a work or architecture in its own right and to maintain an appropriate presentation of the house as a

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representative example of a large Federation house set in a large garden setting to Illoura Avenue and Stuart Street.

The proposed curtilage is in keeping with the established character of Wahroonga and will result in a residual block capable of development within the guidelines of DCP 38 without any undue impact on either the item or the surrounding streetscape.

The proposed subdivision and future development of the created lot will have very limited impacts on the adjoining heritage items.

For these reasons I consider the application to have appropriate merit in this location and circumstance and comment the application to the Council for favourable consideration and expeditious approval.

Council's Heritage Advisor has inspected the site and provided a comment in relation to the development.

The NSW Heritage Office has also commented on the application.

The design of the proposed subdivision is considered to adequately retain the aesthetic and heritage quality of the existing building, it's formally landscaped foreground and many of the surrounding mature trees which are also considered significant.

The proposed subdivision pattern is considered to effectively retain the existing heritage and aesthetic features of the site and the existing contribution of the heritage item to the streetscape. Subject to conditions, approval of the application is recommended.

Ku-ring-gai Residential Design Manual – DCP 38

The following table provides details of the compliance with the existing dwelling against the controls contained within DCP 38.

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
Site Characteristics		
Site Area = 3122.84m ²		
The site is on the low side of the road		
The site has a land slope more than 20° across the site = NO		
The Visual Character category for the site is Pre-1920		
Section 5: Design Elements		
5.1 Streetscape:		
Building Setbacks (s.5.1.3)		
<ul style="list-style-type: none"> Front Setback: 9m (Illoura Ave) -75% front elevation 	22m (no change)	YES

COMPLIANCE TABLE		
Development Control	Proposals Numeric Compliance	Complies
<ul style="list-style-type: none"> Side Setback: Ground Floor: 6m(min) 	Dwelling -South – 10m North- nil (tennis court to driveway)	YES NO
<ul style="list-style-type: none"> Rear Setback: 3m (min) 	3m (Dwelling)	YES
5.2 Building Form:		
Built-Upon Area (s.5.2.7) 50% (max)	15%	YES
5.3 Open Space & Landscaping:		
Soft Landscaping Area (s.5.3.3) 50% (min)	>50% (534m ²)	YES
Useable Open Space (s.5.3.8) Min depth 5m and min area 50m ²	Proposed Depth 35m Area 2142m ²	YES
5.5 Access & Parking:		
No. of Car Parking Spaces (s.5.5.1) 2 spaces behind building line	2 spaces behind building line	YES
Driveway Width (s.5.5.6) 3.5m	5m	NO
5.7 Ancillary Facilities:		
Swimming Pools (s.5.7.1) <ul style="list-style-type: none"> Setback from boundary: 2m Pool coping <500mm above ground level Pool excavation not below the canopy of trees 	No change to existing pool	YES
Tennis Courts (s.5.7.2) <ul style="list-style-type: none"> Setback from boundary: 3m Setback to habitable rooms: 5m 	Nil setback from northern boundary adjacent proposed driveway No change	NO

The following is a detailed discussion of the above relevant matters:

Site planning & environmental constraints (Part 4)

Development should enhance and compliment Ku-ring-gai's established landscape character and respond to the site, streetscape and locality.

Development should be designed to respond to the topography and protect environmental and cultural features and manage stormwater.

The proposed subdivision layout has been designed to retain the existing heritage character of the property and it's presentation within the streetscape. The proposal has also been designed to protect significant stands of trees. The proposal is consistent with DCP 38 in relation to site planning and consideration of environmental constraints.

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Design elements - streetscape (Part 5.1)

The proposal involves one minor change to the existing streetscape through a new driveway along the northern boundary of proposed Lot A, providing access to proposed Lot B. Significant landscaping existing within the frontage is to be retained and no change will be made to the presentation of the dwelling within the streetscape. Adverse streetscape impacts will not result from the proposal.

Design elements - building form (Part 5.2)

No change is proposed to the existing building form. As indicated in the *Compliance Table*, the existing tennis court on proposed Lot A is located within close proximity of the proposed new driveway and breaches the side setback control prescribed by DCP 38. However, no adverse residential or visual impacts will result and the proposal is acceptable.

Design elements - open space & landscape (Part 5.3)

Proposals should provide sufficient area for soft landscaping, optimal open space for dwellings and maintain consistency with the landscaped character of the area.

The proposed subdivision provides two allotments of land, sufficient in size to retain existing significant landscaping on the site and provide replenishment planting. The proposal provides for consistency with the landscaped character of the area.

Condition No.12 requires replenishment trees on each lot. **Condition No. 14** requires landscaping details including details, of screen planting along the right of carriageway and boundaries of proposed Lot B.

Design Elements - privacy & security (Part 5.4)

The property owner adjoining the site to the west, at No. 11A Stuart Street raised concern in relation to privacy along the western boundary. A dense stand of bamboo exists adjacent the boundary which currently provides screening. A large eucalypt is proposed to be retained along the south-western boundary. It is likely that some or all of the bamboo may be removed to allow the future construction of a dwelling on Proposed Lot B.

Sufficient opportunity exists on each new lot for the establishment of additional planting. In order specifically address the objection, screen planting is required by **Condition No. 14** along the southern boundary of Lot B.

The proposed subdivision does not in of itself introduce any adverse privacy impacts for surrounding dwellings. Privacy would be considered in detail in the assessment of any future dwelling proposed for Proposed Lot B.

Design Elements - access & parking (Part 5.5)

The proposed subdivision provides independent, functional access to each lot which does not adversely impact upon the amenity of surrounding properties or the streetscape. The driveway adjacent the northern boundary is designed to minimise adverse stormwater impacts and retain

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significant landscape features. The proposal is consistent with the objectives of the Access and Parking Design Element of DCP 38.

Design Elements - water management (Part 5.6)

Subject to conditions, the proposal is assessed as satisfactory with respect to water management.

Design Elements - ancillary facilities (Part 5.7)

No change is proposed to the pool or tennis court existing on proposed Lot A.

Managing construction or demolition (Part 6)

The proposal does not involve demolition, however, it involves the construction of the driveway and infrastructure works. **Conditions No. 21- 25** and **34** are recommended in relation to construction.

Subdivision Code

The following matters require consideration in the assessment of proposed land subdivision:

- Size and shape of each parcel;
- Length of the road frontage to each parcel;
- Situation and planning in relation to public convenience;
- Zoning;
- Drainage; and
- Geotechnical considerations.

The proposal creates lots which are acceptable with respect to the above considerations. The unusual shape of proposed Lot B is considered acceptable given the objective of retaining the heritage significance of the dwelling located on proposed Lot A and its curtilage.

Council's Subdivision Code re-iterates the frontage and density requirements contained within the KPSO, discussed above. The proposal complies with the provisions of the KPSO and, consequently, the provisions of the Subdivision Code.

The proposal complies with environmental aspects of the DCP, subject to recommended conditions.

DCP 43 - Car Parking

Sufficient space is provided on each lot for the provision of two car parking spaces, behind the building line for a single occupancy dwelling as required by DCP 43.

DCP 47 - Water Management

Subject to conditions relating to engineering conditions, the proposal complies with the provisions of the Water Management DCP and is acceptable.

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SECTION 94 CONTRIBUTION

The proposal attracts a Section 94 contribution of \$32,324.00 (refer to recommended **Condition No. 35**).

APPLICABLE REGULATIONS

There are no applicable regulations requiring discussion.

THE LIKELY IMPACTS OF THE PROPOSAL

Subject to conditions, the proposed development will not adversely impact on the heritage value of the property, the streetscape or area character, the natural environment or the residential amenity of surrounding properties.

THE SUITABILITY OF THE SITE

As detailed in this report, the site is considered suitable for the development proposed.

RECOMMENDATION

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

THAT Council, as the consent authority, grant development consent to DA 1349/04 for the Torrens Title subdivision of one (1) lot into two (2) on land at 4 Illoura Avenue, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. This consent relates to work shown in colour on plans numbered 8802-1-03 sheet 2 issue D, 8802-1-03 sheet 3, issue E, 8802-1-03 sheet 4, issue D and dated 19 April 2004, drawn by Lyle Marshall and Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. Approval is given under this development consent for the following tree works to be undertaken on trees within the subject property:

No/Tree/Location	Tree work
19/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) Close to the Illoura Avenue boundary of the access handle of Lot B.	Remove
21/ <i>Ficus sp.</i> (Fig Tree) Adjacent to the northern boundary of the access handle of Lot B.	Removal
3. A tree report prepared by a qualified Arborist shall be submitted to Council with any future development proposal for any of the allotments. The report shall assess the health and

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significance of the existing trees and shall be accompanied by a survey plan which accurately plots and identifies the trees. The tree assessment should be considered when undertaking the site analysis in preparation for designing the dwelling for the site.

4. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
5. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
6. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
7. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
8. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

No/Tree/Location

Radius From Trunk

20/*Angophora costata* (Sydney Red Gum)
10 metres from the Illoura Avenue boundary.

6m

9. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
10. 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.
11. *Pittosporum undulatum* (Sweet Pittosporum) – T19 shall be replaced at the same location by a tree that will attain 13 metres height at the site. The tree shall be selected from the Sydney Turpentine/Ironbark Forest assemblage of vascular plants by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to the commencement of subdivisional works.
12. Lots A and B shall support a minimum number of 13 and 8 trees respectively that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai. The existing

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tree/s, and additional tree/s to be planted within Lot A shall be shown on the Landscape Plan/Site Plan.

13. The tree plan for Lot A shall be prepared by a Landscape Architect or qualified Landscape Designer and submitted to the Principal Certifying Authority for approval prior to the commencement of subdivisional works.
14. A plan detailing screen planting of the northern and southern boundaries of the access handle and the southern and western boundaries of Lot B shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to the commencement of subdivisional works. The plan shall incorporate species of type suitable for the site conditions and location of the site, of 300 mm pot size capable of attaining a height of 5 metres and be maintained at 5 metres.
15. To enhance native vegetation and promote biodiversity the Landscape Plan shall incorporate at least 25% trees and shrubs as locally occurring native plant species from the Sydney Turpentine/ Ironbark Forest assemblage of vascular plants. Planting over the rest of the site shall consist of non-invasive plant species.
16. If the Principal Certifying Authority is Council then the appropriate fees contained in Councils Schedule of Fees and Charges are payable to Council prior to issue of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
17. Stormwater runoff from proposed Lot A (existing dwelling) shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
18. For stormwater control, a 150mm high kerb is to be provided for all paved areas including the proposed driveway. Stormwater runoff from all paved areas is to be connected to the main drainage system.
19. Construction of paved driveway within the access handle to proposed Lot B. The driveway crossing shall have a minimum width of 3.7 metres wide in order to comply with Council's Specification. The driveway is to have a minimum width of 3.0 metres and to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck. Passing opportunities must be provided in accordance with Australian Standard 2890.1 – 2004 "Off-street car parking where the driveway length exceeds 30 metres.
20. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

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21. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*. **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
22. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
23. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
24. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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

25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of

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the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSTRUCTION CERTIFICATE

27. In order to define the north-western curtilage of the heritage item/dwelling existing on proposed Lot A, screening trees attaining a minimum height of 5 metres at maturity are to be planted to the western side of the dwelling, adjacent the eastern boundary of proposed Lot B. The trees should be of sufficient canopy spread to provide continuous screening between the proposed lots. The trees must be super-advanced at planting and approved by Council's Heritage Advisor and Landscape Development Officer prior to the issue of a Construction Certificate.
28. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
29. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgment of those Certificates with Council.
30. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full hydraulic design documentation for the required

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interallotment drainage system from proposed Lot A (existing dwelling) over proposed Lot B. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- b. The contributing catchment calculations and supporting pipe sizing information,
- c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
- d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
- e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.

31. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a suitably qualified and experienced civil/hydraulic engineer that:

- a. The existing pipes within the interallotment drainage easement system to be utilised over Lot 1 of DP 586458, not to be reconstructed, are in satisfactory condition and
- b. The existing pipes to be utilised have hydraulic capacity to carry design flow rates and/or detention system overflows (where detention systems are to be provided) from proposed Lot A and Lot B as far as the approved point of discharge to the public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows from the approved development the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority (PCA), prior to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- b. The contributing catchment calculations and supporting pipe sizing information,
- c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,

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- d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
32. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation for the driveway to proposed Lot B. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with Australian Standard 2890.1 – 2004 “Off-street car parking” in terms of passing opportunities, ramp grades and driveway width etc.
33. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. **Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.**

Note 1: 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.

Note 2: 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.

34. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Council’s Water Management DCP 47 (available on the Council website).

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35. 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 ONE (1) ADDITIONAL LOT IS CURRENTLY \$32,324.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

36. In order to define the north-western curtilage of the heritage item from the proposed new lot, screening trees are to be planted on the heritage item at a suitable distance from the proposed boundary that reach a minimum height of 5 meters and sufficient canopy spread to provide continuous screening between the proposed lots. The trees must be super-advanced and planted as specified by a qualified landscape architect or horticulturist. The location of the trees is to be approved by Council's Heritage Advisor and the species of tree approved by Council's Landscape Development Officer prior to the issue of a Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

37. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed DRIVEWAY shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of

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

No/Tree/Location	Radius in Metres
20/ <i>Angophora costata</i> (Sydney Red Gum) 10 metres from the Illoura Avenue boundary.	6m

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

No/Tree/Location

20/*Angophora costata* (Sydney Red Gum)/10 metres from the Illoura Avenue boundary.

39. 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.
40. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

41. The Principal Certifying Authority shall ensure that the suspended concrete driveway shall be located a minimum distance of 1 metre from the northern and southern boundaries of the access handle of Lot B for the provision of screen planting. The suspended concrete driveway shall be installed in accordance with the approved plans and conditions of consent and be completed prior to issue of the Certificate of Subdivision.
42. The screen planting within the access handle of Lot B and the tree replenishment planting within Lot A shall be installed in accordance with the approved plans and/or conditions of consent, be completed prior to issue of the Certificate of Subdivision and be maintained in a healthy and vigorous condition at all times.
43. The Principal Certifying Authority shall ensure that the screen planting within the access handle of Lot B and the tree replenishment planting within Lot A have been installed

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correctly, faithful to the approved landscape plan/s specifications and conditions of consent prior to issue of the Certificate of Subdivision.

44. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed subdivisional works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Certificate of Subdivision.

Plant Species

Asparagus plumosus (Climbing Asparagus)
Cotoneaster sp. (Cotoneaster)
Hedera sp. (Ivy)
Hedychium gardnerianum (Ginger lily)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Phyllostachys sp. (Rhizomatous Bamboo)
Tradescantia albiflora (Wandering Jew)

45. The linen plan release fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to issue of the Subdivision Certificate.
46. Prior to release of the linen plan/issue of the subdivision certificate the applicant must submit to Council (attention Development Engineers) a copy of the approved interallotment drainage and driveway design, the works-as-executed drawings and the Engineer's certification of the as-constructed engineering works. This only applies where Council is not appointed the Principal Certifying Authority (PCA). These details are required to maintain Council's database of as-constructed drainage and driveway works.
47. Prior to release of the linen plan/issue of the subdivision certificate, the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to release of the linen plan/issue of the subdivision certificate, the following shall be submitted to the Principal Certifying Authority (PCA):
- a. Certification from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
48. Construction of the driveway access to proposed Lot B is to be supervised and upon completion certified by the designing engineer that the works have been constructed in

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accordance with the approved plans. Certification is to be provided to the Certifying Authority prior to issue of a Subdivision Certificate.

49. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:

Council's Subdivision Lodgement Form, available from Council's Customer Services.
The endorsement fee current at the time of lodgement,
The 88B Instruments plus six (6) copies,
All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
All works-as-executed plans required under the consent,
The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

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

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

50. For endorsement of the linen plan / issue of the subdivision certificate, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
51. The developer shall submit to the Certifying Authority a letter from the energy supply authority and either Telstra or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to issue of the Subdivision Certificate.
52. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
- (a) Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - (b) Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to marrying of levels and materials.
 - (c) Any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection,

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contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council - at no cost to Council.

53. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
54. Creation of suitable drainage easements with minimum widths in accordance with Council's Water DCP47 over all of the inter-allotment and Council drainage systems.
55. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.

N Richter
Executive Assessment Officer

M Leotta
Team Leader
Development Assessment - North

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Location Sketch – 541900**
 Zoning Extract - 541899
 Plans of Subdivision – 541823 and 541844

LOCATION SKETCH

4 Illoura Avenue, WAHROONGA NSW



CLAU PLAN



SCALE: 1:2500

DATE: 10/10/2005

SUBJECT LAND
SUBJECT LAND



Zoning Extract

4 ILLOURA AVENUE, WAHROONGA

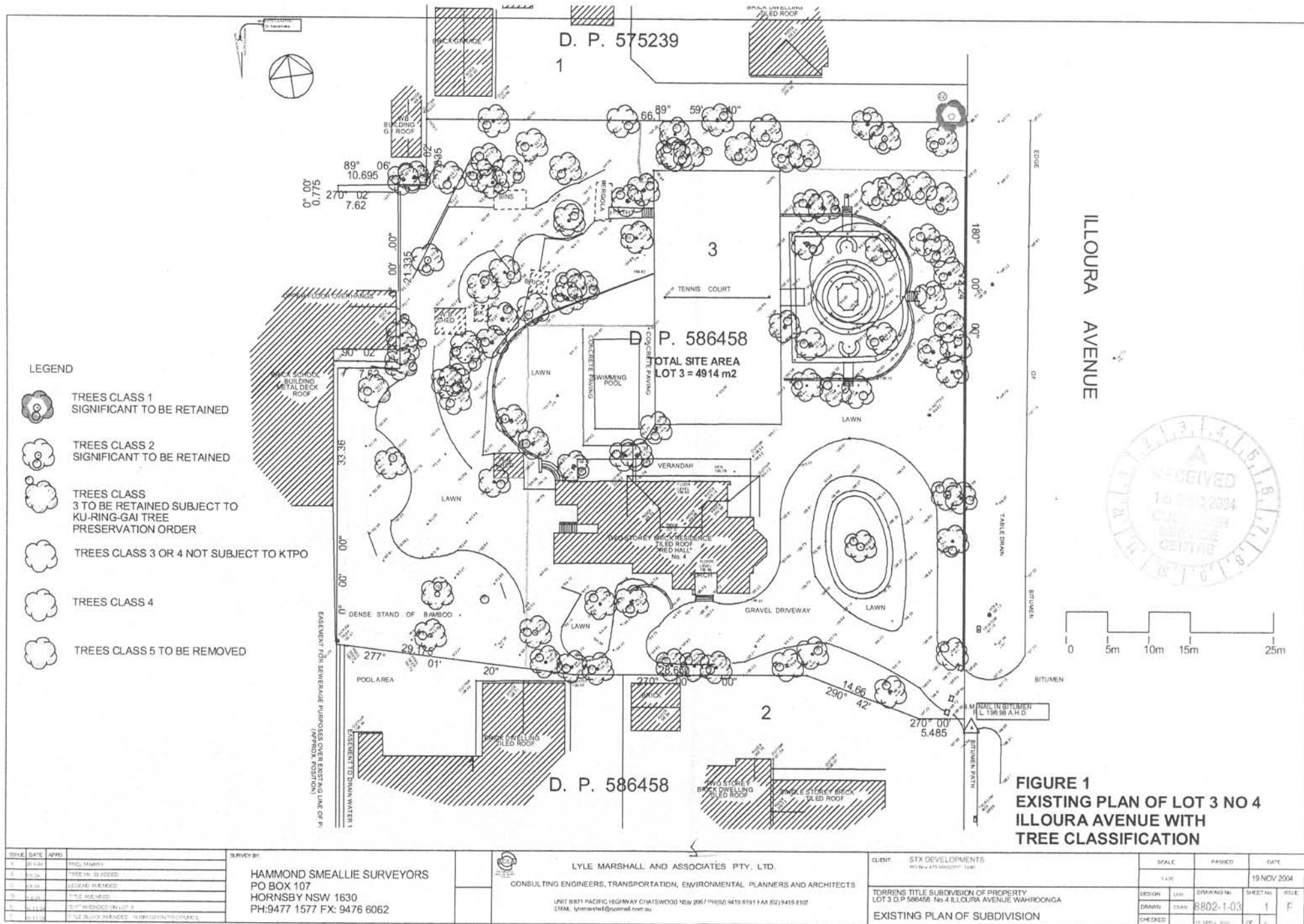


10-10-2005

Scale = 1:2000

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|--|---------------------------------|--|-----------------------------|
| | RECREATION EXISTING 6(a) | | SPECIAL USES 5(b) (Railway) |
| | RESIDENTIAL 2(c) | | |
| | RESIDENTIAL 2(c2) | | |
| | RESIDENTIAL 2(d3) | | |
| | RESIDENTIAL 2(e) | | |
| | SPECIAL USES 5(a) (Schools etc) | | |





DATE	DATE	APPROVED	SURVEY BY	CLIENT	SCALE	PASSED	DATE
1	20.04.04	PHIL MARSH	HAMMOND SMEALLIE SURVEYORS	STX DEVELOPMENTS	1:400		19 NOV 2004
2	10.04.04	TREE NO. 2 ADDED	PO BOX 107	891 Bux 475 MACQUY 1480			
3	10.04.04	LEGEND AMENDED	HORNSBY NSW 1630				
4	10.04.04	TITLE AMENDED	PH:9477 1577 FX: 9476 6062				
5	10.04.04	TITLE AMENDED (PLAN 3)					
6	10.04.04	TITLE BLOCK AMENDED - IN (BROUGHT TO COMPLETION)					
7	10.04.04						



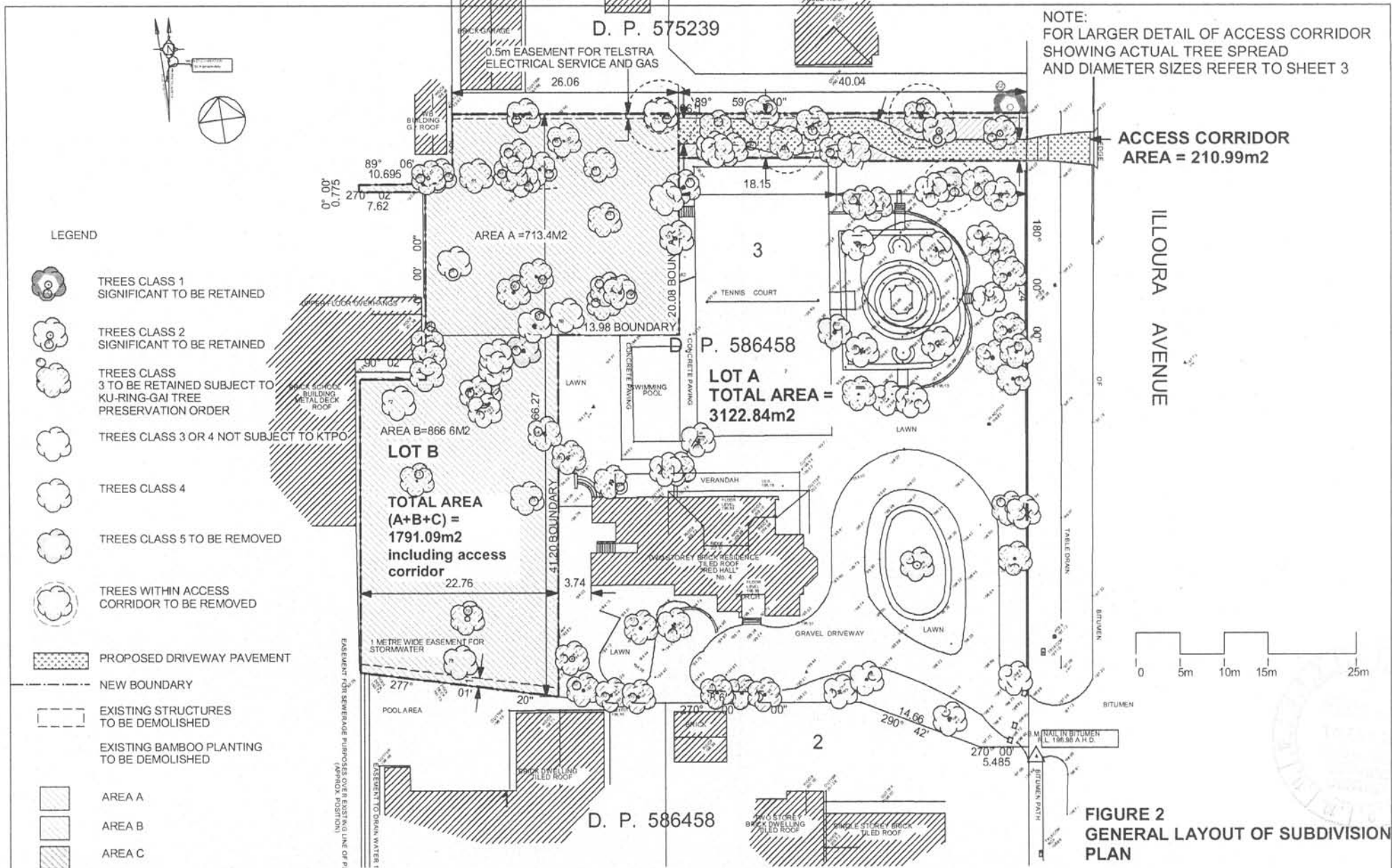
LYLE MARSHALL AND ASSOCIATES PTY. LTD.

CONSULTING ENGINEERS, TRANSPORTATION, ENVIRONMENTAL PLANNERS AND ARCHITECTS

UNIT 8/871 PACIFIC HIGHWAY CHATSWOOD NSW 2057 PH:(02) 9419 8191 FAX:(02) 9419 8102
EMAIL: lymarshall@pau.com.au

TORRENS TITLE SUBDIVISION OF PROPERTY
LOT 3 D.P. 586458 No 4 ILLOURA AVENUE WAHROONGA
EXISTING PLAN OF SUBDIVISION

DESIGN	DATE	DRAWING NO.	SHEET NO.	SCALE
DRAWN	10.04.04	8802-1-03	1	F
CHECKED	10.04.04			

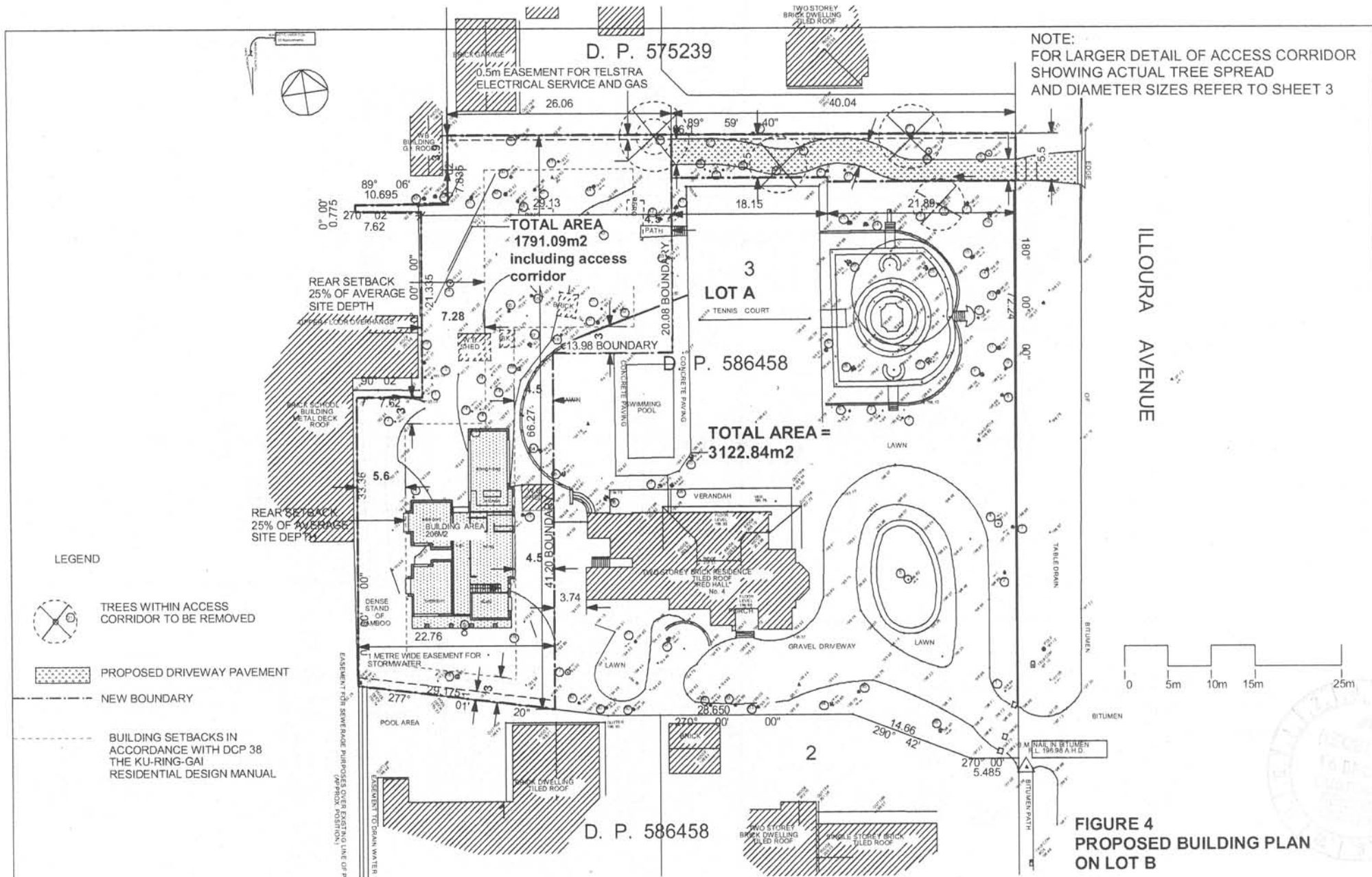


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A	26.10.04	YES	BYD SURVEY	STX DEVELOPMENTS	1:500		19 NOV 2004
B	26.10.04	YES	CHANGES TO DRIVEWAY LAYOUT AND TREE NO 22 ADDED	PO BOX 470 BARRACLOUGH			
C	26.10.04	YES	CHANGES TO DRIVEWAY LAYOUT AND TREE NO 22 ADDED				
D	26.11.04	YES	CHANGES TO TITLE BLOCK SUBMITTED TO COUNCIL				

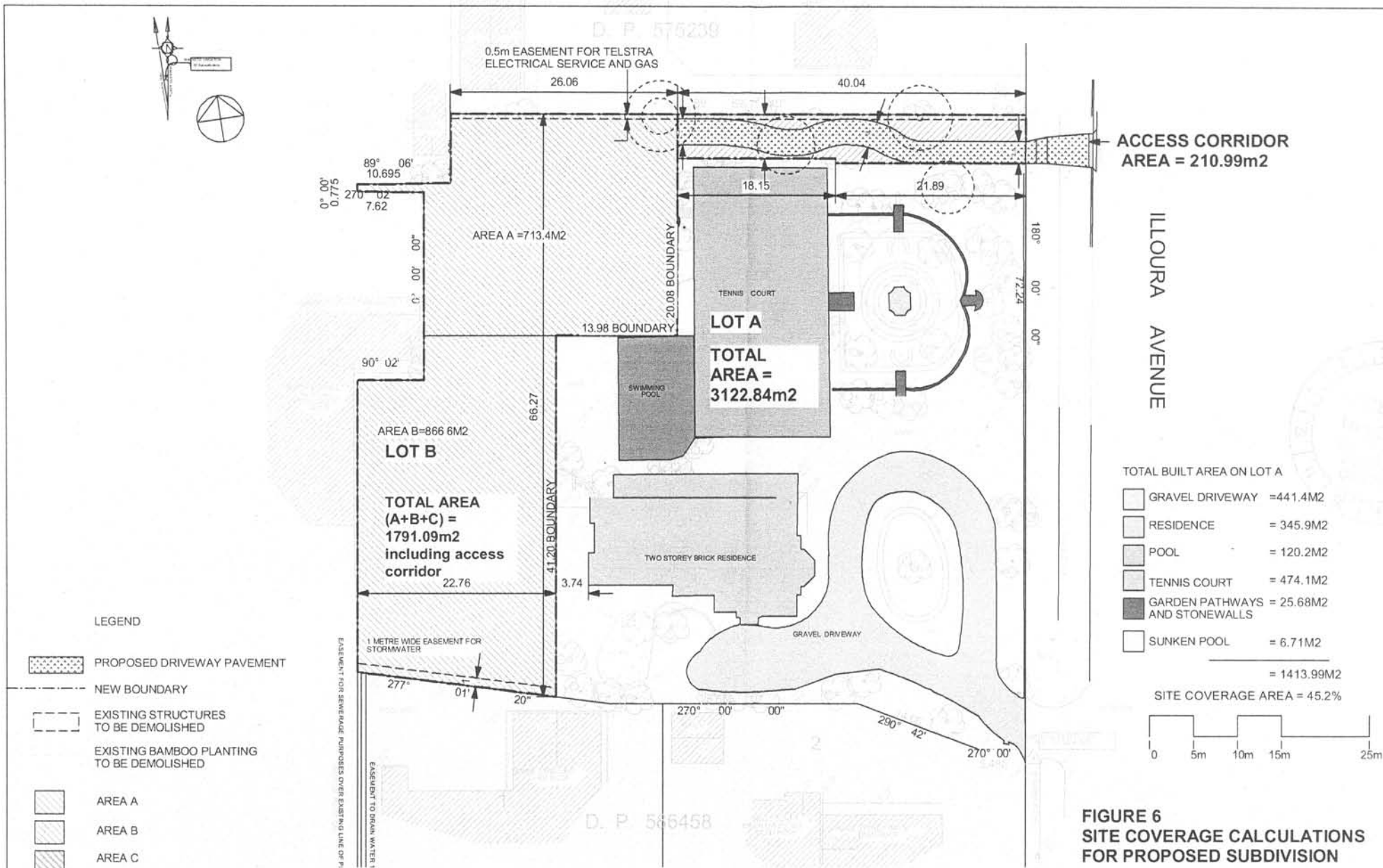
HAMMOND SMEALLIE SURVEYORS PO BOX 107 HORNSBY NSW 1630 PH:9477 1577 FX: 9476 6062	LYLE MARSHALL AND ASSOCIATES PTY. LTD. CONSULTING ENGINEERS, TRANSPORTATION, ENVIRONMENTAL PLANNERS AND ARCHITECTS UNIT 8/91 PACIFIC HIGHWAY CHATELWOOD NSW 2067 PH:(02) 9419 8191 FAX:(02) 9419 8107 EMAIL: lymarshall@earthlink.com.au	TORRENS TITLE SUBDIVISION OF PROPERTY LOT 3 D.P. 586458 No 4 ILLOURA AVENUE WAHROONGA PLAN OF SUBDIVISION	DESIGN DRAWN CHECKED NO ARTIST'S COPY	DRAWING NO 8802-1-03 OF 1	SHEET NO 2 OF 2	DATE 19 NOV 2004
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ACCESS CORRIDOR
TOTAL AREA = 210.99m²

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DATE	APPROVED	SURVEYED BY	CLIENT	SCALE	ISSUED
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19 NOV 2004		HAMMOND SMEALLIE SURVEYORS PO BOX 107 HORNSBY NSW 1630 PH: 9477 1577 FX: 9476 6062	TORRENS TITLE SUBDIVISION OF PROPERTY LOT 3 D.P. 586458 No 4 ILLOURA AVENUE WAHROONGA	DESIGN 1:100 DRAWING NO: 8802-1-03 SHEET NO: 4	ISSUE 4
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19 NOV 2004		LYLE MARSHALL AND ASSOCIATES PTY. LTD. 1/107 RING 1 PACIFIC HIGHWAY CHATSWOOD NSW 2057 PH: (02) 9419 8191 FAX: (02) 9419 8107 E-MAIL: lylemarshall@resmail.com.au			



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				CHECKED	18 NOV 2004	19

1

A diagram of a tiled roof cross-section. The roof is labeled "TILED ROOF" at the top. A dashed line indicates the slope, which is labeled "12%". The roof is shown with diagonal hatching to represent tiles.

ACCESS CORRIDOR
TOTAL AREA = 210.99m²



FOR CONTINUATION OF DRAWING REFER TO ARCHITECTURAL
PLANS DRAWING NO 8802-1 SHEET 2

BUTTER 40.04

RA
GAS

PLAN OF SUSPENDED CONCRETE DRIVEWAY
SCALE 1:100

—VEHICLE CROSSING AND LAYBACK TO KU-RING-GAI COUNCIL'S STANDARDS.

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P2

P1

SECTION 1
SCALE 1/8"

SECTION 2
PPH 129

SECTION 3

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 TO 8 BURLEIGH STREET, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 31 UNITS, 50 BASEMENT CARSPACES AND LANDSCAPING
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	62/05
SUBJECT LAND:	2 to 8 Burleigh Street, Lindfield
APPLICANT:	J & Q Investments Pty Ltd
OWNER:	J Ka-May-Wu : 2-4 Burleigh Street P & E Chien: 6 Burleigh Street RN Hale & CM Evans: 8 Burleigh Street
DESIGNER:	Brewster Murray Pty Ltd
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 40, DCP 43, DCP 47 and DCP 55
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	27 January 2005
40 DAY PERIOD EXPIRED:	8 March 2005
PROPOSAL:	Demolition of existing structures and construction of a residential flat building comprising 31 units, 50 basement car spaces and landscaping
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 62/05
PREMISES: 2 - 8 BURLEIGH STREET, LINDFIELD
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES
AND CONSTRUCTION OF A RESIDENTIAL
FLAT BUILDING COMPRISING 31 UNITS,
50 BASEMENT CARSPACES AND
LANDSCAPING
APPLICANT: J & Q INVESTMENTS PTY LTD
OWNER: J KA-MAY-WU : 2-4 BURLEIGH STREET, P
& E CHIEN: 6 BURLEIGH STREET, RN
HALE & CM EVANS: 8 BURLEIGH STREET
DESIGNER BREWSTER MURRAY PTY LTD

PURPOSE FOR REPORT

To determine Development Application No. 62/05 which seeks consent for the demolition of existing structures, construction of a residential flat building comprising 31 units, including basement car parking and landscaping.

EXECUTIVE SUMMARY

Issues: Setbacks, visual privacy

Submissions: 24 submissions to the original proposal and 11 submissions to the amended plans.

Pre-DA Consultation: Yes.

Land & Environment Court Appeal: Not applicable.

Recommendation: Approval.

HISTORY

Site history:

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

Development Application history:

DA 65/05

7 October 2004 Pre-development application consultation held between Council Officers and applicant.

Item 3

- 27 January 2005 Application lodged.
- 28 June 2005 Council requests certain amendments to the application. These included:
- Increased setback to Burleigh Street from a minimum of 8.5 metres to 13 metres.
 - Increase the side boundary setback to the driveway from approximately 2.5 metres to more than 4.8 metres.
 - Changes to improve unit layout, articulation and reduce the apparent bulk by limiting balcony projections.
- 12 September 2005 Amended plans received by Council.

THE SITE AND SURROUNDING DEVELOPMENT

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-1968
Lot Number:	Pt Lot 7, 8, 9 & 10
DP Number:	7770
Area:	3270 m ²
Side of Street:	Eastern
Cross Fall:	10%
Stormwater Drainage:	To Burleigh Street
Heritage Affected:	No
Required Setback:	10 to 12 metres (Pacific Highway) 13 to 15 metres (Burleigh Street)
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

Dimensions and topography

The site is a regular shaped corner allotment with a total area of 2761m². The frontages to Burleigh Street and Pacific Highway measure 51.195 metres and 40.96 metres, respectively.

The site slopes from the Pacific Highway toward the north-east corner at a grade of approximately 10%. It comprises three lots and is improved with double storey dwellings and associated structures, including an in ground swimming pool located at No. 8 Burleigh Street.

Existing landscaping comprises lawns with some mature trees and shrubs.

Zoning and surrounding land uses

A zoning map is attached to this report. The site forms part of the Pacific Highway and railway corridor, an area that comprises low density residential development that was rezoned to Residential

Item 3

2(D3) for multi unit residential development under LEP194. All boundaries of the site are shared with properties similarly zoned.

Existing development surrounding the site comprises a mix of single and double storey dwelling houses and residential flat buildings. The northern boundary is abutted by a double storey unit development consisting of 4 units (No's 1 to 3 Llewellyn Street) and two dwellings at No's 5 to 7 Llewellyn Street. No's 10 and 12 Burleigh Street to the east are developed as dwelling houses.

Lindfield Public School is located diagonally opposite the site, at the intersection of Pacific Highway and Grosvenor Road.

Development proposals in the vicinity of the site

Directly opposite and to the south at No's 1-11 Burleigh Street and No's 1-3 Eton Road approval was granted on 24 May 2005 for demolition of ten dwelling houses and construction of two 5 storey residential flat buildings containing 88 units and basement carparking for 136 vehicles (DA 1260/04).

Development consent DA328/04, granted on 25 August 2004, was for the demolition of three single storey dwellings and construction of two 3-storey residential flat buildings comprising 21 units at 2-4 Eton Road and 205 Pacific Highway, located directly opposite the subject site.

Development consent DA912/03, granted on 10 August 2004, was also for the demolition of the existing commercial/retail development and construction of a three storey residential flat building comprising 17 units at No 210-214 Pacific Highway located south of the subject site on the opposite side of Pacific Highway.

These developments are shown on the location sketch.

THE PROPOSAL

The application proposes the following:

- Demolition of existing dwellings and associated structures on site;
- Construction of a 5 storey residential flat building of 31 units comprising 20 x 2 bedroom apartments and 11 x 3-bedroom apartments.
- A total of 50 parking spaces, consisting of the 42 resident spaces and 8 visitor spaces over 3 basement levels.
- Vehicular access from Burleigh Street in the south-eastern corner of the site.
- Disposal of stormwater to Burleigh Street incorporating a retention and detention system with water re-use for toilet flushing and irrigation.

Item 3

The structures above and below ground are generally set back in excess of 13 metres from Burleigh Street and approximately 12 metres from Pacific Highway. The stormwater detention tank is located below ground level and is set back 8 metres from Burleigh Street.

The setback to the north-western (rear) boundary varies between 7 metres and 10 metres. The north eastern (side) boundary setback generally exceeds 6 metres. Some private courtyards project into these setback areas.

The building comprises 5 levels with a 3 level basement car park. All units are accessible by a single lift core that is serviced by an entry foyer located at RL 105.075. Due to the slope of the site a single unit is provided at Basement-1 level (RL 102.175). The remaining floor levels are as follows:

Level 1	RL 105.075
Level 2	RL 107.975
Level 3	RL 110.875
Level 4	RL 113.775
Level 5	RL 116.675

More than 400m² of communal open space is provided within the rear and side setbacks of the building.

Amended plans dated 12 September 2005

Amendments to the original design entailed the following:

- Increased setback to Burleigh Street from a minimum of 8.5 metres to 13 metres.
- Increase the side boundary setback to the driveway from approximately 2.5 metres to more than 4.8 metres.
- Changes to improve articulation and reduce the apparent bulk by limiting balcony projections.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, adjoining owners were given notice of the application on 7 February 2005. In response, submissions from the following were received:

1. Tandi Developments Lindfield Pty Ltd - -11 Burleigh Street and No's 1-3 Eton Road, Lindfield
2. M & J Macnamara - 9 Burleigh Street
3. YB Lim & TL Lee - 10 Burleigh Street
4. M Tozer - 12 Burleigh Street
5. M McCluskey c/o Gilbert Kemp - 5/20 St Johns Ave, Gordon
6. W Karpin - 3/1-3 Llewellyn Street
7. IC & GJ Lucas, F Roxburgh - 1 & 2/1-3 Llewellyn Street
8. J & B Fraser - 1/2-12 Llewellyn Street
9. G Reidy - 3/2-12 Llewellyn Street
10. LS Leeming - 4/2-12 Llewellyn Street

Item 3

11. M & I Sheriff - 12/2-12 Llewellyn Street
12. V Ireland - 13/2-12 Llewellyn Street
13. Owner's Corporation, c/o C Hallisey - 14/2-12 Llewellyn Street
14. JA Leamon - 21/2-12 Llewellyn Street
15. S Taylor - 23/2-12 Llewellyn Street
16. J Mitchell - 25/2-12 Llewellyn Street
17. I Taylor - 26/2-12 Llewellyn Street
18. JJ Wang & DJ Wang - 5 Llewellyn Street
19. D & M Chapman - 7 Llewellyn Street
20. M Hirananeek - 9a Llewellyn Street
21. Z Hirananeek - 9b Llewellyn Street
22. N Hirananeek - 11a Llewellyn Street
23. J Hirananeek - 11b Llewellyn Street
24. RH Frater - 35 Edmund Street

The submissions raised the following issues:

Cumulative effect of the development on traffic and parking

The rezoning of this site under LEP 194 to permit medium density development confers a development potential pursuant to the development standards and controls set out in LEP 194 and DCP 55. In accordance with these statutory planning and policy controls, sites within the Residential 2(d3) zone have the potential to be developed for the purposes of residential flat buildings to a maximum height of five storeys and a footprint of 35% of the site area. The intent of rezoning for multi-unit development is to establish medium density living in proximity to transport nodes, educational and health facilities and local business centres.

At Council's meeting of 25 November 2003, a report (prepared by the Director – Technical Services) was considered on the traffic implications associated with the proposed rezonings. The report found that high density development along the Pacific Highway associated with the Targeted Sites under SEPP 53 and the Stage 1 Residential Development Strategy associated with LEP194 will place additional pressure and demand on the Pacific Highway during peak traffic conditions.

On 16 January 2004, Council advised the Department of Infrastructure, Planning and Natural Resources (DIPNR) on the findings of the study and suggested that DIPNR assess the level of improvements required to meet the expected traffic growth from urban consolidation. LEP 194 was subsequently gazetted by DIPNR on 28 May 2004.

Any cumulative impacts on residential character and density resultant from development of the subject site and similarly zoned allotments in accordance with LEP194 and DCP 55 provisions were therefore anticipated and have been provided for in the zoning.

The proposal is consistent with the objectives of SEPP 65, The Residential Flat Design Code, LEP194 and DCP 55 and will not result in a cumulative impact beyond that which is provided for under the zoning and associated controls that apply to the site.

Item 3

Concerns relating to the provision of adequate car parking for the proposed development

The proposal provides basement car parking for 50 vehicles (42 resident and 8 visitor spaces). The level of car parking proposed is compliant with Council's Development Control Plan 43 – Car parking and DCP 55.

The applicant provided an Assessment of Traffic and Parking Implications which has been reviewed by Council's Development Engineer. Engineering comments state that car parking is adequate and the potential traffic generation is reasonable given the type of the development.

To ensure that the impacts of additional traffic generated during the construction phase are properly addressed a condition of consent will require the applicants to submit a traffic control plan providing details of heavy vehicle routes, traffic calming devices, parking controls and safe ingress and egress from the site (**see Condition No 97**).

Concerns over pedestrian safety for children walking to Lindfield Public School.

Vehicles will have adequate on site manoeuvring for forward entry and exit to the site to ensure that pedestrian safety is not compromised by vehicles manoeuvring on Burleigh Street. Drivers will have adequate sight lines in both directions of the street when entering and exiting the site.

Basic infrastructure such as electricity supply and sewer is inadequate

The application was referred to Energy Australia who raised no objections. Conditions are recommended requiring the applicant to liaise with Energy Australia and Sydney Water regarding their specific requirements. These requirements must be obtained prior to Construction Certificate issue and compliance prior to the issue of the Occupation Certificate (**See Conditions Nos 50 and 85**).

Impact of excavation on adjoining properties

Based on the preliminary geotechnical report and location of excavations on this site, Council's Development Engineers are satisfied that the geotechnical and excavation construction aspects of this proposal can be addressed through suitable conditions of consent. These conditions will require geotechnical and hydro-geological monitoring, excavation, construction and further professional geotechnical input as warranted. A condition is also recommended which will require ongoing investigation by a consulting geotechnical engineer, with action as appropriate. Dilapidation reports are to be completed on neighbouring properties and infrastructure (**See Conditions Nos 96 and 114**).

Character, style and scale of development is not appropriate

In the absence of a Design Review Panel provided by SEPP 65, the application was referred to Council's Urban design Consultant, Russell Olsson. Mr. Olsson finds that the development proposal satisfactorily addresses all ten SEPP 65 Design Principles and he considers the design to be of an acceptable standard.

Item 3

Overdevelopment and lack of cohesive approach to the development of the area

The development complies with all development standards in LEP 194 and complies with the majority of the controls DCP 55. Where the development does depart from DCP 55 numeric standards, it is considered that the development still satisfies the objectives of these DCP controls, with the departures being minor in nature and indiscernible in the context. Areas of non-compliance are indicated in the DCP 55 compliance table and discussed in detail in this report.

Overshadowing

An assessment of the applicant's shadow diagrams confirmed that no adverse shadow impacts will occur. Due to the orientation of the site, any overshadowing will be limited to Pacific Highway and Burleigh Street reserves. Some minor overshadowing occurs in the front setback area of No's 1-7 Burleigh Street but this is limited and reduces solar access by only 1 hour, between 2pm and 3pm on 21 June.

Overlooking

With development to the density and scale allowed by LEP 194, a degree of privacy loss is inevitable. At low densities, there is a reasonable expectation that a dwelling will retain high levels of privacy but at higher densities privacy impacts are harder to protect and the claim to retain it to the same level as low density development is not as strong. It should be noted that all the properties in the vicinity of the proposal are zoned 2(d3) which allows for unit development up to 5 storeys, similar in scale to the current proposal. When these properties are redeveloped, buildings would be set back further in accordance with DCP 55, improving future separation.

On average the proposal's setbacks to the rear and side boundaries exceed the minimum 6 metres required by DCP 55. Separation to No. 10 Burleigh Street ranges from 8 to 9 metres (**Figures Nos 1 and 2** illustrate that the development results in a greater separation compared to the existing situation). The amenity impacts can only be partly ameliorated by minimising fenestration and equipping balconies with sliding louvers but cannot be completely eliminated. Fenestration along this façade is limited to low-use, rooms such as bedrooms and physical screening is not considered appropriate. Condition No. 75 is recommended which requires the relevant balconies be equipped with suitable screening devices which would not inhibit solar access to the units (such as sliding louver screens).

The fifth storey element of the proposal also breaches the separation requirement of 18 metres between habitable rooms. The applicant has addressed this by providing planter boxes along the building edge facing No. 10 Burleigh Street and parts of the building edge facing north to the rear of No's 1-3, 5 and 7 Llewellyn Street.

These measures will reduce the opportunity for direct overlooking and ensure a reasonable degree of privacy is maintained, commensurate with a medium density environment.

Isolation of adjacent sites

The development will not result in any isolated lots smaller than 1200m². The combined area of Nos 1 to 11 Llewellyn Street, No's 10 and 12 Burleigh Street is more than 4700m².

Item 3

Stormwater impacts

Council's Development Engineer is satisfied that the stormwater Management Plan proposed is satisfactory, complies with DCP 47 and will not result in adverse drainage impacts. The proposal will discharge storm water to Burleigh Street and will in fact reduce the existing impervious area from 53% to 50%, thereby improving the current situation.

Concern over the extent of proposed excavation.

The proposal includes a total excavation volume of 5000m³ to accommodate basement level parking and provide a suitable grade for outdoor living space. Excavation is closest to the north-eastern and north-western boundaries, where setbacks vary from approximately 6 metres to more than 7 metres. Excavation associated with the basement car park will have a maximum depth of 5 metres to 10 metres below natural ground level. The deepest excavation is along the Pacific Highway frontage where it is sufficiently set back from the common boundaries to ensure no adverse impact on surrounding sites. Council's Development Engineer has raised no concerns in relation to the proposed earthworks.

The geotechnical report contains recommendations for dilapidation reporting, vibration monitoring, retention and periodic inspections of excavated faces. The report also states that no significant groundwater was noted during the investigation and the basement excavation is not expected to affect groundwater levels or surrounding structures.

All excavation will be adequately controlled by conditions of consent, including a construction management plan (**Condition No 97**).

Decrease in property values

The proposal is permissible under the zoning of the site. Potential impacts on property values are not a consideration under s79C of the Environmental Planning and Assessment Act 1979.

Amended Plans

Amended plans lodged on 12 September and notified in accordance with Council's Notification Policy on 15 September resulted in submissions from the following:

1. YB Lim & TL Lee - 10 Burleigh Street
2. M & S Tozer - 12 Burleigh Street
3. IC & GJ Lucas, F Roxburgh - 1 & 2/1-3 Llewellyn Street
4. J & B Fraser - 1/2-12 Llewellyn Street
5. LS Leeming - 4/2-12 Llewellyn Street
6. M & I Sheriff - 12/2-12 Llewellyn Street
7. JJ Wang & DJ Wang - 5 Llewellyn Street
8. HL Chu, 11/2 Llewellyn Street - 38 Warrington Avenue, East Killara
9. D & M Chapman - 7 Llewellyn Street
10. KH Hirananeek - 9 Llewellyn Street

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11. N Hiranank - 11 Llewellyn Street

The issues raised did not differ from those raised in respect of the original plans.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's consultant Urban Design Consultant, Russell Olsson, commented on the original plans in the context of SEPP 65 and Residential Flat Design Code considerations as follows:

Context

The site is on the corner of the Pacific Highway and Burleigh Street Lindfield. The existing context is comprised of elements of the built environment and the natural environment. The existing built form context for this development is comprised of detached houses. The site is zoned for 2(d3) development, as are the adjoining sites. There are no zoning transitions required. The natural environment is an important characteristic of the Pacific Highway and Burleigh Street. The Pacific Highway is lined by large trees, which are planted predominantly in private properties. Burleigh Street also relies on trees in private properties for its landscaped character and also contains street trees.

The primary objective of DCP 55 is for buildings to be viewed in their landscaped setting, and this proposal partially achieves that objective, by providing sufficient setback distances. However, the car park ramp adjoining the eastern boundary reduces the opportunity for a sufficiently landscaped separation between this proposed development and the adjoining house (or future 2(d3) development).

It is recommended that the car park ramp is located under the building so that large scale tree planting can be made towards the centre of the 6m setback and additional low level bushes are planted to provide a visual screen to the neighbour and a fully landscaped setting to the building.

Scale

The building is excessively bulky, due in part to the footprint dimensions of approximately 27m x 33m, and due in part to the architectural expression of convex curved balconies, which emphasise the visual bulk of the building. The effective building depth is in no part greater than 18m, due to the central ventilation well / entry gallery on the southern elevation. While this may be acceptable from the point of view of providing ventilation, it does not assist with the visual bulk of the building, as the space is too narrow to provide sufficient visual articulation of the building, particularly when viewed from Pacific Highway. The convex balconies bulge out from the building, adding to its visual bulk.

It is recommended that the balconies are re-designed, with stepped rectilinear forms, to create strongly articulated, more vertical forms than the relatively long horizontal convex forms that are currently proposed.

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Built Form

The building complies with the DCP 55 setback controls to the lower levels and the top storey. The overall building form is acceptable, with the exception of the balcony design as described above.

Density

The density is acceptable.

Resource, energy and water efficiency

77 % of apartments have natural cross ventilation, which is acceptable. More than 70% of living rooms / balconies gain 3 hours sunlight between 9am and 3pm in mid-winter. Eight apartments are single aspect, and four of these apartments have kitchens which are further than 8m from a window. This will lead to greater use of electric light and mechanical ventilation.

It is recommended that the layout of these four apartments is revised to locate the kitchen closer to the window wall.

Landscape

The car park ramp adjoining the eastern boundary reduces the opportunity for a sufficiently landscaped separation between this proposed development and the adjoining house (or future 2(d3) development). The proposed tree planting along this boundary is in a narrow strip of soil and the proposed trees will substantially overhang the adjoining property boundary. It is recommended that the car park ramp be located under the building so that large scale tree planting can be made towards the centre of the 6m setback and additional low level bushes are planted to provide a visual screen to the neighbour and a fully landscaped setting to the building.

The landscape design is otherwise acceptable.

Amenity

The amenity is acceptable in terms of natural ventilation, sun access, privacy, storage and ease of access.

Safety and Security

Safety and security is not an issue in this development.

Social Dimensions

The mix of apartments is acceptable.

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Aesthetics

The building is visually bulky, due to its overall dimensions, its uniform colour and materials and its convex, horizontally proportioned balcony design. A greater vertical emphasis in its façade proportions would assist in reducing its squat, bulky appearance. It is recommended that the balconies are re-designed, with stepped rectilinear forms, to create strongly articulated, more vertical forms than the relatively long horizontal convex forms that are currently proposed. A change of colour in the vertical elements of the building, such as blade walls, side balustrade walls and the entrance gallery would break down the overall uniform bulk of the building into discrete elements.

Conclusion and recommendations

It is recommended that

- *the car park ramp is located under the building so that large scale tree planting can be made towards the centre of the 6m setback and additional low level bushes are planted to provide a visual screen to the neighbour and a fully landscaped setting to the building.*
- *the balconies are re-designed, with stepped rectilinear forms, to create strongly articulated, more vertical forms than the relatively long horizontal convex forms that are currently proposed.*
- *the layout of the four single orientation apartments with kitchens greater than 8m from a window is revised to locate the kitchen closer to the window wall.*
- *A change of colour in the vertical elements of the building, such as blade walls, side balustrade walls and the entrance gallery, is used to break down the overall uniform bulk of the building into discrete elements.*

The Urban Design Consultant's comments on the amended plans:

A review of the amended plans has found that the amended design has satisfactorily addressed the above issues. It is recommended that the amended development application be approved based on SEPP 65 design issues.

Landscaping

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

The site

It is proposed to demolish the existing dwellings and associated structures on the amalgamated corner site of 2 761m² and construct a five storey residential flat building with three levels of basement car parking. The site is characterised by an established, modified urban garden setting with mature trees and shrubs within formal garden beds and lawn expanses. The site's Pacific Hwy frontage is dominated by mature Cypress Pines and a

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visually dominant Cedrus deodar (Himalayan Cedar) located on the site corner. The Burleigh St frontage is dominated by a mature Cypress Pine located on Council's nature strip. Vehicular access for the development is proposed from Burleigh Street.

Impacts on trees/trees to be removed/tree replenishment

The proposed development will result in the removal of the majority of existing vegetation located on site. The consulting Arborist has identified a total of 38 trees being located on, or associated with the site, of which it is proposed to remove 17, four (4) of which are exempt under Council's Tree Preservation Order and four are proposed to be retained (#'s 4, 32, 33, & 35). Of the four trees to be retained it is recommended that three be removed, despite their visual significance. Trees #32 and 33, are both Cypress Pines located adjacent to the Pacific Hwy frontage and although visually prominent are fully mature and in decline. #35 a mature Cedrus deodar (Himalayan Cedar) is likewise highly prominent on the site being located on the apex of the corner, but has previously been poorly pruned and is in moderate condition. It is preferred that these identified exotic trees be removed as part of development works to allow the replanting of the site frontages with super advanced native endemic tree species. If retained in the short term the trees will be out of character with the new streetscape and development works and reduce the area available for tree replenishment.

As a result of the above recommendations, only one tree located on site, #4 Jacaranda mimosifolia (jacaranda) with #7 Jacaranda mimosifolia (Jacaranda), will be retained. The two have grown together as one tree canopy and as such it will be required for both to be retained.

Arborists report

A fully detailed arborist's report has been submitted with the development application. The report identifies and details all existing trees located on and associated with the site. Landscape Services agrees with the recommendations and observations made by the arborist, with the exception of the retention of existing trees located adjacent to the site frontages.

Deep soil landscaping

The applicant's calculations state that as proposed the development will result in a deep soil area of 57% of the site. However, it should be noted that some areas have been included that should be excluded from the deep soil calculation. These include the paved entry court/pergola structure and the paved drying court located within the north east side setback that also acts as a turning bay for the garbage truck. Without having undertaken specific calculations, it must be noted even with the exclusion of these areas, by the applicant's calculations, the proposed development would still comply with deep soil landscaping calculations.

Landscape plan

A landscape plan and planting plan has been submitted with the application. Tree replenishment for the site is varied and consistent with native species that are endemic to the area, which in time will restore and enhance the treed canopy of the site.

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Screening to and from the site will be achieved with a mix of upper canopy trees and an understorey planting of evergreen screening shrubs. This will in time as the landscape matures, provide filtered views to and from the development.

Overall the landscape proposal can be supported with some minor changes, such as the retention of tree #7 and the minor relocation of the pedestrian path to accommodate the tree.

Drainage works

Landscape Services does not raise any issues with regard to the proposed drainage works for the site.

Fencing

It is noted on the landscape details that 2.2m high lap and cap fencing is proposed. This is inconsistent with what is shown on the landscape plan. It will be conditioned that any proposed fences be no higher than 1.8m above existing ground level.

Car parking entry

*Revised plans have addressed previous concerns regarding the setback of the proposed vehicular driveway from the north east site boundary. The Landscape Section finds the proposal acceptable in relation to landscape issues provided conditions are imposed.
(Refer Conditions Nos 54 to 63)*

Engineering

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

The application is for demolition of the three residences, consolidation of the existing lots and the construction of a multi-unit residential building comprising 11 x 3 bedroom and 20 x 2 bedroom units, with three levels of basement car parking and a combined driveway entry/ exit from Burleigh Street.

There is no strata subdivision proposed with this application.

The following documentation was used for the assessment:

- *Statement of Environmental Effects, January 2005, Ingham Planning;*
- *Geotechnical Report 19047Srpt, Jeffery and Katauskas;*
- *Stormwater Concept report and plans, J & M Group;*
- *Outline of Environmental Site Management Plan, January 2005, Brewster Murray;*
- *Architectural drawings, September 2005, Brewster Murray;*
- *Traffic Report, January 2005, Masson Wilson Twiney;*
- *Contour Survey, 25-11-2004, Gary Edwards and Associates.*

The application is supported with conditions.

Stormwater drainage

Three sheets of concept stormwater plans, a sediment control plan and a concept report, all by J & M Group, were submitted.

The report correctly states that the site is at the top of the catchment, hence no overland flow issues arise in relation to the design.

It is proposed to convey runoff from the development to an extension of the street drainage system, as described in Section 5.4.3 of DCP 47. A total storage of 90m³ is proposed, with 50m³ of on site retention and 40m³ of on site detention. This is generally in accordance with the requirements of DCP 47, Chapter 6. The retained roof runoff should be stored in a sealed, lightproof system to prevent mosquito infestation and algal growth. I have discussed this with the engineer and it is included in the recommended conditions.

Water quality measures are shown on the drawings and discussed in the report. This will achieve the intent of DCP 47 Chapter 8.

Waste collection

Internal waste collection is required under DCP 40. Provision has been made for access by the waste collection vehicle, including turning. This is confirmed in the Traffic Report.

Traffic and vehicular access

The traffic report confirms that the parking provision and layout complies with the relevant requirements, that is, LEP194 for number of spaces, AS2890.1:2004 for dimensions and DCP 40 for waste storage and collection.

The estimated net traffic generation as a result of the development would be 15 vehicle trips per peak hour, which is calculated to have a small to negligible effect on traffic conditions and on delays at the surrounding intersections.

The traffic engineer has recommended that mirrors be placed at each end of each one lane basement ramp, which is included in the conditions recommended below.

Construction management

The comprehensive outline Environmental Site Management Plan prepared by Brewster Murray contains an all-round discussion of the likely matters to be addressed during construction.

It includes the statement "all heavy vehicle access to the site will be undertaken in non-peak periods." This is consistent with the recommended conditions which include the requirement

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that no construction vehicle access be gained to the site during school drop-off and pick-up times.

The traffic engineer has recommended radio control of trucks approaching the site to prevent congestion in Burleigh Street. This appears desirable, however would not be if the result were to be queues along the Pacific Highway or in other local streets. It is also considered difficult to enforce, and has therefore been left to the applicant to implement if desired, and not included in the recommended conditions.

The traffic engineer has also recommended that construction vehicles exit via Burleigh Street only, to ensure that two large vehicles would not be using Llewellyn Lane at the same time. This recommendation has been included.

A works zone along the Burleigh Street frontage of the site is proposed, and the recommended conditions describe the process for obtaining traffic committee approval.

Infrastructure

There are no overhead services in Burleigh Street or the Pacific Highway along the frontage of this development. Therefore no undergrounding will be required. EnergyAustralia has advised that a substation will be necessary and the applicant will be required liaise with them at the appropriate time.

Geotechnical conditions

The site is underlain by about 500mm of fill on average, then residual clays grading to deeply weathered shale. The geotechnical report contains recommendations for dilapidation reporting, vibration monitoring, retention and periodic inspections of excavated faces. These recommendations have been incorporated into the recommended conditions.

Significant groundwater was not noted during the investigation, and the basement excavation is not expected to affect groundwater levels or surrounding structures.

Summary

The application can be supported by Development Engineers, subject to the imposition of the recommended engineering conditions of consent. (Refer Condition Nos 39 to 52, 79 to 86, 96 to 99 and 103 to 115)

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

The application includes a design verification statement by the project architect, Albert Auyeung of Brewster Murray Pty Ltd. Mr. Auyeung has verified that he is a qualified designer and member of

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the NSW Architects Registration Board and has designed the proposal in accordance with the Design Quality Principles set out in Part 2 of SEPP 65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP 65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal. The assessment is as follows:

Context:

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

The development is permissible and complies with the prescribed requirements of LEP194, including maximum height, site coverage, number of storeys and deep soil landscaping. The building setbacks to Pacific Highway and Burleigh Street are also acceptable.

The development is well located for medium density residential accommodation, taking into account the constraints imposed by the Pacific Highway, rail corridor and adjoining development. Properties in the vicinity of the site are either zoned for multi-storey development under LEP194 or have been developed as such. With the exception of the dwellings adjoining the site to the north east and north-west, numerous development applications have been approved to allow construction of multi-level residential flat buildings.

Scale:

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

The development is of an appropriate scale, compatible with existing residential flat buildings and potential development in the locality. The proposed buildings are five storeys in height, with appropriate setbacks from the site boundaries.

Architectural relief is provided by incorporation of horizontal and vertical articulation by offset walls, balcony designs and varying window proportions to avoid a functional appearance that can contribute to visual bulk.

The scale of the development is appropriate and is consistent with the desired character of the area.

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...'

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The built form is acceptable in terms of its height and setbacks. The proposal will have the appearance of an appropriately proportioned building set in a well landscaped context, due to a reasonable density, acceptable building configuration, generous setbacks and the substantial landscaping proposed.

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 FSR of 1.22:1 is less than the DCP 55 maximum of 1.3:1. The unit yield of the development is approximately 112 units per hectare which will result in development of an acceptable environmental quality.

Resource, energy and water efficiency:

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

The proposal is satisfactory in this regard. The environmental design of the proposal complies with SEPP 65 and Residential Flat Design Code guidelines. The scheme also complies with the minimum NatHERS thermal requirements specified in DCP 55 which is that 90% of units achieve a 4.5 star rating.

Landscape:

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

The proposal provides for 55% of the site being a deep soil zone which is well compliant with the minimum requirement of 50%. The primary deep soil zone is provided to the rear/side of the site and measures more than 400m². The bulk of the deep soil area is common open space within the development and its ability to accommodate large canopy trees will not be restricted in the future.

The amount of landscaping provided is consistent with the desired future character of the area, which seeks canopy trees to soften the buildings and contribute to the streetscape. The deep soil zone will be able to accommodate sufficient canopy trees to the satisfaction of Council's Landscape Assessment Officer.

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.'

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The development provides for two and three bedroom dwellings, the majority of which attain a rating of 4.5 NatHERS stars. The units are all provided with good visual privacy, having good side and rear setbacks.

A minimum floor to ceiling height of 2.7 metres has been proposed, consistent with Council's requirement. Furthermore, the units are all of generous proportions, satisfying DCP 55 requirements.

The application provides adequate amounts of private open space to each of the units. Terraces and balconies generally exceed the requirements of DCP 55 and the Residential Flat Design Code.

The proposal provides acceptable levels of amenity to its future occupants and allows for reasonable levels of amenity to surrounding properties.

Safety and security:

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

There are no safety and security issues. The proposal provides for good levels of safety and security through:

- maximising opportunities for surveillance of public spaces on the site
- the provision of a number of public access ways which are clearly visible from the street
- the provision of a secure car park which is secured from external access
- lift and stair access being directly from the basement car parks to apartment levels

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.'

A reasonable mix of two (20) and three bedroom (11) apartments is provided to allow housing choice. The apartment sizes vary, ranging from 93m² to 134m² and would provide high quality living environments for those residents within the local area who wish to "downsize" to an apartment.

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

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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 external appearance and composition of building elements, textures, materials and colours satisfactorily reflects the use, internal design and structure of the development. The proposed buildings will be of brick construction, with a mix of render and facebrick finish which is considered to complement materials of surrounding buildings in the area.

The proposed development relates well to the existing character of the area and is compatible with development anticipated under the zoning and SEPP 65 within the locality.

Residential Flat Design Code

The considerations in the Residential Flat Design Code are as follows:

Relating to the local context:

The proposal, sited over three separate allotments, will require their consolidation. This amalgamation will result in a site of 2761m² which is capable of accommodating the proposed density of five storeys (**see Condition No.79**).

The development complies with the prescribed building envelope controls of LEP194 and DCP55. In particular, maximum building height, number of storeys, top floor percentage, site coverage, FSR and setbacks and is therefore of a scale and density anticipated for the area within these planning instruments and policy documents.

Surrounding sites have also been zoned for multi-unit development as discussed earlier in this report and reflect the future context of the area.

The development is satisfactory having regard to the anticipated future character of the locality.

Site analysis:

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

In terms of site configuration, the proposal will ensure adequate areas for private and common open space and deep soil landscape areas.

The orientation of the development ensures adequate solar access to habitable areas and private open space, both internally and to adjoining residential development and also provides an appropriate frontage to Pacific Highway and Burleigh Street.

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

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Building design:

The proposal is satisfactory in terms of internal configuration of the proposed buildings and will achieve the objectives of providing function and organised space and a high level of residential amenity. The proposal provides adequate habitable space with the majority of units having access to north-east and north-west facing windows.

All other relevant matters under 'Building Design' have been assessed elsewhere in the report and are satisfactory.

State Environmental Planning Policy No 55 - Remediation of Land

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

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	2761m ²	YES
Deep landscaping (min): 50%	55%	YES
Street frontage (min): 30m	51.2m and 41m	YES
Storeys and ceiling height (max) (not inclusive of top floor): 5 storeys and 13.4m	5 storeys and <15 metres	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	58%	YES
Car parking spaces (min): 42 x resident, 8 x visitor	42 x resident, 8 x visitor	YES
Manageable housing (min): 10% (4 units)	4	YES
Lift access: required if greater than three storeys	1 lift provided	YES

Residential zone objectives

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:	Structure no closer than 75 metres to any heritage item	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min) 150m ² per 1000m ² of site area = 414m ²	> 420m ²	YES
No. of tall trees required (min): 9 trees	1 tree to be retained 10 trees of 13 metres to be planted	YES
Part 4.2 Density:		
Building footprint (max): 35% of total site area	32%	YES
Floor space ratio (max): 1.3:1	1.224:1 (3379m ²)	YES
Part 4.3 Setbacks:		
Pacific Highway setback (min): 10 - 12 metres (<40% of the zone occupied by building footprint)	10-12 metres & app. 40%	YES
Burleigh Street (min): 13 - 15 metres (<40% of the zone occupied by building footprint)	13-15 metres & app. 40%	YES
North-west (rear) boundary setback (min): 6 metres	Generally in excess of 7 metres	YES
North-east (side) boundary setback (min): 6 metres	5 metres to building façade 4.8 metres to driveway	NO
Setback of ground floor terraces/courtyards to street boundary (min): Pacific Highway – 8m Burleigh Street - 11m	9 metres 8 metres	YES NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
% of total area of front setback occupied by private courtyards (max): 15%	<15%	YES
Part 4.4 Built form and articulation:		
Façade articulation:		
• Wall plane depth >600mm	All wall plane depths >600mm	YES
• Wall plane area <81m ²	<81m ²	YES
Built form:		
• Building width < 36m	39 metres to Burleigh Street 36 metres to Pacific Highway	NO YES
• Balcony projection < 1.2m	<2-2.5 metres	NO
Part 4.5 Residential amenity		
Solar access:		
• >70% of units receive 3+ hours direct sunlight in winter solstice	74% (23)	YES
• 3 hours sunlight to habitable rooms and outdoor living areas of adjoining houses in Residential 2(c1) and 2 (c2) zones	Not adjoining by such zones but does not impact on the adjoining house at 10 Burleigh Street between 9am and 3pm on June 21	YES
• >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	>50%	YES
• <15% of the total units are single aspect with a western orientation	No single aspect units proposed with western orientation.	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Storeys 1 to 4 <ul style="list-style-type: none"> - 12m to windows of habitable rooms - 9m to windows of habitable and non-habitable rooms - 6m to windows of non-habitable rooms 5th Storey <ul style="list-style-type: none"> - 18m b/w of habitable rooms - 13m b/w habitable and non-habitable rooms - 9m b/w non-habitable rooms 	<p>8-9 metres to house at 10 Burleigh Street</p> <p>8-9 metres to house at 10 Burleigh Street</p> <p>>6 metres</p> <p>9 metres to house at No. 10 Burleigh Street</p> <p>16 metres to units at No's 1-3 Llewellyn Street 17 metres to No 5 Llewellyn Street</p> <p>> 9 metres</p>	<p>NO</p> <p>NO</p> <p>YES</p> <p>NO</p> <p>YES</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.4m</p> <p>All bedrooms >3.0m</p> <p>Maximum 4 units</p> <p>>1.7m >2m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Outdoor living: <ul style="list-style-type: none"> Ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> 12m² – 2 bedroom unit 15m² – 3 bedroom unit NB. At least one space >10m² Primary outdoor space has a minimum dimension of 2.4m 	<p>Greater than 30m²</p> <p>13m²</p> <p>13m² – 100m²</p> <p>2.4m</p>	<p>YES</p> <p>YES</p> <p>NO</p> <p>YES</p>
Part 4.7 Social dimensions:		
Visitable units (min): 70%	At least 70% (22 units)	YES
Housing mix: Mix of sizes and types	2 and 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light 	<p>77% (24 units)</p> <p><8 metres</p> <p>>25%</p> <p>all kitchens have access to natural light and ventilation</p>	<p>YES</p> <p>YES</p> <p>YES</p>

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	4 to 5 star rating = 90% (28) 3.5 star rating = 10% (3)	YES YES
Part 5 Parking and vehicular access:		
Car parking spaces (min): 42 x resident, 8 x visitor	42 x resident, 8 x visitor	YES

Part 4.3 Setbacks:

The 5 metres side setback to No. 10 Burleigh Street fails to comply with the requirement of DCP 55 that requires 6 metres. The variation is limited to a minor balcony encroachment of 1 metre that tapers to nil over a distance of 5 metres. The design compensates for this encroachment by stepping the building back 8 metres toward the Burleigh Street frontage, in effect increasing the average setback to more than 7 metres.

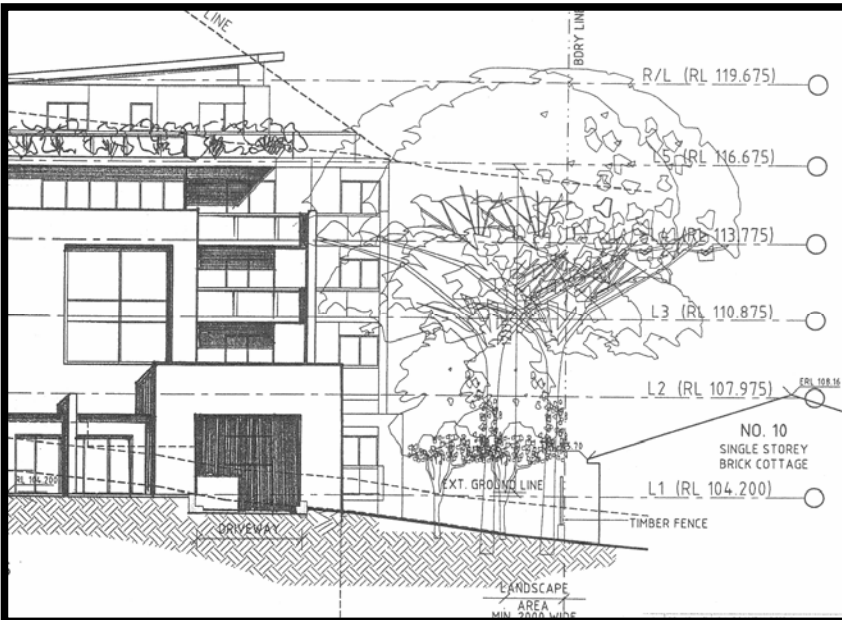
The Landscape Assessment Officer is satisfied that adequate screen planting can be established to ensure the amenity of No. 10 Burleigh Street is maintained. **Figure No. 1** illustrates the existing separation between the site and No. 10 Burleigh Street. Note the absence of any screening vegetation and limited physical separation.



Site No. 10 Burleigh Street
Figure 1

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The upper floor is recessed from the perimeter of the building and further set back from the boundary with No. 10 Burleigh Street by approximately 11 to 15 metres. The terraced areas are provided with planter boxes to minimise overlooking. **Figure No. 2** gives an indication of the level of separation provided by the development:



Site No.10 Burleigh Street

Figure 2

The driveway (within the side setback) does not comply with Clause 4.1 C-3 of DCP 55 as it only provides a 4.8 metres setback to No. 10 Burleigh Street. This encroachment measures 7.2m² and is acceptable as it is minor, constituting 1.2 metres over a distance of 6 metres along the length of the driveway. The driveway does not directly affect any living areas and can be adequately screened. Conditions are also recommended to ensure that the noise attenuation measures for the automatic gate to the car park are installed and maintained. **(Refer Conditions Nos 71 and 102).**

The courtyard to Unit 7 is set back 8 metres from Burleigh Street and results in a 3 metres encroachment into the setback area. This non-compliance is supported as the remainder of the Burleigh Street setback provides more than 13 metres of deep soil and relatively unencumbered landscaped area. The courtyard is also located on top of the storm water detention tank which position is supported in this location due to the slope of the site. The detention tank is located below ground level and the Landscape Assessment Officer is satisfied that adequate landscaping can be established in this area.

Part 4.4 Built form and articulation

The total building width to the Burleigh Street frontage is greater than 36 metres but reads to the street as two pavilions due to a recession of the central part of the building. These elements

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measure 19 metres and 15 metres, respectively, reduce the overall perceived scale and bulk of the built form and provide for extensive landscaped outdoor areas that contribute to on site amenity.

The elevations are strongly modelled and articulated. This is mainly achieved through recessed and projecting balconies, a deep central recess and the increased setback of the upper floor which contributes to reducing overall scale. The projecting balconies are limited to three along the Burleigh Street elevation and due to the stepping back of the façade, do not project into the front setback and do not add to the overall bulk of the building.

The pedestrian entrance to Burleigh Street is defined by a pathway and a 14.5 metres high blade wall that projects 5 metres past the building façade, resulting in a visible entry point to the site and a satisfactory address to the street.

Part 4.5 Visual privacy:

The non-compliance with the separation requirements of the DCP can be attributed to the site being a corner allotment which is subject to onerous front setback requirements. To ensure acceptable solar access the majority of units are orientated north-east and north-west, resulting in overlooking of the rear yards of surrounding properties. In this regard it should be noted that:

- On average the proposal's setbacks to these boundaries exceed the minimum 6 metres required by DCP 55.
- These properties are also zoned 2(d3) and may be redeveloped in which case some buildings would be set back further in accordance with DCP 55, improving future separation. No's 1-3 Llewellyn Street to the north is currently developed as 4 town houses.
- At low densities, there is a reasonable expectation that a dwelling will retain high levels of privacy but at higher densities privacy impacts are harder to minimise and the claim to retain it to the same level as low density development is not as strong.

Part 4.5 of DCP 55 requires 12 metres and 9 metres separation (for Levels 1-4) between habitable and non-habitable rooms on adjoining properties. Separation to No. 10 Burleigh Street ranges from 8 to 9 metres (Figure No's 1 and 2 illustrate that that the development results in a greater separation compared to the existing situation). The amenity impacts can only be partly ameliorated by minimising fenestration and equipping balconies with sliding louvers but cannot be completely eliminated. Fenestration along this façade is limited to low-use, rooms such as bedrooms and physical screening is not considered appropriate. **Condition No. 75** is recommended that requires the relevant balconies be equipped with suitable screening devices which would not inhibit solar access to the units (such as sliding louvre screens).

The fifth storey element of the proposal also breaches the separation requirement of 18 metres between habitable rooms. The applicant has addressed this by providing planter boxes along parts of the building edge facing No. 10 Burleigh Street and No's 1-3, 5 and 7 Llewellyn Street.

These measures will reduce the opportunity for direct overlooking and ensure a reasonable degree of privacy is maintained, commensurate with a medium density environment.

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The application fails to provide for outdoor living areas which are compliant with the provisions of DCP 55. Specifically, three units in the north-western corner of the block do not provide for at least 15m² as required for three bedroom units. This non-compliance is minor (2m²) and is supported as these units are located closer to the Pacific Highway where the use of balconies may be limited due to noise and pollution impacts.

Development Control Plan 31 - Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$583,191.33 which is required to be paid (**Refer Condition No. 68**).

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 to be in the public interest.

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Any other Relevant Matters Considerations Not Already Addressed

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA 62/05 for the demolition of existing structures on site and the construction of 20 x 2 bedroom and 11 x 3 bedroom dwellings within a single building, associated access, basement parking and landscaping on land at 2-4, 6 and 8 Burleigh Street, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

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

Architectural Plans

Dwg. No.	Scale	Description	Author	Dated	Lodged
DA-100/A	1:125	SITE PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-101/A	1:100	BASEMENT – 3 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-102/A	1:100	BASEMENT – 2 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-103/A	1:100	BASEMENT – 1 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
		PART LOWER L1 PLAN			
DA-104/A	1:100	LEVEL 1 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-105/A	1:100	LEVEL 2 AND 3 PLANS	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-106/A	1:100	LEVEL 4 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-107/A	1:100	LEVEL 5 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-108/A	1:100	ROOF PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-201/A	1:100	BURLEIGH STREET	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-202/A	1:100	PACIFIC HIGHWAY	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-203/A	1:100	NORTH / WEST	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-204/A	1:100	NORTH / EAST	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
		ELEVATION			
DA-251/A	1:100	SECTION A - A	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-252/A	1:100	SECTION B - B	Brewster Murray P/L	9 Sept 2005	12 Sept 2005

Landscape Plans

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LA01B	As shown	LANDSCAPE CONCEPT PLAN	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA02A	As shown	LANDSCAPE HARDWORKS PLAN	Taylor Brammer	20 Jan 2005	12 Sept 2005
LA03B	As shown	LANDSCAPE PLANTING PLAN – B1 & L1	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA04A	As shown	PLANTING PLAN LEVELS 2, 3, 4 & 5	Taylor Brammer	12 Sept 2005	12 Sept 2005
LA05A	As shown	LANDSCAPE DETAILS AND SECTION	Taylor Brammer	20 Dec 2004	12 Sept 2005

- 2a. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
- 2b. All building works shall comply with the Building Code of Australia.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the

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site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;

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- iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
- 29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 30. Fire hoses are to be maintained on site during the course of demolition.
- 31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
- 34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
- 35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and

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- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 - 37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
 - 38. Compliance with the notations overdrawn on the consent plans.

Engineering

- 39. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system.
- 40. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The minimum total storage volume of the rainwater tank is to be 50m³ or as otherwise determined using the current revision of Council's DCP 47, and the prescribed re-use of the water on site is to be for toilet flushing and irrigation as a minimum.
- 41. 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 is to be 40m³ or as otherwise determined using the current revision of Council's 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.
- 42. For stormwater control a minimum 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
- 43. 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

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approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

44. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
45. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
46. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
47. 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.**
48. 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.

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49. 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".
50. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
51. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
52. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
- Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces.

Must be undertaken in accordance with the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

Landscaping

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

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

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54. Landscape works shall be carried out in accordance with Landscape Drawing No LA01 Rev B, LA02 Rev A, LA03 Rev B, LA04 Rev A, LA05 Rev A prepared by Taylor Brammer and dated 07/09/2005 submitted with the Development Application, except as amended by the following:
- Tree #7 *Jacaranda mimosifolia* (Jacaranda) located adjacent to the northern site boundary is to be retained.
 - The proposed pedestrian footpath beneath tree #7 is to be relocated to enable the retention of tree #7.
 - Tree #29 *Chamaecyparis obtusa* 'Crispii' (Hinoki Cypress) is to be removed.
 - Tree #30 *Fraxinus* spp (Ash) is to be removed.
 - Tree #31 *Acer pseudoplatanus* cv. *Atropurpureum* (Sycamore Maple) is to be removed.
 - Tree #32 *Cupressus sempervirens* (Italian Cypress) is to be removed.
 - Tree #33 *Cupressus macrocarpa* 'Brunniana Aurea' (Golden Cypress) is to be removed.
 - Tree #35 *Cedrus deodar* (Himalayan Cedar) located adjacent to the southern site corner/Pacific Hwy Burleigh St corner is to be removed. The *Cedrus* is to be replaced with a single planting, minimum pot size 75 litre, of *Eucalyptus saligna* (Sydney Bluegum).
 - Tree #36 *Cupressus sempervirens* (Italian Cypress) located on Council's Burleigh St nature strip is to be removed.
 - Detail H on sheet LA05 Rev A is to be amended to show a maximum height of 1.8m rather than the 2.2m shown.
55. To maximise landscape and neighbour amenity tree #7 *Jacaranda mimosifolia* (Jacaranda) is to be retained.
56. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
57. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree numbers refer to Arborists report/Landscape Plan	
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m

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58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
59. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	7.0m

60. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
61. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Burleigh St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Syncarpia glomulifera (Turpentine) x 4
62. Following removal of the existing trees from Council's Burleigh St nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
63. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

65. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying

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Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

66. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
67. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
68. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWENTY EIGHT (28) ADDITIONAL DWELLINGS IS CURRENTLY \$583,191.33. 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

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Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

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

Special

71. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

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- 71a. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the EPA Environmental Criteria for Road Traffic Noise, 1999 and Rail Infrastructure Corporation and State Rail Authority: Interim Guidelines – Consideration of Rail Noise and the Planning Process.
72. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
73. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
74. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
75. To ensure privacy and amenity to the adjoining property at No. 10 Burleigh Street the following amendments shall be made to the north-eastern elevation:
- Adjustable and/or sliding privacy screens measuring 1.8 metres high shall be provided to Unit No's 6 and 7 to Level 2, 3 and 4 balconies as notated in red on the approved plans.
- Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.
76. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Retaining walls and associated drainage.
 - c. Wet area waterproofing details complying with the Building Code of Australia.
 - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.

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- e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

Landscape

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

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

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.

78. A CASH BOND/BANK GUARANTEE of \$2 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

T4 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to northern site boundary

T7 *Jacaranda mimosifolia* (Jacaranda) \$500.00
Adjacent to northern site boundary

Engineering

79. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of

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the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

80. 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.

81. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
 - a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
 - b) A clear height clearance of 2.44 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
 - d) Mirrors are to be provided at the ends of one way ramps, as recommended in the report prepared by Masson Wilson Twiney.

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

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Drawings SW-01 to -03, revision B, by J & M Group submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

84. The Applicant proposes to carry out the following infrastructure works in the Public Road:
- a. lay 375mm diameter pipe and construct a new kerb inlet pit in Burleigh Street.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public

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Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

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

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

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

85. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
86. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

87. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

Landscaping

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

Tree/Location	Radius in Metres
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	2.0m

89. 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.
90. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
91. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
92. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.

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93. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
94. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
95. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

Engineering

96. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth as a minimum. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
97. 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

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.

Heavy construction vehicles are not to use the Eton Road/Ortona Road/Grosvenor Road route to access the site.

Heavy construction vehicles are to leave the site via Burleigh Street only, to remove the potential for two large vehicles to pass in Llewellyn Lane.

For traffic and pedestrian amenity purposes, no truck movements shall occur in Llewellyn Street or Burleigh Street during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm).

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.

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

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.

98. 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.
99. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
 - b) Pacific Highway southbound lanes along the frontage of the site.
 - c) All driveway crossings and laybacks opposite the subject site.

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

100. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
101. Without further written Consent of Council the development is to comply with the following indices:
 - a. Maximum floor space ratio 1.224:1.
 - b. Maximum building footprint area 967m² or 35% of site area.
 - c. Number of resident car parking spaces: 42.
 - d. Number of visitor car parking spaces: 8
 - e. Deep soil landscape area shall not be less than 1518m² or 55% of the site area.
 - f. Maximum height of 4th floor ceiling not to exceed RL 116.675.

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with the above prior to occupation.

Special

102. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.
- 102a. All works required by the Acoustic Report (Condition No.71a) are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

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Engineering

103. 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.
- Construction of kerb inlet pit and 375mm diameter pipe in Burleigh Street in accordance with the approved plans.

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.

104. 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.
105. 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" (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

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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.

106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.
 - d) 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.
107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - a) That the as-constructed carpark complies with the approved Construction Certificate plans,
 - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - d) That mirrors have been provided at the end of each one way ramp as recommended in the report prepared by Masson Wilson Twiney.
 - e) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - f) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
109. 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:

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- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of other conditions of this consent have been achieved in full.
- c) That retained water is connected and available for uses including toilet flushing and irrigation.
- d) That retained water is stored in a sealed and lightproof container.
- e) 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.
- f) That all grates potentially accessible by children are secured.
- g) 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
- h) 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.

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

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

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- 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.

111. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
112. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :

- a) According the relevant Australian Standards and guidelines, and
- b) According to any approved Geotechnical report undertaken for the development, and
- c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
114. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of all structures originally assessed prior to commencement of works.

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

115. Prior to issue of the Occupation Certificate the applicant shall submit **to Council** a follow up dilapidation report on the visible (including photos) and structural condition of the following roads and items originally assessed:
 - a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
 - b) Pacific Highway southbound lanes along the frontage of the site.
 - c) All driveway crossings and laybacks opposite the subject site.

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The report must be completed by a consulting structural/civil engineer. The structural conditions of all structures originally assessed prior to the commencement of works, must be assessed and the results submitted to Council.

Landscaping

116. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
117. On completion of the LANDSCAPE WORKS, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

118. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
119. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
120. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
121. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

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

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader Development Assessment – South

M Prendergast
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

Attachments:

- Location Sketch - 542027**
- Zoning Extract - 542028**
- Site Plan - 542030**
- Basement Plan- 542031**
- Roof Plan - 542046**
- Elevation Plans - 542052**
- Shadow Diagrams - 542073**
- Landscape Plans - 542083**
- Confidential floor plans**

LOCATION SKETCH

2-8 Burleigh Street, LINDFIELD NSW

DEVELOPMENT APPLICATION No 62/05



OBJECTION



Recent DA's approved for Residential Flat Buildings



SUBJECT LAND



CIRCULATED AREA



Scale : 1:2000

10-10-2005




2-8 BURLEIGH STREET LINDFIELD

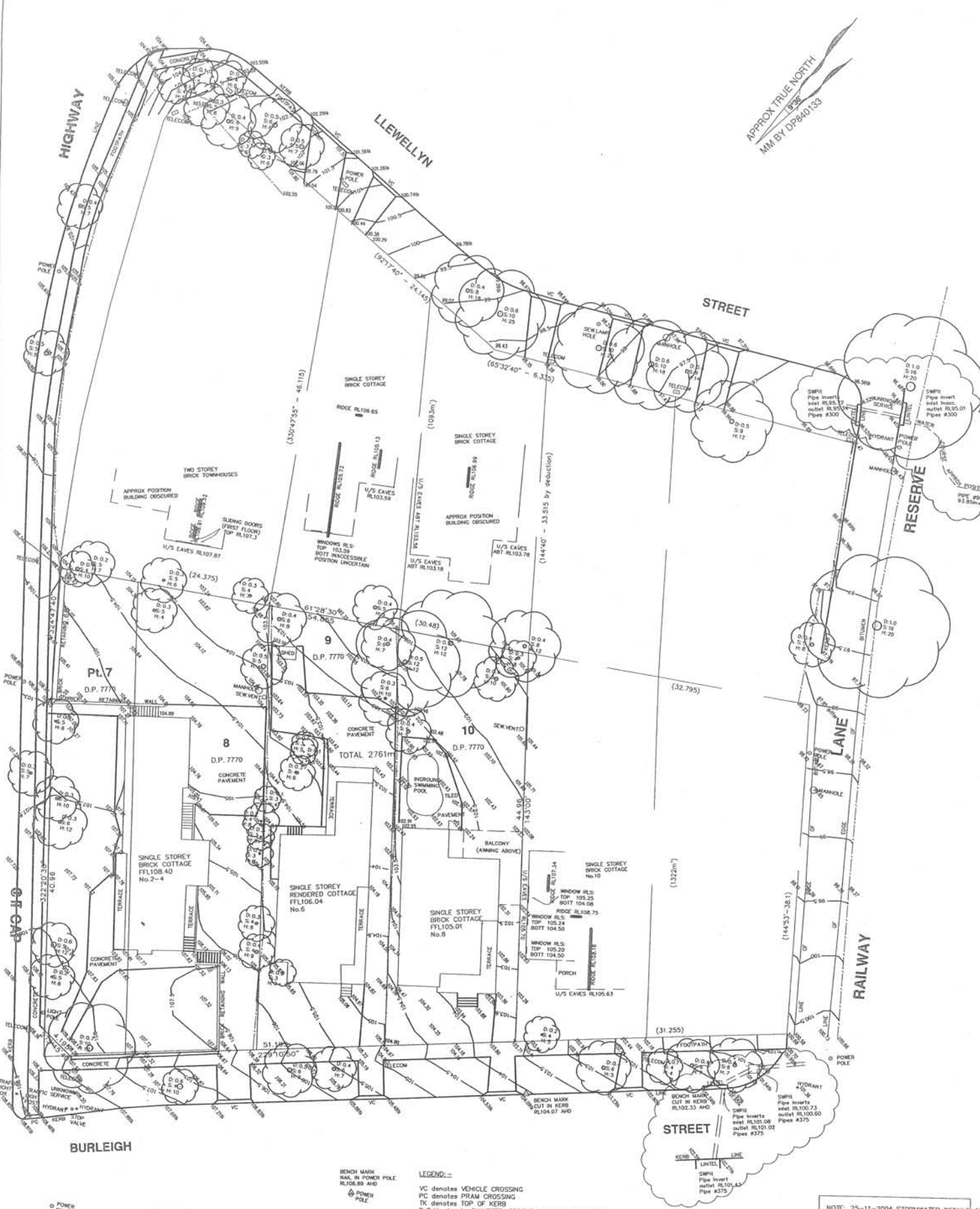


10-10-2005

Scale = 1:2000

- | | | | |
|---|--------------------------|---|---------------------------------|
|  | EXISTING COUNTY ROAD |  | SPECIAL USES 5(a) (Schools etc) |
|  | RECREATION EXISTING 6(a) |  | SPECIAL USES 5(b) (Railway) |
|  | RESIDENTIAL 2(a) | | |
|  | RESIDENTIAL 2(c2) | | |
|  | RESIDENTIAL 2(d) | | |
|  | RESIDENTIAL 2(d3) | | |





LEGEND:-

VC denotes VEHICLE CROSSING
 PC denotes PRAIRY CROSSING
 TK denotes TOP OF KERB
 D.S.H. denotes DIAMETER, SPREAD and HEIGHT of TREE

NOTES:-

- ONLY TREES GREATER THAN 3.5 METRES IN HEIGHT ARE SHOWN ON THIS PLAN AND THEIR POSITION IS DIAGRAMMATIC ONLY AND MAY REQUIRE ADDITIONAL SURVEY WHERE CRITICAL TO DESIGN.
- CONTOUR INTERVAL 0.5 m.
- THE ORIENTATION OF THIS PLAN IS APPROXIMATE TRUE NORTH BASED ON THE ASSUMPTION THAT THE VARIATION OF TRUE NORTH TO MAGNETIC NORTH IS 9°36'. THIS HAS NOT BEEN VERIFIED AS PART OF THIS PLAN AND SHOULD YOU REQUIRE A MORE ACCURATE DETERMINATION OF TRUE NORTH A FURTHER SURVEY IS NECESSARY.

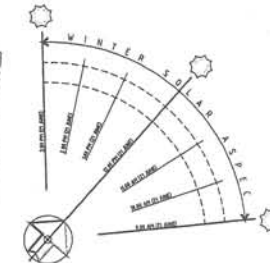
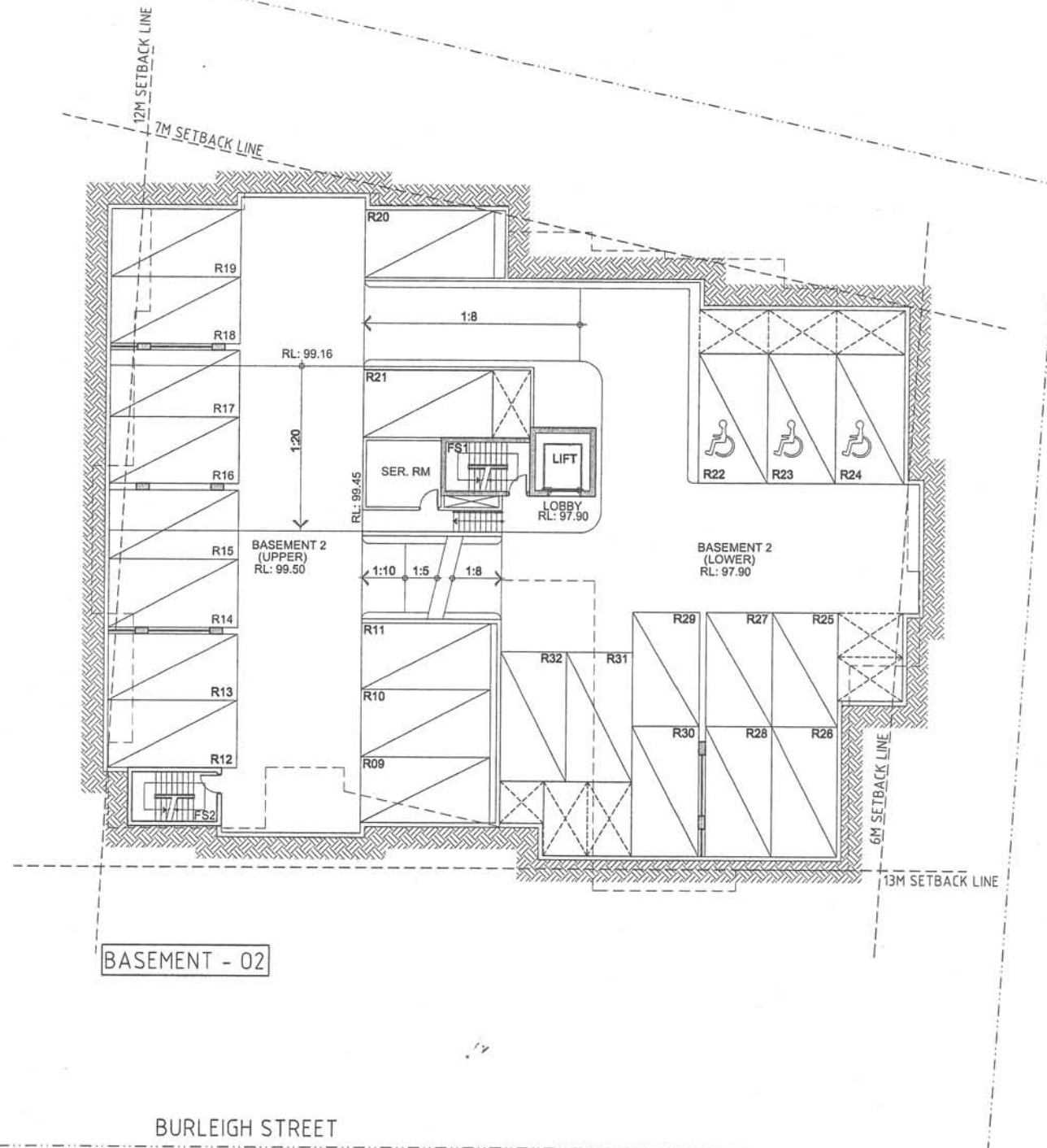
DISCLAIMERS

1. THE BOUNDARIES OF THE LAND HAVE NOT BEEN SURVEYED AND THE FEATURES SHOWN ON THIS PLAN HAVE BEEN PLOTTED IN RELATION TO THE OCCUPATIONS.

2. THE BOUNDARY DIMENSIONS AND ORIENTATION OF NORTH HAVE BEEN COMPILED FROM DP7775 DP840133 AND HAVE NOT BEEN VERIFIED BY SURVEY.

3. ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND THE RELEVANT AUTHORITIES SHOULD BE CONTACTED TO DETERMINE THE FULL EXTENT OF SERVICES.

GARY EDWARDS AND ASSOCIATES Pty Ltd
 CONSULTING SURVEYORS
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REV	DATE	DESCRIPTION
1	28-01-05	DA COUNCIL SUBMISSION

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J & Q INVESTMENT PTY LTD

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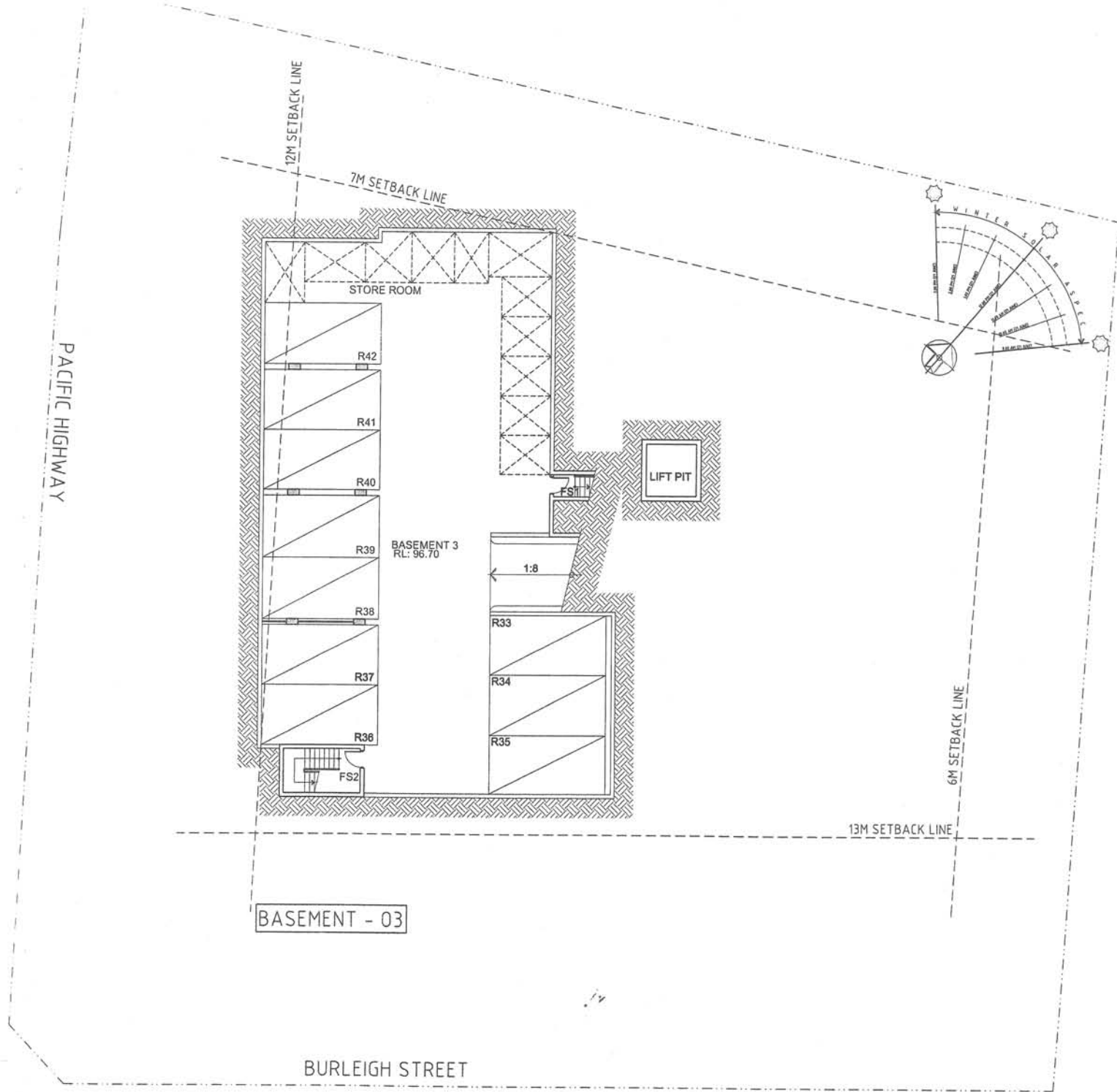
2-8 BURLEIGH STREET,
LINDFIELD, NSW

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BASEMENT - 02

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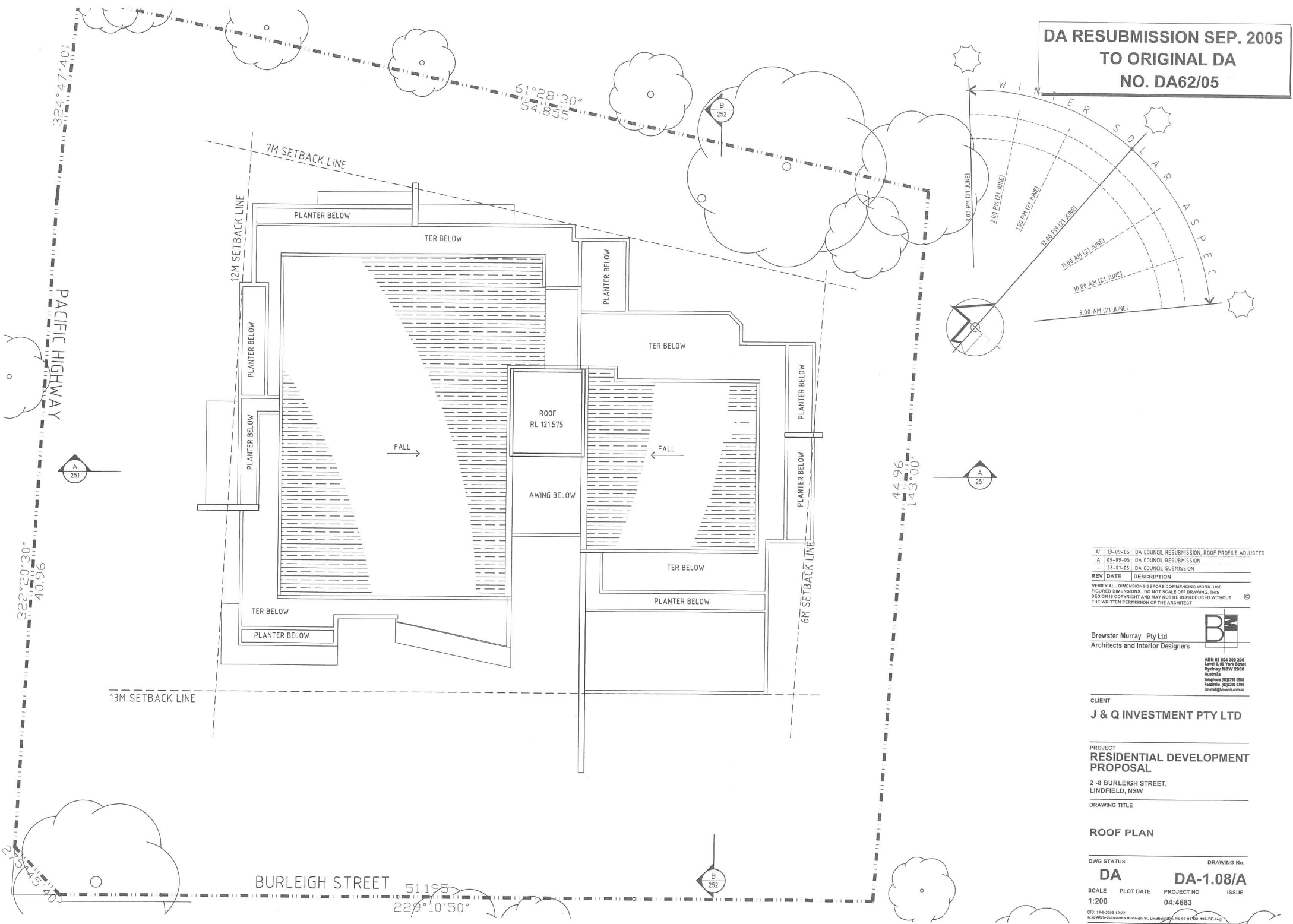
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**RESIDENTIAL DEVELOPMENT
PROPOSAL**

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LINDFIELD, NSW

DRAWING TITLE
BASEMENT - 03

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A"	13-09-05	DA COUNCIL RESUBMISSION, ROOF PROFILE ADJUSTED
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-	28-01-05	DA COUNCIL SUBMISSION
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DRAWING TITLE

ROOF PLAN

DWG STATUS

DA

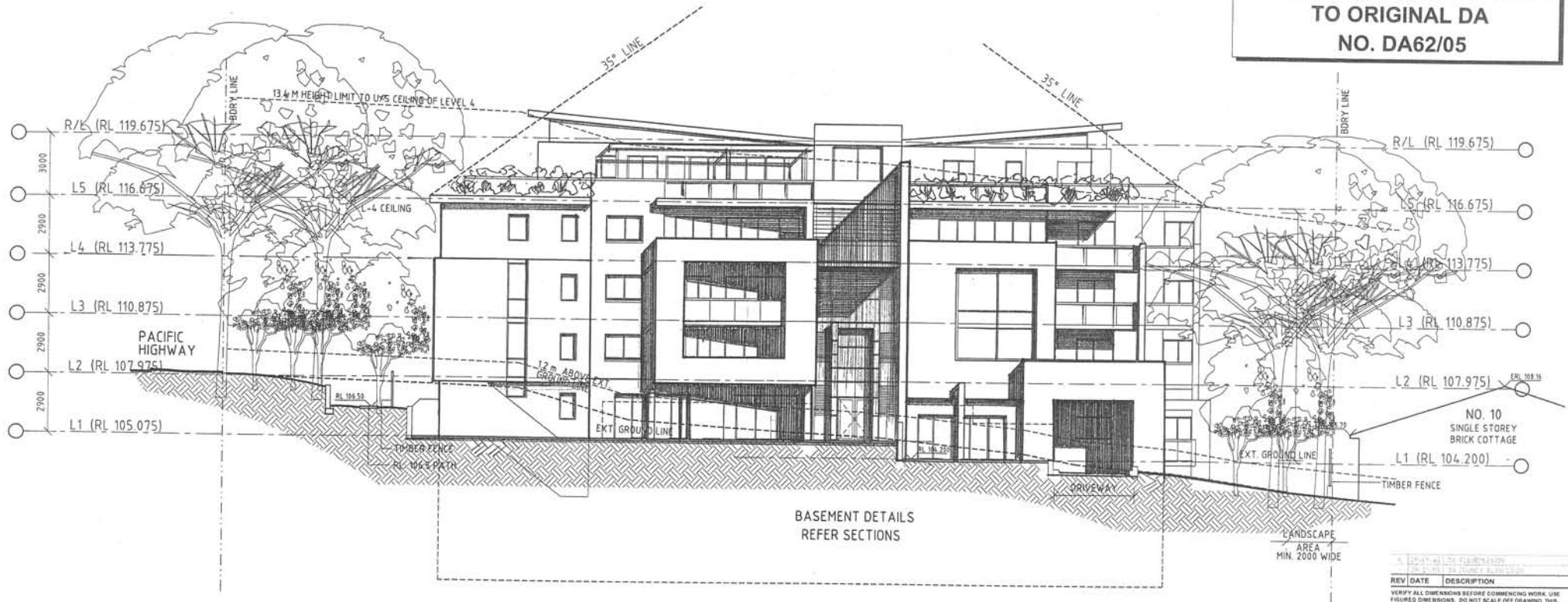
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**DA RESUBMISSION SEP. 2005
TO ORIGINAL DA
NO. DA62/05**



REV	DATE	DESCRIPTION
1	10/09/05	DA SUBMISSION
2	10/09/05	DA SUBMISSION

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LINDFIELD, NSW

DRAWING TITLE

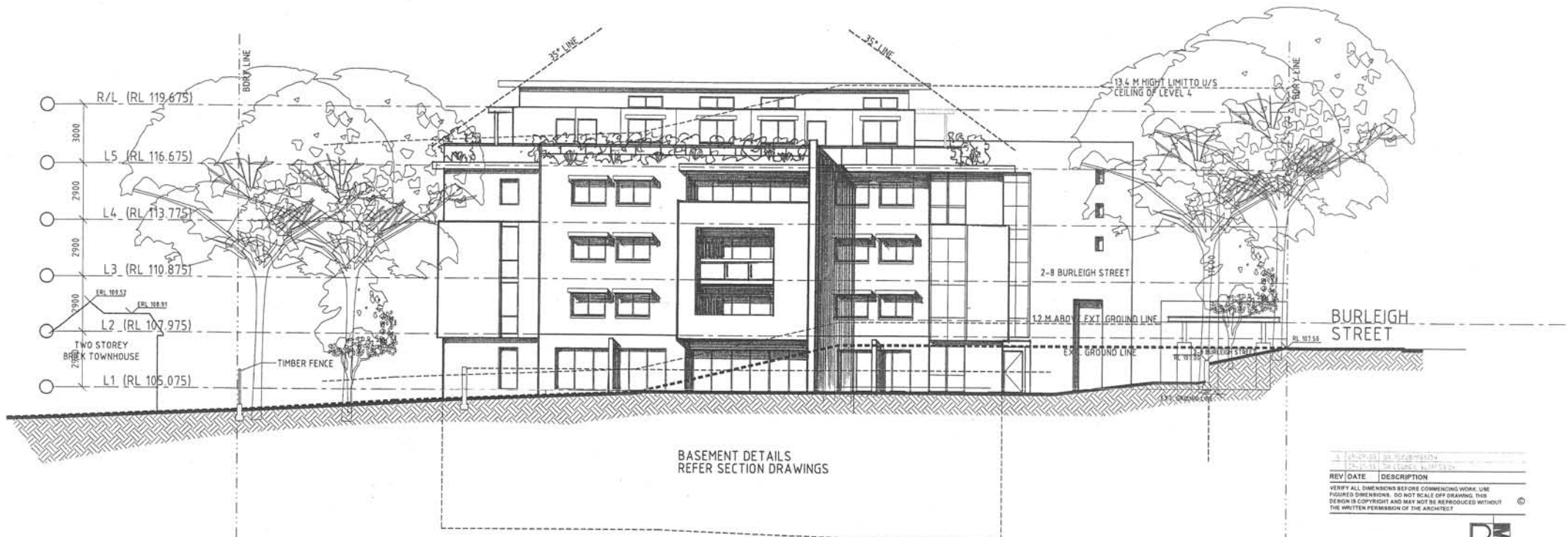
**BURLEIGH STREET
ELEVATION (SOUTH)**

DWG STATUS
DA
SCALE
1:200

DRAWING No.
DA-2.01/A
PROJECT NO
04:4683
ISSUE

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DA RESUBMISSION SEP. 2005
TO ORIGINAL DA
NO. DA62/05



REV	DATE	DESCRIPTION
1	10/09/05	AS PERMITTED
2	10/09/05	AS PERMITTED

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PROJECT
RESIDENTIAL DEVELOPMENT
PROPOSAL

2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

PACIFIC HIGHWAY
ELEVATION

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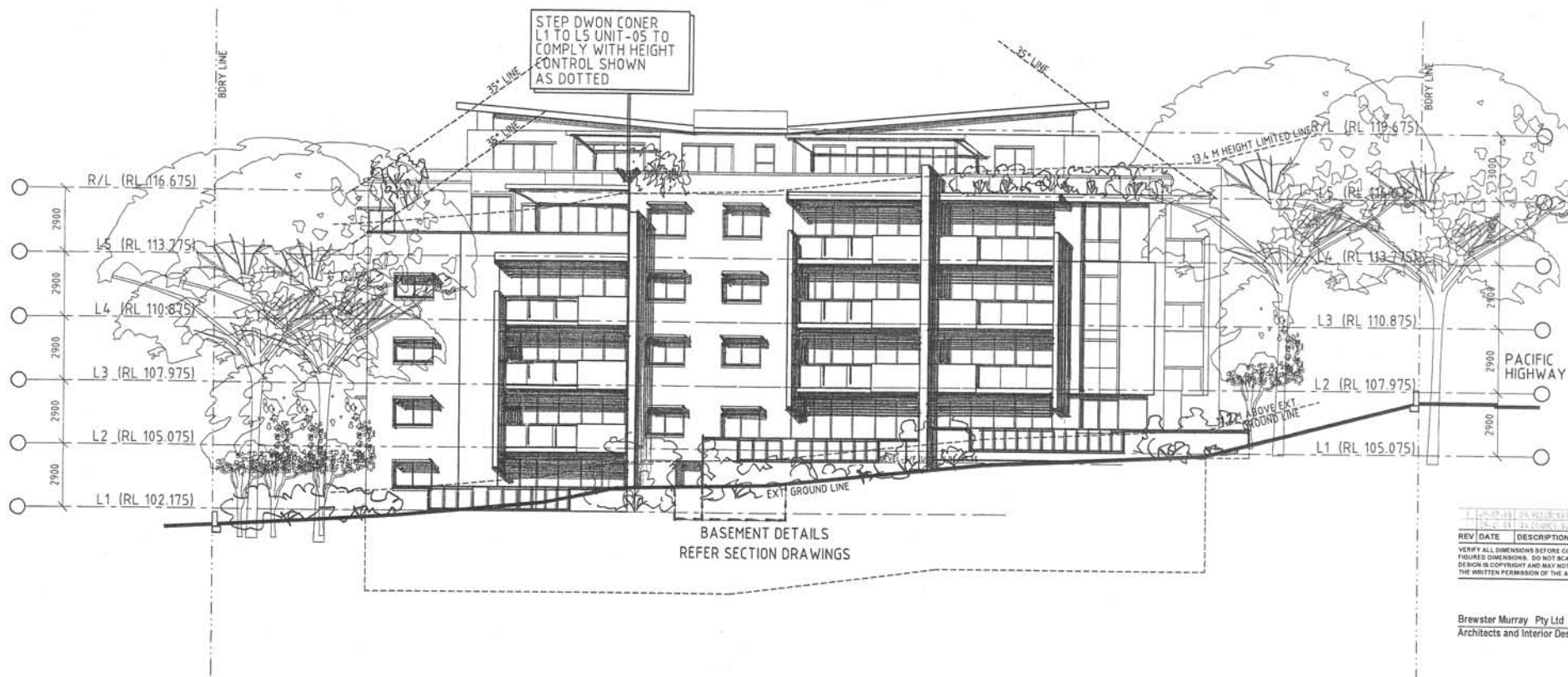
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DA-2.02/A

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DA RESUBMISSION SEP. 2005
TO ORIGINAL DA
NO. DA62/05



REV	DATE	DESCRIPTION
1	10/09/05	DA RESUBMISSION
2	11/09/05	DA RESUBMISSION

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PROJECT
**RESIDENTIAL DEVELOPMENT
PROPOSAL**

2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

**NORTH-WEST
ELEVATION**

DWG STATUS DRAWING No.

DA DA-2.03/A

SCALE PLOT DATE PROJECT NO. ISSUE
1:200 04:4683

CD: 11-8-2005 17:17
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DA RESUBMISSION SEP. 2005
TO ORIGINAL DA
NO. DA62/05



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3	14-10-01	DA SUBMISSION
4	14-10-01	DA SUBMISSION
5	14-10-01	DA SUBMISSION
6	14-10-01	DA SUBMISSION
7	14-10-01	DA SUBMISSION
8	14-10-01	DA SUBMISSION
9	14-10-01	DA SUBMISSION
10	14-10-01	DA SUBMISSION

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CLIENT

J & Q INVESTMENT PTY LTD

PROJECT
RESIDENTIAL DEVELOPMENT
PROPOSAL

2-8 BURLEIGH STREET,
LINDFIELD, NSW

DRAWING TITLE

NORTH - EASTEN
ELEVATION

DWG STATUS

DA

DRAWING No.

DA-2.04/A

SCALE

1:200

PLOT DATE

PROJECT NO

ISSUE

04:4683

CD: 11.0.2005 17:18
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[illegible]

FOOTNOTES: 1. THE OFFICE OF THE ATTORNEY GENERAL
HAS BEEN ADVISED.

TREE SHADOW HAS NOT BEEN ASSESSED

2014 AND 2015 FINANCIAL STATEMENTS
 OF THE CORPORATION AND THE FINANCIAL STATEMENTS
 OF THE CORPORATION AND THE FINANCIAL STATEMENTS

DENOTES ADDITIONAL SHADOW
IN PLAN VIEW

TRUE
NORTH



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SHEET 1 OF 1

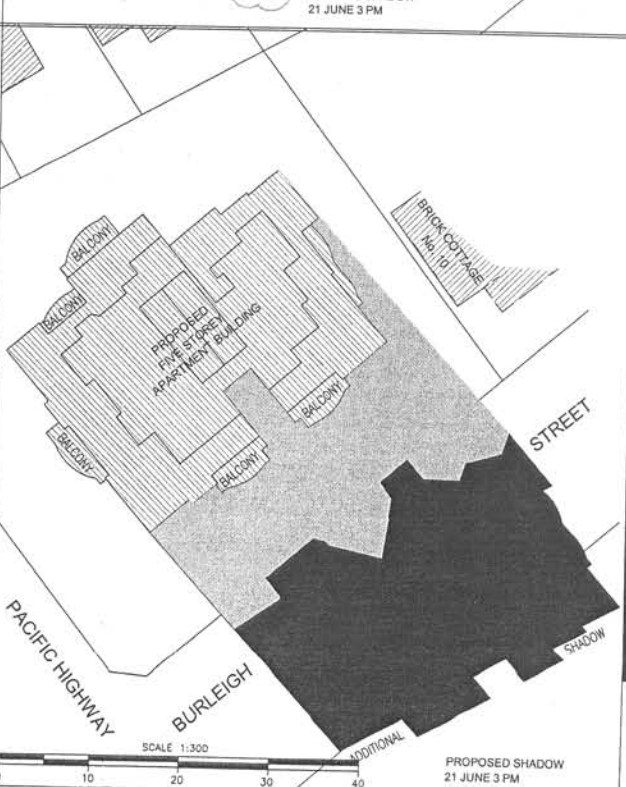
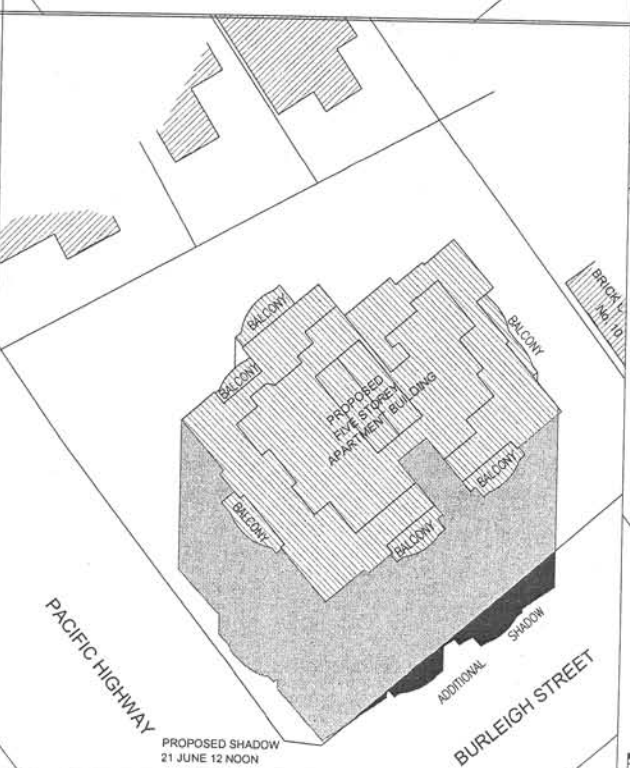
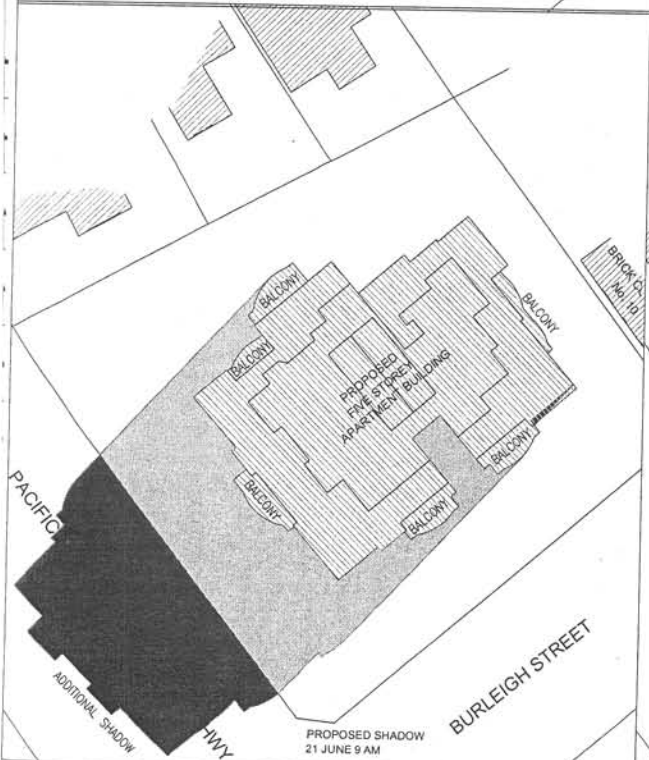
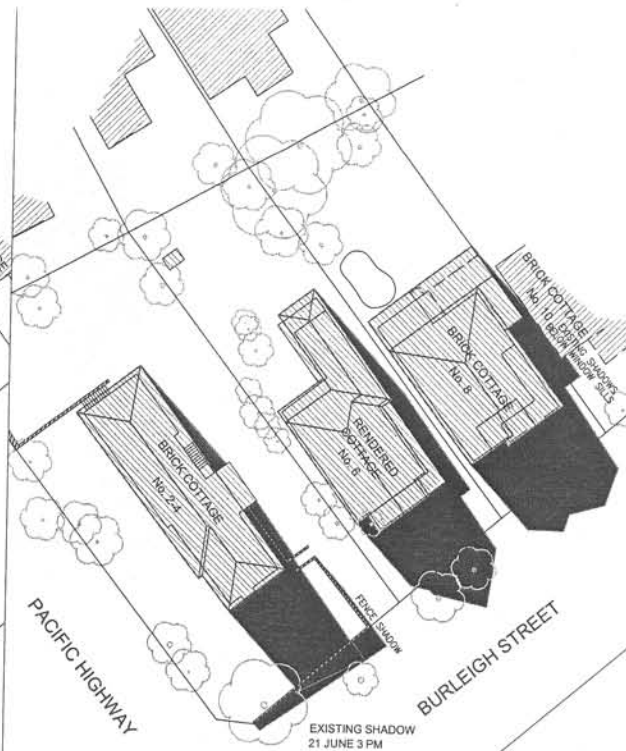
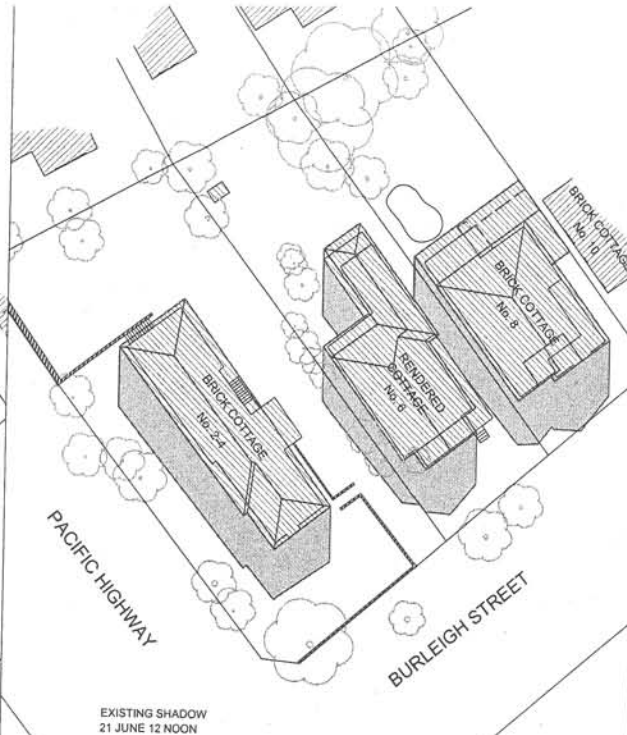
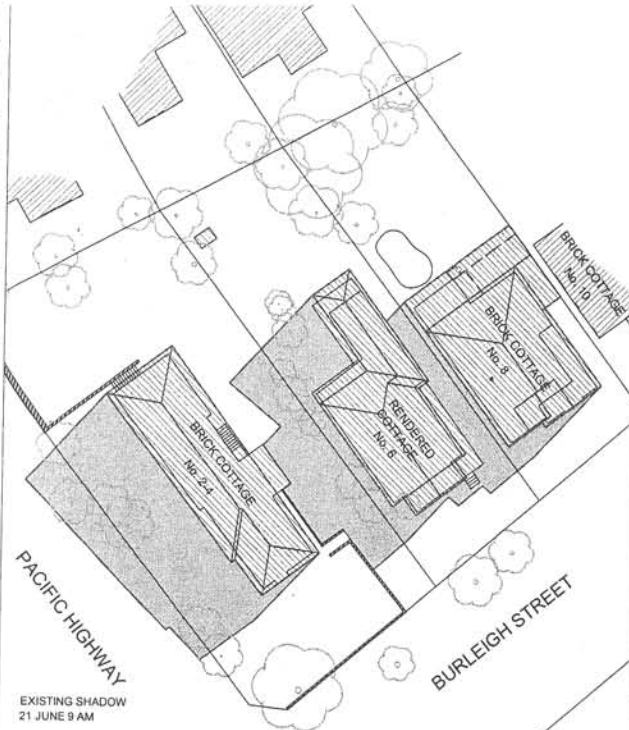
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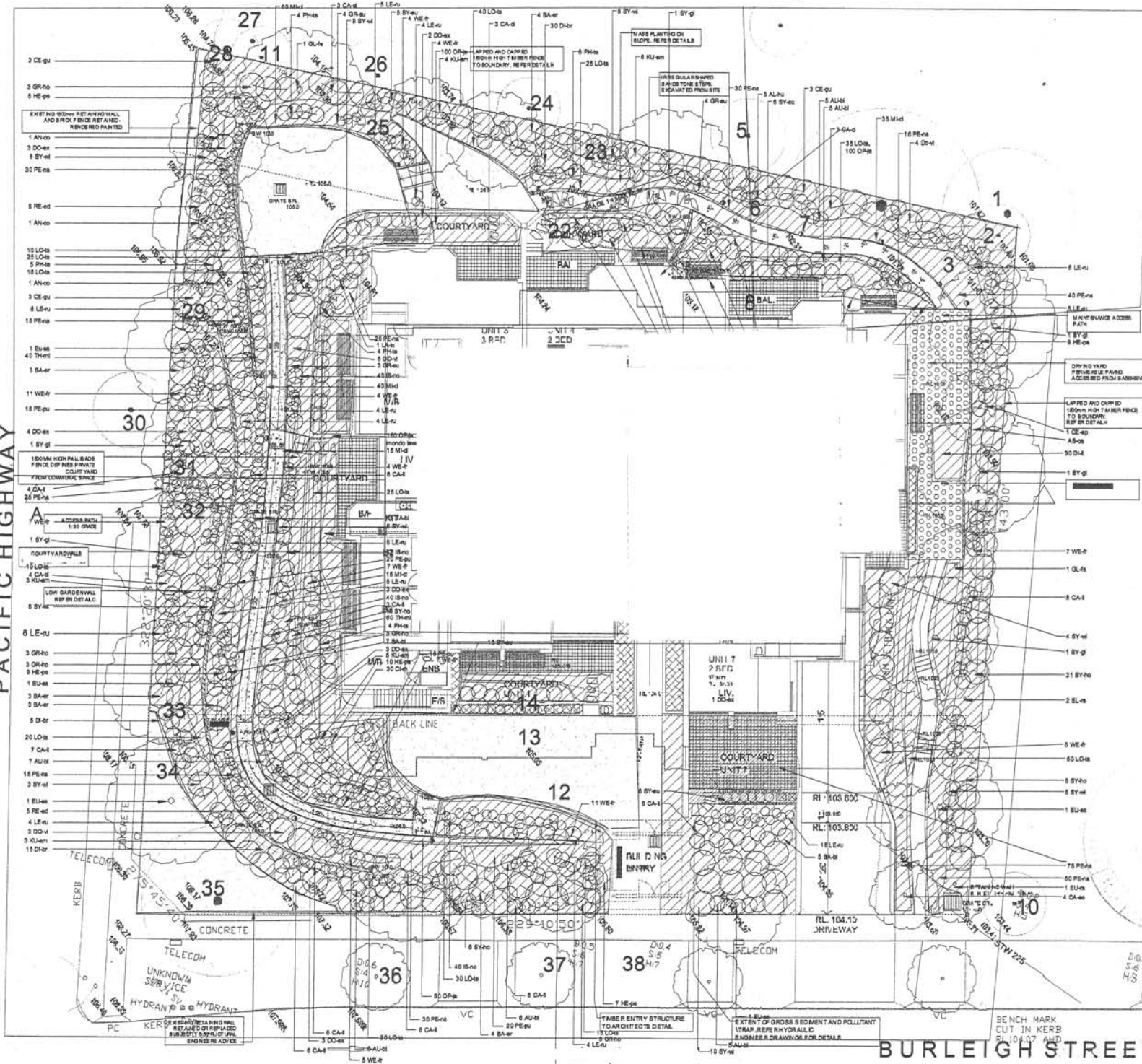
PLAN OF: No2-8 BURLEIGH STREET,
LINDFIELD
SHOWING : SHADOW DIAGRAMS AT
JUNE 21



SURVEYOR :	DDN U
DATUM :	AHD
ORIGIN :	SEE NOTES
JOB REF. :	16891
COMPUTER REF. :	16891
CHECKED :	SD
DATE OF SURVEY :	13.12.2004
REDUCTION RATIO :	PLAN: 1:300

PLAN 1300
27 JAN 2001 A1





NUMBER	BOTANICAL NAME	COMMON NAME	ACTION
TREES			
1	<i>Chamaecrista clematis</i>	Caribbean tree	relaxant
2	<i>Macaranga tinctoria</i>	yellow tree	relaxant and analgesic
3	<i>Ononchocarpus aculeata</i>	Yellow Palm tree	analgesic
4	<i>Leucaena leucocephala</i>	Leucaena tree	analgesic and antispasmodic
5	<i>Mangifera indica</i>	Mango	relaxant
6	<i>Planchonella "hager"</i>	Cherry tree	relaxant
7	<i>Albizia julibrissin</i>	silken tree	relaxant
8	<i>Albizia leonensis</i>	silken tree	relaxant
9	<i>Albizia odoratissima</i>	silken tree	relaxant
10	<i>Samanea saman</i>	Samanea tree	relaxant
11	<i>Samanea indica</i>	Samanea tree	relaxant
12	<i>Cordia alliodora</i>	Tree of life	relaxant
13	<i>Cordia alliodora</i>	Tree of life	relaxant
14	<i>Cordia alliodora</i>	Tree of life	relaxant
15	<i>Cordia alliodora</i>	Tree of life	relaxant
16	<i>Cordia alliodora</i>	Tree of life	relaxant
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50	<i>Cordia alliodora</i>	Tree of life	relaxant

INDEX	SYMBOLICAL NAME	COMMON NAME	WATERSHIP	HEIGHT	WIND
TREES					
A/10	Argemone coccinea	Red Poppy	25m	7.5m	10
A/11	Argemone onitis	Black Poppy	25m	7.5m	10
C/10	Corylus avellana	Common Hazel	25m	7.5m	10
C/11	Corylus heterophylla	Chinese Hazel	25m	7.5m	10
E/10	Elaeagnus argentea	Silver Tree	25m	7.5m	10
E/11	Elaeagnus lucidifolia	Shiny Tree	25m	7.5m	10
F/10	Ficus religiosa	Fig Tree	25m	7.5m	10
F/11	Ficus religiosa	Fig Tree	25m	7.5m	10
G/10	Ginkgo biloba	Ginkgo Tree	25m	7.5m	10
G/11	Ginkgo biloba	Ginkgo Tree	25m	7.5m	10
H/10	Hesperis matronalis	Evening Primrose	25m	7.5m	10
H/11	Hesperis matronalis	Evening Primrose	25m	7.5m	10
I/10	Ipomoea pes-caprae	Ipomoea	25m	7.5m	10
I/11	Ipomoea pes-caprae	Ipomoea	25m	7.5m	10
L/10	Lagerströmia speciosa	Lagerströmia	25m	7.5m	10
L/11	Lagerströmia speciosa	Lagerströmia	25m	7.5m	10
M/10	Melastoma malabale	Melastoma	25m	7.5m	10
M/11	Melastoma malabale	Melastoma	25m	7.5m	10
N/10	Nerium oleander	Nerium	25m	7.5m	10
N/11	Nerium oleander	Nerium	25m	7.5m	10
O/10	Oleandra	Oleandra	25m	7.5m	10
O/11	Oleandra	Oleandra	25m	7.5m	10
P/10	Panicum polystachyon	Panicum	25m	7.5m	10
P/11	Panicum polystachyon	Panicum	25m	7.5m	10
R/10	Rosa chinensis	Rosa	25m	7.5m	10
R/11	Rosa chinensis	Rosa	25m	7.5m	10
S/10	Sapindus saponaria	Sapindus	25m	7.5m	10
S/11	Sapindus saponaria	Sapindus	25m	7.5m	10
T/10	Taxus chinensis	Taxus	25m	7.5m	10
T/11	Taxus chinensis	Taxus	25m	7.5m	10
U/10	Ulmus parviflorus	Ulmus	25m	7.5m	10
U/11	Ulmus parviflorus	Ulmus	25m	7.5m	10
V/10	Viburnum chinensis	Viburnum	25m	7.5m	10
V/11	Viburnum chinensis	Viburnum	25m	7.5m	10
W/10	Wisteria chinensis	Wisteria	25m	7.5m	10
W/11	Wisteria chinensis	Wisteria	25m	7.5m	10
X/10	Xanthoxylum chinensis	Xanthoxylum	25m	7.5m	10
X/11	Xanthoxylum chinensis	Xanthoxylum	25m	7.5m	10
Y/10	Yucca chinensis	Yucca	25m	7.5m	10
Y/11	Yucca chinensis	Yucca	25m	7.5m	10
Z/10	Zinnia chinensis	Zinnia	25m	7.5m	10
Z/11	Zinnia chinensis	Zinnia	25m	7.5m	10
SHRUBS					
A/10	Abies chinensis	Abies	25m	7.5m	10
A/11	Abies chinensis	Abies	25m	7.5m	10
B/10	Betula chinensis	Betula	25m	7.5m	10
B/11	Betula chinensis	Betula	25m	7.5m	10
C/10	Cornus chinensis	Cornus	25m	7.5m	10
C/11	Cornus chinensis	Cornus	25m	7.5m	10
D/10	Daphne chinensis	Daphne	25m	7.5m	10
D/11	Daphne chinensis	Daphne	25m	7.5m	10
E/10	Elaeagnus chinensis	Elaeagnus	25m	7.5m	10
E/11	Elaeagnus chinensis	Elaeagnus	25m	7.5m	10
F/10	Ficus chinensis	Ficus	25m	7.5m	10
F/11	Ficus chinensis	Ficus	25m	7.5m	10
G/10	Ginkgo chinensis	Ginkgo	25m	7.5m	10
G/11	Ginkgo chinensis	Ginkgo	25m	7.5m	10
H/10	Hesperis chinensis	Hesperis	25m	7.5m	10
H/11	Hesperis chinensis	Hesperis	25m	7.5m	10
I/10	Ipomoea chinensis	Ipomoea	25m	7.5m	10
I/11	Ipomoea chinensis	Ipomoea	25m	7.5m	10
L/10	Lagerströmia chinensis	Lagerströmia	25m	7.5m	10
L/11	Lagerströmia chinensis	Lagerströmia	25m	7.5m	10
M/10	Melastoma chinensis	Melastoma	25m	7.5m	10
M/11	Melastoma chinensis	Melastoma	25m	7.5m	10
N/10	Nerium chinensis	Nerium	25m	7.5m	10
N/11	Nerium chinensis	Nerium	25m	7.5m	10
O/10	Oleandra chinensis	Oleandra	25m	7.5m	10
O/11	Oleandra chinensis	Oleandra	25m	7.5m	10
P/10	Panicum chinensis	Panicum	25m	7.5m	10
P/11	Panicum chinensis	Panicum	25m	7.5m	10
R/10	Rosa chinensis	Rosa	25m	7.5m	10
R/11	Rosa chinensis	Rosa	25m	7.5m	10

[illegible]

NEW FOR DEVELOPMENT APPLICATION PURPOSES

taylor
brammer
nature swim

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e: +91 2 2687 8889 f: +91 2 2687 8108
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2-8 BURLEIGH STREET, LINDFIELD

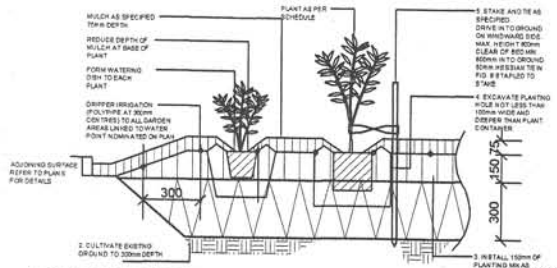
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**LANDSCAPE PLANTING
PLAN** (SHEET 1 OF 1)

PLAN-BASEMENT (LEVEL 1)

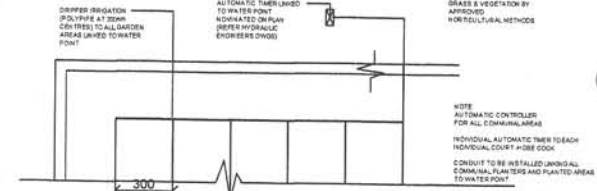
J & Q INVESTMENT PVT LTD

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04-10-79	04-10-79	checked	DMT		

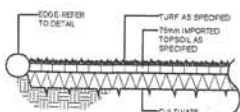
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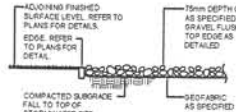
A1 MASS PLANTING BED (DRIPPER IRRIGATION DETAIL)
TYPICAL SECTION NTS



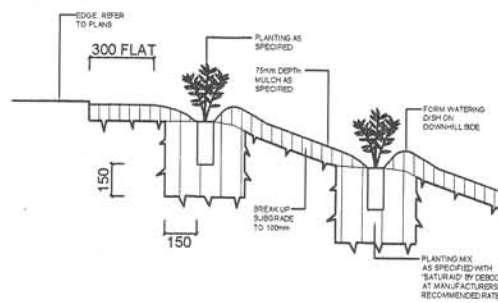
A2 DRIPPER IRRIGATION PLAN
TYPICAL SECTION NTS



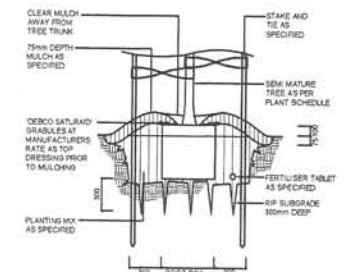
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SECTION 1:20



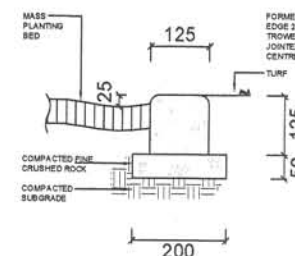
E MULCH-GRAVEL
SECTION 1:20



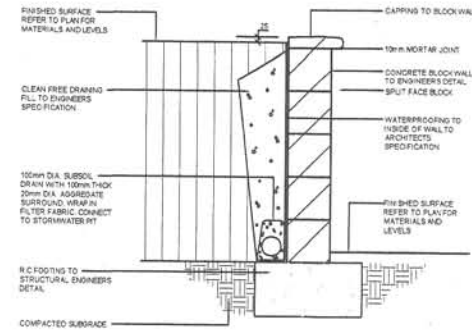
B MASS PLANTING-EMBANKMENT (1in3)
TYPICAL SECTION 1:10



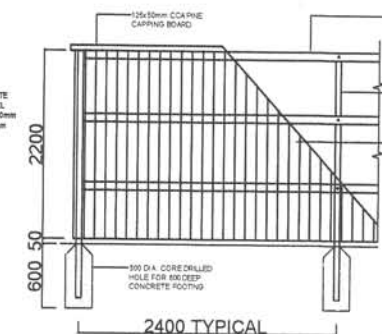
F SEMI-MATURE TREE PLANTING
TYPICAL SECTION 1:20



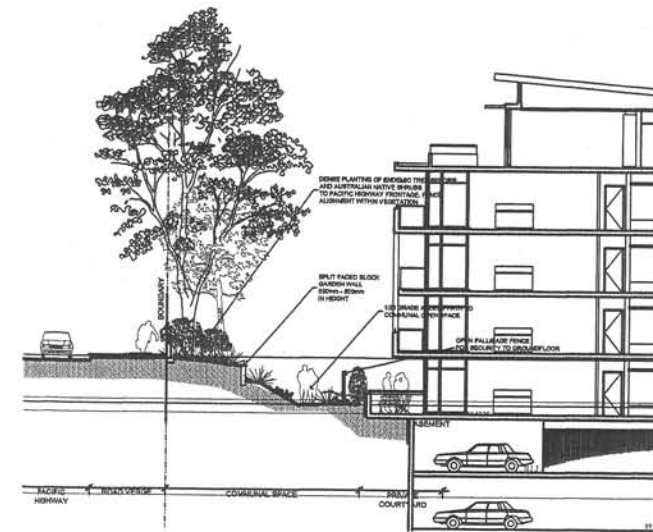
G EDGE-CONCRETE
TYPICAL SECTION 1:5



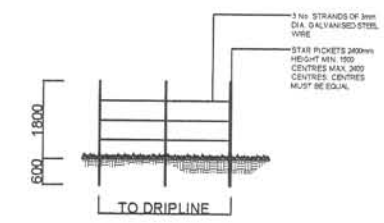
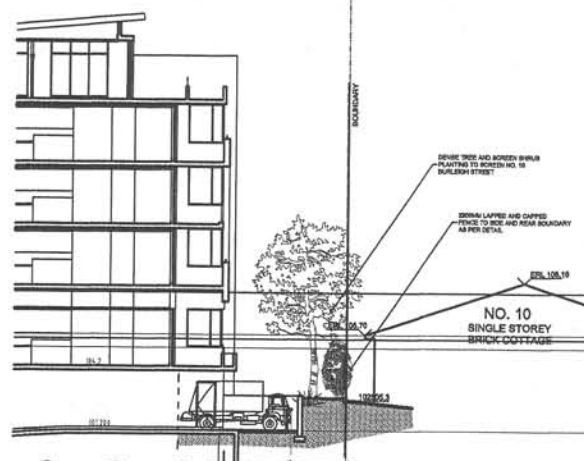
C RETAINING WALL-CONCRETE BLOCK
TYPICAL SECTION 1:10



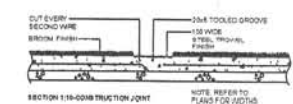
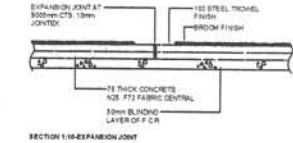
H FENCE-LAPPED AND CAPPED PALING
DETAIL 1:20



INDICATIVE LANDSCAPE SECTION A-A
1:100



I TREE PROTECTION
SCALE 1:50



J PAVING-CONCRETE
NTS

taylor brammer
LANDSCAPE ARCHITECTS

214 Prince Street, Newcastle, NSW 2300
T: 081 555 5555 F: 081 555 5556
A: info@taylorbrammer.com.au

2-8 BURLEIGH STREET, LINDFIELD
LANDSCAPE DETAILS & SECTION

J & G INVESTMENT PTY LTD

DATE: 13/11/24 DESIGNED BY: JG
JOB NO: 24-073 DRAWN BY: JG
CHECKED BY: JG

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Item 4

23 NEWHAVEN PLACE AND 36 TO 42 STANLEY STREET, ST IVES - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

- Application lodged 18 March 2005.
- Council considered a report at it's meeting on 20 September 2005.
- Site inspection took place on 1 October 2005.

Minutes of the Inspection Committee presented for confirmation on 18 October 2005

COMMENTS:

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

RECOMMENDATION:

Approval

Item 4

PURPOSE OF REPORT

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

BACKGROUND

- Application lodged 18 March 2005.
- Council considered a report at its meeting on 20 September 2005.
- Site inspection took place on 1 October 2005.

COMMENTS

The issues raised at the site inspection are addressed as follows:

1. **Staff are requested to clarify the position and height of all planter boxes on the upper levels of the proposed development and confirm the extent to which these planter boxes will be relied upon to achieve increased privacy between surrounding dwellings.**

Planter boxes have been proposed at a height of 1000mm at selected positions on the upper floor (Upper Level Plan A105-B). The planter boxes have been proposed to both add to the amenity of the large terraces as well as providing additional screening between units. All planter boxes will be planted with vegetation species to achieve a mature height of between 300mm to 600mm (or a total height of between 1.3 and 1.6m). Examples include planter boxes along units A505 and A506 which provides screening from units A501 and A502 and A503 to B504 (refer to plan A105-B). Other forms of screening are the use of pergolas over the 4th level balconies, which prevent possible overlooking from the terraces above.

2. **Staff are requested to outline all areas which have been included and excluded as part of the site cover calculations.**

Site coverage is defined in LEP 194 as;

“the proportion of the building footprint to the site area, expressed as a percentage.”

The following areas have been included as part of the site cover calculations:

Site coverage (building footprint)	<u>2,122.0m²</u>	<u>(34.9%)</u>
------------------------------------	-----------------------------	----------------

In terms of built upon area, which is defined in LEP194 as *“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, but excluding minor landscape features.”*

Item 4

Additional basement projection	584.1m ²	
Driveways and pavement	180.3m ²	
Swimming pool	<u>80.0m²</u>	
Total built upon area	2,967.3m ²	
Site area	6,078.0m ²	
Less total built upon area	<u>2,967.3m²</u>	
Resultant deep soil zone	<u>3,110.7m²</u>	(51.2%)

3. **The applicant is requested to submit a plan to Council which identifies the deep soil zones on the subject site by way of cross-hatching.**

Refer to attachment (Compliance Diagram-Deep Soil Planting).

4. **Staff are requested to indicate the minimum distance required between all buildings and substantial trees to ensure their long-term health and survival.**

Minimum distances vary greatly depending upon the tree species, their age and size, there is no one minimum dimension for all trees. Generically, minimum distances are calculated by trunk diameters and the perceived dimensions for critical and primary root zones. Development setbacks as proposed have kept out of critical root zones and are generally outside of the primary root zones for all substantial trees on site. Overall, the development has been designed in consideration with the location of substantial trees on site and adjoining properties, which with adequate tree protection being maintained on site during construction, as per consent conditions, should ensure their long term health and survival.

5. **Staff to address whether the public path located between 10 and 12 Newhaven Place could be removed or altered to prevent the isolation of allotments as part of future development. Options to prevent adjoining sites from being isolated should be presented together with corresponding timeframes. The size of all adjoining sites that are likely to be isolated should be identified, together with an indication of whether it is likely that these sites can be developed for similar purposes (i.e. RFB).**

The public path located between 10 and 12 Newhaven Place can be removed or altered. The public pathway between 10 and 12 Newhaven Place, St Ives is currently un-zoned. DP 225420 (26 March 1965) states that "it is intended to dedicate Newhaven Place (54 feet wide and variable) and the pathway (12 feet wide) shown herein to the Public." In order for Council to dispose of this property, and to allow development to occur over 10 and 12 Newhaven Place, this pathway would have to re-classified from public land as operational under the LEP process. It would be required to be considered prior to the lodgement of a new development application.

It should be noted that 12 Newhaven Place, north of the subject property, has an area of 1,328 m² and therefore could be developed for townhouses under LEP 194 on its own. However, if consolidated with 10, a Residential Flat Buildings would be possible to be developed having

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an area over 2,400m². 21 Newhaven Place, to the west of the subject site will be the subject of a development application for 17 and 19 Newhaven Place, which has recently be lodged with Council.

10 and 12 Newhaven Place was subject to a development application together with a development application for 2 and 4 Newhaven Place, which has now been withdrawn. 2 and 4 are looking at doing a future RFB development with possibly 6 Newhaven Place. 10 and 12 Newhaven Place can be developed for a RFB, after they have dealt with the pathway between the properties as outlined above. 21 Newhaven Place will be dealt with extensively with the newly lodged development application for 17-19 Newhaven Place.

6. Staff to confirm that the Minister's BASIX is not required to be applied to the proposed development.

All development lodged on and after 1 October 2005 requires a BASIX certificate. As this development application was lodged on 18 March 2005, the BASIX certificate was not required. However, the applicant submitted the required NatHERS documentation. Over 90% of the units have a NatHERS rating of 4.5 stars.

7. Staff to ensure that a specific condition is included in the recommendation of the report to ensure that all construction traffic and parking access associated with the site is to be from Stanley Street only. This condition should be in addition to Condition No. 72, as it is considered inappropriate for workers to use Newhaven Place to access the site.

Condition No 72 refers to the required Construction and Management Plan. It is recommended to insert **Condition 73** stating:

"All construction traffic and parking associated with the construction shall be from Stanley Street only. Construction vehicles are not to use Newhaven Place to access the site."

8. Staff to provide clarification of all proposed screening (including landscape screening) between the first, second and third levels of Building A and the adjoining 12 Newhaven Place. The capacity for overlooking in this area is to be addressed, together with confirmation that the plans are accurate with respect to the position of adjoining buildings.

Screen planting between Building A and 12 Newhaven Place consists of existing trees (Nos. 4, 8, 9, 10, 12, 33, 35, 36, and 40) being retained. These are then underplanted with screening shrubs and small trees capable of attaining heights up to 5.0m in conjunction with other planting, including palms (Bangalow palm) that can grow up to approximately 12.0m. The layering of planting will then mature and provide only filtered views to and from the development. There are no other non-vegetation forms of screening as there was an application (now withdrawn) for a residential flat building for 2, 4 and 10, 12 Newhaven Place, which was designed to be orientated northwards away from the subject development. However, the vegetation screening will provide ample screening to the dwelling until a new development application is lodged in the future. It is confirmed that the plans are accurate

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with respect to the position of adjoining buildings (recent survey by H Ramsay, Land Surveyors, reference 6558, dated 4/1/2005).

9. **Staff to confirm if any street tree planting is proposed and if so, the type, height and location of all trees. An appropriate condition should be included in the recommendation of the report to ensure appropriate street tree planting is provided to Council's satisfaction.**

No additional street trees are proposed in the DA. However, a recommended condition of consent requires ten (10) *Angophora costata* (Sydney Redgum) to be planted within the Stanley Street nature strip fronting the development site. The trees used shall be 25 litre container size specimens. The trees are to be planted as an evenly spaced formal avenue planting, consistent with the existing streetscape character (see **Condition No. 8**).

10. **Staff to confirm that Tree No. 88 (White Gum) adjoining the western side boundary (as viewed from Stanley Street) is to be retained and will survive given its proximity to proposed Building B and associated basement car parking.**

Tree No. 88 (White Gum) is proposed for retention. The proposed development is set back 11.0m from the Stanley St boundary, with a setback of 5.0m from the tree for both the basement and building. This results in all development work being located outside of the critical root zone and within approximately 5% of the primary root zone/canopy drip line. This is well within arboricultural standards to retain the tree without adverse impacts. As a result, there may be a need for minor root pruning on the outer extremity of the northern side of the tree but this is minor and should not adversely impact upon the ongoing health and vigour of the tree. **Conditions Nos. 5 and 63** are imposed to protect this and other significant trees on the site.

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA 239/05 for the demolition of existing dwellings and the construction of a residential flat building, containing 82 units, basement car parking and landscaping, at 23 Newhaven Place and 36-42 Stanley Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

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1. The development must be carried out in accordance with Project 20050009, plans numbered A011, A012, A013, A101-C, A102-B, A105-B, A106, A201, A301-B and A302 dated March and July 2005, drawn by Scott Carver Architects (Project 20050009), and plans numbered LDA-401, LDA-402, LDA-403 Rev B dated 29/06/ 2005 drawn by SCAPE (Project 20050009) endorsed with Council's approval stamp, except where amended by the following conditions:
2. Landscape works shall be carried out in accordance with Landscape Drawing No LDA-401, LDA-402, LDA-403 Rev B prepared by SCAPE and dated 29/06/2005 submitted with the Development Application, except as amended by the following:
 - Tree #40 *Araucaria heterophylla* (Norfolk Island Pine) is to be retained. Existing levels and grades are to be maintained within a 5.0m radius of the tree. No construction work is permitted within the specified 5.0m radius.
 - Screen planting adjacent to the north eastern site boundary, adjacent to Block A is to be substantially increased. The proposed planting of *Gordonia axillaris* (*Gordonia*) is to be deleted and replaced with eight *Elaeocarpus reticulatus* (Blueberry Ash).
3. Canopy and/or root pruning of any trees which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:
4. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
5. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#3 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site boundary	4.0m
#9 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site corner	4.0m
#10 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#12 <i>Hymenosporum flavum</i> (Native Frangipani) Newhaven Pl nature strip	3.0m

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#17 <i>Eucalyptus nicholii</i> (Peppermint) Adjacent to western site boundary	4.0m
#33 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north east site boundary	4.0m
#35 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north east site boundary in neighbouring property	4.0m
#36 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to north east site boundary on neighbouring property	4.0m
#40 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to north east site boundary	6.0m
#75 <i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	4.0m
#76 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary	6.0m
#78 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
#88 <i>Eucalyptus scoparia</i> (White Gum) Adjacent to southern/Stanley St site boundary	6.0m
#89 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Adjacent to southern/Stanley St site boundary	3.0m
#90 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to southern/Stanley St site boundary	4.0m
#100 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern/Stanley St site boundary	6.0m
#103 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern/Stanley St site boundary	4.0m
#112 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to western site boundary in neighbouring property	4.0m
#114 <i>Liriodendron tulipifera</i> (Tulip tree) Adjacent to western site boundary in neighbouring property	6.0m
#118 <i>Ginkgo biloba</i> (Maidenhair tree)	6.0m

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Adjacent to northern site boundary

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

Tree/Location

ANY tree to be retained protected by Council's TPO Beneath canopy drip line
On or off site

7. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
8. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Stanley St. The trees are to be evenly spaced and planted as a formal avenue planting. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Angophora costata (Sydney Redgum) x 10

9. Following removal of the existing trees within the Stanley St nature strip in front of the site, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
10. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
11. 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.
12. 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.
13. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the (newly constructed) in-ground street drainage system in Stanley Street. 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 Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
14. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system is to be 216m³, and the prescribed re-use of the water on site, must be toilet flushing (each unit), cold laundry (each unit) and garden irrigation as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).

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15. 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.
16. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drains shall outlets of minimum diameter 150mm to prevent blockage by debris.
17. 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.
18. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
19. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
20. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
21. 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

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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.**

22. 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.
23. 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".
24. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
25. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
26. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
 - Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives* by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005, and all subsequent

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geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

27. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the conducted geotechnical inspection, testing and monitoring programs.

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

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

29. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
30. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
31. To maintain existing ground levels all excavated material shall be removed from the site.
32. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and

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- c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

- 33. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 34. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

- 35. All noise generating equipment mechanical equipment shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 36. Noise emission from the mechanical ventilation system including fan units is not to exceed the background noise level when measures at the nearest property boundary.
- 37. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 38. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 39. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

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40. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

43. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
44. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
45. A photo record of all the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
46. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

47. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of

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the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

48. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
49. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

50. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT IS CURRENTLY \$1,441,018.67.

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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 (If Seniors Living \$412.07)	\$1 117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$6 574.28
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75m ²)	1.27 persons
Medium dwelling (75 - under 110 m ²)	1.78 persons
Large dwelling (110 - under 150 m ²)	2.56 persons
Very Large dwelling (150 m ² or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

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

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

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.

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52. A CASH BOND/BANK GUARANTEE of \$20 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

#3 *Syncarpia glomulifera* (Turpentine) \$2 000.00
Adjacent to Northern/Newhaven Pl site boundary

#4 *Syncarpia glomulifera* (Turpentine) \$3 000.00
Adjacent to northern/Newhaven Pl site boundary

#8 *Syncarpia glomulifera* (Turpentine) \$3 000.00
Adjacent to north east site boundary

#9 *Syncarpia glomulifera* (Turpentine) \$2 000.00
Adjacent to north east site corner

#10 *Syncarpia glomulifera* (Turpentine) \$1 000.00
Adjacent to northern/Newhaven Pl site boundary

#17 *Eucalyptus nicholii* (Peppermint) \$2 000.00
Adjacent to western site boundary

#33 *Jacaranda mimosifolia* (Jacaranda) \$1 000.00
Adjacent to north east site boundary

#40 *Araucaria heterophylla* (Norfolk Island Pine) \$3 000.00
Adjacent to north east site boundary

#75 *Fraxinus* 'Raywoodii' (Claret Ash) \$1 000.00
Adjacent to northern site boundary

#76 *Cedrus deodar* (Himalayan Cedar) \$500.00
Adjacent to northern site boundary

#78 *Jacaranda mimosifolia* (Jacaranda) \$1 000.00
Adjacent to northern site boundary

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#100 *Cedrus deodar* (Himalayan Cedar) \$1 000.00
Adjacent to southern/Stanley St site boundary

#103 *Melaleuca quinquenervia* (Broad leaf paperbark) \$1 000.00
Adjacent to southern/Stanley St site boundary

#118 *Ginkgo biloba* (Maidenhair tree) \$1 000.00
Adjacent to northern site boundary

53. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
54. Prior to issue of the Construction Certificate, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

55. 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** engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Stanley Street:

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- Construction of a new grated gully pit with lintel in Stanley St to facilitate direct in-ground connection of the site drainage system outlet.
- Construction of a new 375 reinforced concrete pipe gutter alignment to join the newly constructed pit to the existing Council drainage system downstream in Stanley Street.

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.

56. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale starting from the kerbline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on this plan that:

- Garbage vehicle egress can be accommodated using maximum grades of 20% (1 in 5). This is to allow the laden garbage collection vehicle to climb the ramp, and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of vehicles, particularly along the inside radius on the curved driveway.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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

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

The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.

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

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discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).

- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Development application concept drainage & OSD/OSR plans, prepared by Dintel and Associates, drawings 05002-C01A and C02A, dated March 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

60. Prior to the issue of a Construction Certificate the applicant must lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:

- Making good any un-repaired damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates,
- Completing any works in the public domain that are required in connection with this approval.

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

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

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

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62. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

Tree/Location	Radius in Metres
#3 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site boundary	4.0m
#9 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site corner	4.0m
#10 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#12 <i>Hymenosporum flavum</i> (Native Frangipani) Newhaven Pl nature strip	3.0m
#17 <i>Eucalyptus nicholii</i> (Peppermint) Adjacent to western site boundary	4.0m
#33 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north east site boundary	4.0m
#35 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north east site boundary in neighbouring property	3.0m
#36 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to north east site boundary on neighbouring	5.0m

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property

#40 *Araucaria heterophylla* (Norfolk Island Pine) 6.0m
Adjacent to north east site boundary

#75 *Fraxinus 'Raywoodii'* (Claret Ash) 4.0m
Adjacent to northern site boundary

#76 *Cedrus deodar* (Himalayan Cedar) 3.0m
Adjacent to northern site boundary

#78 *Jacaranda mimosifolia* (Jacaranda) 4.0m
Adjacent to northern site boundary

#88 *Eucalyptus scoparia* (White Gum) 3.0m
Adjacent to southern/Stanley St site boundary

#89 *Ceratopetalum gummiferum* (NSW Xmas Bush) 3.0m
Adjacent to southern/Stanley St site boundary

#90 *Chamaecyparis obtusa* (Hinoki Cypress) 4.0m
Adjacent to southern/Stanley St site boundary

#100 *Cedrus deodar* (Himalayan Cedar) 4.0m
Adjacent to southern/Stanley St site boundary

#103 *Melaleuca quinquenervia* (Broad leaf paperbark) 4.0m
Adjacent to southern/Stanley St site boundary

#112 *Podocarpus elatus* (Brown Pine) 4.0m
Adjacent to western site boundary in
neighbouring property

#114 *Liriodendron tulipifera* (Tulip tree) 6.0m
Adjacent to western site boundary in
neighbouring property

#118 *Ginkgo biloba* (Maidenhair tree) 4.0m
Adjacent to northern site boundary

64. 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.

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65. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:
- Tree Protection Zone
 - This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 - If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 - Name, address, and telephone number of the developer.
66. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
67. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
68. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
69. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
70. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, founding material and boundary offset for the proposal

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together with the recommendations of the submitted *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005* (page 6). The dilapidation report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
Turning areas within the site for construction and spoil removal vehicles allowing a forward egress for all construction vehicles on the site,

The locations of any Work Zones in the frontage roadways,

Location of proposed crane standing areas

A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries

Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

The provision of an on-site parking area for employees, tradesperson and construction vehicles

Traffic Control Plan(s) for the site

All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each. The name and certificate number of the traffic control designer must be shown on the Traffic Control Plan.

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

Light traffic roads and those subject to a load or height limit must be avoided at all times.

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

In addition, the plan must address:

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

Minimising construction related traffic movements during school peak periods.

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.

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

72. All construction traffic and parking associated with the construction shall be from Stanley Street only. Construction vehicles are not to use Newhaven Place to access the site at any time.
73. 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.
74. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a colour photographic record**) of the following public infrastructure:
 - Full road pavement width, including kerb and gutter, of Stanley Street over the site frontage, extending 20 metres either side of the frontage.
 - All driveway crossings and laybacks opposite the subject site which may be subject to reversing/turning trucks.

The report must be completed by a consulting civil engineer or equivalent. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

75. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
76. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at quarterly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
77. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
 - New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Completion of drainage works in road reserve.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full 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.

78. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the

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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 noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.

79. 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.

80. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
81. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed carpark complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking".
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
82. 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

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the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

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

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

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

83. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
84. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
 - As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.

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- 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.
85. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
86. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:
- According the relevant Australian Standards and guidelines, and
 - According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
87. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrt. dated 22nd February 2005*, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.

BUILDING CONDITIONS

88. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.

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- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
89. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
90. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
91. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
92. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
93. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
94. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

S Segall
Executive Assessment Officer

S Cox
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Report to Council on 20 September 2005 - 533450**
- Location Sketch - 532338**
- Zoning Extract - 532340**
- Sections - 532342**
- Elevations - 532344**
- Shadow Diagrams - 532484**
- Landscape Plans - 532346**
- Architecturals - 541791**
- Confidential floor plans & Compliance Diagram-Deep Soil Landscaping - shows floor plans**

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	23 NEWHAVEN PLACE & 36 TO 42 STANLEY STREET, ST IVES - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS COMPRISING 82 UNITS AND 142 BASEMENT CAR SPACES AND LANDSCAPING
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	239/05
SUBJECT LAND:	23 Newhaven Place & 36 to 42 Stanley Street, St Ives DA239/05DA239/05DA239/05
APPLICANT:	Finpac Investments 88 Pty Ltd
OWNER:	Finpac investments 88 Pty Ltd
DESIGNER:	Scott Carver Architects
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO – LEP194, DCP40, DCP43, DCP47 and DCP 55
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65 and SREP 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	18 March 2005
40 DAY PERIOD EXPIRED:	27 April 2005
PROPOSAL:	Demolition of existing structures and construction of two residential flat buildings comprising 82 units and 142 basement car spaces and landscaping
RECOMMENDATION:	Approval

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**DEVELOPMENT APPLICATION N^o
PREMISES:**

239/05

23 NEWHAVEN PLACE AND 36-42
STANLEY STREET, ST IVES

PROPOSAL:

DEMOLITION OF EXISTING STRUCTURES
AND CONSTRUCTION OF TWO
RESIDENTIAL FLAT BUILDINGS
COMPRISING 82 UNITS AND 142
BASEMENT CAR SPACES AND
LANDSCAPING

APPLICANT:

FINPAC INVESTMENTS 88 PTY LTD

OWNER:

FINPAC INVESTMENTS 88 PTY LTD

DESIGNER

SCOTT CARVER

PURPOSE FOR REPORT

To determine Development Application No 239/05 which seeks consent for the demolition of existing structures, the construction of a residential flat building providing 82 dwellings, including basement parking and landscaping.

EXECUTIVE SUMMARY

Issues:

Setbacks, building width and visual privacy.

Submissions:

15 submissions received.

Pre-DA Consultation:

Yes, 16 February 2005.

Land and Environment Court Appeal:

No.

Recommendation:

Approval.

HISTORY

The site has historically been zoned and developed for the purpose of low density residential.

Local Environmental Plan No. 194 was gazetted on 28 May 2004, rezoning the site for the purpose of medium density housing.

Development application history:

- Pre DA meeting held with Council officers on 16 February 2005.
- 18 March 2005, application lodged.
- 9 May 2005 detailed landscaping plan requested.
- 28 June 2005 detailed landscaping plans received.

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THE SITE

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-1968
Legal description:	Lot 11 in DP 225420 (23 Newhaven Place); Lot D in DP 382946 (36 Stanley Street); Lot B in DP 356644 (38 Stanley Street); Lot 101 in DP 776730 (40 Stanley Street); and Lot 102 in DP 776730 (42 Stanley Street).
Area:	6,078m ²
Side of Street:	North-west corner of the intersection at Stanley Street and Link Road, St Ives
Cross Fall:	North-eastern boundary to south-western corner
Stormwater Drainage:	To Stanley Street
Heritage Affected:	No
Required Setback:	10-12 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The development site has a total area of 6,078 m² and is irregular in shape, with four allotments fronting Stanley Street and one allotment fronting Newhaven Place. The northern boundary is staggered with a total length of 160 metres and fronts Newhaven Place and residential properties. The eastern boundary is approximately 42.5 metres in length and fronts Link Road. The southern boundary is approximately 110 metres in length and fronts Stanley Street. The western boundary is approximately 43.1 metres in length and fronts a residential property.

The land on the site undulates slightly and is generally characterised by a slope from the north-eastern boundary (RL 157.8) down to the south-western corner (RL 154.4).

The site currently contains five large detached dwellings, of one and two storeys in height. These residences generally appear to date from 1950 to 1970. Other improvements on the site include sheds and swimming pools.

SURROUNDING DEVELOPMENT

The site is located in a well-established urban area characterised by low density residential development. The site is located on the fringe of the St Ives village, a suburban retail/service centre containing over 100 specialty stores, restaurants and community services including the Ku-ring-gai neighbourhood centre and library. Other major land uses in the vicinity of the site are large educational establishments, including Masada College, Corpus Christi School and Brigidine College. Several precincts around the St Ives centre are currently undergoing a transition to medium density residential development in accordance with NSW State Government urban

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consolidation policy. With the gazettal of LEP 194 and the preparation of DCP 55, Ku-ring-gai Council has recognised that these areas will be developed where vegetation, especially in the form of canopy trees, will remain the dominant impression.

THE PROPOSAL

The development application seeks approval for the following:

- Demolition of all existing buildings and structures on the site;
- Removal of selected trees and vegetation;
- Excavation of up to 3 levels for basement car parking for a total of 142 vehicles, comprising 121 resident spaces and 21 visitor spaces;
- Construction of 2 residential apartment buildings within extensively landscaped grounds comprising 82 dwellings (8 by one-bedroom apartments, 41 by two bedroom apartments and 33 by three-bedroom apartments);
- Building A contains 54 apartments and Building B contains 28 apartments;
- The apartments range in size from 59m² to almost 128m²;
- Efficient apartment designs have been incorporated, providing 76% of apartments with natural cross ventilation and 80% of the apartments with more than 3 hours of sunshine to living spaces in mid-winter; and
- Provision of communal facilities including a gym room and a swimming pool.
- Vehicular access to both buildings is via a single driveway from Stanley Street.

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:

- | | | |
|-----|-----------------------------------|------------------------------------|
| 1. | J. J. Grieve | 1/24 Stanley Street |
| 2. | B. S. Tall | 5/24 Stanley Street |
| 3. | Peter and Robyn Rogers | 47 Stanley Street |
| 4. | Owners Corporation, "The Coppins" | ATN: Mr. W Meredith, 5 Gillott Way |
| 5. | Mr. Leon and Mrs. Robyn Clavin | 14/18-22 Stanley Street |
| 6. | Miss Dulcie Quin | 21 Newhaven Place |
| 7. | Dr and Mrs Turner | 3/16 Stanley Street |
| 8. | Dr Starzecki and Ms Katchan | 8 Newhaven Place |
| 9. | Philip and Kathryn Yuile | 12 Newhaven Place |
| 10. | Koji Ozawa | 3 Horace Street |
| 11. | J.J. Westen | 8 Richard Road |
| | | c/- E.H. Tebbutt and Sons Lawyers |
| 12. | Mr. and Mrs. Street | 25A Stanley Street |
| 13. | Mr. John McEwan | 14 Mungarra Avenue |
| 14. | Mrs. Pat ODonnel | 15/5 Gillott Way "The Coppins" |
| 15. | Mr H and Mrs J Bahramali | 17 Richard Road |

The submissions raised the following issues:

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The development is not in keeping with the green and leafy character of St Ives.

The subject land was rezoned residential 2(d3) under LEP 194. This zoning allows for residential development of up to five storeys. The site is located adjacent to other residential 2(d3) zoned along Stanley Road and Newhaven Place (refer to the **zoning extract**).

Compliance with the required minimum side boundary setbacks, deep soil landscaping area and external material and finishes ensures the development is appropriate in terms of bulk and scale with regard to adjoining properties. The inclusion of substantial landscaping on the site will meet the aims of LEP 194 and DCP 55 as described in Section 1.6.

Effect of the development on traffic along Stanley Street

The rezoning of this site under LEP 194 to permit medium density development confers a development potential pursuant to the development standards and controls set out in LEP 194 and DCP 55. In accordance with these statutory planning and policy controls, sites within the Residential 2(d3) zone have the potential to be developed for the purposes of residential flat buildings to a maximum height of five storeys and a footprint of 35% of the site area. The intent of rezoning for multi-unit development is to establish medium density living in proximity to transport nodes, educational and health facilities and local business centres.

An advantage of this development is that it potentially could have had vehicles entering and exiting the site at 23 Newhaven Place, a far more restricted road leading to Link Road. Council's Traffic Engineers preferred the current situation of all vehicles entering and exiting the site from one access point on Stanley Street. Council's Traffic Engineers also found the Traffic Assessment Report submitted with the development application to be to an acceptable standard on which to base an assessment of the traffic related impacts of the subject development and found no traffic or parking related issues.

Any cumulative impacts on residential character and density resultant from development of the subject site and similarly zoned allotments in accordance with LEP194 and DCP 55 provisions were therefore anticipated and have been provided for in the zoning.

The proposal is consistent with the objectives of SEPP 65, The Residential Flat Design Code, LEP194 and DCP 55 and will not result in a cumulative impact beyond that which is provided for under the zoning and associated controls that apply to the site.

Impact on the trees

This is addressed by Council's Landscape Development Officer, Geoff Bird, who raised no concerns on these grounds.

Whilst a few trees typical of the Sydney Turpentine Ironbark Forest (STIF) are present on the site, the vegetation does not possess a natural bushland structure and does not constitute a STIF community.

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No evidence of any threatened flora species was recorded in the Arbicultural Assessment prepared by *Tree and Landscape Consultants (TALC)*.

The tree study undertaken by TALC also stated:

“The report finds that of the 119 trees assessed within and adjacent to the site, it is considered that 71 trees identified for retention can be adequately protected without being negatively impacted upon if subject to measures for their protection.”

This has been confirmed by Council’s Landscape Development Officer, Geoff Bird (see Consultation –within Council).

Given the already modified nature of the subject site and its urban context, the proposed development will not impose adverse impacts upon the natural environment at this location.

Electricity supply is inadequate

The application was referred to Energy Australia who raised no objections. A condition is recommended requiring the applicant to liaise with Energy Australia regarding their power supply requirements and to allocate space for a small ‘kiosk’ type substation. These requirements must be obtained prior to Construction Certificate issue. **(See Condition No 62).**

Impact of excavation on adjoining properties

Based on the preliminary geotechnical report and location of excavations on this site, Council’s Development Engineers are satisfied that the geotechnical and excavation construction aspects of this proposal can be addressed through suitable conditions of consent. These conditions will require geotechnical and hydro-geological monitoring, excavation, construction and further professional geotechnical input as warranted.

A condition is also recommended which will require ongoing investigation by a consulting geotechnical engineer, with action as appropriate. Dilapidation reports are to be completed on neighbouring properties and infrastructure **(See Conditions Nos 74, 86 and 87).**

Disruption during construction works (Impact of construction vehicular and noise)

A detailed construction and traffic management plan is required via a condition of consent, for review and approval by Council Engineers prior to the commencement of any works on site **(refer Condition No. 72).**

For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours:

Mondays to Fridays inclusive: 7.00am to 5.30pm.

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Saturdays: 8.00am to 12.00 noon. Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
Sundays and Public Holidays: Not permitted.

Refer Conditions No. 29

Character, style and scale of development is not appropriate.

In the absence of a Design Review Panel provided by SEPP 65, the application was referred to Council's Urban Design Consultant, Russell Olssen. Mr. Olssen finds that the proposal satisfactorily addresses all ten SEPP 65 Design Principles and he considers the design to be of a sound standard.

The loss of values to the properties in the area.

This is not a valid development assessment consideration under s.79C of the Environmental Planning and Assessment Act. 1979/

Energy efficiency

The environmental performance of the development is acceptable considering the awkward orientation of the site. The proposal has, through careful unit arrangement, stepping of the building and by limiting building depth, achieved a good climatic responsive outcome. All units achieve a NatHERS rating of 4.5 stars. More than 50% of units achieve the optimum rating of 5 stars.

Stormwater impacts

Council's Development Engineer is satisfied that the stormwater Management Plan proposed is satisfactory, complies with DCP 47 and will not result in adverse drainage impacts.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's Urban Design Consultant, Russell Olssen, has commented on the proposal in the context of SEPP 65 and Residential Flat Design Code considerations, as follows:

Principle 1 - Context

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

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The existing context is comprised of elements of the natural environment and the built environment. The natural environment is an important characteristic of Link Road, which crosses the Garigal National Park in East-Gordon and leads on to St Ives village. Driving from East-Gordon towards St Ives, this road links areas of natural bushland and is lined by large trees, which are planted predominantly in private properties, and also as street trees, on both sides of the road. This landscaped setting exists for a range of development types, including detached houses, medium density housing and the Masada College close to the site on the eastern side of Link Road.

The detached houses in Horace Street (Link Road) to the south of Stanley Street, have landscaped front setbacks of 12m to 15m. All buildings on the Masada College site are set back at least 20m.

The landscape character in Stanley Street is comprised of large scale street trees and on-site large scale trees such as cedar, an alder and a white gum.

The large majority of existing trees within the front boundaries are to be retained in this development.

The existing built form is typically detached houses, which do not provide a precedent for the built form allowed under the 2(d3) zoning.

The desired future character for this area, as stated in DCP 55 and LEP 194, is to create development within a landscaped setting, where front setbacks from streets allow the planting of large trees in deep soil areas, and the general tree canopy is protected.

The proposed development corresponds to the existing landscape character of the area in relation to retaining trees in front setbacks and augmenting these with additional closely spaced trees.

The building setbacks are adequately on Stanley Street. The setback from the corner of Link Road does not comply with the DCP 55 control of 12m from the street frontage (with 40% allowed to be set back 10m). The building is less than 12m from the corner of Link Road, and this reduced setback is greater than 40% of the street frontage length. It is recommended that this corner is set back to comply with the DCP 55 setback control from the Link Road frontage

Amended plans were submitted to Council and forwarded to Mr Russell Olssen. Mr Olssen was satisfied that the amended plans complied with the 12 metre setback (with 40% to be set back 10m) to Link Road.

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

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transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The scale of development is acceptable in terms of building height and building length. The articulated form of the facades assists in reducing the scale of the building.

Principle 3 - Built form

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

The built form of the development is acceptable as it complies with the building setback controls in DCP 55, except for the corner building on Link Road. The facades are well articulated in plan and elevation, and the colour changes further articulate the built form.

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 density is acceptable under LEP 194..

Principle 5 - Resources, 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.

76% of apartments are naturally cross ventilated. 80% of the apartments will receive 3 hours of sunlight to their living rooms between 9am and 3pm in mid-winter. These are acceptable environmental design standards. These measures will reduce the need for air conditioning and heating. Adequate water management measures are proposed. The NATHERS rating of 4.5 stars for all apartments and 5 stars for 48% of apartments demonstrates good energy efficiency.

Principle 6 - Landscape

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

The landscape principle of tree retention wherever possible contributes to the immediate creation of a landscape setting for the buildings. The additional new landscaping is adequate in reinforcing this landscaped setting.

Principle 7 - Amenity

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

The amenity of the apartments is acceptable in terms of solar access, natural ventilation, acoustic privacy, apartment layouts, service areas and ease of access.

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.

Safety and security is not an issue in this development.

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 proposed apartments are appropriate to the area.

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 articulated building facades and the range of colours and materials provide visual interest to the development. The choice of warm, earthy colours and natural materials such as timber and sandstone relate the buildings to their natural setting.

Conclusions and Recommendations

This is a sound development in terms of SEPP 65 design standards. The only recommended change is that the corner building should be set back from Link Road to comply with the DCP 55 control of 12m from the street frontage (with 40% allowed to be set back 10m)

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Amended plans were submitted to Council and forwarded to Mr Russell Olssen. Mr Olssen was satisfied that the amended plans complied with the 12 metre setback (with 40% to be set back 10m) to Link Road.

Landscaping

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

"The site

It is proposed to demolish the existing dwellings and associated structures and construct two residential flat buildings with three levels of basement parking on the amalgamated corner site 6,078sqm with vehicular access from Stanley Street. The amalgamated site (5 Lots) is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn expanses. The Stanley St frontage is typically urban with introduced horticultural plantings, and built landscape elements (walls, driveways, paths etc), while the Newhaven Place frontage is dominated by mature native endemic tree species that provide an interconnecting tree canopy with other residential properties. The Link Road frontage is typified by introduced horticultural plantings of predominantly exotic trees, palms and large shrubs behind a masonry wall.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development will result in the removal of the existing understorey vegetation and existing trees through the core of the site where the proposed building footprints are located. The most significant trees on site are located adjacent to the Newhaven Place frontage and around the perimeter boundaries. A total of 119 trees have been identified as being associated with the site, including species that are exempt under Council's Tree Preservation Order, of which the Arborist has identified 48 which will require removal due to either their location within or adjacent to the proposed building footprint or due to either poor form or health or status under Council's Tree Preservation Order. The landscape plan identifies an additional – trees to be removed, including 15, 53, 54, 58, 79, 99, and 102.

No objection is raised to the removal of the nominated trees, with the exception of tree #40 an Araucaria heterophylla (Norfolk Island Pine) located adjacent to the north-eastern site boundary. The tree is approximately 20m high with a SULE rating of 2A. The tree is visually significant within the surrounding landscape and is located within the proposed deep soil landscape area outside of the proposed building footprint. Its retention can be conditioned with adequate tree protection measures. Revised plans have retained the tree.

Tree replenishment for the site will result in an additional seventeen (17) tall 'canopy' trees being planted on site. Two nominated species, Brachychiton acerifolius (Illawarra Flame tree) and Corymbia maculata (Spotted Gum) although native are not endemic to Ku ring gai

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and are required to be replaced with endemic tree species consistent with Sydney Turpentine Ironbark Forest (STIF). This can be conditioned.

Arborist's report/tree management plan

A detailed arborist's report and tree management plan have been submitted with the application, detailing the health and significance of existing trees located on and associated with the site, and the protection and management of existing trees to be retained. The recommendations made by the consulting arborist will be conditioned as part of the consent conditions for the proposed development.

Landscape plan

*The landscape plan has proposed *Corymbia maculata* (Spotted Gum) as an avenue planting in front of the buildings within the Stanley St frontage. The tree species although native is not endemic to Ku ring gai. It is preferred that the species be changed to be a native endemic species. This can be conditioned. In addition two of the trees have been located with a 1.5m setback from the retaining wall of the basement car park. This is too close and will result in future conflicts between the tree's root system and the wall and will result in a one sided root system, which may result in future instability of the trees. To overcome this issue it is required that the proposed tree planting be located with a minimum offset of 4.0m from the basement garage. This can be conditioned.*

Planting adjacent to the rear north east corner of Building A between the proposed building and the site boundary has a maximum height of 3.0m which is inadequate to provide sufficient screening between the proposed development and adjoining properties. It is required that screen planting adjacent to the site boundary be substantially increased to ensure privacy between properties. Screen planting up to 8.0m is required. This can be conditioned.

Proposed planting/landscape works for the remainder of the site can be supported as there is adequate tree replenishment and screen planting to maintain and improve the landscape amenity of the site.

Drainage plan

Overall the proposed Stormwater Drainage Plan can be supported with the exception of the proposed location of Pit 12 which is immediately adjacent to a large tree nominated for retention. It is required that Pit 12 be relocate so that it is outside of the Critical root Zone (CRZ) of existing trees to be retained. This has been discussed with Council's Development Engineer (Robin Howard), who agrees that the pit can be relocated by consent condition.

Deep soil landscaping

The proposed development, by the applicant's calculations for Deep Soil Landscaping, will result in a deep soil area of approximately 3 110sqm or 51.2% of the site area. Revised plans

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have addressed previous concerns raised regarding footpath widths, as a result Landscape Services is in agreement with the areas shown as deep soil landscaping.

Pedestrian access

Revised plans have addressed the issue of a gravel path through the centre of the site. Amended plans, as per recommendations, made the path hard surface/paved.

Setbacks

It is noted that the setback from Stanley St to the basement carparking below Block A does not comply with Council's DCP55 with a forward encroachment from the building above, resulting in a setback from the Stanley St site boundary of approximately 7.7m. From a landscape viewpoint, this proposed basement setback can be supported as there is adequate area for the establishment of tall 'canopy' trees and sufficient screen planting to filter the views to and from the development. Landscape Services does not raise any objections to other setbacks as proposed as there is sufficient deep soil area for tree replenishment and screen planting.

Conclusion

Subject to conditions, the application can be supported by Landscape Services."

See Conditions Nos 2-11, 52-53, 64-70 and 75-76.

Engineering

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

"Summary

In summary the engineering aspects of the application are considered satisfactory by Development Engineers, subject to the imposition of the engineering conditions of consent shown.

A pre-DA meeting was held for this site in which the applicant was presented with assessment criteria and issues related to the engineering aspects. Generally, the applicant has had regard to the engineering issues raised at this pre-DA meeting and has submitted the requested engineering information.

Subdivision, energy requirements

The DA form indicates that strata subdivision IS NOT proposed under this DA, hence strata subdivision conditions will NOT be applied in this referral response. So that the building is

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not constructed across lot boundaries, the Applicant will be required to consolidate all the Torrens lots prior to issue of the Construction Certificate (See Condition No. 54).

Development Engineers have placed a condition of consent in this referral response that the Applicant liaise with Energy Australia regarding their power supply requirements prior to Construction Certificate issue, and comply with such requirements prior to occupation and issue of the Occupation Certificate.

Site drainage comments

I refer to the Development application concept drainage & OSD/OSR plans, prepared by Dincel and Associates, drawings 05002-C01A and C02A, dated March 2005. This drainage proposal incorporates the following stormwater management facilities and disposal works for the development, to ensure compliance with the Council adopted Water Management DCP47:

- *On site retention of stormwater for domestic re-use within the buildings for toilet, cold laundry and landscape irrigation (total volume of 216m³).*
- *On-site detention (of 253 m³)*
- *Discharging of site runoff to a new in-ground drainage system*

Given that the existing five single dwellings show no evidence of any stormwater management or control devices, it is assumed that they currently discharge uncontrolled into the receiving system.

The drainage management plan for this proposal, once installed, will result in a reduction in mains water supply (roof runoff used for toilet flushing, cold laundry and irrigation) and will control the rate of runoff downstream to a greater extent than the existing situation.

Drainage provisions are considered acceptable and are able to comply with Water Management DCP 47, subject to conditional consent.

Traffic generation and vehicle access and accommodation arrangements

I refer to the Traffic Assessment Report submitted with the Development Application (refer Traffic Impact Assessment Report prepared by Traffic Solutions Pty Ltd, reference 04.05.143, dated 11 March 05). The report is generally to an acceptable standard on which to base an assessment of the traffic related impacts of the subject Development. This professional report should be read if further information is sought in relation to traffic impacts of this proposal.

LEP 194 parking requirements are as follows:

- (1) *Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:
the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,
the desirability of encouraging use of public transport,*

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that the impact of car parking on the natural ground area of multi-unit housing lots should be minimised and the need to provide sufficient deep soil landscaping for trees and their long-term sustainability, that the visual impact of car parking both from the street and from other land (private or public) should be minimised.

- (2) *Consent must not be granted to development that will result in more than one dwelling on a site unless:
at least one car space is provided per dwelling and, if the site is not within 400 metres of a pedestrian entry to a railway station, one additional car space is provided for each dwelling with 3 or more bedrooms, and
at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.*
- (3) *All car parking provided must not be open air car parking unless it is for visitors, in which case it must be constructed with water-permeable paving unless the paving is directly above part of the basement.*

The site is not located within 400m distance of a rail station.

Based on the above LEP parking requirements, the proposal therefore requires a minimum total of 114 resident spaces and 21 visitor spaces. The proposal provides 143 which complies with the LEP off-street parking requirement.

The Traffic Generation of this Development has been estimated using the “RTA Guide to Traffic Generating Developments” as follows:

	<i>Pre-Developed</i>	<i>Post-developed</i>
<i>Number of dwellings</i>	5 dwelling houses (4 with access to Stanley street)	8 x 1 bedroom unit 42 x 2 bedroom unit 32 x 3 bedroom unit
<i>Daily vehicle trips (combined in/out)</i>	36 (9 per dwelling) in Stanley Street	360 to 458 Based on medium density generation: 4-5 per dwelling (2 or less bedrooms) 5 to 6.5 per dwelling (3 or more bedrooms)

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Peak hour vehicle trips to/from site (combined in/out)	3.4 (0.85 per dwelling) 1 vehicle every 18 minutes averaged over peak hour	36 to 46 (41) Based on medium density generation: 0.4-0.5 per dwelling (2 or less bedrooms) 0.5 to 0.65 per dwelling (3 or more bedrooms) 1 vehicle every 1.5 minutes averaged over peak hour
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To assess the impact of additional traffic on the operation of the nearest intersection of Link/Stanley/Horace, the roundabout intersection was analysed using the INTANAL computer program, with results presented in the submitted traffic report. INTANAL provides data on the average delay per vehicle at intersections which expressed in seconds per vehicle.

For roundabouts, the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:-

Time (seconds)	Level of Service (LOS)	Description
0 to 14	"A"	Good
15 to 28	"B"	Good with minimal delays and spare capacity
29 to 42	"C"	Satisfactory with spare capacity
43 to 56	"D"	Satisfactory but operating near capacity
57 to 70	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
70	"F"	Unsatisfactory and requires additional capacity

The submitted INTANAL analysis finds that with the assignment of additional traffic from this development, the roundabout intersection of Link/Stanley/Horace would continue to operate with average delays less than 15 seconds per vehicle during peak periods. This represents a level of service "A", which is a 'good' level of intersection operation. Accordingly, the assignment of an additional 37 peak hour trips in and out combined (see table above) into the affected intersections (broken down into 75% outgoing and 25% incoming at am peak and the reverse at pm peak) is not expected to lower the operating levels of service at the nearest intersection during the peak hours.

Sight distances for exiting traffic comply with the acceptable sight distance requirements of Australian Standard 2890.1 – 2004 "Off-Street car parking".

The internal vehicle access and accommodation arrangements are to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking", which can be fully detailed on Construction Certificate drawings.

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In summary, the development will result in a post-developed average of 1 vehicle every 1.5 minutes crossing the proposed driveway in the peak hour and the nearest intersection is not expected to be adversely affected.

Traffic generating and associated impacts of the proposal are considered satisfactory, subject to conditional consent.

Construction management

Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan must be submitted for review by Council Engineers prior to the commencement of any works on site (See Condition No. 72).

Impacts on Council infrastructure and associated works – comments

The scale of construction work for this site has potential to damage the frontage road reserve. Accordingly, and for the amenity of the development frontage, the following infrastructure works will be required as part of the consent:

- *New drainage pit and 375mm drainage line in Stanley Street to facilitate in-ground drainage connection from site.*
- *Full repair of damaged footpath over the full site frontage on Stanley Street*
- *New concrete driveway crossing to access the site from Stanley Street.*
- *Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.*
- *Replacement of the verge area to turfed verge at all relevant locations.*

As with all development of this scale, there is the risk of damage to Council infrastructure during the course of the works through heavy truck movements and contractor activity. A \$50,000 bond to cover restoration of such damage, where the developer does not carry out repair works (or completion of unsatisfactory works by Council) is to be applied (See Condition No. 61).

Geotechnical / structural comments

I refer to the DA submitted geotechnical/hydrogeological (refer Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005.)

The borehole field assessment and subsequent report on the findings are considered appropriate for DA assessment based on the scale and location of excavations proposed within the site. The report contains information and recommendations on appropriate excavation and construction techniques based on subsoil and hydrogeological conditions.

Attention is paid to support of the excavation faces. It is generally expected that the majority

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of excavation will be in fill, residual silty clays, weathered shale, and sandstone bedrock below this level. Excavation of upper levels can be carried out with earth moving machinery such as excavators and rippers. Lower level shales and/or sandstone may need to be removed through percussive breaking techniques. Vibration transmission must be controlled and monitored through this process where breaking machinery is used, and dilapidation reports could be compiled (conditioned) for adjoining property infrastructure as discussed in the submitted geotechnical report.

Based on the findings and recommendations in the submitted geotechnical report for this proposal, I am satisfied that the geotechnical excavation and construction aspects of this DA can be addressed through suitable conditions of consent. These conditions will require further and ongoing geotechnical and hydrogeological monitoring of excavation, and construction processes, as warranted (See Conditions Nos. 74, 86 and 87).

Conclusion

Based on the formal engineering assessment, Council's Development Engineer has determined that the proposal is satisfactory for development approval on engineering grounds, subject to the engineering conditions being imposed."

See Conditions Nos 14-28, 54-63, 71-74 and 77-87.

CONSULTATION - OUTSIDE COUNCIL

Energy Australia

Energy Australia was notified of the proposed development on the 23 March 2005.

Energy Australia are currently investigating the provision of electricity to all the properties in the vicinity of Newhaven Place, Stanley Street and Link Road. Kiosks will not be required for every building and these two buildings will most likely be serviced by a kiosk off Newhaven Place.

PROVISIONS OF RELEVANT LEGISLATION

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

SEPP 65 aims to improve the design quality of residential flat building across New South Wales and provide an assessment framework and design code for assessing 'good design'. Part 3 of the SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs submitted to councils for approval.

Part 2 sets out design principles against which design review panels and consent authorities may evaluate the merits of a design. This section is to be considered connection with the comment of Council's *Urban Design Consultant* provided above. The proposal is assessed against the heads of consideration as follows:

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Principle 1 -Context:

Good design responds and contributes to its context which is defined by existing built and natural features and '*desirable elements*' attributed to an area.

The existing context is comprised of elements of the natural environment and the built environment. The natural environment is an important characteristic of Link Road, which crosses the Garigal National Park in east Gordon and leads on to St Ives village. Driving from East Gordon towards St Ives, this road links areas of natural bushland and is lined by large trees, which are planted predominantly in private properties and also as street trees on both sides of the road. This landscaped setting exists for a range of development types, including detached houses, medium density housing and the Masada College opposite the site on the eastern side of Link Road.

The detached houses in Horace Street (Link Road) to the south of Stanley Street, have landscaped front setbacks of 12m to 15m. All buildings on the Masada College site are set back at least 20m from Link Road.

The landscape character in Stanley Street is comprised of large street trees and large trees such as cedar, an alder and a white gum on private properties.

The large majority of existing trees within the front boundaries are to be retained in this development.

The existing built form is typically detached houses, which does not provide a precedent for the built form allowed under the 2(d3) zoning.

The desired future character for this area, as stated in DCP 55 and LEP 194, is to create development within a landscaped setting, where front setbacks from streets allow the planting of large trees in deep soil areas, and the general tree canopy is protected.

The proposed development corresponds to the existing landscape character of the area in relation to retaining trees in front setbacks and augmenting these with additional, closely spaced, trees.

The building setbacks are adequate on Stanley Street. After the applicant amended the plans, the building setbacks are also adequate on Link Road.

Principle 2 - Scale:

The scale of new development should suit the scale of the street and surrounding development. The scale should be in keeping with the '*desired future character of the area*'.

The proposed development complies with the development standards contained in LEP 194 and is consistent with the scale and built form design controls and assessment criteria contained in DCP 55. The development is located within an appropriate setback and landscaped curtilage. The design accords with the requirements of SEPP 65. The development is adequately articulated and set back

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behind vegetation, providing visual relief and interest without detracting from the streetscape. The scale of proposed development is therefore satisfactory.

Principle 3 - Built form:

Design should be appropriate for a site and the purpose of a building. Building alignment, proportions, types and elements should define the public domain, contribute to visual character and provide internal amenity and outlook.

Refer to comments by Council's *Urban Design Consultant* and *DCP 55*.

The design, alignment, proportions and elements of the proposal are consistent with the applicable guidelines. The development achieves adequate articulation and screening within the streetscape and internal amenity and outlook for occupants.

Principle 4 - Density:

Density (including floor space and number of dwellings) should be appropriate for a site and context. Densities should be sustainable and in precincts undergoing a transition should be consistent with the stated desired future density, responding in a regional context based upon availability of services.

LEP 194 aims to increase housing density and choice and residential amenity without compromising the natural environment and character of an area.

As indicated in the *Compliance Tables*, the development complies with the LEP development standards and DCP controls relating to density. The proposal achieves a high level of residential amenity for occupants, without adversely impacting on the visual amenity of the area.

Principle 5 - Resource, Energy and Water Efficiency:

Subject to conditions, the proposal is acceptable with respect to sustainability and resource availability (see **Conditions Nos 15 and 16**).

Principle 6 - Landscape:

Landscape and buildings should operate as integrated and sustainable systems resulting in 'greater aesthetic quality' and amenity for occupants and the public domain. Landscape should build on the sites' natural and cultural features, provide habitat for local biodiversity and fit the development within its context.

Landscaping should optimise useability, benefits to neighbours and provide for long term management.

Clause 25I(2) of LEP 194 provides a minimum standard for deep soil landscaping. DCP 55 also contains specific requirements in relation to the location, composition and design of deep soil

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landscaping with the objective of ensuring that multi-unit housing within Ku-ring-gai maintains consistency with the existing, unique character of the area. Deep soil landscaping must be designed to optimise useability, provide effective screening to neighbours and the streetscape and promote long term management and protection.

The proposal provides landscaping to comply with Clause 25I(2) of LEP 194. Council's Landscape Development Officer has assessed the submitted landscape plan and, subject to conditions, the concept provided meets the objectives of DCP 55 and integrates the built form appropriately with the surrounding area.

The proposal is acceptable when assessed against Principle 6 of SEPP 65.

Principle 7 - Amenity:

Good design provides amenity through the physical, spatial and environmental quality of a development including considerations such as room dimensions and shapes, solar access, ventilation, privacy, storage, indoor and outdoor space, outlook and access.

DCP 55 contains specific development objectives and guidelines with respect to achieving a high level of residential amenity. These controls relate to minimum bedroom dimensions, sunlight and ventilation, minimum courtyard/balcony areas, ceiling heights and orientation.

The proposal is generally consistent with Council's requirements as indicated in the *Compliance Table* and the considerations of DCP 55 controls. The development provides a high level of amenity in accordance with Principle 7 of SEPP 65.

Principle 8 - Safety and security:

Good design optimises safety and security, both internally and externally, by maximising overlooking to public areas and allowing passive surveillance.

Refer to *DCP 55 Clause 4.6 – Safety and Security* design controls and considerations.

The development addresses the street, provides amenity, landscaping within the streetscape and connection to the street. The development promotes passive surveillance, safety and security.

Principle 9 - Social dimensions:

Development should respond to lifestyles, affordability and local community need's, providing a mixture of housing choices.

Refer to detailed discussion of *DCP 55 Clause 4.7 'Social Dimensions'*. The proposal provides housing for a mixture of income levels, family structures and accessibility levels and is consistent with both SEPP 65 and DCP 55 in this regard.

Principle 10 - Aesthetics:

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Composition of building elements, textures, materials and colours should reflect the use of the development, its environment and desirable elements of the streetscape. Aesthetics of a building should contribute to the desired future character of areas undergoing transition.

An assessment of the aesthetics of the design and its consistency with the design principles of SEPP 65 has been made by Council's Urban Design Consultant. The design, articulation and proposed construction of the building are considered appropriate for the surrounding local context.

Residential Flat Design Code

The considerations in the Residential Flat Design Code are as follows:

Relating to the local context:

The proposal is sited over five separate allotments and will require their consolidation. This amalgamation will result in a site of 6,078 m² which is capable of accommodating the proposed density of five storeys (**see Condition No. 54**).

The irregular shape of the site has resulted in two articulated and curved building forms having a northerly aspect and addressing both Stanley Street and the main area of landscaped common open space in the north-eastern portion of the site. The proposal generally satisfies the urban design requirements outlined in LEP 194. The proposal is designed in response to the existing treed character of the site, its topography, orientation for solar access and the potential to provide district views from the upper level apartments.

The proposed height and bulk of the development will be consistent with the scale identified in the desired future character of the area. A maximum perimeter ceiling height of 13.4 metres is proposed in accordance with LEP provisions, with the topmost storey occupying less than the 60% of the storeys below. The combined building footprints do not exceed 35% of the site area and have been situated to maximise deep soil planting zones and ensure the retention of as many significant trees as is practicable. Both building forms have been broken into modules that serve to articulate the facades.

The building envelope, in terms of building height, floor area, depth and setbacks, is satisfactory having regard to the desired future character of locality. This is discussed in more detail below.

Site analysis:

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

In terms of site configuration, the proposal will ensure adequate areas for private and common open space and deep soil landscape areas.

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The orientation of the development ensures adequate solar access to habitable areas and private open space, both internally and to adjoining residential development and also provides an appropriate frontage to Stanley Street and Link Road.

The merits of the application with respect to stormwater management have been discussed above, whilst access and privacy are assessed below.

Building design:

The proposal is satisfactory in terms of the internal configuration of the two buildings and will achieve the objectives of providing function and organised space and a high level of residential amenity. In addition, the proposal provides adequate habitable space having access to north-facing windows.

All other relevant matters under 'Building Design' have been assessed elsewhere in the report and are satisfactory.

State Environmental Planning Policy No 55 - Remediation of Land

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

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

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

The development has the potential to impact on water quality and volumes to the catchment.

The recommended consent will become operational, subject to the submission of stormwater management details in accordance with *Schedule A* of the recommendation, including the creation of a drainage easement to carry water to Council's stormwater system.

Subject to conditions, the development is unlikely to generate significant additional stormwater and would be consistent with the provisions of SREP 20.

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	6,078m ²	YES
Deep landscaping (min): 50%	51.2%	YES

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Street frontage (min): 30m	110m (Stanley Street) and 42m (Link Road)	YES
Storeys and ceiling height (max) (not inclusive of top floor): 5 storeys and 16.4m	5 storeys and <15 metres	YES
Site coverage (max): 35%	34.9% (2,123 m ²)	YES
Top floor area (max): 60% of level below	60%	YES
Car parking spaces (min): 115 x resident, 21 x visitor	121 x resident, 21 x visitor An additional 7 spaces have been provided	YES
Zone Interface 3 rd and 4 th floors setback 9m from land not zoned 2(d3)	Not applicable-does not directly adjoin land that is not zoned 2(d3)	YES
Manageable housing (min): 10% (4 units)	11 apartments (13%) units are adaptable and 60 apartments (73%) are visitable by wheelchair users	YES
Lift access: required if greater than three storeys	Provided to Buildings A and B	YES

Site area (cl.25E):

Clause 25E of LEP 194 stipulates that consent may be granted to development for the purpose of a residential flat building on land zoned Residential 2(d3) only if the land has an area of at least 1,200m².

The development site is 6,078m² in area and is appropriate for the development proposed.

Clause 25I contains heads of consideration, site requirements and development standards for multi-unit housing.

Clause 25I requires consideration of the following factors:

- *Desirability to provide a high ratio of deep soil landscape to site area;*
- *Impact of overshadowing/loss of privacy or outlook likely to be caused by the development;*
- *Separation between buildings/site boundaries/landscaped corridors; and*
- *Consideration of environmental factors, water conservation and sustainability.*

The following development standards apply and are addressed as follows:

Deep soil landscaping (cl.25I(2)):

Clause 25I(2) provides a minimum standard for deep soil landscaping. The proposed development is required to observe the following requirements:

- Deep soil planting with a minimum width of 2 metres on the site;
- Deep soil landscaping of minimum ratio of 50% for a site with an area of 1,800m² or greater.

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The proposal provides a compliant 3,110 m² or 51.2% of deep soil landscaping on the site, with a minimum width in excess of 2 metres. This achieves appropriate amenity for future occupants, surrounding property owners and provides opportunities for screening within the streetscape.

Site frontages (cl.25I(3)):

Clause 25I(3) requires a minimum street frontage of 30 metres for a development site of 1,800m² – 2,400m² in area.

The site has a frontage of 110 metres (Stanley Street) and 42.5 metres (Link Road) and an area of 6,078m² and therefore complies.

Number of storeys (cl.25I(5)):

Buildings proposed on sites measuring 1,800m² or more are not to exceed 5 storeys in height (with the 5th floor being no greater than 60% of the 4th floor).

The proposed development achieves a height of 5 storeys (with the 5th floor being no greater than 60% of the 4th floor) and complies. Further discussion of height is provided under *DCP 55*.

Site coverage (cl.25I(6)):

Residential flat buildings are not to occupy greater than 35% percentage of the site area.

As indicated in the *Compliance Table*, the proposal is consistent with this development standard.

Top floor (cl.25I(7)):

In Zone 2(d3), where the maximum number of 5 storeys permitted is attained, the floor area of the top storey of a residential flat building of 5 storeys is not to exceed 60% of the total floor area of the storey immediately below it.

The top (5th) storey proposed achieves a total area of 60% of the floor below and complies.

Storeys and ceiling height (cl.25I(8)):

Pursuant to Clause 25I(8) a development within the 2(d3) shall have a maximum of 5 storeys and a total perimeter ceiling height of 13.4 metres.

As indicated in the *Compliance Table*, the proposal achieves 5 storeys with a perimeter ceiling height not exceeding 13.4 metres and complies.

Epping-Chatswood rail link (cl.25I(10)):

A consent authority is to consider the effect of excavation on the proposed Epping-Chatswood Rail Tunnel.

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This does not apply in this case.

Car parking (cl.25J):

The proposal complies with the car parking development standard contained in Clause 25J.

Manageable housing (cl.25N(2)):

Refer also to *Compliance Table* (DCP 55) and discussion of 'Social Dimensions'. Manageable housing is provided in compliance with Council's requirements.

Lift access (cl.25N(3)):

A lift must be provided in all multi-unit housing developments of more than 3 habitable storeys in zone 2(d3). The proposed building comprises five habitable storeys and lift access is provided.

Heritage /conservation areas (cl.25C(2)(e) and 61D - 61I):

Neither the subject site nor adjacent properties are listed on the *Register of the National Estate*, nor are they subject to any conservation instrument under the provisions of the NSW Heritage Act 1977. The properties are not listed as a heritage items nor located in a heritage conservation area identified under the provisions of the Ku-ring-gai Planning Scheme Ordinance.

A condition is recommended requiring that recording of the existing buildings at Nos. 23 Newhaven Place and 36, 38, 40 and 42 Stanley Street St Ives be undertaken prior to demolition (**refer Condition No. 44**).

Residential zone objectives

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

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item 15m:	No closer than 75 metres to any heritage item	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min) 150m ² per 1000m ² of site area = 912m ²	3,110m ²	YES

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No. of tall trees required (min): 1 tree per 300m ² (20 trees)	22 trees retained 17 trees to be planted	YES
Part 4.2 Density:		
Building footprint (max): 35% of total site area	32%	YES
Floor space ratio (max): 1.3:1	1.23:1 (4,022m ²)	YES
Part 4.3 Setbacks:		
Stanley Street, Link Road and Newhaven Place (min): 10 - 12 metres (<40% of the zone occupied by building footprint) The setback must extend both above and below ground and includes car parking, storage, detentions tanks and the like	10-12 metres setback (with less than 40% of the building in the 10m zone) Basement car park is setback 7.7 metres as opposed to 10 metres in part from Stanley Street.	YES NO
Side boundary setback (min): 6 metres	Minimum set back 6 metres	YES
Corner sites - the minimum street boundary shall apply on both street frontages	The site is located on the corner of Stanley Street and Link Road. Both street frontages comply.	YES
% of total area of front setback occupied by private courtyards (max): 15%	<15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: • Wall plane depth >600mm • Wall plane area <81m ²	All >600mm < 81m ²	YES YES
Service Elements (such as lift overruns, service plants, vent stacks, etc) shall be integrated into the overall design of the roof	All elements integrated into the roof	YES

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<p>Built form:</p> <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	<p>Building A width = 49 metres. The portion of the building that directly presents itself to Stanley Street is 42 metres in width.</p> <p>Building B width = 38 metres. The portion of the building that directly presents itself to Stanley Street is 36 metres in width.</p> <p><1.2m</p>	<p>NO</p> <p>YES</p> <p>YES</p>
Part 4.5 Residential amenity		
<p>Solar access:</p> <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 3 hours sunlight to habitable rooms and outdoor living areas of adjoining houses in Residential 2(c1) and 2 (c2) zones >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	<p>66 apartments (80%) receive at least 3 hours of direct sunlight in mid-winter and 50 apartments (61%) receive at least 4 hours</p> <p>Not adjoined by such zones but at least 3 hours solar access maintained to adjoining developments</p> <p>>50%</p> <p>Four (4) units or 5% of the total have a westerly orientation</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
<p>Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:</p> <ul style="list-style-type: none"> Storeys 1 to 4 <ul style="list-style-type: none"> - 12m b/w habitable rooms - 9m b/w habitable and non-habitable rooms - 6m b/w non-habitable rooms 	<p>Within the site, the proposed development generally complies with this requirement, with the exception of some windows of units A107/B106, A207/B206, A307/B306 and A407/B406 which are located 11 metres apart.</p>	<p>NO</p>

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<ul style="list-style-type: none"> 5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	<p>The proposed buildings are also located less than 12 metres from the adjoining single dwellings fronting Newhaven Place. The subject site is extensively screened from these properties, which are also zoned residential 2(d3) and will be developed into apartment buildings in the future.</p>	<p>NO</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> serve a maximum of 8 units >1.5m wide >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.7m</p> <p>All bedrooms >3.0m</p> <p>Maximum 4 units</p> <p>>1.8m</p> <p>>1.8m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
<p>Outdoor living:</p> <ul style="list-style-type: none"> Ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> 10m² – 1 bedroom unit 12m² – 2 bedroom unit 15m² – 3 bedroom unit <p>NB. At least one space >10m²</p>	<p>> 25m²</p> <p>10m²</p> <p>12m²</p> <p>15m²</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

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<ul style="list-style-type: none"> Primary outdoor space has a minimum dimension of 2.4m 	2.4m	YES
Part 4.7 Social dimensions:		
Visitable units (min): 70%	73% (60 units) are visitable	YES
Housing mix: To include a range of unit sizes and types to provide choice to the market and encourage social mix	8 one bedroom apartments, 42 two-bedroom apartments and 32 three- bedroom apartments	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
<ul style="list-style-type: none"> >65% of units are to have natural cross ventilation 	76% (63 units)	YES
<ul style="list-style-type: none"> single aspect units are to have a maximum depth of 10m 	Less than 10 metres	YES
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	27% (22 units)	YES
<ul style="list-style-type: none"> >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	4.5 star rating = 100% 5 star rating = 48%	YES YES
Part 5 Parking and vehicular access:		
Car parking spaces (min): 115 x resident, 21 x visitor	121 x resident, 21 x visitor	YES

Part 4.3 Setbacks:

The stepped building configuration provides for a variety of front, side and rear setbacks in order to achieve good articulation and interest to the streetscape.

After a number of meetings with the applicant and Council officers, the applicant agreed to amend the plans to fully comply with the 10m/12m setbacks to Link Road.

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A variation to the control that requires the basement area to be excluded from the front setback has been requested. The area of the basement car park projecting into the setback zone amounts to 65m². The width of the basement car park is a result of the required compliance with Australian Standard 2890 for aisle widths and car space dimensions. The placement of the basement car park has also been constrained by the desire to minimise the length of the entry/egress driveway and to maximise the available area of deep soil landscaped open space towards the rear portion of the site.

Council's Landscape and Tree Assessment Officer has also stated:

"It is noted that the setback from Stanley St to the basement carparking below Block A does not comply with Council's DCP55 with a forward encroachment from the building above, resulting in a setback from the Stanley St site boundary of approximately 7.7m. From a landscape viewpoint, this proposed basement setback can be supported as there is adequate area for the establishment of tall 'canopy' trees and sufficient screen planting to filter the views to and from the development."

The setback dimension ensures ample space for deep soil landscaping which will screen the development from the Stanley Street frontage. The basement structure does not project above ground level and will not be visible from the public domain. The total area of deep soil landscaping amounts to 51.2% of the site area and therefore complies with the requirements of LEP 194. Existing and new vegetation will screen the setback zones.

Part 4.4 Built form and articulation:

The width of a single building on any elevation facing the street should not exceed 36 metres. In the subject development application, there are two buildings, A and B.

Building A has total width of 49 metres, however, the portion of the building that directly presents itself to Stanley Street is only 42 metres in width, which is 6 metres longer than the minimum prescribed.

Building B has total width of 38 metres, however, the portion of the building that directly presents itself to Stanley Street is 36 metres in width, which complies.

The two building elements break the total development and satisfy the design controls of DCP 55.

The proposed development has been designed in accordance with the provisions and design principles embodied in SEPP 65, and according to Council's Urban Design Consultant, achieves a quality architectural outcome.

The perceived bulk and length of buildings have been reduced as follows:

- Applying architectural modulation to all elevations, thereby breaking the facade into different modules that serve to articulate the buildings;

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- Utilising depth, shadow and different materials to achieve modulation and articulation in the composition of the facade rather than a superficial arrangement of applied elements;
- Selecting appropriate external materials and finishes to enhance the architectural form and character of the development and the quality of the streetscape; and
- Providing a densely vegetated garden (including canopy trees) to integrate the buildings into the landscape.

Part 4.5 Residential amenity –visual privacy:

DCP 55 requires a minimum separation between windows and balconies of a building and any neighbouring building either on the site or adjoining sites.

Within the site, the proposed development generally complies with this requirement, with the exception of some windows of Units A107/B106, A207/B206, A307/B306 and A407/B406 which are located 11 metres apart as opposed to the required 12 metres. It is considered that a 1.0 metre breach for a small number of units is considered acceptable due to the presence of screen landscaping.

The proposed buildings are also located 10 metres from the adjoining single dwellings fronting Newhaven Place, 2.0 metres less than the required separation. However, the subject site is extensively screened from these properties, which are also zoned residential 2(d3) and which will be developed into apartment buildings in the future.

Development Control Plan 31 – Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against SEPP 65 and DCP 55 and the proposal is satisfactory.

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 and the proposal is satisfactory, subject to conditions.

Section 94 Plan

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The development attracts a section 94 contribution of \$1,441,018.67 and required to be paid by **Condition No 51.**

LIKELY IMPACTS

The likely impacts of this development have been addressed within this assessment report under the relevant planning considerations and in the discussion of submissions received. The proposed development is consistent with Council's objective and development criteria for the Residential 2(d3) zone. The development will provide increased housing density without adversely impacting on the environment or unduly impacting the residential amenity of existing occupants of the area.

SUITABILITY OF THE SITE

The site is considered to be suitable for the development proposed.

ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 239/05 for the demolition of existing dwellings and the construction of a residential flat building, containing 82 units, basement car parking and landscaping, at 23 Newhaven Place and 36-42 Stanley Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

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1. The development must be carried out in accordance with plans numbered A011, A012, A013, A101-C, A102-B, A103-B, A106, A201, A301-B and A302 dated March and July 2005, drawn by Scott Carver Architects, endorsed with Council's approval stamp, except where amended by the following conditions:
2. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
3. Landscape works shall be carried out in accordance with Landscape Drawing No LDA-401, LDA-402, LDA-403 Rev B prepared by SCAPE and dated 29/06/2005 submitted with the Development Application, except as amended by the following:
 - Tree #40 Araucaria heterophylla (Norfolk Island Pine) is to be retained. Existing levels and grades are to be maintained within a 5.0m radius of the tree. No construction work is permitted within the specified 5.0m radius.
 - Screen planting adjacent to the north eastern site boundary, adjacent to Block A is to be substantially increased. The proposed planting of Gordonia axillaris (Gordonia) is to be deleted and replaced with eight Elaeocarpus reticulatus (Blueberry Ash).
4. Canopy and/or root pruning of any trees which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:
5. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
6. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#3 Syncarpia glomulifera (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 Syncarpia glomulifera (Turpentine)	4.0m

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Adjacent to northern/Newhaven Pl site boundary	
#8 Syncarpia glomulifera (Turpentine)	4.0m
Adjacent to north east site boundary	
#9 Syncarpia glomulifera (Turpentine)	4.0m
Adjacent to north east site corner	
#10 Syncarpia glomulifera (Turpentine)	4.0m
Adjacent to northern/Newhaven Pl site boundary	
#12 Hymenosporum flavum (Native Frangipani)	3.0m
Newhaven Pl nature strip	
#17 Eucalyptus nicholii (Peppermint)	4.0m
Adjacent to western site boundary	
#33 Jacaranda mimosifolia (Jacaranda)	4.0m
Adjacent to north east site boundary	
#35 Liquidambar styraciflua (Sweet Gum)	4.0m
Adjacent to north east site boundary in neighbouring property	
#36 Eucalyptus resinifera (Red Mahogany)	4.0m
Adjacent to north east site boundary on neighbouring property	
#40 Araucaria heterophylla (Norfolk Island Pine)	6.0m
Adjacent to north east site boundary	
#75 Fraxinus 'Raywoodii' (Claret Ash)	4.0m
Adjacent to northern site boundary	
#76 Cedrus deodar (Himalayan Cedar)	6.0m
Adjacent to northern site boundary	
#78 Jacaranda mimosifolia (Jacaranda)	4.0m
Adjacent to northern site boundary	
#88 Eucalyptus scoparia (White Gum)	6.0m
Adjacent to southern/Stanley St site boundary	
#89 Ceratopetalum gummiferum (NSW Xmas Bush)	3.0m
Adjacent to southern/Stanley St site boundary	

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#90 *Chamaecyparis obtusa* (Hinoki Cypress) 4.0m
Adjacent to southern/Stanley St site boundary

#100 *Cedrus deodard* (Himalayan Cedar) 6.0m
Adjacent to southern/Stanley St site boundary

#103 *Melaleuca quinquenervia* (Broad leaf paperbark) 4.0m
Adjacent to southern/Stanley St site boundary

#112 *Podocarpus elatus* (Brown Pine) 4.0m
Adjacent to western site boundary in
neighbouring property

#114 *Liriodendron tulipifera* (Tulip tree) 6.0m
Adjacent to western site boundary in
neighbouring property

#118 *Ginkgo biloba* (Maidenhair tree) 6.0m
Adjacent to northern site boundary

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

Tree/Location

ANY tree to be retained protected by Council's TPO Beneath canopy drip line
On or off site

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

9. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Stanley St. The trees are to be evenly spaced and planted as a formal avenue planting. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Angophora costata (Sydney Redgum) x 10

10. Following removal of the existing trees within the Stanley St nature strip in front of the site, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
11. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying

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

12. 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.
13. 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.
14. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the (newly constructed) in-ground street drainage system in Stanley Street. 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 Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
15. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system is to be 216m³, and the prescribed re-use of the water on site, must be toilet flushing (each unit), cold laundry (each unit) and garden irrigation as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
16. 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.
17. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised ~~grates~~ are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drains shall outlets of minimum diameter 150mm to prevent blockage by debris.
18. 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.
19. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion

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of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

20. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
21. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
22. 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.**
23. 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.
24. 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*".

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25. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
26. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
27. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

28. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - Written report(s) including certification(s) of the conducted geotechnical inspection, testing and monitoring programs.

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

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

30. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
31. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
32. To maintain existing ground levels all excavated material shall be removed from the site.
33. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

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

36. All noise generating equipment mechanical equipment shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
37. Noise emission from the mechanical ventilation system including fan units is not to exceed the background noise level when measures at the nearest property boundary.
38. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
39. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
40. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
41. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

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43. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any Building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
44. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
45. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
46. A photo record of all the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
47. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

48. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an

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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).

49. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
50. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

51. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT IS CURRENTLY \$1,441,018.67.

The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1 117.76
2. Park Acquisition and Embellishment Works - <i>Wahroonga</i>	\$6 574.28
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75m ²)	1.27 persons
Medium dwelling (75 - under 110 m ²)	1.78 persons
Large dwelling (110 – under 150 m ²)	2.56 persons
Very Large dwelling (150 m ² or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

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

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

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

53. A CASH BOND/BANK GUARANTEE of \$20 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

#3 Syncarpia glomulifera (Turpentine) \$2 000.00
Adjacent to Northern/Newhaven Pl site boundary

#4 Syncarpia glomulifera (Turpentine) \$3 000.00
Adjacent to northern/Newhaven Pl site boundary

#8 Syncarpia glomulifera (Turpentine) \$3 000.00
Adjacent to north east site boundary

#9 Syncarpia glomulifera (Turpentine) \$2 000.00
Adjacent to north east site corner

#10 Syncarpia glomulifera (Turpentine) \$1 000.00
Adjacent to northern/Newhaven Pl site boundary

#17 Eucalyptus nicholii (Peppermint) \$2 000.00
Adjacent to western site boundary

#33 Jacaranda mimosifolia (Jacaranda) \$1 000.00
Adjacent to north east site boundary

#40 Araucaria heterophylla (Norfolk Island Pine) \$3 000.00
Adjacent to north east site boundary

#75 Fraxinus 'Raywoodii' (Claret Ash) \$1 000.00
Adjacent to northern site boundary

#76 Cedrus deodar (Himalayan Cedar) \$500.00
Adjacent to northern site boundary

#78 Jacaranda mimosifolia (Jacaranda) \$1 000.00
Adjacent to northern site boundary

#100 Cedrus deodar (Himalayan Cedar) \$1 000.00
Adjacent to southern/Stanley St site boundary

#103 Melaleuca quinquenervia (Broad leaf paperbark) \$1 000.00
Adjacent to southern/Stanley St site boundary

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#118 Ginkgo biloba (Maidenhair tree) \$1 000.00
Adjacent to northern site boundary

54. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
55. Prior to issue of the Construction Certificate, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

56. 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** engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Stanley Street:
- Construction of a new grated gully pit with lintel in Stanley St to facilitate direct in-ground connection of the site drainage system outlet.
 - Construction of a new 375 reinforced concrete pipe gutter alignment to join the newly constructed pit to the existing Council drainage system downstream in Stanley Street.

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

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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.

57. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale starting from the kerbline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on this plan that:
- Garbage vehicle egress can be accommodated using maximum grades of 20% (1 in 5). This is to allow the laden garbage collection vehicle to climb the ramp, and
 - All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of vehicles, particularly along the inside radius on the curved driveway.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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

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

The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management

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Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Development application concept drainage & OSD/OSR plans, prepared by Dincel and Associates, drawings 05002-C01A and C02A, dated March 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

61. Prior to the issue of a Construction Certificate the applicant must lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:
- Making good any un-repaired damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates,
 - Completing any works in the public domain that are required in connection with this approval.

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

- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - The applicant has not repaired nor commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - Works in the public road associated with the development are to an unacceptable quality.
62. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
63. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

Tree/Location	Radius in Metres
#3 Syncarpia glomulifera (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 Syncarpia glomulifera (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#8 Syncarpia glomulifera (Turpentine) Adjacent to north east site boundary	4.0m
#9 Syncarpia glomulifera (Turpentine) Adjacent to north east site corner	4.0m
#10 Syncarpia glomulifera (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#12 Hymenosporum flavum (Native Frangipani) Newhaven Pl nature strip	3.0m
#17 Eucalyptus nicholii (Peppermint) Adjacent to western site boundary	4.0m
#33 Jacaranda mimosifolia (Jacaranda) Adjacent to north east site boundary	4.0m
#35 Liquidambar styraciflua (Sweet Gum) Adjacent to north east site boundary in neighbouring property	3.0m
#36 Eucalyptus resinifera (Red Mahogany) Adjacent to north east site boundary on neighbouring property	5.0m
#40 Araucaria heterophylla (Norfolk Island Pine) Adjacent to north east site boundary	6.0m
#75 Fraxinus 'Raywoodii' (Claret Ash) Adjacent to northern site boundary	4.0m
#76 Cedrus deodar (Himalayan Cedar) Adjacent to northern site boundary	3.0m

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#78 Jacaranda mimosifolia (Jacaranda) 4.0m
Adjacent to northern site boundary

#88 Eucalyptus scoparia (White Gum) 3.0m
Adjacent to southern/Stanley St site boundary

#89 Ceratopetalum gummiferum (NSW Xmas Bush) 3.0m
Adjacent to southern/Stanley St site boundary

#90 Chamaecyparis obtusa (Hinoki Cypress) 4.0m
Adjacent to southern/Stanley St site boundary

#100 Cedrus deodar (Himalayan Cedar) 4.0m
Adjacent to southern/Stanley St site boundary

#103 Melaleuca quinquenervia (Broad leaf paperbark) 4.0m
Adjacent to southern/Stanley St site boundary

#112 Podocarpus elatus (Brown Pine) 4.0m
Adjacent to western site boundary in
neighbouring property

#114 Liriodendron tulipifera (Tulip tree) 6.0m
Adjacent to western site boundary in
neighbouring property

#118 Ginkgo biloba (Maidenhair tree) 4.0m
Adjacent to northern site boundary

65. 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.

66. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:

- Tree Protection Zone
- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
- If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
- Name, address, and telephone number of the developer.

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67. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
68. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
69. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
70. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
71. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, founding material and boundary offset for the proposal together with the recommendations of the submitted *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005* (page 6). The dilapidation report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
Turning areas within the site for construction and spoil removal vehicles allowing a forward egress for all construction vehicles on the site,

The locations of any Work Zones in the frontage roadways,

Location of proposed crane standing areas

A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries

Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

The provision of an on-site parking area for employees, tradesperson and construction vehicles

Traffic Control Plan(s) for the site

All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each. The name and certificate number of the traffic control designer must be shown on the Traffic Control Plan.

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

Light traffic roads and those subject to a load or height limit must be avoided at all times.

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

In addition, the plan must address:

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

Minimising construction related traffic movements during school peak periods.

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

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

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73. 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.
74. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a colour photographic record**) of the following public infrastructure:
- Full road pavement width, including kerb and gutter, of Stanley Street over the site frontage, extending 20 metres either side of the frontage.
 - All driveway crossings and laybacks opposite the subject site which may be subject to reversing/turning trucks.

The report must be completed by a consulting civil engineer or equivalent. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

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

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

CONDITIONS PRIOR TO OCCUPATION

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

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76. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at quarterly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
77. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Completion of drainage works in road reserve.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full 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.

78. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped *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 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 noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.
79. 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

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- 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.

80. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
81. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - That the as-constructed carpark complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - “Off-street car parking”,
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
82. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification (based on the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
 - That retained water is connected and available for uses including all toilet flushing, cold laundry and garden irrigation.
 - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - That all grates potentially accessible by children are secured.

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- 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.
- 83 Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
84. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
 - The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

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85. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
86. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:
- According the relevant Australian Standards and guidelines, and
 - According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
87. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22nd February 2005*, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.

BUILDING CONDITIONS

88. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
89. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of

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compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

90. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
91. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
92. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
93. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
94. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

Item 2

S Segall
Executive Assessment Officer

S Cox
Team Leader
Development Assessment – Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: Location sketch - 532338
 Zoning Extract - 532340
 Sections - 532342
 Elevations - 532344
 Shadow Diagrams - 532484
 Landscape Plans - 532346

LOCATION SKETCH

23 Newhaven Place & 36-42 Stanley Street, ST IVES NSW

DEVELOPMENT APPLICATION No 239/05



Scale : 1:3000

09-08-2005



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION



SUBMISSION

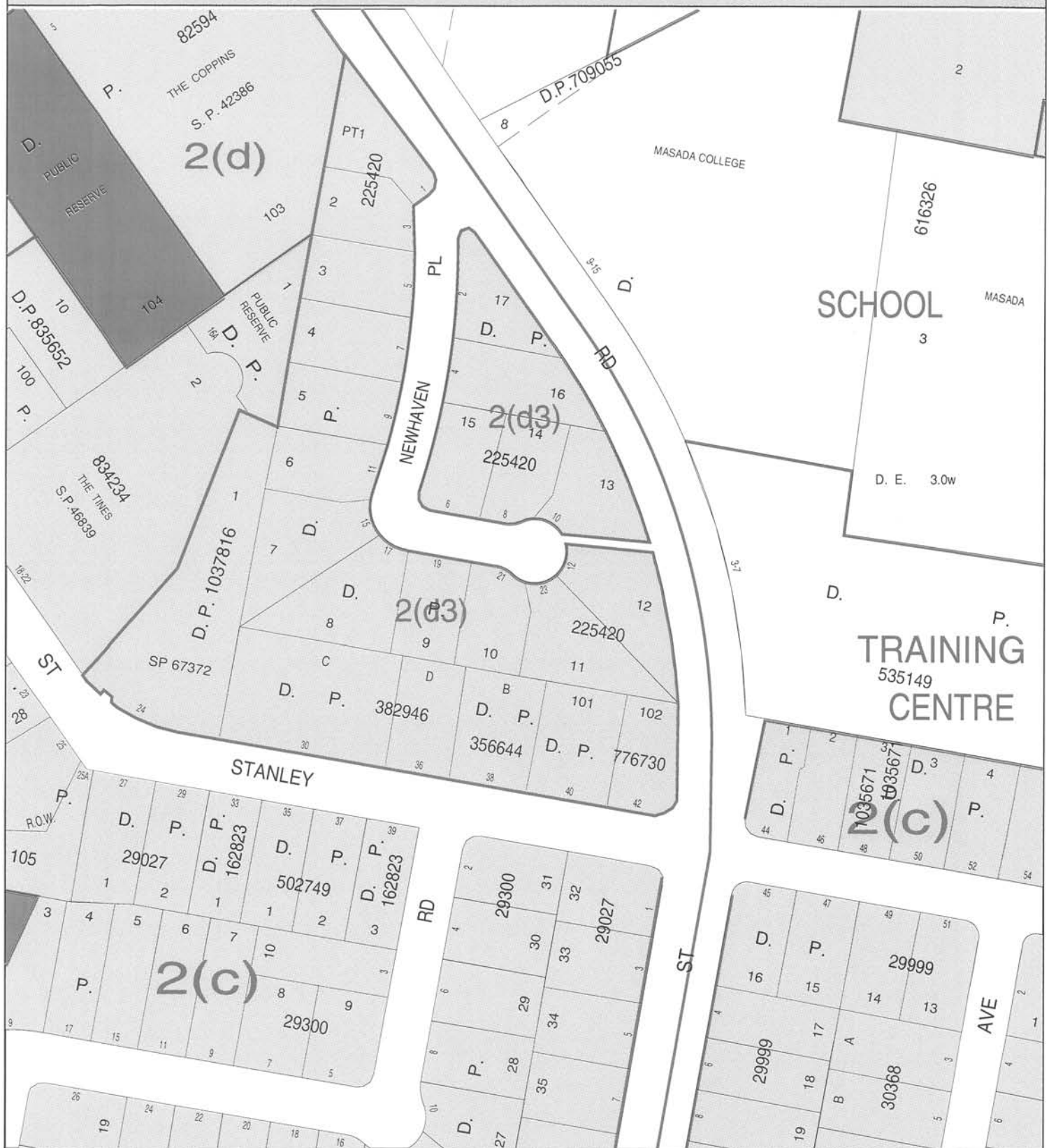


CIRCULATED AREA



Zoning Extract

DA 239/05



09-08-2005

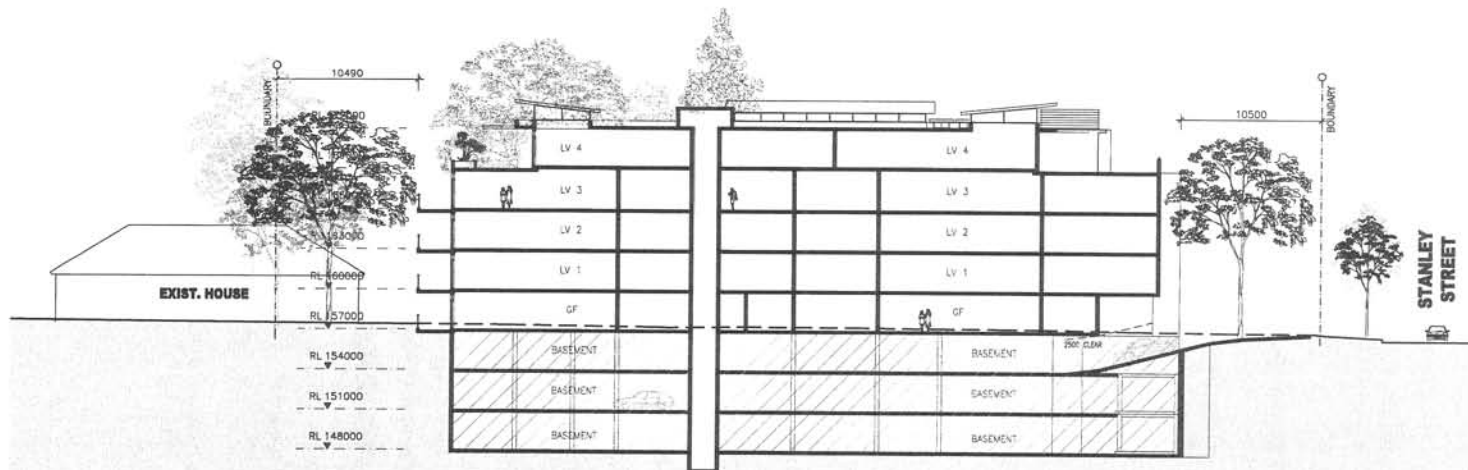
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-  EXISTING COUNTY ROAD
-  RECREATION EXISTING 6(a)
-  2(c) RESIDENTIAL 2(c)
-  2(d) RESIDENTIAL 2(d)
-  2(d3) RESIDENTIAL 2(d3)
-  SCH SPECIAL USES 5(a) (Schools etc)



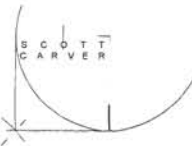


SECTION A-A



SECTION B-B

AUTHORITY APPROVAL

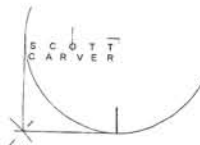
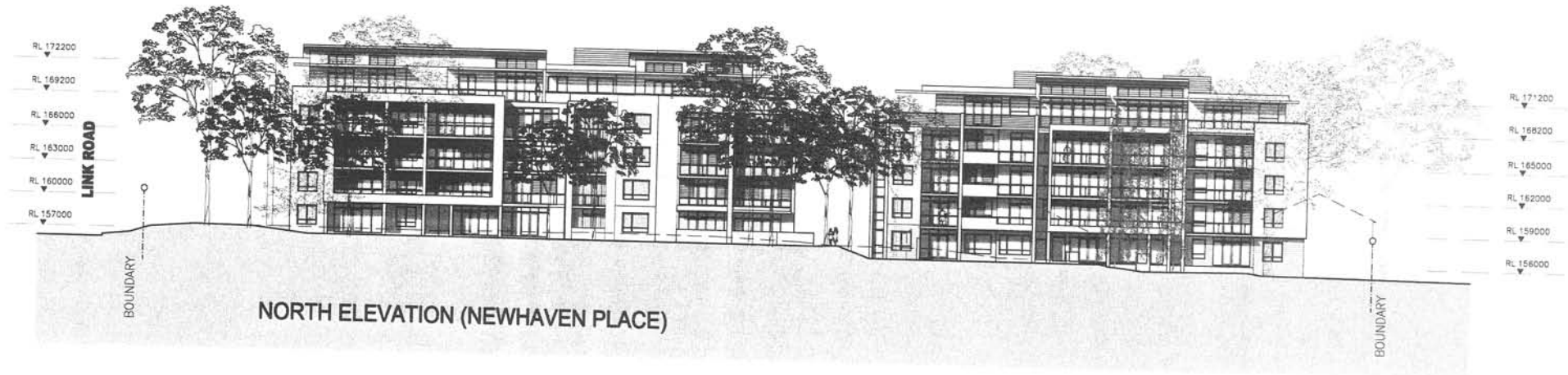


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Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L

SECTION A
A201
Proj No. 2003000
Drawn: Jane Clarke
Date: 06 Aug 2005
Scale: 1:200 @ A1
0 2 4 6 8 10 20 m

DATE	18/08/2005
PROJECT	NEWHAVEN
FOR DEVELOPMENT APPLICATION	18/08/2005
REVISED AS NOTED	18/08/2005



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Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L

AUTHORITY APPROVAL

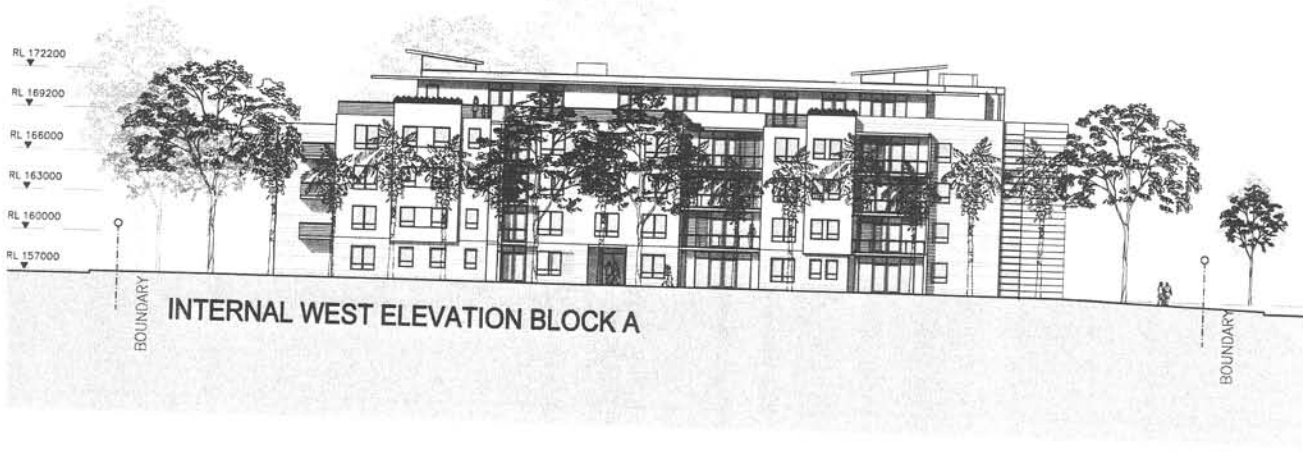
Name	No	Issue
ELEVATIONS	A301	B
Proj No	2006005	Drawn
Date	08 Aug 2005	Immediat

0 2 4 6 8 10 20 m

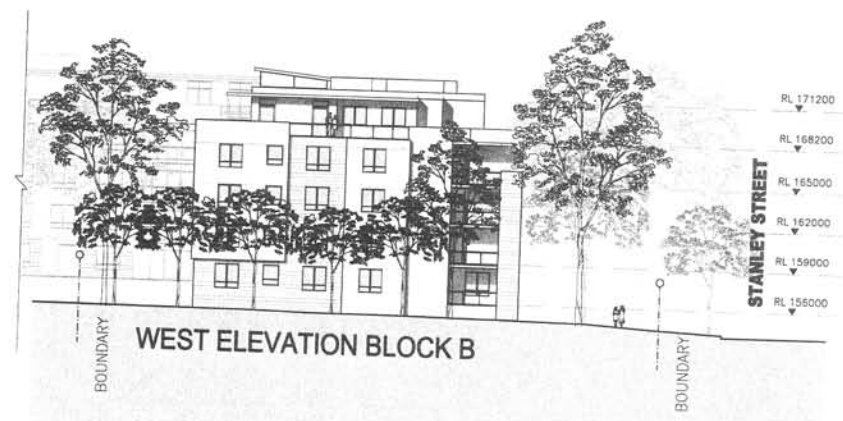
Scale 1:200 A1



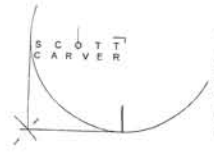
SOUTH ELEVATION (STANLEY STREET)



INTERNAL WEST ELEVATION BLOCK A



WEST ELEVATION BLOCK B

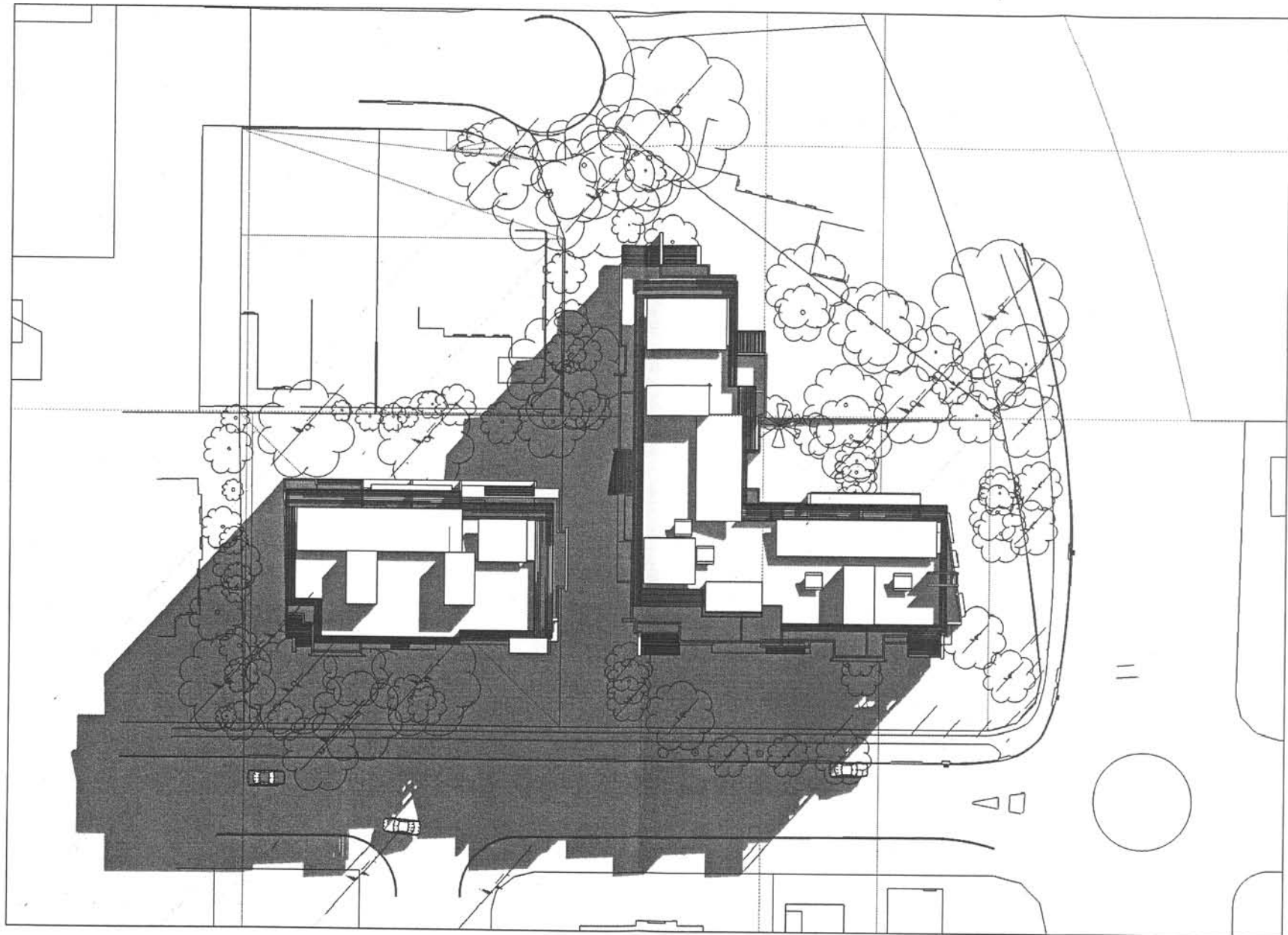


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 TELEPHONE: +61 2 9007 3000 FACSIMILE: +61 2 9005 0317
 www.scottcarver.com.au email@scottcarver.com.au

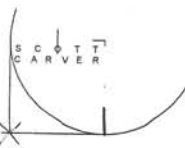
Proposed Residential Development
Newhaven
 FOR
Finpac Investments 88 P/L

AUTHORITY APPROVAL

Name		No	
ELEVATIONS		A302	
		Proj No: 2000033 Drawn: benedicta Date: 09 Aug 2005	
Scale 1:200 @ A1			



AUTHORITY APPROVAL



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Proposed Residential Development
Newhaven

FOR
Finpac Investments 88 P/L



SHADOW DIAGRAM JUNE 21 9:00AM

SH-04

Scale © A1 Date 14 Mar 2005



AUTHORITY APPROVAL

SHADOW DIAGRAM JUNE 21 12:00PM

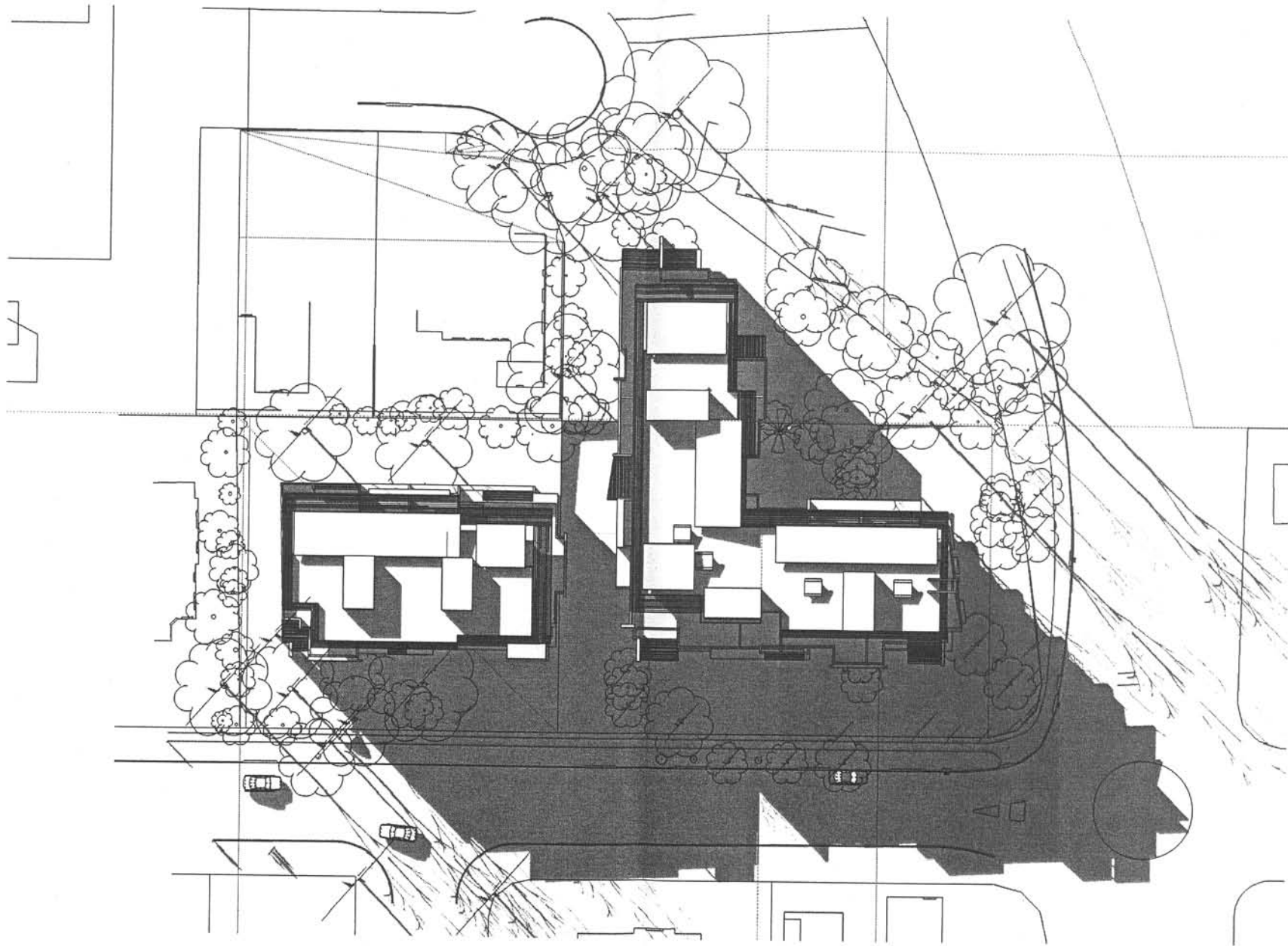
SH-05

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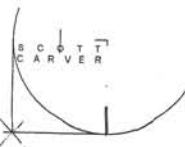
Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L



Scale 1:500 Date 21/06/05



AUTHORITY APPROVAL



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TELEPHONE +612 9967 3888 FACSIMILE +612 9965 0317
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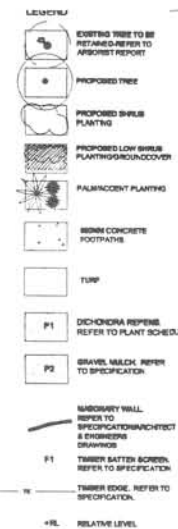
Proposed Residential Development
Newhaven
FOR
Finpac Investments 88 P/L



SHADOW DIAGRAM JUNE 21 3:00PM

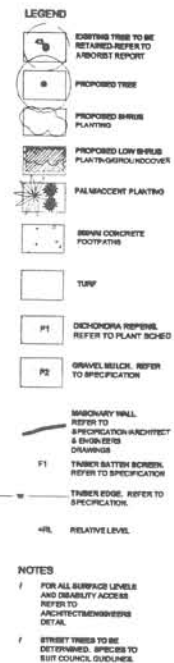
SH-06

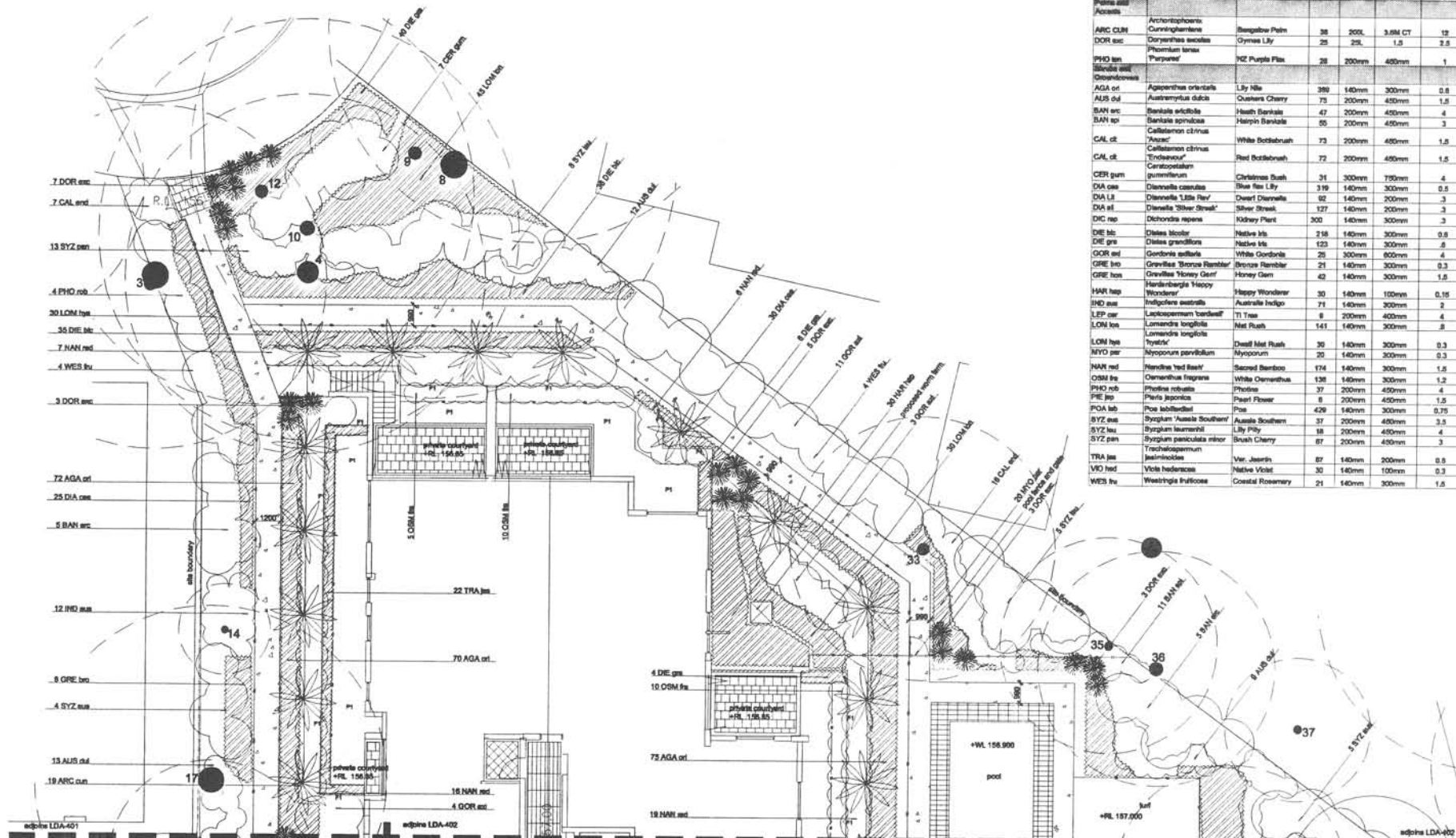
Scale © A1 Date 14 Mar 2005



1. FOR ALL SURFACE LEVELS AND DISABILITY ACCESS REFER TO ARCHITECTS/ENGINEERS DETAIL.

2. STREET TREES TO BE DETERMINED, SPECIES TO SUIT COUNCIL GUIDELINES.





Proposed Plant Schedule					
Tree	Common Name	Latin Name	UTM Zone	Native Height (m)	Notes
Large Canopy					
ANG COS	Angophora costata	Rough Barked Apple	9	100L	2.4x1.2
BAC MYR	Banksia myrsinites	Grey Myrtle	4	100L	1.8x1.4
ELC BAL	Eucalyptus balia	Sydney Blue Gum	3	100L	2.4x1.2
Medium Canopy					
ELA RET	Elaeagnus reticulata	Blue Berry Ash	3	45L	1.8x1.2
GLD FER	Gleditsia ferruginea	Cheese Tree	3	45L	1.8x1.2
HYM PLA	Hymenocarpus laevis	Native Frangipani	3	45L	1.8x1.2
JAC MEN	Jacaranda mimosifolia	Jacaranda	2	100L	2.4x1.2
PIB CHE	Platanus chinensis	Chinese Platanus	1	75L	2.1x1.3
TRU LEX	Tristania litoralis	Water Gum	3	100L	2.4x1.2
Small Tree					
ARC CUM	Archontophoenix cunninghamiana	Bangalow Palm	38	200L	3.8M CT
DOR LIL	Dorycnis laevis	Oryza Lily	25	25L	1.5
PHO LIL	Phormium tenax	Purple Flax	25	200mm	450mm
Shrub					
AGA OR	Agave americana	Lily Aloe	38	140mm	300mm
AUS CH	Australian Cherry	Quakers Cherry	75	200mm	450mm
BAH BNC	Banksia ericifolia	Heath Banksia	47	200mm	450mm
BAH SP	Banksia spinulosa	Heath Banksia	55	200mm	450mm
CAL CR	Callistemon chinensis	White Bottlebrush	75	200mm	450mm
CAL CR	Callistemon chinensis	Red Bottlebrush	72	200mm	450mm
CER PUM	Ceratopetalum guineense	Christmas Bush	31	300mm	750mm
DIA CAS	Dianella caerulea	Blue Sea Lily	319	140mm	300mm
DIA LI	Dianella liliifolia	Dwarf Dianella	92	140mm	200mm
DIA SL	Dianella silver streak	Silver Streak	127	140mm	200mm
DIC REP	Dichondra repens	Kidney Plant	300	140mm	300mm
DIE MC	Dioscorea monnina	Native Iris	218	140mm	300mm
DIE GR	Dioscorea grandiflora	Native Iris	123	140mm	300mm
GOR WJ	Gordonia wilsonii	White Gordonia	25	300mm	800mm
GRE LIL	Grevillea lewisii	Brown Rambler	21	140mm	300mm
GRE LIL	Grevillea lewisii	Honey Gum	42	140mm	300mm
HAR HOP	Hardy Hop	Happy Wanderer	30	140mm	100mm
IND BNC	Indigofera australis	Australian Indigo	71	140mm	300mm
LEP CAR	Leptospermum laevis	Tea Tree	8	200mm	400mm
LOM LIL	Lomandra longifolia	Nat Rush	141	140mm	300mm
LOM LIL	Lomandra longifolia	Dead Net Rush	30	140mm	300mm
MYO PAR	Myoporum parviflorum	Myoporum	20	140mm	300mm
NAN RED	Nandina red leaf	Sacred Nandina	174	140mm	300mm
OSM FR	Osmunda fragrans	White Osmunda	138	140mm	300mm
PHO ROB	Phorbea robusta	Phorbea	37	200mm	450mm
PIE JAP	Pieris japonica	Pearl Flower	8	200mm	450mm
POA LIL	Poa laevis	Poa	426	140mm	300mm
SYZ CAS	Syzygium casuarina	Aussie Southern	37	200mm	450mm
SYZ LIL	Syzygium laevis	Lily Pilly	18	200mm	450mm
SYZ PEN	Syzygium paniculata minor	Brush Cherry	87	200mm	450mm
TRA JAP	Trachospermum japonicum	Var. Japans	87	140mm	200mm
VIO LIL	Violet laevis	Native Violet	30	140mm	100mm
WES BNC	Westringia ericifolia	Coastal Rosemary	21	140mm	300mm

LEGEND

- EXISTING TREE TO BE RETAINED - REFER TO ARCHITECT REPORT
- PROPOSED TREE
- PROPOSED SHRUB PLANTING
- PROPOSED LOW SHRUB PLANTING - GROUND COVER
- PALM/ACCENT PLANTING
- BROWN CONCRETE FOOTPATHS
- TURF
- DICHONDRA REFERS - REFER TO PLANT SCHEDULE
- GRAVEL BEDDING - REFER TO SPECIFICATION
- MASONRY WALL - REFER TO SPECIFICATION ARCHITECT & ENGINEERS DRAWINGS
- TIMBER BATTERY SCREEN - REFER TO SPECIFICATION
- TIMBER EDGE - REFER TO SPECIFICATION
- REL - RELATIVE LEVEL

NOTES

- FOR ALL SURFACE LEVELS AND DIMENSIONAL ACCESS REFER TO ARCHITECTS DRAWINGS
- STREET TREES TO BE DETERMINED BY CITY COUNCIL GUIDELINES

SCAPE
LANDSCAPE ARCHITECTURE + URBAN DESIGN + ENVIRONMENTS

13 BERRY STREET, NORTH SYDNEY NSW 2060, AUSTRALIA
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scape@scapecarver.com.au

16-05-08	AMENDMENTS	BY
16-05-08	DEVELOPMENT APPLICATION	BY
16-05-08	AMENDMENT	ISSUED BY



LANDSCAPE PLANTING PLAN
NEWHAVEN
ST IVES, STANLEY STREET

LDA-4

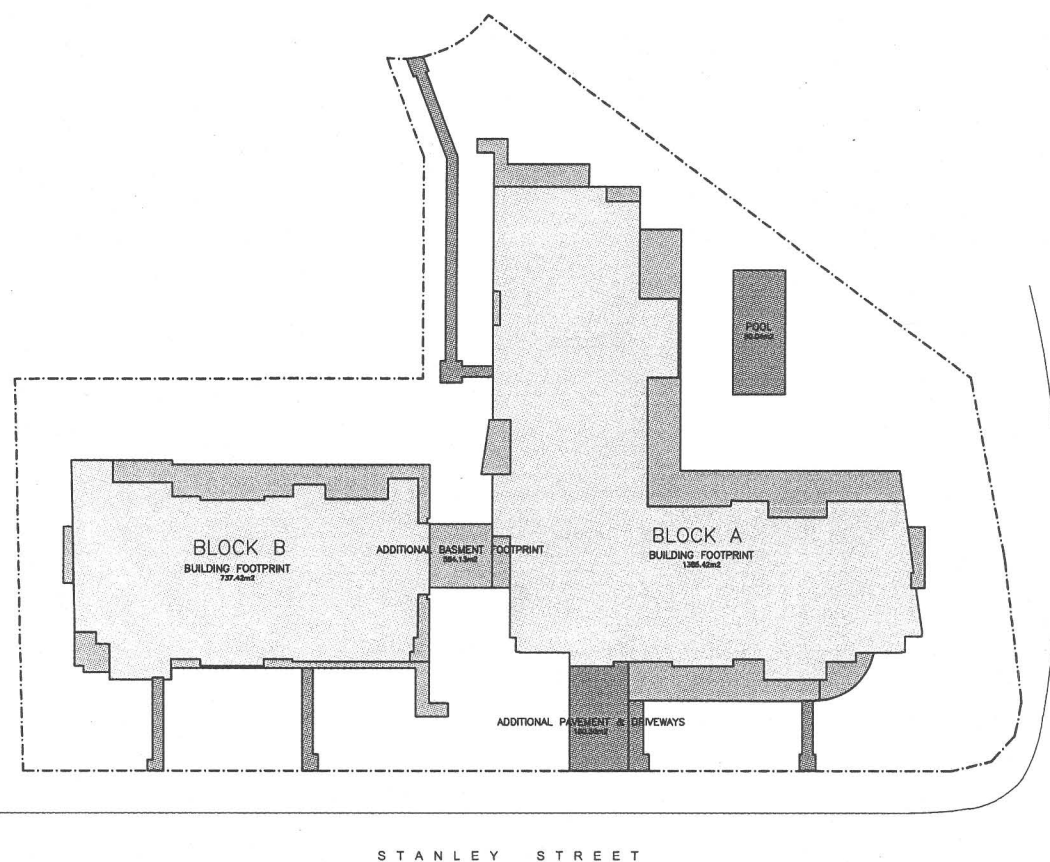
Plot No. 2000000
Drawn BY
Date 16-05-08

COMPLIANCE DIAGRAMS

Proposed residential development – Stanley Street & Newhaven Place, St Ives

1. BUILDING FOOTPRINT AND DEEP SOIL LANDSCAPING

- LEP No.194, Clause 25(2) & Clause 25(6)



Building footprint 2,122.8 m²

Additional basement projection 584.1 m²

Additional pavement & driveways 180.3 m²

Swimming pool 80.0 m²

Total built upon area 2,967.3 m²

Site area	6,078.0 m ²
Total built upon area	2,967.3 m ²
Resultant deep soil zone	3,110.7 m ²
Percentage of site area	51.2%

ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2005.

BACKGROUND:

In accordance with Section 419(1) and 419(2) of the Local Government Act 1993:

A Council must present its financial reports and audit reports at a public meeting of Council. Council's auditor upon request, should attend the meeting at which the reports are presented to answer questions.

In addition, under Section 417(5) of the Local Government Act 1993:

Council must send a copy of the audited financial reports and the auditor's reports to the Director General and the Australian Bureau of Statistics.

COMMENTS:

This is the final stage of the process of adopting Council's annual financial statements for 2004/2005.

RECOMMENDATION:

That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer.

PURPOSE OF REPORT

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2005.

BACKGROUND

In accordance with Sections 419(1) and 419(2) of the Local Government Act 1993:

A Council must present its audited financial reports together with the auditor's reports at a meeting of Council held on the date fixed for the meeting and

The Council's auditor, on request, attends the meeting at which the financial reports are presented.

Council's external auditors, Spencer Steer will be in attendance to present their report on Council's financial statements and to answer questions.

In addition, Section 417(5) of The Local Government Act 1993 states that:

Council as soon as practicable after receiving the auditor's reports must send a copy of the audited financial reports and the auditor's reports to The Director General and the Australian Bureau of Statistics.

COMMENTS

The audited Financial Statements, together with the audit reports for the year ended 30 June 2005 are hereby presented to Council. (**Attachment A**).

Council resolved on 11 September 2005 to receive and certify the Draft Financial Statements for 2004/2005 and to refer them to the external auditor. Council also resolved to fix 18 October 2005 as the date for the public meeting to present the statements and audit reports.

In accordance with Section 418(1) and 418(3) of the Local Government Act 1993 a public notice was placed in the North Shore Times and Advocate on the 6th and 7th of October 2005 advising of this meeting.

Written submissions from the public were invited, but at the time of writing none have been received. Submissions received up to 4.30pm on 18 October 2005 will be circulated to Councillors on the night.

This is the final stage of the process of adopting the Financial Statements for 2004/2005.

Analysis of Results

Council's overall financial position should be assessed by taking into account the following:

- Statement of Financial Performance – Profit and Loss
- Statement of Financial Position – Balance Sheet
- Financial Ratios
- Working Funds

Statement of Financial Performance

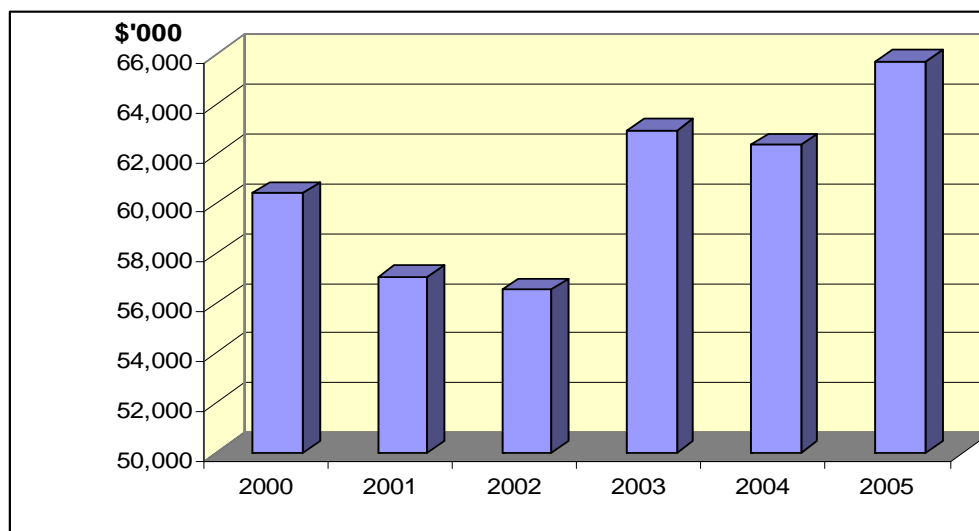
Council's operating result for the year ended 30 June 2005 after accounting for \$6.8 million in depreciation charges was a surplus of \$5,975,000.

	F2005	F2004	% Change
	\$'000	\$'000	
Revenue from all Activities	71,719	64,454	+ 11.3%
Expense from all Activities	65,744	62,361	+5.4%
Surplus (Deficit) from all Activities	5,975	2,093	+185.5%

It should be noted that the primary reason for the increase in profit relates to increased revenue from Section 94 developer contributions which is externally restricted.

Expenditure

The following graph shows Total Expenses for the period 1999/2000 to 2004/2005.



Item 5

S04503
7 September 2005

Total expenses for the year increased from \$62,361,000 to \$65,744,000, an increase of \$3,383,000.

The breakdown of expenses by category is shown in the table below:

Category	F2005 \$'000	% of Total	F2004 \$'000	% of Total
Employee Costs	26,891	40.9%	24,211	38.8%
Borrowing Costs	671	1.0%	727	1.2%
Materials and Contracts	15,565	23.7%	15,832	25.4%
Depreciation	6,801	10.3%	6,861	11.0%
Other Operating Expenses	14,323	21.8%	14,608	23.4%
Loss From Disposal	1,493	2.3%	122	0.2%
Total	65,744	100%	62,361	100%

➔ Employee Costs

Employee costs increased by \$2,680,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Salaries & Wages	↑	\$832,000
ELE	↑	\$827,000
Workers Compensation	↑	\$815,000
Other Employee Costs (Superannuation, Training, FBT, PPE etc)	↑	\$206,000

➔ Borrowing Costs

Borrowing costs decreased by \$56,000, in line with loan repayment schedules.

➔ Materials and Contracts

Total materials and contracts decreased by \$267,000 from \$15,832,000 to \$15,565,000:

➔ Other Operating Expenses

Other operating expenses decreased by \$285,000 from \$14,608,000 to \$14,323,000.

Item 5

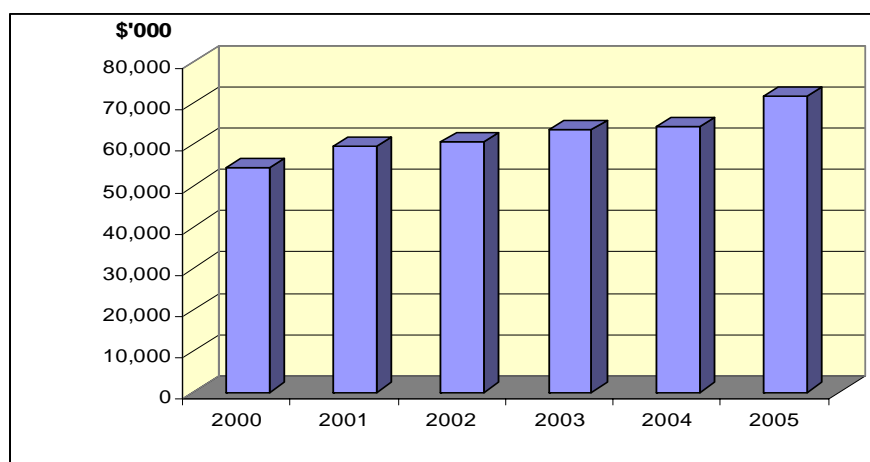
S04503
7 September 2005

A breakdown of major variations is as follows:

Item	Increase or Decrease	Amount
Legals/Consultants - Planning and Development	↓	\$356,000
Legals/Consultants – Other	↓	\$60,000
Insurance	↓	\$104,000
Software/Licenses – Computer	↑	\$368,000
Consultants	↑	\$64,000
Election Costs	↓	\$228,000

Revenue

The following graph shows Total Revenues for the period 1999/2000 to 2004/2005.



Total revenue for the year increased from \$64,454,000 to \$71,719,000 an increase of \$7,265,000.

The breakdown of revenue by category is shown in the table below:

Category	F2005	% of Total	F2004	% of Total
			\$'000	
Rates & Annual Charges	44,384	61.9%	42,570	66.1%
User Charges & Fees	13,751	19.2%	11,814	18.3%
Interest	1,082	1.5%	1,007	1.6%
Other Revenue	2,116	3.0%	891	1.4%
Grants & Contributions	10,386	14.4%	8,172	12.6%
Total	71,719	100%	64,454	100%

Item 5

S04503
7 September 2005

➔ Rates and Annual Charges

Rates and annual charges increased by \$1,814,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Residential Rates	↑	\$746,000
Business Rates	↑	\$126,000
Infrastructure Levy	↑	\$182,000
Domestic Waste Management	↑	\$760,000

➔ User Fees and Charges

User Fees and Charges increased by \$1,937,000. Major variations are as follows:

Item	Increase or Decrease	Amount
Trade Waste Charges	↑	\$188,000
Building Fees	↑	\$386,000
Driveway Application Fees	↑	\$232,000
Road / Footpath Restoration	↑	\$463,000
Rent & Hire of Council Property	↑	\$717,000

➔ Interest

Interest revenue increased by \$75,000.

➔ Other Revenue

Other revenue increased by \$1,225,000. Major variations were as follows:

Item	Increase or Decrease	Amount
Recycling	↑	\$488,000
Advertising Contribution (Bus Shelters)	↑	\$683,000

Item 5

S04503
7 September 2005→ Grants and Contributions:

Grants and contributions increased by \$2,214,000. The most significant increase relates to additional Section 94 funds of \$2,647,000 being collected during 2004/2005. Contributions to works provided an increase of \$157,000, however grants decreased by \$590,000.

Statement of Financial Position (Balance Sheet)

Council's net assets total \$1,607,354,000. Whilst this is a significant number, it is predominantly made up of Council's Property, Plant & Equipment of \$1,603,600,000.

A summary of the most significant changes during 2004/2005 are listed below:

Item	Increase or Decrease	Amount
Assets		
Cash Assets	↑	\$3,998,000
Receivables	↑	\$2,353,000
Liabilities		
Payables	↑	\$909,000
Loans	↓	\$555,000

Statement of Performance Measurement

These indicators provide a snap shot of financial performance. When compared to previous financial periods, they indicate upturns or downturns in performance for the year.

Ratio	Industry Benchmark	Ku-ring-gai				
		F2005	F2004	F2003	F2002	F2001
Current Ratio	1.0	1.8	1.8	2.2	1.82	1.69
Unrestricted Current Ratio	1.0	1.7	1.7	1.81	1.51	1.25
Debt Service Ratio	10%	4.4%	5.6%	6.0%	7.5%	7.1%
Rate Coverage Ratio	50%	62%	66%	64%	65%	64%
Outstanding Rates	5%	3.2%	3.0%	2.9%	3.0%	2.8%

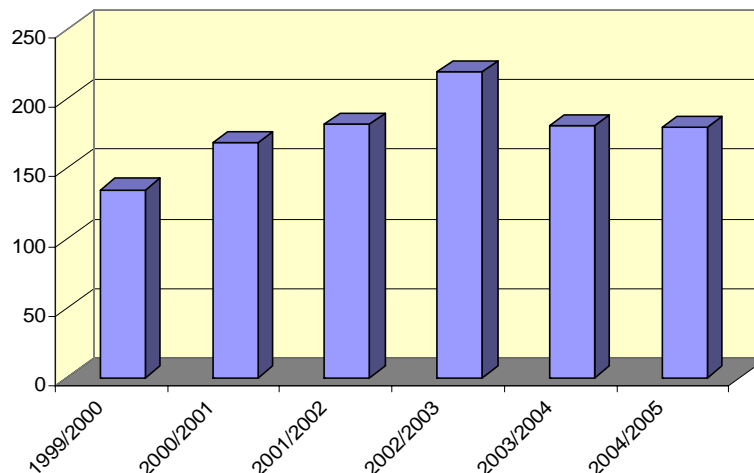
Item 5

S04503
7 September 2005

↳ Current Ratio

The current ratio assesses the Council's liquidity and its ability to satisfy obligations as they fall due in the short-term, such as payment for goods and services supplied. This indicator has remained stable at 1.8 in the 2004/2005 financial year.

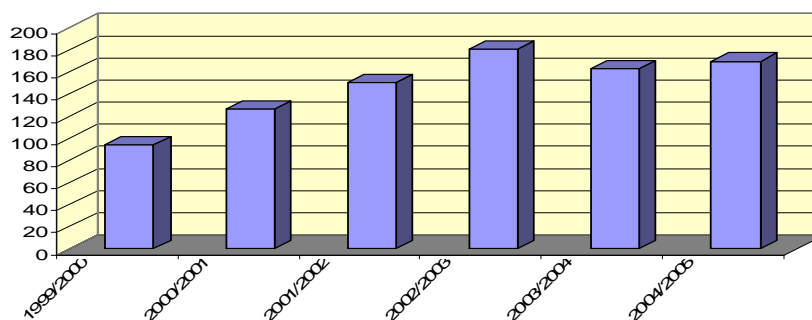
The following graph shows the Current Ratio for the period 1999/2000 to 2004/2005.



↳ Unrestricted Current Ratio

The unrestricted current ratio assesses the Council's liquidity and its ability to satisfy obligations as they fall due in the short-term net of restricted funds. This indicator has remained at 1.7 for the 2004/2005 financial year.

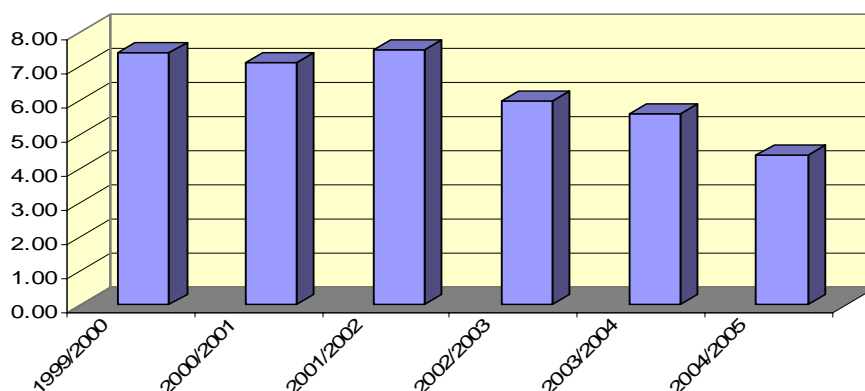
The following graph shows the Unrestricted Current Ratio for the period 1999/2000 to 2004/2005.



→ Debt Service Ratio

The objective of this indicator is to assess the degree to which operating revenues are committed to the repayment of debt. This indicator has fallen from 5.6% in 2003/2004 to 4.4% in 2004/2005 which is a significant improvement.

The following graph shows the Debt Service Ratio for the period 1999/2000 to 2004/2005.

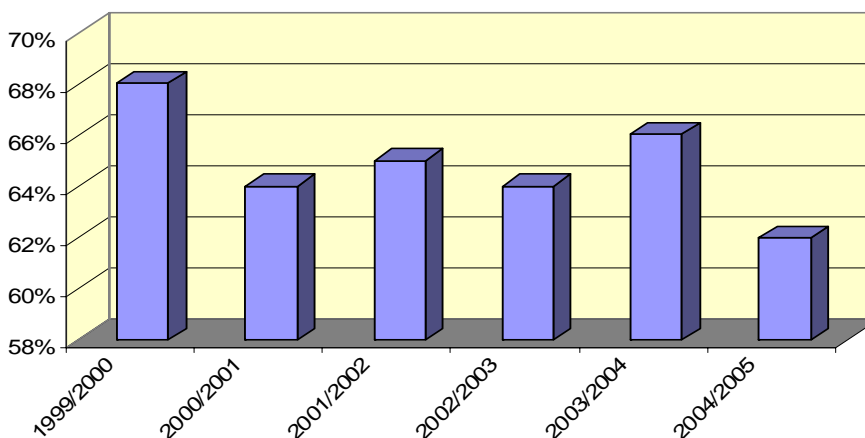


→ Rate Coverage Ratio

This indicator assesses the degree of dependence on rate revenue. This indicator has decreased from 66% in 2003/2004 to 62% in 2004/2005.

The primary reason for this decrease relates to increases in Section 94 contributions, together with monies received from advertising on Council's bus shelters.

The following graph shows the Rate Coverage Ratio for the period 1999/2000 to 2004/2005.



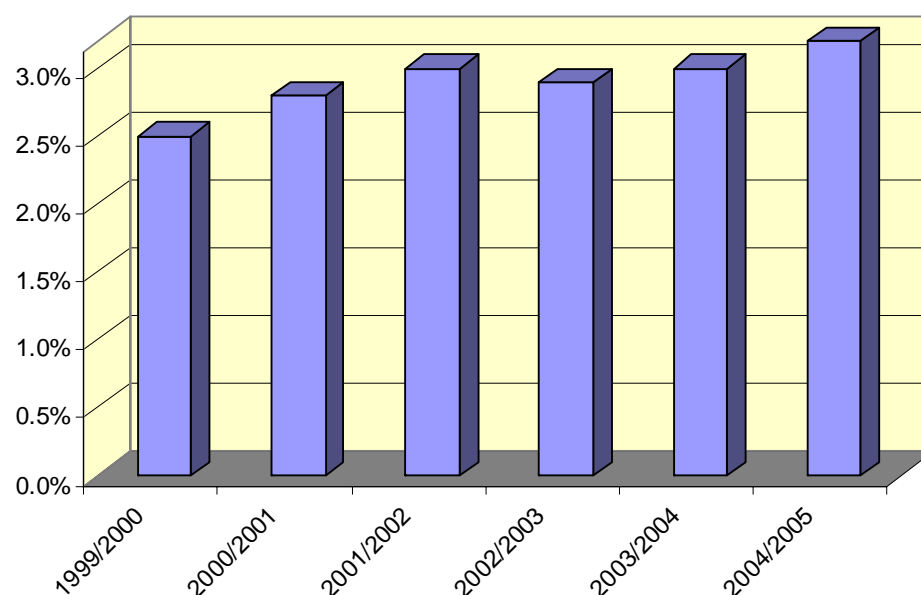
Item 5

S04503
7 September 2005

➔ Rates & Annual Charges Outstanding Ratio

The percentage of rates, charges & fees unpaid at the end of an accounting year is a measure of a Council's effectiveness in managing debt recovery. This indicator rose slightly in 2004/2005 from 3.0% to 3.2%.

The following graph shows the Rates & Annual Charges Outstanding Ratio for the period 1999/2000 to 2004/2005.



With the exception of the Rate Coverage Ratio, all of Council's financial indicators are well within accepted industry benchmarks.

Working Funds

Working funds are determined by taking net current assets less internally and externally restricted reserves and adding those current liabilities to be funded from 2005/2006.

Available working funds as confirmed in Spencer Steers audit report currently stand at \$468,000.

This balance will be further reduced by any cash funded carried forward requests.

GST Compliance Requirements

The Department of Local government has issued a circular to all Councils (Circular No 05/26) dated 8 June 2005, requiring that nominated officers being the Mayor, a Councillor, the General

Item 5

S04503
7 September 2005

Manager and the Responsible Accounting Officer sign a GST Certificate and forward to the Department on or before 7 November 2005. (A copy of the Circular and the Certificate are **provided** as Attachment C.

The purpose of this Circular is to reduce costs associated with carrying out an independent audit each year.

Council has maintained appropriate GST controls since the inception of the tax and has undergone numerous independent audits to confirm the presence of these controls.

Accordingly, it is recommended that the attached Certificate is signed and forwarded to the Department of Local Government in accordance with the requirements of the attached Circular.

CONSULTATION

Council officers have consulted with staff from Spencer Steer in the preparation of the Financial Statements. (**Attachment B**).

FINANCIAL CONSIDERATIONS

The Statements provide an analysis of Councils financial position as at 30 June 2005.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not Applicable.

SUMMARY

The following provides a brief summary of the significant indicators contained in Council's Financial Statements.

Surplus from all activities	\$5,975,000	Increase of \$3,882,000
Total Revenue	\$71,719,000	Increase of \$7,265,000
Total Operating Expenditure	\$65,744,000	Increase of \$3,383,000
Cash and Investment Securities	\$24,994,000	Increase of \$3,998,000
Loans	\$11,295,000	Reduced by \$555,000
Internally Restricted Reserves	\$9,391,000	Decrease of \$10,000
Current Ratio	1.8	No change
Unrestricted Current Ratio	1.7	No change
Debt Service Ratio	4.4%	Reduced by 1.2%
Working Funds Available	\$468,000	Reduced by \$11,000

RECOMMENDATION

- A. That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer.
- B. That Council completes and forwards the Goods and Services Tax Certificate to the Department of Local Government.

John McKee
Director Business & Finance

Brian Bell
General Manager

Attachments: **Attachment A: Annual Financial Statements for the year ended 30 June 2005 - 541152**
 Attachment B: Local Govt Circular No 05/26 & Goods & Services Tax Certificate - 541108



General Purpose Financial Reports
For the year ended 30th June 2005

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General Purpose Financial Reports
For the year ended 30th June 2005

STATEMENT BY COUNCILLORS AND MANAGEMENT
MADE PURSUANT TO SECTION 413(2)(C) OF THE LOCAL GOVERNMENT ACT 1993
(as amended)

The attached General Purpose Financial Reports have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting
- The Local Government Asset Accounting Manual.

To the best of our knowledge and belief, the Reports

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with the resolution of Council made on September 20, 2005.

	
Elaine Malicki	Maureen Shelley
Mayor	Councillor
	
Brian Bell	John McKee
General Manager	Responsible Accounting Officer



Ku-ring-gai Council

STATEMENT OF FINANCIAL PERFORMANCE

For the Year ended 30th June 2005

Original Budget 2005 \$'000		Notes	Actual 2005 \$'000	Actual 2004 \$'000
EXPENSES FROM ORDINARY ACTIVITIES				
26,383	Employee costs	3(a)	26,891	24,211
694	Borrowing costs	3(b)	671	727
16,401	Materials & contracts		15,565	15,832
6,893	Depreciation	3(c)	6,801	6,861
12,869	Other expenses from ordinary activities	3(d)	14,323	14,608
0	Loss from disposal of assets	5	1,493	122
63,240	TOTAL EXPENSES FROM ORDINARY ACTIVITIES		65,744	62,361
REVENUE FROM ORDINARY ACTIVITIES				
44,453	Rates & annual charges	4(a)	44,384	42,570
14,070	User charges & fees	4(b)	13,751	11,814
895	Interest	4(c)	1,082	1,007
386	Other revenues from ordinary activities	4(d)	2,116	891
6,557	Grants & contrib. provided for non-capital purposes	4(e&f)	5,227	5,328
66,361	REVENUES FROM ORDINARY ACTIVITIES BEFORE CAPITAL AMOUNTS		66,560	61,610
3,121	SURPLUS (DEFICIT) FROM ORDINARY ACTIVITIES BEFORE CAPITAL AMOUNTS		816	(751)
415	Grants & contrib. provided for capital purposes	4(e&f)	5,159	2,844
3,536	SURPLUS (DEFICIT) FROM ORDINARY ACTIVITIES AFTER CAPITAL AMOUNTS		5,975	2,093
3,536	SURPLUS (DEFICIT) FROM ORDINARY ACTIVITIES		5,975	2,093



Ku-ring-gai Council

STATEMENT OF FINANCIAL POSITION For the year ended 30th June 2005

	Notes	Actual 2005 \$'000	Actual 2004 \$'000
CURRENT ASSETS			
Cash Assets	6	11,151	13,697
Investment securities	6		
Receivables	7	4,984	2,669
Inventories	8	181	189
Other	8	300	407
TOTAL CURRENT ASSETS		16,616	16,962
NON-CURRENT ASSETS			
Cash Assets	6	13,843	7,299
Receivables	7	298	260
Inventories	8		
Other	8	192	
Property, Plant & Equipment	9	1,603,600	1,603,413
Investments accounted for using equity method	19		
TOTAL NON-CURRENT ASSETS		1,617,933	1,610,972
TOTAL ASSETS		1,634,549	1,627,934
CURRENT LIABILITIES			
Payables	10(a&c)	5,756	5,466
Interest bearing liabilities	10(a&c)	1,540	2,154
Provisions	10(a,b&c)	2,186	2,047
TOTAL CURRENT LIABILITIES		9,482	9,667
NON-CURRENT LIABILITIES			
Payables	10a	3,893	3,274
Interest bearing liabilities	10a	9,755	9,696
Provisions	10(a,b&c)	4,067	3,918
TOTAL NON CURRENT LIABILITIES		17,715	16,888
TOTAL LIABILITIES		27,197	26,555
NET ASSETS		1,607,354	1,601,379
EQUITY			
Accumulated surplus		1,607,354	1,601,379
TOTAL EQUITY		1,607,354	1,601,379



Ku-ring-gai Council

STATEMENT OF CHANGES IN EQUITY **For the year ended 30th June 2005**

		2005		2004	
		\$'000		\$'000	
	Notes Ref.	Accum Surplus	Total Equity	Accum Surplus	Total Equity
Balance at beginning of the reporting period		1,601,379	1,601,379	1,599,287	1,599,287
Change in equity recognised in the statement of financial performance		5,975	5,975	2,092	2,092
Balance at end of the reporting period		1,607,354	1,607,354	1,601,379	1,601,379



Ku-ring-gai Council

STATEMENT OF CASH FLOWS For the Year ended 30th June 2005

Budget 2005 \$'000		Notes	Actual 2005 \$'000	Actual 2004 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
	<u>Receipts</u>			
44,384	Rates & Annual Charges		44,249	42,491
13,465	User Charges & Fees		13,244	13,214
921	Interest		1,066	1,004
6,860	Grants & Contributions		10,049	8,724
1,346	Other		2,048	4,289
	<u>Payments</u>			
(24,997)	Employee Costs		(26,603)	(24,035)
(17,568)	Materials & Contracts		(15,175)	(18,014)
(734)	Interest		(708)	(761)
(18,349)	Other		(13,365)	(14,964)
5,328	Net Cash provided by (or used in) Operating Activities	11(b)	14,535	11,948
CASH FLOWS FROM INVESTING ACTIVITIES				
	<u>Receipts</u>			
1,278	Sale of Property, Plant & Equipment		2,219	1,134
	<u>Payments</u>			
(9,397)	Purchase of Property, Plant & Equipment		(12,116)	(9,647)
	Payment to StateCover		(85)	
(8,119)	Net Cash provided by (or used in) investing activities		(9,982)	(8,513)
CASH FLOWS FROM FINANCING ACTIVITIES				
	<u>Receipts</u>			
1,600	Borrowings & Advances		1,600	1,800
	<u>Payments</u>			
(2,154)	Borrowings & Advances		(2,155)	(2,555)
(554)	Net Cash provided by (or used in) financing activities		(555)	(755)
(3,345)	Net Increase (Decrease) in Cash Assets Held		3,998	2,680
20,996	Cash Assets at beginning of reporting period	11(a)	20,996	18,316
17,651	Cash at end of reporting period	11(a)	24,994	20,996



Ku-ring-gai Council

Notes to and Forming Part of the Financial Statements for the Year Ended 30th June 2005

NOTE 1 – Significant Accounting Policies

1. The Local Government Reporting Entity

Ku-ring-gai Council has its principal business office at 818 Pacific Highway Gordon NSW 2072. Council is empowered by the New South Wales Local Government Act (LGA) 1993 and its Charter is specified in Section 8 of the Act.

The Financial Statements include the consolidated fund and other entities through which the Council controls resources to carry on its functions. In the process of reporting on the Council as a single unit, all transactions and balances between activity areas and entities have been eliminated.

1.1 The Consolidated Fund

As required by Section 409(1) of the Local Government Act 1993, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

2. Basis of Accounting

2.1 Compliance

The financial report complies with the applicable Australian Accounting Standards, the requirements of the Local Government Act and the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

2.2 Basis

The financial reports have been prepared on the basis of historical costs and, except where stated, do not take into account changing money values or current valuations of non-current assets. They have been prepared on the accrual basis of accounting.

Comparative amounts shown in the Operating Statement, Statement of Financial Position, Statement of Changes in Equity and the Statement of Cash Flows and the notes to and forming part of the general purpose financial report are for the year ended 30 June 2005.

The accounting policies are applied consistently by the Council and, except where there is a change in accounting policy, are consistent with those of the previous reporting period.

2.3 Impacts of adopting Australian equivalents to IFRS

The Australian Accounting Standards Board (AASB) is adopting International Financial Reporting Standards (IFRS) for application to reporting periods beginning on or after 1 January 2005. The AASB has issued Australian equivalents to IFRS, and the Urgent Issues Group has issued interpretations corresponding to IASB interpretations originated by the International Financial Reporting Interpretations Committee or the former Standing Interpretations Committee. These Australian equivalents to IFRS are referred to hereafter as AIFRS. The adoption of AIFRS will be first reflected in the Council's financial statements for the year ending 30 June 2006.

Entities complying with AIFRS for the first time will be required to restate their comparative financial statements to amounts reflecting the application of AIFRS to that comparative period. Most adjustments required on transition to AIFRS will be made, retrospectively, against opening retained earnings as at 1 July 2004.



Ku-ring-gai Council

The transition to International Financial Reporting Standards is being managed on an industry-wide basis. A National Local government working party has been established, and the NSW Department of Local Government in conjunction with the Local Government Accounting Advisory Group will identify significant changes affecting the industry.

The Council has established a project team to manage its own transition to AIFRS, including training of staff and system and internal control changes necessary to gather all the required financial information. The project team has prepared a detailed timetable for managing the transition and is currently on schedule.

The project team has analysed all of the AIRFS and has identified the accounting policy changes that will be required. In some cases choices of accounting policies are available, including elective exemptions under Accounting Standard AASB 1 First-time Adoption of Australian Equivalents to International Financial Reporting Standards. These choices have been analysed to determine the most appropriate accounting policy for the Council.

The known or reliably estimable impacts on the financial report for the year ended 30 June 2005 had it been prepared using AIRFS are set out below. The expected financial effects of adopting AIFRS are shown for each line item in the statements of financial performance and statements of financial position, with descriptions of the differences. No material impacts are expected in relation to the statements of cash flows.

Although the adjustments disclosed in this note are based on management's best knowledge of expected standards and interpretations, and current facts and circumstances, these may change. For example, amended or additional standards or interpretations may be issued by the ASSB and the IASB. Therefore, until the Council prepares its first full AIFRS financial statements, the possibility cannot be excluded that the accompanying disclosures may have to be adjusted.

Notes explaining the impacts on the statements of financial performance and statements of financial position

(a) Financial Instruments

Council will be taking advantage of the exemption available under AASB 1 to apply AASB 132 *Financial Instruments; Disclosure and presentation* and AASB 139 *Financial Instruments; Recognition and measurement* only from 1 July 2005. This allows Council to apply previous Australian generally accepted accounting principles (Australian GAAP) to the comparative information of financial instruments within the scope of AASB 132 and AASB 139 for the 30 June 2005 financial report.

(b) Investment properties

AASB 140 outlines the accounting treatment of a new asset category called 'Investment Property', that will be reported on the face of the Balance Sheet. Where investment properties are measured at fair value, gains or losses arising from changes in fair value are recognised in the Statement of Financial Performance. This will result in a change to the current accounting policy, under which investment properties are revalued to fair value and changes in fair value are recognised in the asset revaluation reserve.

Council has performed an analysis, determination and documentation of the purpose of holding individual properties and it has been determined that Council does not have any Investment Properties.

(c) Retirement benefit obligations

Council is the sponsor of a defined benefit superannuation fund. Under existing Australian GAAP, a liability or asset in respect of defined benefit superannuation does not need to be



Ku-ring-gai Council

recognised in the provision for employee benefits. Under AASB 119 'Employee Benefits', a liability or asset in respect of defined benefit superannuation is recognised and measured as the difference between the present value of employees' accrued benefits at the reporting date and the net market value of the superannuation fund's assets at that date.

If AASB 119 had been applied during the year ended 30 June 2005, then non-current assets would have been increased by \$1,592,000 being the Council's share of the actuarial surplus calculated in the fund and other revenue would have been decreased by \$806,000 being the movement of Council's share from the year ended 30 June 2004 to the year ended 30 June 2005.

(c) Employee benefit provisions

Liabilities for employee benefits payable more than 12 months beyond reporting date are required to be measured as the present value of the defined benefit obligation at the reporting date under AASB 119. Some of these obligations are currently measured at nominal values.

If AASB 119 had been applied during the year ended 30 June 2005, then non-current ELE provisions would have been reduced by \$62,000 and employee cost would have been reduced by \$6,000 being the net reduction of ELE provisions for the year ended 30 June 2004 and 30 June 2005.

(e) Provision for Future Reinstatement

In accordance with AASB 137 Restoration or other clean-up obligations associated with the retirement or disposal of long-lived assets (mostly relating to tips, quarries and borrow pits) will have to be recognised as the activities arise which cause the damage and can no longer be accrued over life of the asset. These liabilities have not previously been recognised as liabilities.

Council has performed an analysis and determination to identify obligations under AASB 137 and it has been determined that Council does not have any obligations.

(f) Impairment of Assets

Where there are indicators of impairment, all assets in scope should be subject to an impairment test under AASB 136. An asset is impaired when its carrying amount exceeds its recoverable amount (the higher of fair value less costs to sell and value in use). The indicators should provide objective evidence of impairment as a result of a past event that occurred subsequent to the initial recognition of the asset.

Council is unaware of any events or circumstances that indicate that assets are impaired.

3. Rates

The rating period and reporting period for the Council coincide and, accordingly, all rates levied for the year are recognised as revenues. Uncollected rates are recognised as receivables after providing for amounts due from unknown owners and postponed rates in accordance with the requirements of the Local Government Act 1993.

4. Grants, Contributions and Donations

Grants, donations and other contributions are recognised as revenues when the Council obtains control over the assets comprising the contributions. Control over granted assets is normally obtained upon their receipt. Where prior advice of grants has been received and expenditure has been incurred in accordance with the relevant terms and conditions, unreceived grant entitlements are recorded as receivables.



Ku-ring-gai Council

Where grants, contributions and donations recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the amounts subject to those undischarged conditions are disclosed in these notes as restricted assets. Also disclosed is the amount of grants, contributions and receivables recognised as revenues in a previous reporting period, which were obtained in respect of the Council's operations for the current reporting period.

4.1 Contributions under Section 94 of the Environment Planning and Assessment Act 1979

The Council has an obligation to provide facilities from contributions required from developers under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979. Contributions received each year are held as restricted assets until used for the specific purpose designated in the formal contributions plan.

Amounts are spent only for the specific purpose, for which the contributions were required, but the Council may, within each area of benefit, apply contributions according to the priorities established in the relevant contributions plan and accompanying works schedule.

The Council holds contributions obtained prior to the requirement to have contribution plans in place. These monies must be applied only for the purpose for which they were obtained.

Contribution plans adopted by Council are available for public inspection free of cost.

5. Investments

Investments are recognised at cost. Interest revenues are recognised as they accrue. Managed Funds are valued at market value in accordance with audited certificates issued by each fund; changes in market value are recognised as interest received.

6. Receivables

Receivables for rates and annual charges are secured over the subject land, and bear interest at rates determined in accordance with the Local Government Act 1993 (as amended) and the Regulations and Determinations made there under.

Other receivables are generally unsecured and do not bear interest.

All receivables are reviewed as at the reporting date and adequate provision made for amounts the receipt of which is considered doubtful.

7. Inventories

Inventories held in respect of business undertakings have been valued at the lower of cost or net realizable value. Inventories held in respect of non-business undertakings have been valued at cost subject to adjustment for loss of service potential. In both cases costs have been assigned to particular inventory items by the method of specific identification.

Revenues arising from the sale of property are recognised in the operating statement when settlement is completed.

8. Property, Plant & Equipment

8.1 Transitional Provisions

Except for land under roads, infrastructure assets acquired or constructed prior to January 1993 have been capitalised in the accounts on a staged basis since 30 June 1995. All assets except drainage assets were brought to account as at 30 June 1996. Drainage was capitalised in 1997.



Ku-ring-gai Council

At the date of these accounts, the following infrastructure assets have not been capitalised:

Land under Roads

All non-current assets purchased or constructed are capitalised as the expenditure is incurred and depreciated as soon as the asset is held "ready for use".

Australian Accounting Standard 36 requires that those reporting entities that measure land and buildings on the cost basis must have current valuations at least once every three years. However, the standard does not require the actual booking of the valuation into the financial reports. Council has revalued Land and Buildings using the Valuer Generals values for land and Insurance values for buildings. The revaluations as at June 30, 2003 were \$36,220,191 for buildings and \$313,162,090 for land.

8.2 Materiality

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by Council for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life. Examples of capitalisation thresholds applied during the year under review are provided in Note 9 to these accounts.

8.3 Valuation

Council is exempted from the "recoverable amounts test" except in relation to recognised trading operations under the provision of paragraph 2.1 of AAS 10 "Recoverable Amount of Non Current Assets".

Assets acquired after 1 January 1993 were recorded at historical cost. Assets acquired prior to that date and depreciated in accordance with the (now superseded) Local Government Accounting Regulations 1979 were recorded at deemed cost, being the carrying amount of those assets at 31 December 1992. All assets have now been recorded at "deemed cost", being the carrying amount of those assets at 30 June 2005.

Roads Infrastructure

Pavement type, pavement area, kerb and gutter length and path length were obtained from a field survey undertaken in 1996 of all streets within the Council area. The construction date was obtained from Design Office records and capital works program and construction schedules were used to update work undertaken since 1986. Current replacement costs were calculated for each pavement type. Depreciation has been calculated using 100 years as an indicative useful life in accordance with the Asset Accounting manual. The depreciation charge for roads is based on the value of the road from the pavement works to the sealed surface. The original costs associated such as grading of sub-soil etc which form part of the total value of roads are not depreciated as they are viewed as once off or sunk costs.

Drainage Infrastructure

In 1997 a detailed and measured value of structure type, grate type, lintel length and pipe diameter drainage structures was undertaken in the Cowan Creek Catchment area. This detailed analysis was supplemented by current estimates of contract rates. This calculation was then applied across the Council area on a pro-rata basis. (It should be noted that as more data becomes available from other catchment areas, the actual measured value will be updated and the value adjusted accordingly).



8.4 Depreciation of Non-Current Assets

With the exception of some assets acquired or constructed prior to 1 January 1993, all assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the service potential embodied in those assets.

Depreciation is recognised on a straight-line basis using rates applicable to the local government industry, which are reviewed annually. The major depreciation periods are:

Asset Type	Years
Roads	100.0
Drain structures	33.3
Drain grates, inlets and pipes	100.0
Buildings	40.0
Motor vehicles	10.0
Plant	10.0
Office equipment	10.0

Buildings are depreciated at a rate of 2.5% per annum, which differs from the Asset Accounting Manual, which denotes 1% per annum.

Except for land under roads, infrastructure assets acquired or constructed prior to 1 January 1993 have now been recognised as assets of the Council.

9. Creditors

Goods & Services

Creditors are amounts due to external parties for the supply of goods and services and are recognised as liabilities when the goods and services are received. Creditors are normally paid 30 days after the month of invoice. No interest is payable on these amounts.

Payments Received in Advance & Deposits

Amounts received from external parties in advance of service delivery, and security deposits held against possible damage to Council assets, are recognised as liabilities until the service is delivered or damage reinstated, or the amount is refunded as the case may be.

10. Borrowings

Loans are carried at their principal amounts, which represent the present value of servicing the debt. Interest is accrued over the period to which it relates, and is recorded as part of "Creditors".

11. Employee Entitlements

Employee entitlements are accrued on a pro-rata basis for annual leave, sick leave, long service leave and gratuities in respect of services provided by employees up to the end of the financial year. Such accruals are assessed as at the end of each financial year, having regard to current rates of pay and other factors including experience of employee departures and their period of service. The amounts provided have been apportioned between current and non-current, the current provision being the entitlement due in the next twelve months. The total liability for salaries and wages, annual leave and sick leave and the current portion of the liability for all other employee entitlements is measured at nominal amounts.



Ku-ring-gai Council

Long service leave is calculated as follows:

- (a) 50% of the liability is brought to account for employees with less than five years' service
- (b) the proportional entitlement for employees with between five and ten years' service; and
- (c) the absolute entitlement for employees with ten years' or more service.

Council has reviewed its accounting policies in relation to employee leave entitlements and has adopted the following principal –

- the discounting of Long Service Leave, Sick Leave and Gratuities after taking into account when such leave will be taken.

Ku-ring-gai Council has changed its accounting policy during the financial year ended June 30 2003 relating to the measurement and recognition of employee benefit on-costs in order to comply with the application of Accounting Standard AASB 1028: Employee Benefits, which replaces Accounting Standard AAS30: Employee Benefits.

AASB 1028 requires that costs which are a consequence of employment but which are not employee benefits should be recognised as liabilities and expenses when the employee benefits to which they relate are recognised. Accordingly, the value of workers compensation and superannuation costs that have not been settled, but will be the consequence of employee benefits accrued as at 30 June 2005 have been brought to account.

These amended accounting policies have been implemented to ensure consistency and comparability with other Councils in regard to the reporting of leave entitlements.

The total number of “*equivalent full time*” employees at the beginning and end of the financial year were 479 and 463 respectively.

Defined Benefit Superannuation Scheme

Ku-ring-gai Council participated in an employer sponsored defined benefit superannuation scheme during the year. The benefits provided by this scheme are based on the members' final salary and the number of contribution points accumulated during service. The last actuarial assessment of the plan was made by the Local Government Superannuation Scheme's actuary on July 12 2005 and related to the superannuation scheme as at 30th June 2005. The conclusion of the actuarial assessment noted that the funds were considered adequate to satisfy all benefits payable in the event of termination of the scheme.

In accordance with AASB 1028 the following disclosures are made relating to the Defined Benefit Scheme and the actuarial assessment:

Employer Liability	\$11,319,030
Employer Assets	\$12,911,059
Surplus	\$ 1,592,029

12. Joint Ventures

At balance date Council did not have any interest in any joint ventures.

13. Leases

Lease arrangements have been accounted for in accordance with AAS 17 Australian Accounting Standard – Accounting for Leases.

The Council's rights and obligations under finance leases, which are leases that effectively transfer to Council substantially all of the risks and benefits incident to ownership of the leased items, are initially recognised as assets and liabilities equal in amount to the present value of the



Ku-ring-gai Council

minimum lease payments. The assets are disclosed as assets under lease, and are amortised to expense over the period during which the Council is expected to benefit from the use of the leased assets. Minimum lease payments are allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

Lease liabilities are allocated between current and non-current components. The principal component of lease payments due on or before the end of the succeeding year is disclosed as a current liability, and the remainder of the lease liability is disclosed as a non-current liability. At the end of the financial year Council had not entered into any finance lease arrangements.

In respect of operating leases, where the lessor substantially retains all of the risks and benefits incident to ownership of the leased items, lease payments are charged to expense over the term of the lease.

15. Classification of Assets and Liabilities

Assets and Liabilities have been allocated into current and non-current portions. Current assets are cash and other assets that would in the ordinary course of business be consumed or converted into cash within twelve months.

Current liabilities are liabilities that would in the ordinary course of business be due and payable within twelve months.

16. Budget Information

The Statement of Financial Performance and Note 2 provide budget information of revenue and expenditure by type and for each of the major activities of the Council. Details of material variations are detailed in Note 16. Budget figures presented are those approved by Council at the beginning of the financial year and do not include Council approved variations throughout the year.

17. Financial Instruments

AAS 33 – “Presentation & Disclosure of Financial Instruments” has recently been released and is operative for all financial years ending on or after 31 December 1997. This standard:

- Establishes rules for the classification of financial instruments as debt or equity;
- Extends the existing rules of “set off” ; and
- Sets out detailed disclosure requirements on financial instruments.

Council has adopted all of the new disclosure requirements required by AAS 33 and is detailed in Note 15.

18. Rounding

In accordance with the Code of Accounting Practice all amounts shown in the Financial Statements have been rounded to the nearest thousand dollars.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements, year ended 30th June 2005

NOTE 2(a) FUNCTIONS

Revenues, Expenses and Assets have been directly attributed to the following Functions/Activities. Details of those Functions/Activities are provided.													
	EXPENSES FROM ORDINARY ACTIVITIES			REVENUES FROM ORDINARY ACTIVITIES			OPERATING RESULT FROM ORDINARY ACTIVITIES BEFORE SHARE OF OUTSIDE PROFITS AND CORRECTIONS			GRANTS INCLUDED IN REVENUES FROM ORDINARY ACTIVITIES		TOTAL ASSETS HELD (CURRENT AND NON-CURRENT)	
	Original Budget 2005 \$'000	Actual 2005 \$'000	Actual 2004 \$'000	Original Budget 2005 \$'000	Actual 2005 \$'000	Actual 2004 \$'000	Original Budget 2005 \$'000	Actual 2005 \$'000	Actual 2004 \$'000	Actual 2005 \$'000	Actual 2004 \$'000	Actual 2005 \$'000	Actual 2004 \$'000
GOVERNANCE	2,985	2,188	2,741		2	0	(2,985)	(2,187)	(2,741)				
ADMINISTRATION	14,238	18,178	16,792	3,780	4,160	3,243	(10,458)	(14,018)	(13,549)	1	48	54,844	48,429
PUBLIC ORDER & SAFETY	3,518	3,356	3,821	235	254	943	(3,283)	(3,102)	(2,878)	37	24	3,367	3,367
HEALTH	531	453	439	158	363	209	(373)	(90)	(230)	8	22	3,390	3,390
COMMUNITY SERVICES & EDUCATION	3,018	3,497	2,988	1,982	2,397	2,137	(1,036)	(1,100)	(851)	596	657	5,427	5,427
HOUSING & COMMUNITY AMENITIES	15,872	13,266	12,958	10,457	10,966	9,789	(5,415)	(2,300)	(3,169)	144	197	29,169	29,165
WATER SUPPLIES													
SEWERAGE SERVICES													
RECREATION & CULTURE	11,607	12,655	10,915	4,586	9,562	6,532	(7,021)	(3,093)	(4,383)	483	359	176,133	176,111
FUEL & ENERGY									0				
MINING, MANUFACTURING & CONSTR.	3,622	4,372	4,329	2,190	2,749	1,808	(1,432)	(1,623)	(2,521)			901	901
TRANSPORT & COMMUNICATION	7,626	7,613	7,289	3,212	3,671	3,052	(4,414)	(3,943)	(4,237)	1,082	1,654	1,361,317	1,361,144
ECONOMIC AFFAIRS	223	165	88	96	84	82	(127)	(81)	(6)				
Total Function & Activities	63,240	65,744	62,361	26,696	34,209	27,795	(36,544)	(32)	(34,565)	2,351	2,961	1,634,549	1,627,934
Shares of gains in Associates & Joint Ventures using the Equity Method													
Fundamental Error													
Extraordinary Items													
General Purpose Revenues				40,083	37,511	36,658	40,083	37,511	36,658	2,836	2,814		
Totals	63,240	65,744	62,361	66,776	71,719	64,454	3,536	5,975	2,093	5,186	5,776	1,635	1,627,934



Ku-ring-gai Council

Notes to and Forming Part of the Financial Statements for the Year Ended 30th June 2005

NOTE 2 – Components & Functions

The activities relating to the Council's functions reported on the Note 2(a) are as follows:

GOVERNANCE

Costs relating to the Council's role as a component of democratic government, including elections, member's fees and expenses, subscriptions to local authority associations, meetings of council and policy making committees, area representation and public disclosure and compliance, together with related administration costs.

ADMINISTRATION

Costs not otherwise attributed to other functions.

PUBLIC ORDER & SAFETY

Fire protection, animal control, beach control, enforcement of local government regulations, emergency services, other.

HEALTH

Administration and inspection, immunization, food control, insect/vermin control, noxious plants, health centres, other.

COMMUNITY SERVICES & EDUCATION

Administration, family day care, child care, youth services, other families and children, aged and disabled, migrant services, Aboriginal services, other community services, education.

HOUSING & COMMUNITY AMENITIES

Housing, town planning, domestic waste management services, other waste management services, street cleaning, other sanitation and garbage, urban storm water drainage, environmental protection, public cemeteries, public conveniences, other community amenities.

RECREATION & CULTURE

Public libraries, museums, art galleries, community centres, public halls, other cultural services, swimming pools, sporting grounds, parks and gardens (lakes), other sport and recreation.

MINING, MANUFACTURE & CONSTRUCTION

Building control, abattoirs, quarries and pits, other.

TRANSPORT & COMMUNICATIONS

Urban roads, sealed rural roads, unsealed rural roads, bridges, footpaths, aerodromes, parking areas, bus shelters and services, water transport, RTA works, street lighting, other.

ECONOMIC AFFAIRS

Camping areas, caravan parks, tourism and area promotion, industrial development promotions, sale yards and markets, real estate development, other business undertakings.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 3 Expenses from Ordinary Activities

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(a) EMPLOYEE COSTS		
Salaries and Wages	20,373	19,541
Employee Leave Entitlements	2,927	2,100
Superannuation	1,467	1,396
Workers' Compensation Insurance	1,643	828
FBT	141	146
Training Costs (excluding salaries)	244	257
ELE On Costs	111	53
Other	40	63
Less: Capitalised Costs	(54)	(173)
Total Employee Costs Expensed	26,891	24,211
(b) BORROWING COST EXPENSE		
Interest on Loans	671	727
Less: Capitalised Costs		
Total Borrowing Costs Expensed	671	727
(c) DEPRECIATION		
Plant and Equipment	1,152	1,044
Office Equipment	80	75
Furniture & Fittings	17	87
Land Improvements (depreciable)	65	
Buildings	1,538	1,673
Other Structures	215	269
Infrastructure		
- roads, bridges & footpaths	2,955	2,906
- stormwater drainage	533	463
- Library books	246	345
Less: Capitalised Costs		
Total Depreciation Costs Expensed	6,801	6,861
(d) OTHER EXPENSES		
Other Expenses for the year include the following:		
<u>Auditor' Remuneration</u>		
- Audit Services	38	38
- Other Services		
Bad and Doubtful Debts	19	72
<u>Legal Expenses</u>		
- Planning & Development	1,449	2,235
- Other Legal Expenses	514	584
- Legal Expenses (Consultants) Planning & Development	430	N/A
- Other Legal Expenses (Consultants)	10	N/A
Mayoral Fee	28	27
Councillors' Fees	129	124
Operating Lease Rentals		
- Cancellable		
- Non Cancellable - Minimum lease payments	661	649



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 3 Expenses from Ordinary Activities (cont)

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
Insurance	834	938
Street Lighting	1,105	1,151
Electricity & Heating	302	271
Telephone	629	501
Contributions & Donations	86	84
Subscriptions	123	74
Valuation Fees	126	133
Temporary Salaries & wages	359	441
Consultancies	924	860
Board of Fire Commissioners Levy	1,887	1,789
Department of Environment Planning Levy	303	296
External Plant Hire	65	160
Sydney Water	139	129
Advertising	387	453
Conferences	98	88
Software /Licenses – Computer	548	180
Rental Rebates	1,347	1,109
Vehicle Registration	115	98
Postage	230	241
Merchant Bank Fees	249	324
Insurance Excess	152	129
Corporate Events	87	98
Family Day Care Child Care Assistance	181	236
Rate Issue Costs	34	41
Election Costs	1	229
Commissions	236	242
Other	497	585
Total Other Expenses From Ordinary Activities	14,323	14,608



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 4 Revenues from Ordinary Activities

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(a) RATES & ANNUAL CHARGES		
<u>Ordinary Rates</u>		
Residential	32,050	31,304
Business	2,241	2,115
Total Ordinary Rates	34,291	33,419
<u>Special Rates</u>		
Infrastructure Levy	1,706	1,524
Other		
Total Special Rates	1,706	1,524
<u>Annual Charges</u> (pursuant to s.496 & s.501)		
Domestic Waste Management Services	8,387	7,627
Total Annual Charges	8,387	7,627
Total Rates & Annual Charges	44,384	42,570
(b) USER CHARGES & FEES		
<u>User Charges</u> (pursuant to s.502)		
Domestic Waste Management		
Waste Management Services (not domestic)		
Other		
Total User Charges		
Fees		
- Sec 611	63	49
Regulatory/Statutory	495	538
Family Day Care	662	643
Trade Waste Charges	1,375	1,187
Art Centre	405	402
Holiday Activities	88	145
Tennis Courts	329	351
Golf Courses	1,508	1,406
Showground	117	92
Parks	426	402
Halls	154	242



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 4 (Cont'd) Revenues from Ordinary Activities

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
Certificates	423	363
Road/Footpath Restoration	1,629	1,166
Building	1,967	1,581
DA Advertising Fees	80	72
Vehicle Lease	295	259
Tree Preservation Orders	98	93
Sale of Documents	19	48
Library	77	103
Nursery	84	79
Waste Disposal Truck Rental		111
Outstanding Notices	97	100
Rent & Hire of Council Properties	2,724	2,007
Driveway Application Fees	310	78
- Other	326	297
Total User Charges & Fees	13,751	11,814
(c) INTEREST		
Interest on overdue rates & charges	52	53
Developer Contributions		
- Section 94	453	225
- Section 64		
Interest on Investments	139	298
Domestic Waste	245	195
Other	193	236
Total Interest Revenue	1,082	1,007
(d) OTHER REVENUES		
Reversal of Revaluation Decrements		
Fines	609	741
Legal Fees Recovery (Rates)	42	40
Commissions & Agency Fees	73	25
Health Notices		6
Disposal Derelict Vehicles	3	11
Filming Fees	35	52
DX Rent	10	10
License Fees	10	
Recycling	488	
Advertising Contribution	683	
Program Fees	59	
Other	103	7
Total Other Revenue From Ordinary Activities	2,116	891



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 4 (Cont'd.) Revenues from Ordinary Activities

	OPERATING		CAPITAL	
	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(e) GRANTS				
General Purpose (Untied):				
Financial Assistance	2,500	2,476		
Pensioner Rates Subsidies	336	338		
Specific Purpose:				
Pensioner Rates Subsidies				
- Water				
- Sewer				
- DWM	104	102		
Noxious Weeds	8	14		
VRRTS		46		
Community Development Officer (Aged)		27		
Youth Services	15	11		
RTA Block Grant		167		
Child Care	445	507		
Library	201	200		
Vacation Play		42		
Bus Route Subsidy		28		
Street Lighting	231	205		
Road To Recovery		687		
RTA x 3		82		
Natural Disaster Relief		17		
Blackbutt Creek Stormwater & CEP	15	30		
Road Safety program	80	70		
Rural Fire Service	34	24		
Stormwater Trust Strategic Grant	30	95		
Bushcare Interface Project		46		
Rocky Creek Bridge			68	168
Fox Valley Road Wahroonga #2				92
Library Self Checkers				39
Fox Valley Road Wahroonga #1			72	134
Eastern Road Turramurra	22			
Tennis Court Refurbishment	16			
Community Program	45			
Catchment Management	78			
St Ives Gordon	75			
Aged Services	75			
Echo Point Park	76			
Road Maintenance	80			
Eastern Arterial	81			
Library Special Purpose	39			
Road Refurbishment	415			
Other	45	88		38
Total Grants	5,046	5,304	140	472



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 4 (Cont'd.) Revenues from Ordinary Activities

	OPERATING		CAPITAL	
	<i>Actual</i> 2005 \$'000	<i>Actual</i> 2004 \$'000	<i>Actual</i> 2005 \$'000	<i>Actual</i> 2004 \$'000
(F) CONTRIBUTIONS				
Developer Contributions (S94)				
- Subdivider dedications				
- Roadworks			5	
- Drainage				
- Traffic Facilities				
- Parking			41	83
- Open Space			4,565	2,076
- Community Facilities			264	109
- Other			144	103
RTA Contributions				
<u>Section 64</u>				
- Water Supply				
- Sewerage				
Other Councils - Joint Works				
Paving				
Kerb & Gutter				
Other	181	24		
Total Contributions	181	24	5,019	2,372
Total Grants & Contributions	5,227	5,328	5,159	2,844



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 5 Gain or Loss on Disposal of Assets

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
GAIN OR (LOSS) ON DISPOSAL OF PROPERTY		
Proceeds from disposal	150	
Less: Carrying amount of assets sold	1,089	
Gain (Loss) on disposal	(939)	
GAIN OR (LOSS) ON DISPOSAL OF PLANT & EQUIPMENT		
Proceeds from disposal	2,069	952
Less: Carrying amount of assets sold	1,601	1,074
Gain (Loss) on disposal	468	(122)
GAIN OR (LOSS) ON DISPOSAL OF REAL ESTATE ASSETS HELD FOR SALE		
Proceeds from Sales	1,280	
Less: Cost of Sales	2,302	
Gain (Loss) on disposal	(1,022)	
NET GAIN (OR LOSS) ON DISPOSAL OF ASSETS	(1,493)	(122)



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 6 Cash Assets & Investment Securities

		2005 \$'000		2004 \$'000
		Current	Non- Current	Current Non- Current
CASH ASSETS	Notes			
Cash on Hand and at Bank	11	6,455		3,725
Cash- Equivalent Assets:	11			
- Managed Funds		1,856	13,843	7,112 7,299
- Term Deposits		2,840		2,860
Total Cash Assets	11	11,151	13,843	13,697 7,299
INVESTMENTS SECURITIES				
Term Deposits				
Government & Semi-government				
- Stocks and Bonds				
- Treasury Corporation				
Managed Funds				
Short Term Money Market				
Bills of Exchange				
Other				
Total Investments Securities				
Total Cash Assets & Investment Securities		11,151	13,843	13,697 7,299

Restricted Cash Assets & Investment Securities

SUMMARY

	2005 \$'000		2004 \$'000
Purpose	Current	Non- Current	Current Non- Current
EXTERNAL RESTRICTIONS			
- Included in liabilities			
Specific Purpose Unexpended			
Loans (A)			
RTA Advances (B)			
Self Insurance Claims (C)			
Other (J)			
- Other			
Developer Contributions (D)	30	11,175	5,803
RTA Contributions (E)			
Specific Purpose Unexpended			
Grants (F)	627		552
Water (G)			
Sewer (H)			
Domestic Waste Management (I)	947	2,668	2,000 1,496
Other (J)			
Total External Restrictions	1,604	13,843	2,552 7,299
Total Internal Restrictions	9,391		9,401
Total Unrestricted	156		1,744
Total Cash & Investment Securities	11,151	13,843	13,697 7,299



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 6 Restricted Cash Assets and Investment Securities (Cont'd.)

- A. Loan moneys which must be applied for the purposes for which the loans are raised.
- B. Advances by the Roads & Traffic Authority for works on State's classified roads.
- C. Self insurance liability resulting from reported claims and claims incurred but not reported.
- D. Developers' contributions not yet expended for the provision of services and amenities in accordance with the contributions plans (see Note 14).
- E. RTA contributions not yet expended for the provision of services and amenities in accordance with those contributions.
- F. Grants which are not yet expended for the purpose for which the grants were obtained (see Note 1).
- G - I. Water, Sewerage and Domestic Waste Management (DWM) are externally restricted assets which must be applied to the purpose for which they were raised.
- J. Reserve created by resolution of Council to provide cash resources relating to the liability shown at Note 10.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 6 (b) Details of Movements & Utilisation of Restricted Cash Assets & Investments

Restrictions	Notes	Movements				Proposed Utilisation of Restrictions	
		Opening Balance 30th June 2004	Transfers to Restrictions	Transfers from Restrictions	Closing Balance 30th June 2005	Less than 1 Year	Between 1 and 5 Years
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
External							
Developer Contributions	6(a),17	5,803	5,472	70	11,205	30	11,175
RTA Contributions	6(a)						
Unexpended Grants	6(a),14	552	594	519	627	627	
Water	6(a)						
Sewerage	6(a)						
Domestic Waste Management	6(a)	3,496	245	126	3,615	947	2,668
Other	6(a)						
Total External Restrictions		9,851	6,312	716	15,447	1,604	13,843
Internal Restrictions							
Replacement - Plant & Vehicles	6(a)	216	1050	1,118	148	148	
Infrastructure Replacement	6(a)	2,381	1,890	1,900	2,371	2,371	
Employee Leave Entitlements	6(a)	870			870	870	
Other:	6(a)	5,935	4,504	4,437	6,002	6,002	
Total Internal Restrictions		9,401	7,444	7,455	9,391	9,391	
Total Restrictions		19,252	13,756	8,171	24,838	10,995	13,843



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 7 Receivables

<u>Purpose</u>	Actual 2005		Actual 2004	
	Current \$'000	Non-Current \$'000	Current \$'000	Non-Current \$'000
Rates & Annual Charges	1,091	208	987	177
Interest & Extra Charges	88	82	57	83
User Charges & Fees	1,116	8	599	
Accrued Interest on Investments	42		26	
Deferred Debtors				
Government Grants & Subsidies	640		303	
Accrued Revenue	1,465		113	
GST	534		597	
Other	64		27	
Total	5,040	298	2,709	260
<u>Less: Provision for Doubtful Debts</u>				
- Rates & Annual Charges				
- Interest & Extra Charges				
- User Charges & Fees	(57)		(39)	
- Other				
Total Receivables	4,984	298	2,669	260

RESTRICTED RECEIVABLES

	Actual 2005		Actual 2004	
	Current \$'000	Non-Current \$'000	Current \$'000	Non-Current \$'000
Water Supply				
Sewerage Services				
Domestic Waste Management	232	61	161	59
Parking				
Drainage				
Town Improvement				
Other				
Total Restricted Receivables	232	61	161	59
Unrestricted Receivables	4,752	237	2,508	201
Total Receivables	4,984	298	2,669	260



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 7 (Cont'd) Receivables

Rates and Annual Charges

Rates are secured by underlying properties. Interest is charged on overdue rates at the rate allowable under the Local Government Act. Rates are due for payment on the last day of August, November, February and May.

Overdue rates are those not paid within 1 day of the due date. Interest is charged on the overdue amount. Where collection of the debt is doubtful and the assessed value of the property is less than the amount outstanding a provision for doubtful debt is recognised for the shortfall.

User Charges and Fees

User charges and fees are unsecured. The credit risk for this class of debtor is 100% of the carrying value. A provision for doubtful debts in respect of this class of debtor has already been provided in an amount as shown in the previous page.

Government Grants

Government Grants & Subsidies (subject to the terms and conditions of the relevant agreement) have been guaranteed.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 8 Inventories & Other Assets

	<i>Actual 2005</i>		<i>Actual 2004</i>	
	Current \$'000	Non-Current \$'000	Current \$'000	Non-Current \$'000
<u>Inventories</u>				
Real Estate (Refer Below)				
Stores & Materials	102		98	
Trading Stock	79		91	
Other				
	181		189	
<u>Other</u>				
Prepayments	300		300	
Other		192	107	
	300	192	407	
<u>Real Estate Development</u>				
- Residential				
- Industrial/Commercial				
- Other Properties				
Total Real Estate for Resale				
<i>(Valued at the lower of cost and net realisable value)</i>				
<u>Represented by:</u>				
- Acquisition Costs				
- Development Costs				
- Borrowing Costs				
- Other Holding Costs				
- Other Properties - Book Value				
Less: (Provision for Under Recovery)				
Total Real Estate for Resale				



Ku-ring-gai Council

Note 9(a) Property, Plant and Equipment
\$'000

ASSET TYPE	At 30 th June 2004			Movements During the Year				At 30 th June 2005		
	At Cost	Acc. Depr'n	Carrying Amount	Asset Purchases	Asset Disposals	Depr'n.	Transfers	At Cost	Acc. Depr'n	Carrying Amount
Plant & Equipment	12,703	5,683	7,019	2,838	1,582	1,152	55	10,649	3,470	7,179
Office Equipment	1,888	1,657	230	62		80	388	850	250	600
Furniture & Fittings	1,313	803	509	9	2	17	(396)	180	77	103
Leased Plant & Equipment										
Land										
- Operational Land	8,384		8,384				437	8,821		8,821
-Community land	180,658		180,658	1			(3,354)	177,305		177,305
-Non deprec land improv'ts				551			3,310	3,861		3,861
-Land under roads										
Land improvements -depr.				44		65	299	677	400	278
Buildings	67,232	33,831	33,400	438	1,089	1,538	(1,525)	62,238	32,551	29,686
Other Structures				753		215	1,914	5,044	2,591	2,452
Infrastructure										
- Roads, bridges, footpaths	295,580	150,193	145,387	4,496		2,955		300,076	153,148	146,928
- Bulk earthworks (non-depr.)	1,202,844		1,202,844					1,202,844		1,202,844
- Stormwater drainage	59,335	37,914	21,421	16		533		59,352	38,447	20,904
- Water supply network										
- Sewerage network										
Other assets										
- Heritage collections										
- Library books	7,216	4,985	2,231	450		246		7,666	5,231	2,435
- Other	6,109	4,781	1,328	3			(1,128)	4,330	4,127	203
Totals	1,843,261	239,847	1,603,414	9,660	2,673	6,801	0	1,843,892	240,292	1,603,600



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year ended 30th June 2005

Note 9 (b) Restricted Property, Plant & Equipment

	2005 \$'000				2004 \$'000			
	At Cost	At Valuation	Acc. Depr'n	Carrying Amount	At Cost	At Valuation	Acc. Depr'n	Carrying Amount
Water Supply								
Plant & Equipment								
Office Equipment								
Furniture & Fittings								
Leased Plant & Equipment								
Land								
- Operational Land								
- Community Land								
- non depreciable land improv'ts								
Land Improvements - depreciable								
Buildings								
Other Structures								
Water Supply Infrastructure								
Total Water Supply								
Sewerage Services								
Plant & Equipment								
Office Equipment								
Furniture & Fittings								
Leased Plant & Equipment								
Land								
- Operational Land								
- Community Land								
- non depreciable land improv'ts								
Land Improvements - depreciable								
Buildings								
Other Structures								
Sewerage Infrastructure								
Total Sewerage Services								
Domestic Waste Management					2,436		2,140	296
Plant & Equipment								
Office Equipment								
Furniture & Fittings								
Leased Plant & Equipment								
Land								
- Operational Land								
- Community Land								
- Non depreciable land improv'ts								
Land Improvements - depreciable								
Buildings								
Other Structures								
Other Assets								
Total Domestic Waste Management					2,436		2,140	296
Other								
Plant & Equipment								
Office Equipment								
Furniture & Fittings								
Leased Plant & Equipment								
Land								
- Operational Land								
- Community Land								
- non depreciable land improv'ts								
Land Improvements - depreciable								
Buildings								
Other Structures								
Other Assets								
Total								
TOTAL RESTRICTIONS					2,436		2,140	296



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 10 (a) Payables, Interest Bearing Liabilities and Provisions

	2005		2004	
	Current \$'000	Non- Current \$'000	Current \$'000	Non-Current \$'000
<u>PAYABLES</u>				
Goods & Services	5,044		4,786	
Payments received in advance	198		248	
Accrued Expenses				
Advances				
Deposits and Retentions	349	3,893	312	3,274
Accrued Interest	23		60	
Other	142		61	
Total Payables	5,756	3,893	5,466	3,274
<u>INTEREST BEARING LIABILITIES</u>				
Bank Overdraft				
Loans	1,540	9,755	2,154	9,696
Government Advances				
Ratepayer Advances				
Finance Lease Liability				
Deferred Payment Liabilities				
Other				
Total Interest Bearing Liabilities	1,540	9,755	2,154	9,696
<u>Provisions</u>				
Annual Leave	1,448	279	1,407	200
Sick Leave	72	102	90	124
Long Service Leave	426	2,809	361	2,705
Gratuities	44	644	37	723
Self Insurance Claims				
ELE On Costs	197	233	153	166
Other				
Total Provisions	2,186	4,067	2,047	3,918



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 10 (b) Description and Movements in Provisions

Class of Provision	Opening Balance 30th June 2004	2005	2005		2005
		Increases To \$'000	Reduction of Provisions		Closing Balance \$'000
			Payments \$'000	Re-Measurement \$'000	
Annual Leave	1,607	1,599	1,479	0	1,727
Sick Leave	214	113	153		174
Long Service Leave	3,066	431	262		3,235
Gratuities	760	(72)	0	0	688
ELE On Costs	319	111	0		430
Total	5,966	2,182	1,894	0	6,253



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 10 (c) Details of Current Payables, Interest Bearing Liabilities and Provisions

	Specific Purpose								General Purpose		Total	
	Water		Sewer		DWM		Other					
	Current		Current		Current		Current		Current		Current	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	2004
Payables					635	899			5,121	4,567	5,756	5,466
Interest Bearing Liabilities									1,540	2,154	1,540	2,154
Provisions									2,186	2,047	2,186	2,047
Total					635	899			8,848	8,768	9,482	9,667



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 11 Statement of Cash Flows

	Notes	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(a) Reconciliation of Cash			
Total Cash Assets	6	24,994	20,996
Less: Bank Overdraft			
Balances per Statement of Cash Flows		24,994	20,996
(b) Reconciliation of Surplus/(Deficit) from Ordinary Activities to Cash from Ordinary Activities			
Surplus/(Deficit) from Ordinary Activities		5,975	2,093
Add: Depreciation		6,801	6,861
Increase in provision for doubtful debts		18	
Increase in employee leave entitlements		288	175
Increase in other provisions			8,766
Decrease in receivables			
Decrease in inventories		8	
Decrease in other current assets			283
Decrease in equity shares in associates/JV			
Increase in payables		1,041	1,572
Increase in accrued interest payable			
Increase in other current liabilities			
Decrements from revaluations			
Loss on sale of assets		1,493	122
		15,624	19,872
Less: Decrease in provision for doubtful debts			7,865
Decrease in employee leave entitlements			
Decrease in other provisions			
Increase in receivables		1,089	
Increase in inventories			59
Increase in other current assets			
Increase in equity shares in associates/JV			
Decrease in payables			
Decrease in accrued interest payable			
Decrease in other current liabilities			
Reversal of previous revaluation decrements			
Non-cash capital grants and contributions			
Gain on sale of assets			
Net Cash provided by (or used in) operating activities		14,535	11,948



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 11 (Cont'd.) Statement of Cash Flows

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(c) Non Cash Financing & Investing Activities		
- Acquisition of plant & equip. by means of finance leases		
- PWD Construction		
- Bushfire grants		
- s. 94 Contributions in kind		
- Other		
(d) Financing Arrangements		
Unrestricted access was available at balance date to the following:		
Bank Overdraft Facility*	2,000	2,000

* The bank overdraft facility may be drawn at any time and may be terminated by the bank without notice. Interest rates on overdrafts are variable while the rates of loans are set for the period of the loan.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 12 Commitments for Expenditure

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(a) Capital Commitments		
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:		
- Land		
- Buildings		
- Other Structures		250
- Plant & Equipment		209
Total		459
These expenditures are payable as follows:		
- Not later than one year		
- Later than one year and not later than 5 years		459
- Later than 5 years		
Total		459
(b) Service Commitments		
Other non-capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities include:		
- Cleaning services	51	5
- Audit services	72	108
- Waste Services	48,600	54,000
- Fleet management		11
- Security Services	340	
- Other	1,920	1,186
Total	50,984	55,310
These expenditures are payable as follows:		
- Not later than one year	7,748	6,638
- Later than one year and not later than 5 years	27,036	27,072
- Later than 5 years	16,200	21,600
Total	50,984	55,310



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 12 Commitments for Expenditure (Cont'd)

	<i>Actual 2005 \$'000</i>	<i>Actual 2004 \$'000</i>
(c) Finance Lease Commitments		
Commitments under finance leases at the reporting date are payable as follows:		
- Not later than one year		
- Later than one year and not later than 5 years		
- Later than 5 years		
Total		
Minimum lease payments		
Less: future finance charges		
Lease Liability		
Representing lease liabilities:		
- Current		
- Non-Current		
Total		
(d) Operating Lease Commitments		
Commitments under non-cancellable operating leases at the reporting date but not recognised in the financial statements are payable as follows:		
- Not later than one year	275	524
- Later than one year and not later than 2 years	2,761	738
- Later than 5 years		
Total	3,035	1,262

Council has entered into non-cancellable operating leases for various items on plant & equipment.

- Contingent rental payments have been determined in accordance with Annual Management Plans which are publicly notified in May/June each year.
- No lease imposes any additional restrictions on Council in relation to additional debt or further leasing.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 13 Statement of Performance Measurement

	<u>Amounts</u> \$'000	2005	2004	2003	2002
<u>1. CURRENT RATIO</u>					
Factors					
<u>Current Assets</u>	16,616	1.8	1.8	2.2	1.8
Current Liabilities	9,482				
<u>2. UNRESTRICTED CURRENT RATIO</u>					
Factors					
<u>Current Assets less All External Restrictions**</u>	14,780	1.7	1.7	1.8	1.5
Current Liabilities less Specific Purpose Liabilities*	8,847				
<u>3. DEBT SERVICE RATIO</u>					
Factors					
<u>Debt Service Cost</u>	2,825	4.4%	5.6%	6.0%	7.5%
Revenue from Ordinary Activities	64,350				
<u>4. RATE COVERAGE RATIO</u>					
Factors					
<u>Rates & Annual Charges.</u>	44,384	62%	66.0%	64.0%	65.0%
Total Revenue	71,719				
<u>5. RATES & ANNUAL CHARGES OUTSTANDING PERCENTAGE</u>					
Factors					
<u>Rates & Annual Charges Outstanding</u>	1,469	3.2%	3.0%	2.9%	3.0%
Rates & Annual Charges Collectable	45,688				

** Refer to Notes 6-8 inclusive

* Refer to Note 10(c)



Kuring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 14 Conditions Over Grants & Contributions

Notes	<i>Actual 2005</i> \$'000		<i>Actual 2004</i> \$'000	
	Grants	Contrib	Grants	Contrib
Grants and contributions which were obtained on the condition that they be expended for specified purposes or in a future period but which are not yet expended in accordance with those conditions, are as follows				
Grants for Roadworks	223	1,744	40	1,590
Grants for Day Care Centres	53	315	41	226
Grants - Other	275	3,744	143	1,966
Unexpended at the Close of the Previous Reporting Period	551	5,803	224	3,782
Less:				
Expended During the Current Period from Revenues Recognised in Previous Reporting Periods				
Grants for Roadworks	172		35	17
Grants for Day Care Centres	48		36	21
Grants - Other	80	70	60	538
	300	70	131	576
Amounts Recognised as Revenues in the Current Reporting Period but not yet Expended in Accordance with the Conditions				
Grants for Roadworks	175	155	219	171
Grants for Day Care Centres		254	48	112
Grants - Other	200	5,063	192	2,313
	192	5,471	459	2,596
Unexpended at the Close of the Current Reporting Period and Held as Restricted Assets	627	11,204	552	5,802
Net Increase (Decrease) in Restricted Assets in the Current Reporting Period	75	5,401	328	2,020



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 15 Financial Instruments

Interest Rate Risk Exposures

The Council's exposure to interest rate risk, and the effective weighted average interest rate for each class of asset and financial liabilities is set out below. Exposure arises predominately from assets and liabilities bearing variable interest rates, which the council intends to hold as fixed rate assets and liabilities to maturity.

2005	Floating Interest Rate	Fixed interest maturing in			Non-Interest Bearing	Total
		≤ 1 year	> 1 year ≥ 5 years	> 5 years		
<u>Financial Assets</u>	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash	16,199	2,340			6,455	24,994
Receivables		1,091	208		2,476	3,775
Investments						
Total	16,199	3,431	208		8,931	28,769
<i>Weighted Average Interest Rate</i>	6.1%	9.0%	6.1%			
<u>Financial Liabilities</u>						
Bank Overdraft & Loans		1,540	7,532	2,223		11,295
Trade & Other Payables					9,626	9,626
Bills Payable						
Lease Liabilities						
Total		1,540	7,532	2,223	9,626	20,922
Net Financial Assets/ Liabilities	16,199	1,891	-7,324	-2,223	-694	7,848
<i>Weighted Average Interest Rate</i>		6.0%	6.0%	6.0%		

2004	Floating Interest Rate	Fixed interest maturing in			Non-Interest Bearing	Total
		≤ 1 year	> 1 year ≥ 5 years	> 5 years		
<u>Financial Assets</u>	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash	14,411	2,860			3,725	20,996
Receivables		987	177		1,626	2,790
Other Financial Assets- Investments						
Total	14,411	3,847	177		5,351	23,786
<i>Weighted Average Interest Rate</i>	5.0%	9.0%	5.0%			
<u>Financial Liabilities</u>						
Bank Overdraft & Loans		11,850				11,850
Trade & Other Payables					8,680	8,680
Bills Payable						
Lease Liabilities						
Total		11,850			8,680	20,530
Net Financial Assets/ Liabilities	14,411	(8,003)	177		(3,329)	3,256
<i>Weighted Average Interest Rate</i>		10.9%	6.0%	6.0%		



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 15 (Cont'd.) Financial Instruments

<i>Notes</i>	<i>2005 \$'000</i>	<i>2004 \$'000</i>
Reconciliation of Net Financial Assets		
Net financial assets from previous page		
- Financial Assets	28,769	23,786
- Financial Liabilities	(20,922)	(20,530)
Net Financial Assets	7,847	3,256
Non-financial assets and liabilities:		
- Accrued Revenues	1,507	139
- Inventories	181	189
- Property, Plant & Equipment	1,603,600	1,603,413
- Accrued Expenses	(23)	(60)
- Other Assets	492	407
- Provisions	(6,253)	(5,965)
	1,599,504	1,598,123
Net Assets per Statement of Financial Position	1,607,352	1,601,379,

Net Fair Value of Financial Assets

The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximates their carrying value.

The net fair value of other monetary assets and liabilities is based upon market prices, where a market exists, or by discounting the expected future cash flows by current interest rates for assets and liabilities with similar risk profiles.

Listed equity investments have been valued by reference to market prices prevailing at balance date (refer also to note 6). For unlisted equity inventories, the net fair value is an assessment by the council based on the underlying net assets, future maintainable earnings and any special circumstances pertaining to a particular investment (refer also to note 6).

The carrying amounts of net fair values of financial assets and liabilities at balance date are as follows:



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 15 (Cont'd.) Financial Instruments

	2005		2004	
	Carrying Amount \$'000	Net Fair Value \$'000	Carrying Amount \$'000	Net Fair Value \$'000
<u>Financial Assets</u>				
Trade Debtors	1,500	1,500	1,157	1,157
Bills of Exchange				
Other Debtors	3,475	3,475	1,759	1,759
Listed Investments				
Unlisted Investments				
Other Assets	25,301	25,301	21,010	21,010
Total	30,276	30,276	23,926	23,926
<u>Financial Liabilities</u>				
Bank Loans	11,296	11,296	11,850	11,850
Bills Payable				
Other Loans				
Lease Liabilities				
Other Liabilities	9,648	9,648	8,739	8,739
Total	20,944	20,944	20,589	20,589

Note:

The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximates their carrying value.

The net fair value of other monetary assets and liabilities is based upon market prices, where a market exists, or by discounting the expected future cash flows by current interest rates for assets and liabilities with similar risk profiles.

Listed equity investments have been valued by reference to market prices prevailing at balance date (refer also to note 6). For unlisted equity inventories, the net fair value is an assessment by the council based on the underlying net assets, future maintainable earnings and any special circumstances pertaining to a particular investment (refer also to note 6).



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 16 Material Budget Variations

Council's original budget was incorporated as part of the Management Plan adopted by the Council on 22 June 2004. The original projections on which the budget was based have been affected by a number of factors. These include State and Federal Government decisions including new grant programs, changing economic activity, the weather, and by decisions made by the Council.

This Note sets out the details of material variations between the original budget and actual results for the Statement of Financial Performance. Material favourable (F) and unfavourable (U) variances represent amounts of 10% or more of the budgeted amount.

Revenues

1. Other revenue from ordinary activities

A favourable result of \$1,730K(F) was obtained in this category. This was due mainly to the sale of recycled materials of \$470K(F) and advertising income of \$683K(F) re bus shelters . The balance should be offset against user fees and charges due to budgeted items classified incorrectly.

2. Grants & contributions provided for capital purposes

A favourable result of \$4,744K(F) was obtained in this category. The major contributing factor to this result is due to an additional \$3,019K (F) of revenue generated by section 94 contributions. The remaining balance of of\$1,725K(F) should be offset against grants and contributions provided for non-capital purposes where budget for section 94 income was included.

Expenses

1. Loss from disposal of assets

An unfavourable loss of \$1,493K (U) was caused partly by Council's sale of a property purchased in this financial year of \$1,021K. Council also wrote off \$789K of fixed assets after reassessing its fixed asset portfolio.



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 17 Statement of Contribution Plans

Summary of Contributions

Purpose	Opening Balance	Contributions Received During the Year		Interest Earned During the Year	Expended During the Year	Closing Balance	Works Provided to Date
		Cash	Non-Cash				
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage							
Roads	1	5				6	36
Parking	818	41		50		910	174
Bush Fire							
Waste Management							
Community Facilities	239	264		18	27	496	518
Open Space	3,586	4,565		310		8,461	
Other	47	144		6	43	153	179
Subtotal S94 under plans	4,691	5,020		385	70	10,025	907
Sec 94 not under plans	1,112			68		1,179	3,085
Sec 64 Contributions							
Total Contributions	5,803	5,019		453	70	11,205	3,992

Contribution Plan No. 1

Pre 1993 Plan

Purpose	Opening Balance	Contributions Received During the Year		Interest Earned During the Year	Expended During the Year	Closing Balance	Works Provided to Date
		Cash	Non-Cash				
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage							
Roads							
Parking	925			56		981	644
Bush Fire							
Waste Management							
Community Facilities	78			5		82	66
Open Space	108			7		115	2,375
Other	1					1	
Total Contributions	1,112			68		1,179	3,085

Contribution Plan No. 2

1993 Plan

Purpose	Opening Balance	Contributions Received During the Year		Interest Earned During the Year	Expended During the Year	Closing Balance	Works Provided to Date
		Cash	Non-Cash				
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Drainage							
Roads	1					1	36
Parking	818	41		50		910	174
Bush Fire							
Waste Management							
Community Facilities	82	4		5		92	491
Open Space	11			1		12	
Other	36	3		2	7	34	7
Total Contributions	948	49		58	7	1,049	708



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 17 (Cont'd.) Statement of Contribution Plans

Contribution Plan No. 3 2000 - 2003 Residential Plan

Purpose	Opening Balance	Contributions Received During the Year		Interest Earned During the Year	Expended During the Year	Closing Balance	Works Provided to Date
		Cash	Non-Cash				
	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
Drainage							
Roads							
Parking							
Bush Fire							
Waste Management							
Community Facilities	157	161		13		331	
Open Space	3,545	3,662		300		7,507	
Other	11	113		3	36	92	172
Total Contributions	3,713	3,936		316	36	7,929	172

Contribution Plan No. 4 Ku-ring-gai SEPP 5 Plan

Purpose	Opening Balance	Contributions Received During the Year		Interest Earned During the Year	Expended During the Year	Closing Balance	Works Provided to Date
		Cash	Non-Cash				
	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
Drainage							
Roads							
Parking							
Bush Fire							
Waste Management							
Community Facilities							
Open Space	30	159		6		195	
Total Contributions	30	159		6		195	

Contribution Plan No. 5 2004/2009 Residential Plan

Purpose	Opening Balance	Contributions Received During the Year		Interest Earned During the Year	Expended During the Year	Closing Balance	Works Provided to Date
		Cash	Non-Cash				
	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
Drainage							
Roads		5				5	
Parking							
Bush Fire							
Waste Management							
Community Facilities		99			27	73	27
Open Space		744		4		748	
Other		27				27	
Total Contributions		875		4	27	853	27



Ku-ring-gai Council

Notes to and Forming part of the Financial Statements Year Ended 30th June 2005

Note 18 Assets & Liabilities Not Recognised in Statement of Financial Position

Statewide Mutual

Council is a member of Statewide mutual, a mutual pool scheme providing liability insurance to Local Government.

Membership includes the potential to share in either the net assets or liabilities of the fund dependent on its past performance. Council's share of the net Assets or Liabilities reflects our contributions to the pool and insurance claims within each of the Fund Years.

Council's accounting policy regarding the measurement and disclosure of the potential liability or benefit is to book Council's share of the net asset or liability value, as advised by Statewide Mutual taking into account their audited figures for the year ended 30 June 2005.

State Cover

Council holds a partly paid share in Statecover Mutual Limited, a company providing workers compensation insurance cover for the Council. Council has a contingent liability to contribute further equity in the event of the erosion of the capital base of the company as a result of the company's performance and/or claims experience.



SPENCER STEER
CHARTERED ACCOUNTANTS

KU-RING-GAI COUNCIL
GENERAL PURPOSE FINANCIAL REPORT
INDEPENDENT AUDITORS' REPORT SCOPE

SCOPE

We have audited the **general purpose financial report** of Ku-ring-gai Council for the year ended 30 June 2005, comprising the Statement by Council, Statement of Financial Performance, Statement of Financial Position, Statement of Changes in Equity, Statement of Cash Flows and accompanying Notes to the Accounts. The financial statements include the consolidated accounts of the economic entity comprising the Council and the entities it controlled at the year's end or from time to time during the year. The Council is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the Council. In respect of the original budget figures disclosed in the Statement of Financial Performance, Statement of Cash Flows and Note 2(a), we have not examined the underlying basis of their preparation. Similarly, we have not examined the variations from the adopted budget disclosed in Note 16 and therefore express no opinion on them.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia and statutory requirements under the Local Government Act 1993 so as to present a view which is consistent with our understanding of the Council's and the economic entity's financial position, the result of their operations and their cash flows.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion,

- (a) the accounting records of the Council have been kept in accordance with the requirements of Division 2 of Part 3 of the Local Government Act, 1993;
- (b) the general purpose financial report
 - (i) has been prepared in accordance with the requirements of Division 2 of Part 3 of the Local Government Act, 1993;
 - (ii) is consistent with the Council's accounting records; and
 - (iii) presents fairly the Council's financial position and the results of its operations
- (c) we have been able to obtain all the information relevant to the conduct of our audit; and
- (d) there were no material deficiencies in the accounting records or financial reports.

SPENCER STEER
Chartered Accountants

N. MAH CHUT
Partner

Dated at Sydney this 30th day of September 2005



SPENCER STEER
CHARTERED ACCOUNTANTS

30 September 2005

The Mayor
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

Mayor,

Audit Report - Year Ended 30 June 2005

We are pleased to advise completion of the audit of Council's books and records for the year ended 30 June 2005 and that all information required by us was readily available. We have signed and attached our reports as required under Section 417(1) of the Local Government Act, 1993 and the Local Government Code of Accounting Practice and Financial Reporting to the General and Special Purpose Financial Reports.

Our audit has been conducted in accordance with Australian Auditing Standards so as to express an opinion on both the General and Special Purpose Financial Reports of the Council. We have ensured that the accounts have been prepared in accordance with Australian Accounting Standard AAS27 and the Local Government Code of Accounting Practice and Financial Reporting.

This report on the conduct of the audit is also issued under Section 417(1) and we now offer the following comments on the financial statements and the audit;

1. RESULTS FOR THE YEAR

1.1 Operating Result

The operating result for the year was a Surplus of \$5.975 million as compared with \$2.094 million in the previous year.



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The following table sets out the results for the year and the extent (%) that each category of revenue and expenses contributed to the total.

	2005	% of	2004	% of	Increase
	\$'000	Total	\$'000	Total	(Decrease)
					\$'000
Ordinary Expenses					
Employees Costs	26,891	41%	24,211	39%	2,680
Depreciation	6,801	10%	6,861	11%	(60)
Other	32,052	49%	31,288	50%	764
	65,744	100%	62,360	100%	3,384
Ordinary Revenues before Capital	44,384	67%	42,570	69%	1,814
Rates & Annual Charges					
Grants & Contributions	5,227	8%	5,328	9%	(101)
Other	16,949	25%	13,712	22%	3,237
	66,560	100%	61,610	100%	4,950
Surplus (Deficit) from Ordinary Activities before Capital items	\$816		(\$750)		\$1,566
Capital Revenues	5,159		2,844		2,315
Surplus (Deficit) for the year	\$5,975		\$2,094		\$3,881

The table above shows an overall improvement over the previous year of \$3.881 million. Fluctuation of note consisted of,

- o rates levied increased by \$1.054 million to \$35.997 million.
- o domestic waste management charges increased by \$760,000 to \$8.387 million.
- o increased revenues included property rents (\$717,000 to \$2,724 million), road restorations (\$463,000 to \$1.629 million) and an initial fee relating to advertising on bus shelters (\$683,000).
- o the increase in capital revenues was attributable to Section 94 contributions from developers which amounted to \$5.019 million as compared to \$2.372 million in the previous year.
- o increases in salary and wages (\$832,000), employees leave entitlements (\$827,000) and workers compensation insurance (\$815,000) account for most of the rise in employee cost of \$2.680 million.

1.2 Funding Result

The operating result does not take into account all revenues and all expenditures and in reviewing the overall financial performance of Council it is useful to take into account the total source of revenues and where they were spent during the year, which is illustrated in the table below.



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<i>Funds were provided by:</i>	2005 \$000	2004 \$000
Operating Result (as above)	5,975	2,094
Add back non funding items:		
- Depreciation	6,801	6,861
- Book Value of Assets Sold	4,992	1,074
	17,768	10,029
New Loan Borrowings	1,600	1,800
Net Transfers from Externally Restricted Assets	613	1,960
Net Transfers from Internal Reserves	10	676
	19,991	14,465
<i>Funds were applied to:-</i>		
Purchase and Construction of Assets	(9,678)	(9,780)
Investment in Real Estate Assets for Resale	(2,302)	0
Principal Repaid on Loans	(2,155)	(2,555)
Net Changes in Current/Non Current Assets & Liabilities	(5,867)	(3,115)
	(20,002)	(15,450)
Increase (Decrease) in Available Working Capital	(\$11)	(\$985)

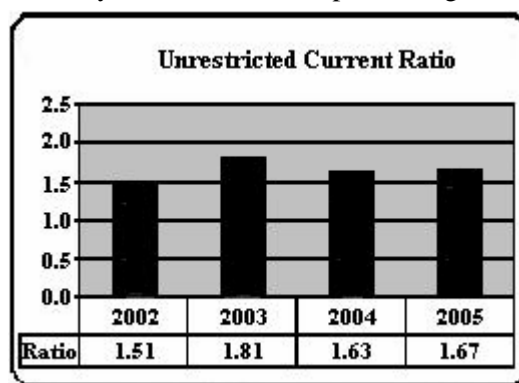
2. FINANCIAL POSITION

2.1 Current Ratios

The **Current Ratio** is a good indicator of the ability of a business to meet its debts and obligations as they fall due. Current assets exceeded current liabilities by \$7.134 million representing a factor of 1.75 to 1.

The **Unrestricted Current Ratio** is a more specific financial indicator for local government. It eliminates net externally restricted assets that must be set aside by law and it in fact represents the general funds of Council.

The **Unrestricted Current Ratio** at the close of the year was **1.67 to 1**.



2.2 Available Working Capital — (Working Funds)

A more meaningful financial indicator specific to local government is the level of **Available Working Capital**. Net Current Assets are adjusted by eliminating both external and internal reserves held for future purposes. At the close of the year the Available Working Capital of Council stood at \$468,000 as detailed below:



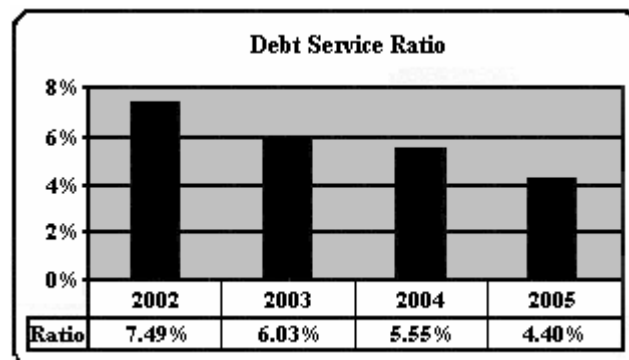
SPENCER STEER
CHARTERED ACCOUNTANTS

	2005	2004	Change
	\$'000	\$'000	\$'000
Net Current Assets (Working Capital) as per Accounts	7,134	7,295	(161)
<i>Add: Budgetted to Pay in the next 12 months</i>			
- Borrowings	1,540	2,154	(614)
- Employees Leave Entitlements	2,186	2,047	139
Adjusted Working Capital	10,860	11,496	(636)
<i>Less: Externally Restricted Assets</i>	<i>(1,201)</i>	<i>(1,814)</i>	<i>613</i>
<i>Less: Internally Restricted Assets</i>	<i>(9,191)</i>	<i>(9,203)</i>	<i>12</i>
Available Working Capital as at 30 June	\$468	\$479	(\$11)

The balance of Available Working Capital should be at a level to manage Council's day to day operations including the financing of hard core debtors, stores and to provide a buffer against unforeseen and unbudgeted expenditures. Internally restricted assets (Reserves) include reserves for property, contingencies and reduction in borrowings of over \$4 million and taking into consideration the nature and level of those Reserves we are of the opinion that Available Working Capital as at 30 June 2005 was satisfactory.

2.3 Debt

Operating revenue (excluding special purpose grants and contributions) required to service (loan repayments) debt was 4.40%.



2.4 Summary

Council's overall financial position, when taking into account the above financial indicators is, in our opinion, satisfactory.

3. CASH ASSETS

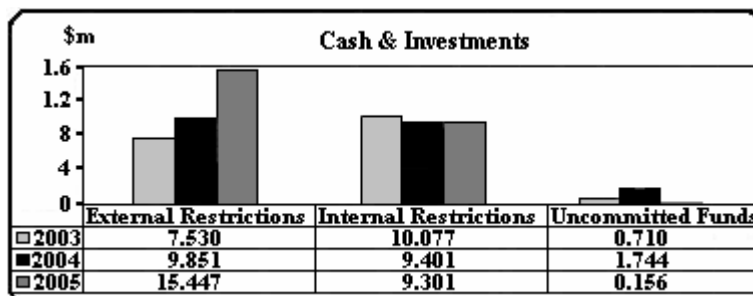
3.1 Cash & Investments

Cash and investments held at the close of the year amounted to \$24.994 million as compared with \$20.996 million and \$18.317 million at the close of financial years 2004 and 2003 respectively.



The table alongside summarises the purposes for which cash and investments were held.

Externally restricted cash and investments are restricted in their use by externally imposed requirements and consisted of unexpended development contributions under Section 94 of \$11.205 million, domestic waste management charges of \$3.615 million and specific purpose grants of \$627,000.



Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect forward plans, identified programs of works, and are, in fact, Council's "**Reserves**". These Reserves totalled \$9.391 million and their purposes are more fully disclosed in Note 6 of the financial statements.

Unrestricted cash and investments amounted to \$156,000.

3.2 Cash Flows

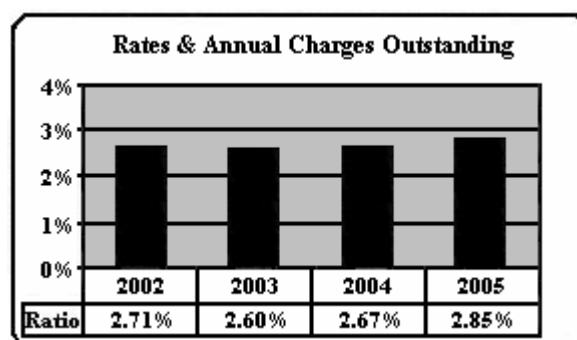
The Statement of Cash Flows illustrates the flow of cash moving in and out of Council during the year and reveals that Cash Assets increased by \$3.998 million to \$24.994 million at the close of the year. In addition to operating activities, which contributed net cash of \$14.535 million were the proceeds from the sale of assets (\$2.219 million) and new loans (\$1.600 million). Cash outflows other than operating activities were used to repay loans (\$2.155 million) and to purchase and construct assets (\$12.201 million).

4. RECEIVABLES

4.1 Rates & Annual Charges (excluding interest & extra charges)

Net rates and annual charges levied during the year totalled \$44.384 million and represented 61.89%. Including arrears, the total rates and annual charges collectible was \$45.548 million of which \$44.249 million (97.15%) was collected.

Arrears stood at \$1.299 million at the end of the year and represented 2.85% of those receivables.





SPENCER STEER

CHARTERED ACCOUNTANTS

4.2 Other Receivables

Receivables (other than Rates & Annual Charges) totalled \$4.039 million and include the proceeds due from the sale of property (\$1.280 million) and amounts due from government departments (\$640,000). Those considered to be uncertain of collection have been provided for as doubtful debts and this provision amounted to \$57,000.

5. PAYABLES

5.1 Employees Leave Entitlements

Council's provision for its liability toward employees leave entitlements and associated on costs amounted to \$6.253 million. A cash reserve of \$870,000 was held at year end representing 13.9% of this liability.

5.2 Deposits, Retentions & Bonds

Deposits, Retentions and Bonds held at year end amounted to \$4.242 million (2004 - \$3.586 million). A cash reserve of \$200,000 was held at year end representing 4.7% of this liability. Council should, in our opinion, consider increasing the funding of this liability to at least 20% or \$850,000.

6. NEW ACCOUNTING STANDARDS

Australia is currently preparing for the introduction of International Financial Reporting Standards (IFRS) for reporting periods beginning on or after 1 January 2005. The Australian equivalents to IFRS will be first reflected in Council's financial statements for the year ending 30 June 2006. Whilst the new accounting standards may have a significant impact on the reported results and financial position of some councils, we do not see any significant impact to Ku-ring-gai's financial results, cash flows or financial position. Current standards require the disclosure of the likely monetary impacts of the new standards had they been applied for the year ending 30 June 2005. These impacts are detailed in Note 1 to the financial statements.

7. CONCLUSION

We wish to record our appreciation to your General Manager and his staff for their ready co-operation and the courtesies extended to us during the conduct of the audit.

Yours faithfully,

SPENCER STEER

Chartered Accountants

N. MAH CHUT Partner



Special Purpose Financial Reports

For the year ended 30th June 2005

STATEMENT BY COUNCILLORS AND MANAGEMENT MADE PURSUANT TO SECTION 413(2)(C) OF THE LOCAL GOVERNMENT ACT 1993 (as amended)

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement “*Application of National Competition Policy to Local Government*”.
- Department of Local Government Guidelines “*Pricing & Costing for Council Businesses: A Guide to Competition Neutrality*”.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, the Reports

- Present fairly the Council’s operating result and financial position for each of Council’s declared Business Activities for the year, and
- Accord with Council’s accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in Accordance with the resolution of Council made on September 20, 2005.

Elaine Malicki
Mayor

Maureen Shelley
Councillor

Brian Bell
General Manager

John McKee
Responsible Accounting Officer



Ku-ring-gai Council

Statement of Financial Performance of Other Business Activities as at 30th June 2005

	TCCC		Art Centre		Trade Waste		Gordon Golf Course		Turramurra Golf Course		Tennis Courts		Pymble Pool		Nursery		Commercial Leasing	
	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005
EXPENSES FROM ORDINARY ACTIVITIES																		
Employee Costs	625	586	399	391	33	34	203	164	227	281	56	33			106	90	135	118
Borrowing Costs																		
Materials & Contracts	114	102	40	41	1,099	1,007	129	124	123	116	28	30	67	19	(29)	27		6
Depreciation	22	4	22	4			7		8		20	1	36		11			71
Other Operating Expenses	17	67	108	97		1	203	197	208	243	51	136	89	73	34	49	51	939
Loss on Sale of Assets																	258	
NCP Imputation Payments	103	95	121	115	154	130	73	61	76	80	387	431	21	10	111	121	53	142
Debt Guarantee Fee (if applicable)																		
Total Expenses from Ordinary Activities	881	854	690	648	1,286	1,172	615	546	642	720	542	631	213	102	233	287	497	1,276
REVENUE FROM ORDINARY ACTIVITIES																		
Rates & Annual Charges					281	429												
User Charges & Fees	637	641	407	405	906	1,058	566	648	840	860	351	329			134	136	541	490
Interest																		
Other Revenues from Ordinary Activities			5	7	90		113	208	20	24		3					1	
Grants & Contributions provided for Non-Capital Purposes	77	100					32											
Profit from Sale of Assets																		
Revenue from Ordinary Activities before Capital Amounts	714	741	412	412	1,277	1,487	711	856	860	884	351	332			134	136	542	490
Surplus (Deficit) from Ordinary Activities before Revenue for Capital Purposes	(167)	(113)	(278)	(236)	(9)	315	96	310	218	164	(191)	(299)	(213)	(102)	(99)	(151)	45	(786)
Grants & Contributions for Capital Purposes																		
Surplus (Deficit) from Ordinary Activities after Capital Amounts																		
Correction of Fundamental Error																		
Extraordinary Items	(167)	(113)	(278)	(236)	(9)	315	96	310	218	164	(191)	(299)	(213)	(102)	(99)	(151)	45	(786)
Surplus (Deficit) from all Activities Before Tax	(167)	(113)	(278)	(236)	(9)	315	96	310	218	164	(191)	(299)	(213)	(102)	(99)	(151)	45	(786)
Corporate Taxation Equivalent (30%) (based on surplus result before capital)							107	29	65	56							14	
Surplus (Deficit) After Tax	(167)	(113)	(278)	(236)	(9)	208	67	205	153	108	(191)	(299)	(213)	(102)	(99)	(151)	32	(786)
Dividend Payments					212	337	263	598	338		216	9,648				71	97	972
Surplus After Dividend Payment	(167)	(113)	(278)	(236)	(221)	(129)	(196)	(394)	(185)	108	(407)	(9,947)	(213)	(102)	(99)	(222)	(66)	(1,758)
Opening Retained Profits	562	521	716	756	6	(61)	2,633	2,510	2,252	2,143	10,562	10,542	699	664	1,241	1,271	2,274	2,262
<u>Adjustments for amounts unpaid</u>																		
- Taxation Equivalent Payments																		
- Debt Guarantee Levy																		
NCP Imputation Payment	103	95	121	115	154	130	73	61	76	80	387	431	21	10	111	121	53	142
Subsidy	23	2	197	1,189						289			157	394	18			
Closing Retained Profits	521	505	756	1,824	(61)	(60)	2,510	2,178	2,143	2,619	10,542	1,026	664	966	1,271	1,170	2,262	646
RETURN ON CAPITAL (%)	-28.6%	-19.6%	-35.8%	-12.8%			3.8%	14.2%	9.9%	6.2%	-1.8%	-28.5%	-32.1%	-10.6%	-8.3%	-12.8%	2.0%	-119.3%
SUBSIDY BY COUNCIL	(41)	(16)	40	1,068	(67)	1	(123)	(333)	(109)	477	(20)	(9,516)	(35)	302	30	(101)	(13)	(1,616)

This Statement is to be read in conjunction with the attached Notes.



Ku-ring-gai Council

Statement of Financial Position of Other Business Activities as at 30th June 2005

	TCCC		Art Centre		Trade Waste		Gordon Golf Course		Turramurra Golf Course		Tennis Courts		Pymble Pool		Nursery		Commercial Leasing	
	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005	Actual 2004	Actual 2005
CURRENT ASSETS																		
Cash Assets																		
Investment Securities																		
Receivables																		
Inventories																		
Other																		
TOTAL CURRENT ASSETS																		
NON-CURRENT ASSETS																		
Investment Securities																		
Receivables																		
Inventories																		
Other															91			
Property, Plant & Equipment	584	577	776	1,843			2,557	2,183	2,192	2,625	10,551	1,048	664	966	1,199	1,184	2,273	659
Investments Accounted for using Equity Method																		
TOTAL NON-CURRENT ASSETS	584	577	776	1,843			2,557	2,183	2,192	2,625	10,551	1,048	664	966	1,290	1,184	2,273	659
Total Assets	584	577	776	1,843			2,557	2,183	2,192	2,625	10,551	1,048	664	966	1,290	1,184	2,273	659
CURRENT LIABILITIES																		
Payables																		
Interest Bearing Liabilities																		
Provisions	22	21	11	10	14	10	13	3	17	3		4			6	5	3	7
TOTAL CURRENT LIABILITIES	22	21	11	10	14	10	13	3	17	3	3	4			6	5	3	7
NON-CURRENT LIABILITIES																		
Payables																		
Interest Bearing Liabilities																		
Provisions	41	51	10	9	47	50	34	2	33	2	6	18			13	9	8	6
TOTAL NON CURRENT LIABILITIES	41	51	10	9	47	50	34	2	33	2	6	18			13	9	8	6
NET ASSETS	521	505	755	1,824	(61)	(60)	2,510	2,178	2,142	2,620	10,542	1,026	664	966	1,271	1,170	2,262	646
EQUITY																		
Accumulated Surplus	521	505	756	1,824	(61)	(60)	2,510	2,178	2,142	2,620	10,542	1,026	664	966	1,271	1,170	2,262	646
Asset Revaluation Reserve																		
TOTAL EQUITY	521	505	756	1,824	(61)	(60)	2,510	2,178	2,142	2,620	10,542	1,026	664	966	1,271	1,170	2,262	646



Ku-ring-gai Council

Notes to and Forming Part of the Special Purpose Financial Reports for the Year Ended 30th June 2005

Significant Accounting Policies

1. The Special Purpose Financial Reports

These financial statements are a Special Purpose Financial Report prepared for use by the Council and the Department of Local Government. They have been prepared to report the results of Business Activities determined by Council in accordance with the requirements of National Competition Policy guidelines.

In preparing these reports, each Business Activity has been viewed as a separate unit, and accordingly transactions between different Business Activities, and between Business Activities and other Council operations, have not been eliminated.

2. Basis of Accounting

2.1 Compliance

The financial reports comply with the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual, and with the principles of the June 1996 NSW Government Policy Statement "*Application of National Competition Policy to Local Government*" and the Department of Local Government's July 1997 guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*".

Except where directed to the contrary by the above documents, the financial report also complies with all applicable Australian Accounting Standards, and is based on information consistent with that forming the basis of Council's Annual Financial Statements for the year.

2.2 Basis

The financial report has been prepared on the accrual basis of accounting and, except where specifically indicated in these Notes or in the Notes to the Annual Financial Statements, in accordance with the historical cost convention.

3. National Competition Policy

In accordance with the framework set out in the June 1996 NSW Government Policy Statement "*Application of National Competition Policy to Local Government*" and other guidelines and documentation in relation to this matter, Council has declared that the following are to be considered as Business Activities:

Thomas Carlyle Children's Centre

Comprising the whole of the operations and assets of Thomas Carlyle Children's Centre. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Unit.

Art Centre

Comprising the whole of the operations and assets of the Art Centre. As the total annual operating revenues are less than \$2,000,000, it is defined as a "Category 2" Business Activity.



Ku-ring-gai Council

Trade Waste

Comprising the whole of the operations and assets of Trade Waste. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

Gordon Golf Course

Comprising the whole of the operations and assets of Gordon Golf Course. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

Turramurra Golf Course

Comprising the whole of the operations and assets of Turramurra Golf Course. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

Tennis Courts

Comprising the whole of the operations and assets of Council’s Tennis Courts. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

Swimming Pool

Comprising the whole of the operations and assets of Council’s Swimming Pool. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

Plant Nursery

Comprising the whole of the operations and assets of Council’s Plant Nursery. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

Commercial Leasing

Comprising the whole of the operations and assets of Commercial Leasing. As the total annual operating revenues are less than \$2,000,000, it is defined as a “Category 2” Business Activity.

The Department of Local Government’s July 1997 guidelines “*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*” outline the process for identifying and allocating costs to activities and provide a standard of disclosure requirements. These disclosures are reflected in Council’s pricing and/or financial reporting systems and include taxation equivalents, council subsidies, rate of return on investments in Business Activities and dividends paid.

3.1 Taxation Equivalent Payments

The activities shown in the Statement of Financial Performance are considered to be Category 2 businesses and as such are not required to reflect any Taxation Equivalent payments.

3.2 Council Rates, Charges & Fees

Council rates have been *imputed* in relation to all non-rateable land, and *applied* in relation to all rateable land, owned or exclusively used by all Business Units. Annual and User Charges, and Regulatory and Other Fees, have been *applied* in relation to all services supplied to Business Units by Council or other Business Units.



3.3 Loan & Debt Guarantee Fees

There are no loans applicable to the business activities identified in the operating statement.

3.4 Income Tax

In accordance with the Code of Local Government Accounting Practice and Financial Reporting, income taxation has been calculated on the Operating Result before Capital Amounts disclosed in the Statement of Financial Performance of the Special Purpose Financial Reports. No allowance has been made for non-deductible items, timing differences or carried forward losses. Australian Accounting Standard AAS 3 “Accounting for Income Tax (Tax Effect Accounting)” has not been applied.

3.5 Dividends Paid

In accordance with National Competition Policy guidelines, it is expected that Business Activities will pay dividends to its owner, Council, equivalent to those paid by private sector competitors. In accordance with the Code of Local Government Accounting Practice and Financial Reporting, the rate of dividend paid has been expressed as a percentage of the Change in Net Assets Resulting from Operations after Taxation.

3.6 Return on Investments (Rate of Return)

The Policy statement states that Category 1 businesses “would be expected to generate a rate of return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field.” For competitive markets, the rate of return has been set equal to or better than the return on Commonwealth 10-year bonds. This policy has also been applied to Council’s Category 2 businesses.

In accordance with the Code of Accounting Practice, the rate of return has been calculated as the Operating Result before Capital Amounts plus Interest Expense expressed as a percentage of the carrying value of Property, Plant & Equipment at the reporting date.

3.7 Notional Subsidy from Council

Government policy requires that subsidies provided to customers and the funding of those subsidies must be explicitly disclosed. Subsidies occur where Council provides services on a less than cost recovery basis, or accepts a lower rate of return on its investment in the Business Unit than would be acceptable to a private sector competitor.

In accordance with the Code of Accounting Practice, this amount has been calculated as the dollar difference between the required and actual rates of return.

4. Other Accounting Policies and Notes

Other accounting policies relating to the determination of revenues and expenses, and assets and liabilities, not specifically referred to above are reported in Note 1 to the Council’s Annual Financial Statements, and should be read in conjunction with this Note.

5. Rounding

In accordance with the Code of Accounting Practice all amounts shown in the Financial Statements have been rounded to the nearest thousand dollars.



SPENCER STEER
CHARTERED ACCOUNTANTS

KU-RING-GAI COUNCIL
SPECIAL PURPOSE FINANCIAL REPORT
INDEPENDENT AUDITORS' REPORT SCOPE

We have audited the *special purpose financial report* of Ku-ring-gai Council for the year ended 30 June 2005, comprising the Statement by Council, Statement of Financial Performance of Business Activities, Statement of Financial Position by Business Activities and accompanying Notes to the Accounts. The financial statements include the accounts of the declared business activities of the Council. The Council is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the Council.

The special purpose financial report has been prepared for distribution to the Council and the Department of Local Government for the purpose of fulfilling the requirements of National Competition Policy reporting. We disclaim any assumption of responsibility for any reliance on this report or on the financial statements to which it relates to any person other than the Council or the Department of Local Government or for any purpose other than for which the report was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with those Australian Accounting Standards adopted and the Local Government Code of Accounting Practice and Financial Reporting so as to present a view which is consistent with our understanding of the business activities of the Council and their financial position and the result of their operations.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion, the special purpose financial report of the Council is presented fairly in accordance with the requirements of those applicable Accounting Standards detailed in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting.

SPENCER STEER

Chartered Accountants

N. MAH CHUT Partner

Dated at Sydney this 30th day of September 2005

Level 9, 60-70 Elizabeth Street Sydney NSW 2000 Telephone 02 9221 8933 Facsimile 02 9221 9011 Email: info@spencersteer.com.au
Liability limited by the Accountants Scheme, approved under the Professional Standards Act 1994 (NSW)



Ku-ring-gai Council

SPECIAL SCHEDULE No.1

NET COST OF SERVICES for the year ended 30th June 2005

\$'000

GOVERNANCE

ADMINISTRATION

Corporate Support
Engineering & Works
Other Support Services

PUBLIC ORDER & SAFETY

Statutory Contribution - Fire Service Levy
Fire Protection - Other
Animal Control
Beach Control
Enforcement of Local Govt Regulations
Emergency Services
Other

HEALTH

Administration & Inspection
Immunisations
Food Control
Insect/Vermin Control
Noxious Plants
Health Centres
Other

COMMUNITY SERVICES & EDUCATION

Administration
Family Day Care
Child Care
Youth Services
Other Families & Children
Aged & Disabled
Migrant Services
Aboriginal Services
Other Community Services
Education

HOUSING & COMMUNITY AMENITIES

Housing
Town Planning
Domestic Waste Management
Other Waste Management
Street Cleaning
Other Sanitation & Garbage
Urban Stormwater Drainage
Environmental Protection
Public Cemeteries
Public Conveniences
Other Community Amenities

EXPENSES FROM ORDINARY ACTIVITIES		REVENUES FROM ORDINARY ACTIVITIES			NET COST OF SERVICES	
Expenses	Group Totals	Non-Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
2,188		2			(2,186)	
	2,188			2		(2,186)
16,747		3,629			(13,118)	
1,431		531			(900)	
	18,178			4,160		(14,018)
1,887					(1,887)	
468		35			(433)	
103		79			(24)	
844		140			(704)	
54					(54)	
	3,356			254		(3,102)
344		59			(283)	
11		8			(3)	
98		296			198	
	453			363		(90)
305					(305)	
467		366			(101)	
1,676		1,607			(69)	
144		24			(120)	
190		12			(178)	
348		231			(117)	
299		157			(142)	
68					(68)	
	3,497			2,397		(1,100)
1,649		353			(1,296)	
7,895		9,081			1,186	
1,036		1,388			352	
772		(1)			(773)	
1,243		59			(1,184)	
671		102			(569)	
	13,266			10,982		(2,300)



Ku-ring-gai Council

SPECIAL SCHEDULE No.1 NET COST OF SERVICES for the year ended 30th June 2005

\$'000

EXPENSES FROM ORDINARY ACTIVITIES		REVENUES FROM ORDINARY ACTIVITIES			NET COST OF SERVICES	
Expenses	Group Totals	Non-Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
WATER SUPPLIES						
SEWERAGE SERVICES						
RECREATION & CULTURE						
Public Libraries	3,174	355			(2,819)	
Museums						
Art Galleries	527	419			(108)	
Community Centres		23			23	
Public Halls	969	482			(487)	
Other Cultural Services	248	51			(197)	
Swimming Pools	91	3			(88)	
Sporting Grounds	1,519	458			(1,061)	
Parks & Gardens, Lakes	4,583	4,817			234	
Other Sport & Recreation	1,544	2,954			1,410	
	12,655			9,562		(3,093)
FUEL & ENERGY						
Gas Supplies						
MINING, MANUFACTURING & CONSTR.						
Building Control	4,372	2,749			(1,623)	
	4,372			2,749		(1,623)
TRANSPORT & COMMUNICATION						
Urban Roads: Local	4,842	1,963			(2,879)	
Urban Roads: Regional						
Footpaths	648	107			(541)	
Aerodromes						
Parking Areas	473	553			80	
Bus Shelters & Services	1	683			682	
Water Transport						
RTA Works - State Roads						
Street Lighting	1,105	353			(752)	
Other	544	11			(533)	
	7,613			3,670		(3,943)



Ku-ring-gai Council

SPECIAL SCHEDULE No.1 NET COST OF SERVICES for the year ended 30th June 2005

\$'000

	EXPENSES FROM ORDINARY ACTIVITIES		REVENUES FROM ORDINARY ACTIVITIES			NET COST OF SERVICES	
	Expenses	Group Totals	Non-Capital Revenues	Capital Revenues	Group Totals	Net Cost	Group Totals
ECONOMIC AFFAIRS							
Commercial Nurseries	165		84			(81)	
Other Business Undertakings		165			84		(81)
Totals - Functions		65,744			34,208		(29,350)
General Purpose Revenues			37,511		37,511	37,511	
Share of Gain (Deficit) from Associates and Joint Ventures using Equity Method							
Correction of Fundamental Error							
Surplus(Deficit) from Ordinary Activities before Extraordinary Items							5,975
Extraordinary Items		65,744			71,719		
Surplus from all Activities							5,975



Ku-ring-gai Council

SPECIAL SCHEDULE No.2(a) **STATEMENT OF LONG TERM DEBT (ALL PURPOSES)** **For the Year Ended 30th June 2005**

Classification of Debt

LOANS (by source)

Commonwealth Government
Treasury Corporation
Other State Government
Public Subscription
Financial Institutions
Other

Total Loans

OTHER LONG TERM DEBT

Ratepayers' Advances
Government Advances
Finance Leases
Deferred Payment
Other

Total Other Long Term Debt

TOTAL LONG TERM DEBT

Principal Outstanding at Beginning of Year			New Loans Raised During the Year	Debt Redemption During the Year		Tfrs to Sinking Funds	Interest Applicable to Year	Principal Outstanding at End of Year		
Current	Non-Current	Total		From Revenue	Sinking Funds			Current	Non-Current	Total
2,154	9,696	11,850	1,600	2,154			671	1,541	9,755	11,295
2,154	9,696	11,850	1,600	2,154			671	1,541	9,755	11,295
2,154	9,696	11,850	1,600	2,154			671	1,541	9,755	11,295



Ku-ring-gai Council

SPECIAL SCHEDULE No.7 CONDITION OF PUBLIC WORKS as at 2004/2005

Asset Class and	Asset Category	Depr'n. Rate	Depr'n Expense	Cost	Valuation	Accum Depr'n	WDV	Asset Condition	Estimated Cost to bring to a Satisfactory Standard	Estimated Annual Maintenance Expense	Estimated Annual Capital Works	Program Maintenance Works for Current Year	Program Capital Works for Current Year
			\$'000	\$'000	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000	\$'000	\$'000
		Per Note 1	Per Note 4	Per Note 9					Per Section 428(2d)				
Public Buildings	Council Offices	2.5%	266	10,633		4,912	5,722	Fair	2,400	400	500	145	18
	Council Works Depot	2.5%	50	2,536		1,318	1,218	Fair	150	200	200	200	
	Council Halls	2.5%	153	6,132		3,891	2,241	Fair	1,200	150	200	125	
	Council Houses	2.5%	42	1,673		1,138	534	Fair	320	140	100	100	93
	Art Centre	2.5%	68	2,700		1,185	1,515	Good	750	200	100	10	
	Library	2.5%	311	12,442		4,794	7,648	Fair	400	150	120	23	
	Art Gallery	2.5%	18	705		484	222	Fair	150	100	150	188	
	Others	2.5%	532	21,429		12,668	8,761		1,200	100	150	450	
	Amenities Toilets	2.5%	100	3,986		2,160	1,826	Fair	500	200	100	250	10
	Sub Total Buildings		1,540	62,236		32,550	29,687		7,070	1,640	1,620	1,491	121
Public Roads	Sealed Roads								48,000	1,850	5,500	1,264	4,312
	Unsealed Roads												
	Sealed Rds Structure	1.0%	2,955	300,325		153,148	147,177						
	Bridges							Good	250	25	175		175
	Footpaths							Fair	1,950	830	365	780	365
	Cvcleways							Good	150	30	30		100
	Kerb & Gutter							Fair	1,500	175		175	
	Road Furniture							Fair	2,355	240	235	150	150
	Sub Total Roads		2,955	300,325		153,148	147,177		54,205	3,150	6,305	2,369	5,102



Ku-ring-gai Council

SPECIAL SCHEDULE No.7 (Cont'd) **CONDITION OF PUBLIC WORKS** **as at 2004/2005**

Asset Class	Asset Category	Depr'n. Rate	Depr'n. Expense	Cost	Valuation	Accum. Depr'n.	WDV	Asset Condition	Estimated Cost to bring to a Satisfactory Standard	Estimated Annual Maintenance Expense	Estimated Annual Capital Works	Program Maintenance Works for Current Year	Program Capital Works for Current Year	
		Per Note 1	\$'000	\$'000	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
		Per Note 4	Per Note 9						Per Section 428(2d)					
Water <														

Circular No. 05/26
Date 8 June 2005
Doc ID. 05/0412

Contact Susan Glasson
02 4428 4135
susan.glasson@dlg.nsw.gov.au

GOODS AND SERVICES TAX – COUNCIL COMPLIANCE REQUIREMENTS FROM 2004/05

The purpose of this circular is to advise councils of changes to the requirements for GST compliance. As you are aware from Circular 01/45, the current approach requires councils to have an independent GST review undertaken and a GST Audit Review Report prepared by an auditor and lodged with the department each year.

The approach for the 2004/2005 financial year and for all future years, is for councils to supply a certificate of confirmation to the department in place of the Audit Review Report. It is no longer mandatory for councils to have their auditors undertake a review of the GST systems, therefore reducing costs to councils. However a council may, at its own discretion, initiate an external review to support the process.

The first certificate will be for the period 1 July 2004 to 30 June 2005 and the due date will be 7 November 2005. For the years thereafter, the certificates will be for the period 1 May to 30 April. The certificate will be due by 1 June each year. The reason for the change in the date of the certificates is to enable the department to provide more accurate and current information to NSW Treasury. Attached to this circular is a certificate that meets these requirements.

The certificate is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer (if the Responsible Accounting Officer is not the General Manager).

Councils' responsibilities extend to developing and maintaining internal controls, which should ensure compliance and reduce the risk of cash flow issues and under/over payment of GST. Information on GST better practices can be obtained from the Better Practice Guide for Management of GST Administration, the Accompanying Workbook and GST and Grants (ATO NAT Number 7037-04.2004), which are available on the ATO website and the Audit Office website. A health check is provided in the Better Practice Guide and Workbook.



Garry Payne
Director General

Department of Local Government
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COUNCIL OF/COUNCIL OF THE CITY OF

GOODS AND SERVICES TAX CERTIFICATE

Payment of Voluntary GST 1 July 2004 to 30 June 2005

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by (name of Council) for the period 1 July 2004 to 30 June 2005.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on

.....
Mayor's Name
MAYOR

.....
Councillor's Name
COUNCILLOR

.....
General Manager's Name
GENERAL MANAGER

.....
Name
**RESPONSIBLE
ACCOUNTING OFFICER**

CAPITAL WORKS CARRIED FORWARD 2004/2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek endorsement from Council to carry forward the attached list of 2004/2005 projects into the current financial year.

BACKGROUND:

The attached list of projects was originally included in the 2004/2005 budget by formal resolution on 10 June 2004. Budgets voted for some works have not been fully spent and accordingly are requested to be carried forward into the current financial year.

Some projects were committed to be completed but work concluded after year end.

COMMENTS:

The total requested carried forward works is \$2,438,800 of which there is matching revenue in the amount of \$2,001,800. The net cost to Council is \$437,000.

RECOMMENDATION:

That Council approve the attached list of carried forward projects and that the net balance of \$437,000 be funded from working funds.

PURPOSE OF REPORT

To seek endorsement from Council to carry forward the attached list of 2004/2005 projects into the current financial year.

BACKGROUND

The attached list of projects was originally included in the 2004/2005 budget by formal resolution on 10 June 2004. Budgets voted for some works have not been fully spent and accordingly are requested to be carried forward into the current financial period.

Some projects were committed to be completed but work concluded after year end. Consequently this money needs to be carried forward to fund invoices for works completed.

COMMENTS

The total requested carried forward works is \$2,438,800 of which there is matching revenue totalling \$2,001,800 leaving a net total to be funded from general revenue of \$437,000.

Justification for each carried forward project request is attached. It is noted that some of these projects have been completed and whilst funds were committed in the last financial year, invoices have been raised in the current accounting period and as such funds are required to be carried forward to match expenditure.

A number of these projects were always scheduled to be undertaken over more than one year. At present only a small percentage of grant income for these projects has been physically received by Council and on this basis it has not been appropriate to commit these funds in advance without the surety that the income will be actually received.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

For the year ended 30 June 2005 Council has available working funds of \$468,000. The carried forwards which are funded from general revenue total \$437,000. Should Council approve the full list of carried forward works, working funds will be reduced to \$31,000.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have been consulted in developing the list of attached carried forward projects.

SUMMARY

For the year ended 30 June 2005 the total requested carried forward works are \$2,438,800 of which there is matching revenue in the amount of \$2,001,800, leaving a net total to be funded from general revenue of \$ 437,000.

This amount is able to be funded from Council's working funds balance of \$468,000. Should Council approve the full list of carried forwards works, working funds will be reduced to \$31,000.

RECOMMENDATION

- A. That Council approve the attached list of carried forward works.
- B. That the net balance of \$437,000 be funded from Council's available working funds.

Michael Lopez
Management Accountant

John McKee
Director Finance & Business

Brian Bell
General Manager

Attachments: Proposed List of Carried Forward Works - 540936

PROPOSED LIST OF CARRIED FORWARD WORKS

	Request to Carry Forward		
Departments	Expenditure \$	Income \$	Net \$
Community Services	125,900	109,900	(16,000)
Open Space	883,300	771,400	(111,900)
Planning & Environment	575,100	266,000	(309,100)
Technical Services	854,500	854,500	0
Total Projects	2,438,800	2,001,800	(437,000)

COMMUNITY SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100151 - Library Self-Checkers 2003/2004	Unexpended Grant	39,200	39,200	0	Awaiting upgrade of Spydus software before implementation of the self checkers.
100055 - A Non-User Survey of Ku-ring-gai Library	Unexpended Grant	31,500	31,500	0	State Library NSW grant funding project was delayed due to timing of the funding, it is expected to be completed in March 2006.
100064 - Special Purpose Grants 2004/2005	Unexpended Grant	39,200	39,200	0	State Library NSW grant funding project, the money will be used to pay for the costs of leasing the self checkers.
400010 - Centenary Of Local Government 2004/2005	General	16,000	0	16,000	Monies to be used to finalise research phase for Centenary of Local Government project.
Total Projects		125,900	109,900	16,000	

OPEN SPACE					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100016 - Sportsfield Refurbishment	Loan Reduction Reserve	253,700	253,700	0	Funds required for Queen Elizabeth Reserve. Tenderer appointed & project commenced.
100020 - Catchment Management	General	86,900	0	86,900	Funds required for completion of restoration works (Bushland) & stormwater off-take at Barra Brui. Outstanding invoices require payment. Project will be completed in September 2005.
100023 - Stormwater Trust Strategic Grant 2003/04	Unexpended Grant	62,300	62,300	0	Multi-year grant project. Project will be completed in December 2005.
100025 - Blackbutt Creek Stormwater & CEP 2003/04	Grant	25,600	25,600	0	Multi-year grant project. The project is completed, funds required to be carried forward for maintenance of devices.
100027 - Greenwood Quarry 2003/04	General	25,000	0	25,000	Funds will be needed for technical investigation works.
100028 - Sportsfield Refurbishment 2003/04	Loan Reduction, Section 94 & Sportsfield Reserve	209,600	209,600	0	Funds required for outstanding invoices at Barra Brui and also to complete the project. Expected completion in September 2005.
100031 - Noxious Weeds 2003/2004	Unexpended Grant	2,400	2,400	0	Grant project. This is an ongoing project till June 2006.

OPEN SPACE					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100037 - Noxious Weeds 2004/2005	Grant & Unexpended Grant	16,900	16,900	0	Grants awarded in 2005. This is an ongoing project expected to be finished by June 2006.
100045 - Integrated Catchment Restoration along	Unexpended Grant	68,000	68,000	0	Multi year grant funded project.
100061 - Bicentennial Park Picnic Area	Loan Reduction Reserve	46,000	46,000	0	Funds required to pay contractor for outstanding invoices. Project is almost complete.
100069 - Wildflower Garden Solar Panels	Unexpended Grant	8,000	8,000	0	Grant awarded in 2005. Funds are required to complete the project. Completion expected by end of first quarter 2005/2006.
100080 - North Turramurra Recreation Area 2003/04	Section 94	10,000	10,000	0	Brief has been issued as per Director's memo to Councillors. This is a Section 94 funded project.
100129 - Bushland Interface Project	Unexpended Grant	29,300	29,300	0	Multi year grant funded project. Scheduled completion in September 2005.
100152 - Cowan Catchment Ripa Wd Control 03/04	Unexpended Grant	15,100	15,100	0	Funds required for stage 3 of project. Scheduled completion in June 2006.

OPEN SPACE					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100155 - St Ives Tree Planting-Simhilt Settlement 03/04	Grant	23,800	23,800	0	Funds required for legal settlement. Final stage of planting being currently undertaken.
100188 - Maintenance of RTA Enviropod	Unexpended Grant	700	700	0	Funds are required to pay for outstanding invoices.
Total Projects		883,300	771,400	111,900	

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100005 - RDS Stage 2 - Traffic Studies	General & Contingency Reserve	89,700	41,000	48,700	Part of Stage 2 RDS town centres traffic studies ongoing invoices, project substantially commenced.
100021 - Heritage Item Assessment	General	80,000	0	80,000	Project commenced, consultant appointed, project due for completion in January 2006.
100146 - RDS Stage 2 - Public Domain / Landscape	General	55,300	0	55,300	Part of Stage 2 RDS town centres, project substantially commenced, it is an ongoing project.
100147 - RDS Stage 2 - Special Consultancy	General	12,000	0	12,000	Part of Stage 2 RDS, feasibility studies and other planning information.
100148 - RDS Stage 2 - Project Manager	General	45,900	0	45,900	Funding for Urban Designer input for town centre planning projects.
100035 - Ecological Endangered Community 2003/04	Contingency Reserve	20,000	20,000	0	Ecological assessment for the commencement of comprehensive Ku-ring-gai Local Government Plan.
100036 - Queen Elizabeth Reserve 2003/04	General	6,100	0	6,100	Funds required for site audit relating to Queen Elizabeth Reserve.

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100038 - Heritage DCP 2003/2004	General	43,000	0	43,000	Suggest funds to be carried forward as part of Ku-ring-gai wide comprehensive LEP.
100040 - Heritage UCA - Stage III 2003/04	General	12,800	0	12,800	Funds carry forward required to pay for two outstanding invoices for finalisation of project.
100041 - Mixed Use Commercial LEP 2003/04	General	12,700	0	12,700	Funds required as part of the RDS Stage 2 and Comprehensive LEP
100042 - SEPP65 Design Panel 2003/04	General	30,000	0	30,000	Awaiting Minister to appoint the Panel, funds then to be managed by Development & Regulations, for operation of the SEPP5 Panel.
100158 - RDS Stage II - Retail Study 2003/2004	General	49,400	0	49,400	Funds required for RDS Stage 2, two invoices were paid in July 2005, carry over the residual.
100159 - St Ives Conservat-100-102 Rosedale 03/04	Natural Environment Reserve	5,000	5,000	0	Required to pay funds already dispersed to Blue Gum High Forest Committee.
100043 - Special Area Studies Consultation2003/04	General	18,500	0	18,500	Funds required to pay outstanding invoices for these projects.

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100177 - Urban Design	General	45,000	0	45,000	Funds required to pay outstanding invoices for these projects and additional urban design consultants fees.
100178 - Economic Advice	General	40,000	0	40,000	Part of RDS Stage 2 town centre projects, awaiting building envelopes, FSR and other works to be finalised for Economic Feasibility testing.
100179 - Community Consultation	General	1,000	0	1,000	Partly overspent.
100186 - Interface Issues - Notice of Motion	General	8,700	0	8,700	Project invoices outstanding for total amount to completed study in September 2005.
100298 - Planning Reform Fund Program	Grant	0	200,000	(200,000)	Grant funding of \$200,000 awarded in July 2005 towards a staged approach to the comprehensive Ku-ring-gai LEP. This will be used to fund specific planning projects in the current financial year. Receipt of this funding is subject to finalisation of a memorandum of understanding from DIPNA.
Total Projects		575,100	266,000	309,100	

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100138 - Fiddens Wharf Rd	Footpath Reserve	15,000	15,000	0	Currently working on design. Project is expected to be completed by November 2005.
100143 - Kendall St	Footpath Reserve	50,000	50,000	0	Design completed, awaiting on contractor. Project is expected to be completed by November 2005.
100144 - Lady Game Drive	Footpath Reserve	50,000	50,000	0	Currently working on design. Project is expected to be completed by November 2005.
100165 - Kissing Point Rd	Footpath Reserve	45,000	45,000	0	Waiting on contractor. Project is expected to be completed by November 2005.
100166 - Yanko Rd	Footpath Reserve	28,000	28,000	0	Waiting on contractor. Project is expected to be completed by November 2005.
100167 - Bobbin Head Rd	Footpath Reserve	46,000	46,000	0	Waiting on contractor. Project is expected to be completed by November 2005.
100168 - Kiparra St	Footpath Reserve	19,000	19,000	0	Currently working on design. Project is expected to be completed by November 2005.

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100192 - Eastern Arterial Rd St Ives	Unexpended Grant & Loan Reduction Reserve	127,500	127,500	0	RTA grant received in June and work completed in July. RTA payment allowed until August 2005
100193 - Fox Valley Rd Wahroonga	Unexpended Grant & Loan Reduction Reserve	112,500	112,500	0	RTA grant received in June and work completed in July. RTA payment allowed until August 2005
100194 - Eastern Rd Turramurra	Unexpended Grant & Loan Reduction Reserve	35,000	35,000	0	RTA grant received in June and work completed in July. RTA payment allowed until August 2005
100039 - Werona Ave Underpass	Grant	73,700	73,700	0	Work carried over to be done with roadworks scheduled for 2005/2006.
100051 - 30 Warragal Rd Implemt Kerb Gutter 03/04	Loan Reduction Reserve	40,000	40,000	0	Work carried over to be done with roadworks scheduled for 2005/2006.
100170 - Bannockburn Rd - Traffic Program	Loan Reduction Reserve	50,300	50,300	0	Consultation undertaken and KTC approval. Design to commence.
100171 - Maxwell St - Traffic Program	Loan Reduction Reserve	10,000	10,000	0	Design currently underway.

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100173 - Pentecost Ave - Traffic Program	Loan Reduction Reserve	70,000	70,000	0	Consultation carried out. awaiting funding from RTA.
100057 - Access Works Council Chambers 2003/04	Loan Reduction Reserve	13,500	13,500	0	Development application plans currently being finalised.
100073 - Firs Estate Cottage 2003/2004	Property Reserve	53,400	53,400	0	Funds required to complete works.
100189 - Energy Australia - Kulgoa Avenue	Contribution To Works	15,600	15,600	0	Restoration work completed in July 2005. Energy Australia has provided funding.
Total Projects		854,500	854,500	0	

KU-RING-GAI ACCESS ADVISORY COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005.
BACKGROUND:	The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.
COMMENTS:	General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting including a request to write to the Member for Bradfield and Australia Post regarding the limited access to Gordon PostShop.
RECOMMENDATION:	That the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The Committee meets every two months.

COMMENTS

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting. The Committee discussed the limited access to the Gordon PostShop since they relocated to Gordon Centre Arcade approximately 12 months ago. The Committee has found that it is extremely difficult to access the post office from the Pacific Highway if a person is using a mobility aid. The Committee has requested that Council write letters to Australia Post and the Hon Dr Brendan Nelson, Member for Bradfield, highlighting the difficulties.

CONSULTATION

Representatives from all departments of Council have input in agenda items and provide reports to the Committee.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005 be received and noted.

Item 7

S02116
7 October 2005

- B. That Council write letters to Australia Post and the Member for Bradfield, highlighting the difficulties people with mobility aids have in accessing the Gordon PostShop.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community Services

Attachment: Minutes of 18 August 2005 - 541131

KU-RING-GAI ACCESS ADVISORY COMMITTEE
Held Thursday 18 August 2005 at 2.30pm
Ante Room Level 3, 818 Pacific Hwy, Gordon

MINUTES

Chairperson: Councillor Michael Lane
Minute Taker: Danny Houseas

1. Present/Apologies

Present:

Clr Michael Lane
Arthur Gillott
Loch Townsend
Heike Fabig
Eileen Lyons
Peter Chapple
Alan Faulkner
Simon Darcy

In Attendance

Martin Butcher
Danny Houseas
Tom Cooper
Philip Ambler

Apologies:

Cr Graeme Innes
Joyce Cribb
Ivan Cribb
Carol Harper

2. Confirmation of Minutes 23 June 2005

Moved that the minutes be accepted.

Confirmed and moved by Loch Townsend.

3. Business Arising

The Disability rights document attached to the minutes did not contain all the text.
Martin to resend the complete document to all members prior to next meeting.

4. Technical Services – Progress Report

a. Access to entrance of Council Chambers

Access Australia is working on detailed plans for the ramp. They have requested Council provide additional information including levels around the site.

5. Open Space – Progress Report

a. Bicentennial Park Playground Stage 2 progress report.

Due to wet weather/material delays, estimated time of completion now mid September.

- b. Open Space Capital Works Projects for 2005/2006 approved by Council 19 July 2005:
 - Playground refurbishment \$ 150,000
 - Sports field Capital Works \$1,125,000
 - Tennis Court Refurbishment \$ 62,000
- c. Barra Brui Oval: reconstruction/storm water harvesting currently under construction.
- d. Queen Elizabeth Oval: contract let, works to commence within a few weeks.
- e. St Ives Soccer Club: Toolang Oval Autistic team have applied for a Capital Assistance Grant to help build extensions to the Toolang Oval amenities building.
- f. Metropolitan Mid-week Dog Club (based at Primula Oval) have applied to Dept. Sport & Recreation for a Capital Assistance Grant to help with extensions/improvements with amenities/clubhouse building i.e. extended shade area, kitchen/storage improvements etc.

6. Planning and Environment Report

- a. Draft Development Control Plan 54 The Commercial Use of Footpaths, Plazas and Public areas update.
- b. St Ives and Turramurra Town Centre Master Plans

7. Development & Regulatory Services

- a. Update on new Standards for Access to Premises

Disability Standards Access to Buildings currently in draft form. Tom Cooper tabled a copy of the draft Standards for the Committee's information. The web address to obtain a copy of the Standards electronically is www.abcb.gov.au

- b. Australian Institute of Building Surveyors Conference

At a recent conference conducted by the Australian Institute of Building Surveyors they had presenters talk on aspects of disabled access.

The representative from the Australian Building Codes Board spoke of the varied standards between the DDA and the BCA, whereby the DDA standards were much higher than those of the BCA and that measures were in place to reduce the gap between them.

In 2002 the Department of Local Government and the Australian Building Codes Board conducted seminars across Australia on the Access Direction Report. The report was considered by the public sector, building industry and disabled associations.

Following public consultation, the draft Disability Standards for Access to premises (Buildings) has emerged. Access to the document on the web is www.abcb.gov.au. The Code section is written in the same form as the Building Code of Australia and when this document is approved and released, the information in the Code will be transferred to the BCA document for use by Council and the Building industry. The Regulation document is with the Minister but when it will be considered and released is unknown at this stage.

Part 4 of this document, Exemptions - introduces some interesting points. There is scope for considerable inconsistencies in the assessment of requests for exemptions. Maybe we need some standard criteria the applicant needs to provide so we all consider the same criteria. The other concern is who is a reasonable person? What a person considers unreasonable for an exception due to first hand or has a better understanding of the issues may be reasonable to others. Maybe our assessment officers need a greater level of exposure to the issues to have a better understanding of the needs of people with disabilities.

A disability consultant gave a slide presentation of good and bad examples of design that highlighted a number of areas where we as a Council could improve access in the public sector and spoke generally of meeting the requirements of Australian Standards 1428.

8. Community Services Report

a. Access Policy and DDA Action Plan Update

The Access Policy and DDA Action Plan has been on public exhibition for comment from June until 1 August 2005. There were no submissions received. Following the consideration by the Access Committee, the Policy will go back to Council for formal adoption.

b. Accessible Events Checklist

At the last meeting some errors were highlighted on pages 6 and 12 of the Accessible Events Checklist. The figures quoted have been checked against the Standards 1428.2 and changes made. Once considered by the Committee, the document will be made available on Council's website and all staff will be made aware of its existence. Consideration should be given to incorporating the access audit check list component as part of the development assessment process.

Human Rights Equal Opportunities Commission are currently in negotiation with MICE to develop an Australia wide document relating to accessible events.

9. Correspondence In:

- i. Ebru Sumaktas – Royal Blind Society – Blind Citizens Australia
- ii. Jane Bryce – Guide Dogs NSW/ACT Comments on DCP55
- iii. TAD Journal Vol 25 No. 1
- iv. INsite – Aged Care Industry Newsletter

- v. LINK Magazine
Martin Butcher tabled the various items of correspondence for the Committee's information and any appropriate action.

10. Correspondence Out:

- a. Jane Bryce – Guide Dogs NSW/ACT comments on DCP55.

11. General Business.

- a. Nominations for Committee

According to the Charter of this Committee, and in keeping with the Local Government Act, Council is required to call for nominations for community representation. In the next few weeks, nomination forms will be sent out to current members to re-nominate if they wish. This provides us with an opportunity to seek new members and encourage active committee members to continue their association with the Ku-ring-gai Access Advisory Committee.

- b. Access of Gordon PostShop. Response from the Manager of the Gordon PostShop has not been received.

Action: For Council to write a letter to the Member of Bradfield and copy to the Member of Berowra seeking their support in this matter.

That a letter be written to the Gordon PostShop Manager seeking their response to the issues raised by the Committee relating to access.

12. Guest Speaker – Simon Darcy from University of Technology, Sydney

Simon gave a brief introduction of his background and interest in the area of access. He spoke about his article in Para Quad Inaccessible Unacceptable. The article was written to try and put pressure and increase awareness among local members about access issues.

Simon is currently undertaking academic work on a cost benefit analysis of improving accessibility. Experience from the transport standards has demonstrated that low floor buses are the more cost effective option for operators. Simon encouraged the Council and the Access Committee to provide examples of beneficial access and make submissions to the relevant authority. Principle of visitability also needs to be reinforced with developers. Access to Premises Standards – need to make known to local members that it does not take into consideration of access issues for 2 to 3 storey residential building, and focuses primarily on costs.

Martin to send Simon Darcy an electronic copy of Council's DCP for Access.

Martin to send information to Antony Fabbro regarding Access to Premises Standards relating to 2 and 3 level residential buildings.

13. Date of next meeting: Thursday 20 October 2005

ENVIRONMENTAL LEVY COMMUNITY ADVISORY COMMITTEES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To recommend appointment to the Environmental Levy community advisory committees.

BACKGROUND:

A core area of Council's Environmental Levy was the ongoing involvement of the community in the planning, implementation and review of programs and expenditure. Three community based committees were identified to assist Council in the delivery of the Levy. These included Programs and Planning, Auditing and Community Grants.

COMMENTS:

Nominations were sought for each committee during July and August 2005. A total of 40 applications were received. These were assessed against a predetermined criteria to achieve a diversity and balance of skills and backgrounds.

RECOMMENDATION:

That Council support the 19 nominations as listed to the three community committees to assist in the delivery and review of the Environmental Levy.

PURPOSE OF REPORT

To recommend appointment to the Environmental Levy community advisory committees.

BACKGROUND

A key element in the development, support and approval of Council's Environmental Levy was the ongoing involvement of residents in its strategic direction, administration review and project delivery. Principally this involved the operation of three separate advisory committees, environmental programs committees, audit committee and small grants panel. The functions of each are summarised in the table below. As identified in the submission to the Department of Local Government, these committees would be established in a similar frame to the existing reference groups and would not constitute a formal advisory committee of Council pursuant to the Local Government Act 1993.

Committee	Role	Numbers Required	Duration
Programs	The role of the programs committee includes: strategic direction program development, promotion, marketing and consultation	8 people	3 years
Audit	The role of the community audit committee is to provide an independent auditing function on: finance, evaluation, process, program delivery, reporting and consultation	6 people	3 years
Small Grants	The role of the small grants panel is to select projects for funding under the small grants scheme and to evaluate the grants against stated aims and objectives	5 people	2 years

Following application by Council and the subsequent approval of the Levy by Minister of Local Government, nominations were sought from local residents for the three committees. Advertisements were placed in various papers and through other media avenues, as below, throughout late July and August 2005. Together with the nomination form, applicants received a copy of the terms of reference of the committees as was identified in the submission to the Minister for Local Government and Council (refer to attachment 2). Nominations were received up until 14th September 2005. The table below outlines the avenues of promoting the committees and the dissemination of the application forms.

Dissemination	Print	Hard Copies	Field days	Electronic
North Shore Times corporate and display advertisements	*			
Chinese Weekly	*			
Chinese Herald	*			
Sydney Observer	*			

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Council website	*			*
Council electronic publications including Out in the Open and Bushcare news	*			*
Council facilities such as libraries and Council Chambers foyer		*		
Various electronic data bases administered by Council		*		*
Community Services events and contacts including primary school newsletter, immunisation days and citizenship ceremonies		*	*	

COMMENTS

Evaluation of nominees for the committee was based on a predetermined criteria that sought a broad cross section of skills and experience. The evaluation process relied only on the information provided by nominees in their nomination form. The table below summarises the number of applications and specific criteria desired for each committee. It should be noted that many applications sought membership on more than one committee. Where appropriate individuals have been recommended to certain committees (as nominated) where their skills best complement the functioning of the committee in consideration with other potential members.

	Programs committee	Audit Committee	Small Grants
<i>Numbers of applicants</i>	22	9	9
<i>Number of positions</i>	8	6	5
Criterion			
Background (1).			
Environmental science	*	*	*
Engineering	*	*	*
Local government	*	*	*
Policy	*		
Planning	*		
Law	*	*	*
Social sciences	*		*
Auditing and accounting		*	*
Project review		*	*
Selection and evaluation			
Local knowledge	*		*
Independence	*	*	*
Research	*		*
Membership on existing advisory committees	*	*	*
Writing	*		
On ground project	*		*

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Note: 1 a broad cross section of professional backgrounds are sought for each committee to enable more sustainable and diverse decisions

Attachment 1 provides a list of the applicants and a recommendation for appointment to the various committees.

Attachment 2 provides terms of reference for each committee

CONSULTATION

Consultation and interest in the membership was sought via a number of means extending to local papers, webpage, electronic newsletters and contact, NESB papers and via Council events throughout the nomination period (refer to Background). Where individuals identified interest in participating in the levy through past consultative processes nomination forms were sent directly.

FINANCIAL CONSIDERATIONS

All administrative costs associated with the operation of the committees have and will be funded through the levy and will not have an impact on Council's operational budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Community Services and Planning were consulted on the development and implementation of this report.

SUMMARY

It is recommended that the following residents be appointed to the Environmental Levy committees, as below:

Small Grants Committee

John Mack, Mark Taylor, Robert Whittaker, Andrew Pitman, Margaret Booth

Audit Committee

Irena Sprey, Ross Symons, Kenneth Burchell, Richard Boele, Peter Wilkinson, Susan Israel

Programs Committee

Ross Peacock, Elizabeth Deane, John Balint, Breville Johnson, Nancy Pallin, Harley Wright, Alexander Horn, Eija Roti

RECOMMENDATION

- A. That the report be received and noted.
- B. That Council send an offer of appointment to individuals identified.
- C. That the offer of appointment identifies the expected commitments and expectation as exist for the current Reference Groups.

Peter Davies
**Manager Sustainability &
Natural Environment**

Steven Head
Director Open Space

Attachments: **1. Environmental Levy Advisory Committee - Small Grants - 539764**
 2. Terms of Reference - 539630

Environmental Levy Advisory Committee - Small Grants

Text in bold print denotes skills required for that committee

** Denotes applicant applied for more than one committee*

Name	Experience	Benefits	Recommended	Gender
John Mack	Experience with government policy guidelines Experience with advisory committees experience with Assessing applications Selection and evaluation Auditing skills	<i>Understanding of the watchful eye of spending producing outcomes</i>	yes	m
Mark Taylor*	Best programs for the community review skills on community meetings Writing skills Extensive experience with a range of environmental projects Experience with issues, pressures and challenges in local government extensive skills in geomorphology, geology and research	<i>Extensive suitable skills and contacts</i>	yes	m
Robert Whittaker	Experience in appraising and reviewing projects in a committee Biological Sciences Local knowledge with bush regeneration	<i>CSIRO background weed cd for Peter Clarke Volunteer Bush regeneration</i>	yes	m
Andrew Pitman	Sound decision making within local council guidelines extensive grant assessment experience Project review Experience in Environmental Science	<i>Strong ability to assess the scientific credibility</i>	yes	m
Margaret Booth*	Experience with Council's committee Local knowledge Environmental passion Experience with grant funding Social Science	<i>Good local knowledge with community involvement On ground projects</i>	yes	f
Irena Sprey*	Experience with environmental programs that may work or not	<i>Suitable for audit</i>	no	f

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Garry McGann*	No bias or interest groups	<i>Experience with sales</i>	possible	m
Susan Israel*	Master of law and Management Experience in the public sector monitoring and approving projects	<i>Human Resources Manager for govt department "Docs" Experience with juvenile justice and equal opportunities Suitable for audit</i>	no	f
Eija Roti*	Solicitor and knowledge of the public sector	<i>Skills in review and analysis Policy advisor in the public system. Suitable for programs</i>	no	f



Environmental Levy - Audit Committee

Text in bold print denotes skills required for that committee

** Denotes applicant applied for more than one committee*

Name	Experience	Benefits	Recommended	Gender
Irena Sprey*	Extensive auditing experience as quality assurance manager	<i>experience with AUSBAL (Australian Strawbale Builders Association) Broad knowledge of environmental projects that work</i>	yes	f
Ross Symons*	Local government strong skills in accounting ,financial and administration management Committee member for administration of Kimbriki Tip	<i>very experience with local issues Local resident for 21 years Environmental issues with the tip site</i>	yes	m
Kenneth Burchell	Finance manager at Hornsby Council experience in local government 40 years financial experience auditing	<i>Bushcare volunteer convenor Involvement in Hornsby Environment levy Appreciation of both sides</i>	yes	m
Richard Boele	Own business with skills such as social auditing reviewing assessing non financial performance	<i>President of social ethical accountability may complement accountants nicely Check website Banarra.com (social accountability)</i>	yes	m
Peter Wilkinson	Environmental audit Reviews and audits Environmental management planning Monitoring and research projects	<i>Familiar with a variety of Council programs with a community and environmental focus</i>	yes	m
Susan Israel*	Master of law and Management Experience in the public sector monitoring and approving projects No alliance with any groups	<i>Human Resources Manager for govt department "Docs" Experience with juvenile justice and equal opportunities Consultative agreements and contract drafting</i>	yes	f

Environmental Levy

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Alexander Horn*	Extensive local state and federal government experience Experienced engineer	<i>Ku-ring-gai amateur swim club contacts already doing consultants work for Ku-ring-gai</i> <i>Suitable for programs</i>	no	m
Mark Taylor*	Extensive experience in environment programs Budgetary skills regarding research projects	Good working relations with Ku-ring-gai <i>Suitable for small grants</i>	no	m
Eija Roti*	Solicitor and knowledge of the public sector	<i>Skills in review and analysis Policy advisor in the public system.</i> <i>Suitable for programs committee</i>	no	f



Environmental Levy Advisory Committee - Programs

Text in bold print denotes skills required for that committee

** Denotes applicant applied for more than one committee*

Name	Core Skill Set	Benefits	Recommended	Gender
Dr Ross Peacock	20 years of Natural Resource Management Experience with local government agencies and their policies Administration and auditing Broad background in environmental policies and programs Committee procedures and evaluating funding applications	<i>Experience with committee procedures Bush regeneration with Hornsby Council</i>	yes	m
Professor Elizabeth Deane	Environmental and Fauna scientist High degree of Local area knowledge Budgetary ,accounting skills Strategic decision making	<i>Macquarie University contacts Habitat and fauna management Organising skills Developed Associate diploma in Environmental Science and Management Researcher in immune function and disease in marsupials and others with national Parks</i>	yes	f
John Balint	Ku-ring-gai Bushcare Association member Engineering experience Bush Regeneration experience in council committees	<i>Good local knowledge of bushland problems</i>	yes	m
Breville Johnson	AMP property executive Property related qualifications Skills with junior cricket and rugby Involved with junior chamber of commerce	<i>President and life member of St Ives junior cricket Gordon Rugby-selector President of Barker College cricket club</i>	yes	m
Nancy Pallin	Local knowledge Suitability of programs Experience in local Council Experience in advisory committees Extensive on ground experience	<i>Interested in terrestrial habitats for invertebrates</i>	yes	f

Environmental Levy

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Harley Wright	Extensive experience in Middle harbour bushland Papers on the effects of storm water Catchment management skills Local experience Experience on Advisory committees	<i>Author of various papers on weeds in bushland and the effects of urban storm water</i>	yes	m
Alexander Horn*	30 years in environmental engineering issues Strong community environmental focus Extensive local environmental knowledge Extensive environmental practical knowledge Extensive local, state and federal government experience	<i>Long history with Ku-ring-gai amateur swim club-keen to improve quality of water</i>	yes	m
Eija Roti*	Solicitor Environmental Law Bushwalker Experienced with committees Experience with community needs assessments	<i>Skills in review and analysis Policy advisor in the public system.</i>	yes	f
Gerard Hosier	Sticking to the management plan Media experience Strategic thinker Sustainable ,Enforceable Viable, affordable	<i>Education faculty of UTS President of United Nations Society</i>	possible	m
Ian Mclean	Project management Experience with Council DCP LEP and Das No bias to any local environmental groups experience at getting results at committees	<i>Justice of the peace Desire to halt degradation</i>	possible	m
Ross Symons*	Experienced local resident ensures open accounting assessing and communicated 41 years of local government admin and management	<i>Justice of the peace Experience with Warringah Suitable for audit committee</i>	possible	m
Garry McGann*	No bias or interest groups experience in financial planning	<i>Not having environmentally focussed background Recently retired</i>	possible	m



Environmental Levy

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Janette Langely	High degree of local knowledge Symbiotic relations Interests in Bush regeneration and storm water issues	<i>Botanists</i> <i>Bush walking</i> <i>passionate</i>	no	f
Daniel Davis	Senior Marketing executive Business skills -Strategic planning and project management Review proposals	<i>young family</i> <i>enjoy natural environment keen for sustainable programs benefiting generations to come</i>	no	m
Dr John Mack*	Chaired the academic board at Sydney University Experience board and committee member	<i>Keen for clear strategic direction</i> <i>Suitable for small grants</i>	no	m
Irena Sprey	Civil engineer Commitment to conservation Understanding economics vs environment	<i>OS experience</i> <i>Australia's founding member of Strawbale builders association</i> <i>Suitable for audit</i>	no	f
Naida Wills	Experienced local resident Experience with Cudgegong Catchment Committee	<i>Private Land Weedbuster Award winners 2003</i> <i>Bushcare individual</i>	no	f
Beryl Anderson	Local resident for 30 years Active member for companion animal advisory committee Active bush observer	<i>"Others" opinion</i> <i>companion animal</i>	no	f
Margaret Booth*	Experience with council environment Advisory committee environmental passion including the community	<i>Primary schools skills</i> <i>suitable for small grants</i>	no	f
Colin Field	Experience in wetland ecology Sydney Olympic Park Experience with Scientific organising committee	<i>Professor at UTS</i> <i>Contractor for Olympic park</i>	no	m
Len Goulding	Architect Justice of the Peace	<i>Experience in the building industry for 30 years</i>	no	m
Susan Israel*	Solicitor with knowledge of the public sector	<i>Managerial experience in a legal role. Suitable for audit committee</i>	no	f

Environmental Levy Advisory Committees

About the Levy

From 1 July 2005, Ku-ring-gai residents will pay a 5% special rate increase known as the Environmental Levy. The Levy was approved by the Department of Local Government in June for a period of seven years, and will cost the average ratepayer less than \$50 per year.

The introduction of the Levy comes in response to the high level of community concern for Ku-ring-gai's environment which had been identified in recent Council research. In particular, residents wanted to see greater protection and management of Ku-ring-gai's biodiversity and tree canopy, and to reduce the adverse impacts of development.

Valued at over \$1.7m per year, the Levy will fund Council's Environmental Management Program, boosting current efforts to conserve and improve Ku-ring-gai's highly valued natural environment including waterways, urban bushland, parks and reserves.

Advisory Committees - We Need You

Ku-ring-gai residents have the opportunity to be included in the management of the Environmental Management Program.

Three resident-based advisory committees, are being established, each with a specific function.

Through the committees, community members can have a direct input into the decision-making, review and audit processes to ensure a high degree of transparency and accountability.

The committees will meet twice per year. This frequency is to minimise the costs, time and efforts for members and Council. Where necessary, and as determined by themselves, smaller working groups can be formed and relevant information distributed to members.

The Committees

There will be three resident-based advisory committees established:

1. Environmental Programs Committee - eight (8) residents to direct, develop, and promote programs and consultation. The term of appointment will be up to three (3) years.
2. Community Audit Committee - six (6) residents to independently audit the programs' finance, delivery, process and consultation. The term of appointment will be up to three (3) years.
3. Small Grants Panel - five (5) residents select and evaluate projects for the Small Grants Scheme. The term of appointment will be up to two (2) years.

Committee Membership

It is important that the advisory committees are representative of all Ku-ring-gai residents and not biased towards key interest groups. To enable this process, membership is open to all residents. Applicants will be asked to demonstrate their interest, knowledge and experience where appropriate. Nominees will be selected by Ku-ring-gai Council.

Resources

The Environmental Levy will pay for the resources needed by these groups. Funding may cover catering, document preparation, training, travel, advertising and management support. Council staff will support the committees by providing reports, information, and meeting minutes, similar to current Reference Group practices.

Resourcing the committees is a relatively minor cost in the overall program, and will provide a cost-effective and efficient way to have ongoing community representation.



Some of the currently proposed programs for 2005/2006 are:

Stormwater harvesting
Lindfield Soldiers Oval
Integrated drainage
Ormonde Parade
Roseville Chase
Regeneration & revegetation
Browns Field
Browns Forest
Duffys Forest
Sheldon Forest
The Glade
Creek restoration
Coups Creek
Stoney Creek
Gross pollution control
Blackbutt Creek
Canoon Road
Du Faur St wetland
Bushland outlet protection
Middle Harbour
Cowan Creek
Lane Cove



For more information or to register your interest, contact Council's Customer Service Centre on 9424 0770 or send an email to: kmc@kmc.nsw.gov.au. Information and applications forms are also available from Council's website at www.kmc.nsw.gov.au

Environmental Levy Advisory Committees

Committee Information



Environmental Programs Committee

Function

The role of the Environmental Programs Committee includes:

- Strategic direction
- Program development
- Promotion and marketing
- Consultation

Membership

1. Membership is open to all residents
2. There will be a maximum of eight (8) residents on the Committee
3. Nominations will be sought every three (3) years
4. Nominees will be asked to demonstrate their interest, relevant expertise and experience for membership.

Selection will be determined by Council and Council staff.

The Environmental Levy Advisory Committee needs to represent a cross-section of residents and not be biased towards key interest groups.

Frequency

The Environmental Levy Advisory Committee will meet twice per year to plan for new projects contributing to the draft Management Plan.

Community Audit Committee

Function

The role of the Community Audit Committee is to provide an independent auditing function on:

- Finance
- Program delivery
- Evaluation
- Reporting
- Process
- Consultation

Membership

1. Membership is open to all residents. Those with broad experience in auditing, evaluation, community service or environmental management are particularly encouraged.
2. There will be a maximum of six (6) residents on the Committee
3. Nominations will be sought every three (3) years
4. Nominees will be asked to demonstrate their interest, relevant expertise and experience for membership.

Selection will be determined by Council and Council staff.

The Community Audit Committee needs to represent a cross-section of residents and not be biased towards key interest groups.

Frequency

The Community Audit Committee will meet twice per year to evaluate projects and prepare the Management Plan for the following year.

Small Grants Panel

Function

The role of the Small Grants Panel is to select projects for funding under the Small Grants Scheme, and to evaluate the grants against stated aims and objectives.

Membership

1. Membership is open to all residents
2. There will be a maximum of five residents on the Panel
3. Nominations will be sought every two (2) years
4. Nominees will be asked to demonstrate their interest, relevant expertise and experience for membership.

Selection will be determined by Council and Council staff.

The Small Grants Panel needs to represent a cross-section of residents and not be biased towards key interest groups.

Frequency

The Small grants panel will meet twice per year to determine grant applications, assess the progress and results of funded projects, and report to the Community Audit Committee.



For more information or to register your interest, contact Council's Customer Service Centre on 9424 0770 or send an email to: kmc@kmc.nsw.gov.au. Information and applications forms are also available from Council's website at www.kmc.nsw.gov.au

Environmental Levy Advisory Committees

Nomination Form

This form can be filled out electronically by entering text into the pale boxes then emailed to envirolevy@kmc.nsw.gov.au. Nominations will also be accepted via fax on 9424 0880 or via post addressed to Environment Levy Nomination, Ku-ring-gai Council, Locked Bag 1056 PYMBLE NSW.

Your full name:	
Address:	
Email Address:	
Contact Phone:	



Which Committee/s are you nominating for?

- ☐ Community Audit Committee
- ☐ Environmental Programs Committee
- ☐ Small Grants Panel

For each committee you are applying for, please list relevant interests, experience and skills.

Community Audit Committee

Why do you want to be on this committee?	
What skills, knowledge and experience can you bring to the committee?	



For more information, contact Council's Customer Service Centre on 9424 0770 or send an email to: kmc@kmc.nsw.gov.au. Information and applications forms are also available from Council's website at www.kmc.nsw.gov.au

Environmental Levy Advisory Committees

Nomination Form



For each committee you are applying for, please list relevant interests, experience and skills.

Environmental Programs Committee

Why do you want to be on this committee?	
What skills, knowledge and experience can you bring to the committee?	

Small Grants Panel

Why do you want to be on this committee?	
What skills, knowledge and experience can you bring to the committee?	

If you need more room, please attach more pages to this nomination form but make sure to include your name and which committee/s you are applying for.

Please post this form to : Environment Levy Nomination - Ku-ring-gai Council
Locked Bag 1056, Pymble NSW 2073
Fax: 9424 0880 Email: envirolevy@kmc.nsw.gov.au

INTERFACE SITES BETWEEN MEDIUM DENSITY (2D3) SITES AND SINGLE DWELLINGS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the planning consultants report on sites at the interface with medium density 2(d3) zones and single dwellings.
BACKGROUND:	Council on 23 November 2004 resolved to engage a consultant to investigate the implications of medium density residential development in 2(d3) zones on dwelling houses sited on adjoining land. This was with a view to providing recommendations on options for minimising interface issues as they impact on single residential development. The consultants report has been received. It addresses each of 78 sites and provides a recommendation for each. For some sites a rezoning action is proposed, for others no action is recommended.
COMMENTS:	The consultants Interface Sites Study has examined each of the sites and considers issues including topography, streetscape, amenity and overshadowing. Recommendations for any future actions have been made after considering these matters as they relate to each site. However, consideration has also been given to ensuring that any action, such as rezoning, does not merely transfer problem issues to other adjoining sites.
RECOMMENDATION:	That Council resolve to prepare a Draft Local Environmental Plan in respect of nominated sites at interface locations for their rezoning. That nominated heritage items at interface locations be the subject of a re-assessment of their heritage status within their potential future context, before determining whether they should be included in any new Draft Local Environmental Plan.

PURPOSE OF REPORT

To consider the planning consultants report on sites at the interface with medium density 2(d3) zones and single dwellings.

BACKGROUND

1. The Minister's gazettal of Local Environmental Plan No 194 (LEP 194), made provisions which allowed for up to 5 storey development to occur in all medium density zoned residential land covered by the Plan. This was not in accordance with Council's intent for a hierarchy of medium density zones which would generally mitigate the scale of potential development where it adjoined single residential zones (dwelling houses).

Council has recognised the possible impacts associated with the gazetted form of LEP 194 on adjoining residential dwelling house development. With this in mind Council resolved to investigate the potential impacts with a view to providing solutions where appropriate. Council resolved on 23 November 2004 to adopt the Notice of Motion of Councillor Bennett which read:

- A. *That a consultant be employed to make recommendations to Council on options for handling the interface issues between properties zoned single residential and those zoned for apartments under LEP 194 or LEP 200.*
- B. *That such options include (but not be limited to):*
 - *rezoning of neighbouring properties to permit townhouse and/or villa development*
 - *rezoning of neighbouring properties to permit unit development*
- C. *That the key objective be to minimise interface issues and ensure an appropriate buffer between single residential zones and medium density zones.*
- D. *That the consultant's investigation be limited to properties on the interface which share a common boundary and common street frontage. The consultant should not look at properties where the common street frontage is the Pacific Highway.*
- E. *That funds available for the Consultancy study be limited to \$15,000.*

2. Council engaged planning consultants "Habitation" to undertake the study of the sites which were identified under the terms of Council's resolution. This included approximately 20 heritage items. The sites specifically identified for investigation are listed hereunder. It is to be noted that in some instances adjoining sites not identified by the terms of Council's resolution, are necessarily linked and have been considered in the consultant's assessment.

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In analysing each site the consultant assessed a range of issues. This included assessment of the potential impact on the interface sites by development on adjoining 2(d3) zoned lands in terms of amenity and streetscape. The suitability of the interface site for potential rezoning / redevelopment (as a response to the impact of adjoining 2(d3) development) was also assessed.

The consultant's report sets out the process of analysis undertaken in the following terms:

“ASSESSMENT OF IMPACT

AMENITY CRITERIA

- a. *Will the 2(d) development create an undesirable overshadowing impact.*
- b. *Are there potential privacy / overlooking issues that are unresolvable if the site is to remain in its current state.*
- c. *Scale. Will the adjoining 2(d3) development be “imposing” on the subject site due to changes in level, site geometry or location of existing dwelling.*

STREETSCAPE

- a. *Is redevelopment of the subject site desirable to maintain streetscape consistency.*
- b. *Will the redevelopment of the site provide a needed transition zone in terms of a “stepping” streetscape.*
- c. *Does the redevelopment of the site enable “completion” of a streetscape.*
- d. *What is the heritage impact. Does redevelopment of the 2d(3) sites result in a reduction of the heritage significance of the heritage item. Can adequate curtilage be provided to ensure the significance of the heritage item is maintained.*

SUITABILITY OF SITES FOR RE-DEVELOPMENT

If the impact in terms of amenity or streetscape is considered undesirable the subject sites were assessed as to whether they are suitable for future development. The following issues were assessed:

- a. *SLOPE: is the topography of the site suitable for re-development. Townhouse style developments are suited to flatter site, while apartments can be constructed on steeper sites. Steep sites have higher construction costs and a greater environmental impact. Will the slope cause overshadowing or scale impacts on adjoining properties.*
- b. *IMPACT ON ADJOINING SITES: Does redevelopment of this site simply push the problem further down the street.*
- c. *SIZE and GEOMETRY: is the size of the adjoining property adequate to provide efficient and feasible development. Do further sites need to be amalgamated. Further, will a development of this site be able to satisfy the relevant planning instrument objectives and controls.*

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- d. *VEGETATION: Is there any significant vegetation on the subject site, will this interfere with future development on this site.*
- e. *ADJOINING HERITAGE ITEM: Is the site a heritage item or adjacent to a heritage item. Will development of the subject site reduce any heritage significance.*

If the subject site meets the above criteria, a recommendation of the most suitable form of redevelopment to resolve the amenity and streetscape issues created by the 2(d3) zoned sites is made.

COMMENTS

1. The sites identified for examination in the current interface sites study were not individually determined by Council. Their selection arose from the application of the criteria set down in Council's resolution of 14 December 2004. The exceptions are 1574 and 1578 Pacific Highway discussed below. Council has also subsequently resolved that 4A, 10, 14A and 16A Stanhope Road, Killara be investigated and this will be separately considered later.

Upon investigation a large proportion of the sites were not considered appropriate for rezoning. The basis for this firstly depends on the degree to which the site may be impacted on by future 2(d3) zoned development. Then, if adversely impacted the suitability of the site for development, needed to be considered, whilst having regard for the potential impact of this development on remaining residential areas.

2. The consultant's report recommends that some sites be rezoned as either 2(d3) or to a new 3 storey zoning. Some of the 3 storey sites were seen as more appropriate for 2 storey townhouses (plus attic level) than for 3 storey unit development. (Some analysis will need to be undertaken as to how this will be fitted within the provisions of the State Government's new Draft Local Environmental Plan template). In respect of the sites recommended for rezoning there are two for which additional planning comment is particularly made as follows:

- 11 Woniara Avenue, Wahroonga

This site has been recommended to be rezoned to 2(d3). Since the interface sites study was commissioned No 11 Woniara Avenue has been the subject of a separate resolution of Council to prepare a Draft Local Environmental for its rezoning to 2(d3). As a consequence this site need not be the subject of any resolution to rezone it and is therefore not dealt with in the recommendation to this report.

- 1574 and 1578 Pacific Highway, Warrawee

This composite site comprises a battleaxe lot with dwelling (No 1578) and a second property (No 1574) which is a heritage item. Both properties are abutted by 2(d3) lands (Meriton site) to the north, as well as to the west of No 1578. These properties have direct frontage to the Pacific Highway and technically do not fall within the parameters

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of Council's resolution setting the sites for investigation. A planning submission was submitted on behalf of the owners. In the circumstances Council's consultant was instructed to examine the sites. The consultants recommendation that these sites be considered for rezoning not exceeding 3 storeys could be supported in a 2 storey plus attic format with the adaptive use of the heritage item.

Note: The inclusion of this site for consideration has been notified to Councillors in information previously provided.

3. Special consideration needs to be given to 4B and 8 Finlay Road, Turramurra. These sites adjoin the Finlay Road, Lamond Drive and Duff Street Precinct, which is proposed to be the subject of nominated area controls. This precinct is soon to be the subject of a separate report to Council. It is recommended that the status of 4B and 8 Finlay Road be deferred pending Council's consideration of nominated area controls for the adjoining land.
4. The planning consultants rezoning recommendations for the abovementioned sites are considered to warrant amendment in the manner discussed.

CONSULTATION

There has been no consultation with other authorities in respect of the consultant's report. There would be a need for future consultation under the provisions of Section 62 of the Environmental Planning and Assessment Act if Council resolves to prepare a Draft Local Environmental Plan.

There have been several progress presentations of the draft interface sites study by the Planning Consultant to Council's Planning Committee with an initial presentation on 29 June 2005 and the latest on the 13 September 2005. All affected property owners have been notified of the interface sites study and advised of its intended consideration by Council at its meeting on the 18 October 2005.

FINANCIAL CONSIDERATIONS

Council, when resolving that the interface study be undertaken resolved a budget of \$15,000 for consultant fees. The consultant's report has been undertaken from this budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Council resolved that a consultant be engaged to undertake a review of identified interface sites with a view to making recommendations for minimising interface issues. The consultant's report is

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to hand and makes certain recommendations for the rezoning of some lands whilst others are recommended to remain unchanged.

The rezonings where recommended are either based on the existing 2(d3) zone or a new medium density zone with a 3 storey height limit. In some instances development within this zone is proposed to be limited to townhouse style development of 2 storeys plus attic.

The consultant's recommendations that rezoning be undertaken in respect of certain nominated sites can be supported.

RECOMMENDATION

- A. That Council receive and note the Interface Sites Report dated 15 August 2005 prepared by "Habitation".
- B. That no change in zoning be made to the following sites:

Non Heritage Items

92 Coonanbarra Road, Wahroonga
 10 Woniora Avenue, Wahroonga
 10 Warwilla Street, Wahroonga
 2 Womerah Street, Turramurra
 8 Warrangi Street, Turramurra
 3 Warrangi Street, Turramurra
 15-17 Woonona Avenue South, Wahroonga
 6 Woodville Avenue, Wahroonga
 2b Winton Street, Warrawee
 4 Lowther Park Avenue, Warrawee
 1A Duff Street, Turramurra
 30 Turramurra Avenue, Turramurra
 37 Gilroy Road, Turramurra
 5 Duff Street, Turramurra
 3 Wonga Wonga Street, Turramurra
 1 & 3 Nulla Nulla Street, Turramurra
 9 Telegraph Road, Pymble
 14A and 16B Park Crescent, Pymble
 10,12, 12A Bobbin Head Road, Pymble
 7 Bannockburn Road, Pymble
 7 Livingstone Avenue, Pymble
 6-8 Pymble Avenue, Pymble
 2 Khartoum Avenue, Gordon
 33 McIntyre Street, Gordon
 19-21 Dumaresq Street, Gordon
 7 Moree Street, Gordon
 21 Moree Street, Gordon
 4 Bushlands Avenue, Gordon
 7 Yarabah Avenue, Gordon

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4 Yarabah Avenue, Gordon
5 Cecil Street, Killara
5 Powell Street, Killara
9 & 11 Powell Street, Killara
18 Marian Street, Killara
2 Killara Avenue, Killara
3 Killara Avenue, Killara
1 Stanhope Road, Killara
20 Stanhope Road, Killara
1A Fiddens Wharf Road, Killara
5 Killara Avenue, Killara
8A Buckingham Road, Killara
12, 14, 16, 18, 20, 22 & 24 Nelson Road, Lindfield
5A Beaconsfield Parade, Lindfield
10A and 16 Beaconsfield Parade, Lindfield
7A Gladstone Parade, Roseville
8 & 10 Wolseley Road, Lindfield

Heritage Items

8 Woniora Avenue, Wahroonga
2 Nulla Nulla Street, Turramurra
10 Park Crescent, Pymble
3 Alma Street, Pymble
8 Cecil Street, Gordon
14 Cecil Street, Gordon
3 Powell Street, Killara
7 Powell Street, Killara
3 Arnold Street, Killara
10 Buckingham Road, Killara
11 Buckingham Road, Killara
1 Grosvenor Road, Lindfield
3 Boundary Street, Roseville

- C. That Council review the heritage status of the following heritage items before determining whether to consider their possible rezoning:

8 Woonona Avenue South, Wahroonga
14 Woonona Avenue South, Wahroonga
36 McIntyre Street, Gordon
33 Moree Street, Gordon
8 Pearson Avenue, Gordon
1 Caithness Street, Killara
5 Victoria Street, Roseville

- D. That consideration as to whether there should be any rezoning of 20 and 24 Marian Street, Killara be deferred pending the heritage review of 1 Caithness Street, Killara. Consideration of 4B and 8 Finlay Road, Turramurra is to be deferred pending

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Council's consideration of the proposed nominated area controls for the Finlay Road, Lamond Drive and Duff Street Precinct, Turramurra

- E. That Council prepare a Draft Local Environmental Plan to permit medium density development of the lands identified in Parts F and G hereunder in the manner indicated.
- F. That the Draft Local Environmental Plan provide for the rezoning of 10-12 Culworth Avenue, Killara to 2(d3).
- G. That the Draft Local Environmental Plan provide for the rezoning of the following properties to permit medium density development up to 3 storeys in height in the manner indicated:

Townhouses of 2 storeys plus attic

2 and 2A Munderah Street, Wahroonga
5 Heydon Avenue, Wahroonga
5 Eulbertie Street, Wahroonga
4 & 6 Eulbertie Street, Wahroonga
1574 Pacific Highway, Wahroonga
1578 Pacific Highway, Wahroonga
3 & 3A Womerah Street, Turramurra

Units and Townhouses

18, 20, 22 & 24 Bent Street, Lindfield
41 & 43 Dumaresq Street, Gordon
34 & 36 Dumaresq Street, Gordon
5 & 5A Cherry Street, Warrawee

- H. That Council advise the Department of Planning of its resolution under Section 54(4) of the Environmental Planning and Assessment Act 1979.
- I. That Council notify relevant agencies of its preparation of a Draft Local Environmental Plan and undertake consultation in accordance with Section 62 of the Environmental Planning and Assessment Act 1979.
- J. That when prepared the Draft Local Environmental Plan be brought to Council for consideration and Council's resolution to place the draft Plan on public exhibition.

Rod Starr
Senior Urban Planner

Steven Head
Director
Open Space and Planning

Attachments: Consultant planners Interface Sites report - 540859

habitation

INTERFACE SITES LEP 194 + LEP 200

KU-RING-GAI COUNCIL
REPORT ON INTERFACE ZONES WITH SPECIAL CHARACTERISTICS
15 AUGUST 2005

For further information please contact:
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Project: LEP 194 LEP 200 INTERFACE SITES 04-129
Client: KU-RING-GAI COUNCIL

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VERSION

ISSUE	DATE	REASON FOR ISSUE	REVIEWED
A	28022005	Draft Issue for Comment	PS
B	24032005	2nd draft for Comment	PS
C	18042005	Additional heritage sites added. Final Draft	PS
D	18062005	Issue to Council for Comment	PS
E	29062005	Amended to correct errors	PS
F	22072005	Amendments to p1,4,5,7,11,16,45,55,62,77,78,79	PS
G	26072005	Clarification of 3 storey low density development	PS
H	04082005	Errors corrected p 8, 55, 62	PS
I	15082005	Amendments to 5 Cherry st, 2b Winton, 8 Wolseley, 20-24 Marian, Womerah	PS

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1.0 INTRODUCTION

The purpose of this report is to make a recommendation to Council on the resolution of the interface issues between properties zoned for single residential and those zoned for apartments under LEP 194 or LEP 200, that being the interface between sites currently zoned 2(c), 2(b), 2(c1) or 2(c2) and those zoned 2(d3).

There is concern that development that occurred on a 2(d3) zoned site would have a significant impact on the amenity currently experienced by adjoining residential properties. In particular the impact of the overpowering scale experienced by viewing the new higher density development from the low density property; the reduction in sunlight access to the low density residential property - overshadowing; the privacy impacts caused by the windows and recreation spaces of the adjoining development orientated towards, and in close proximity to the single residential dwelling. Further the impact on the streetscape created by the sharp change in scale between development on the differently zoned sites.

The study has been limited to properties on the interface that share a common boundary and street frontage. Properties that have a Pacific Highway frontage have not been included in this study.

The study was expanded to include interface sites which are "Heritage Items" so that an assessment can be made on the extent of impact on amenity and streetscape.

The sites that are heritage items include:

- 14 Woonona Avenue South, Wahroonga
- 8 Woniora Avenue, Wahroonga
- 10 Warwilla Street, Wahroonga
- 2 Nulla Nulla Street, Turramurra
- 10 Park Avenue, Pymble
- 3 Alma Street, Pymble
- 33 Moree Street, Gordon
- 36 McIntyre Street, Gordon
- 8 Pearson Avenue, Gordon
- 8 Cecil Street, Gordon
- 14 Cecil Street, Gordon
- 3 Powell Street, Killara
- 7 Powell Street, Killara
- 1 Caithness Street, Killara
- 10 + 11 Buckingham Road Killara
- 3 Killara Avenue, Killara
- 3 Arnold Street, Killara
- 1 Grosvenor Street, Lindfield
- 3 Boundary Street, Roseville
- 5 Victoria Street, Roseville

The discussion of the interface sites that are "Heritage Items" has not made an assessment as to the heritage significance of the individual item, or how this heritage significance would be affected by any adjacent higher density development. Discussion is limited to the impact on the site in urban design terms.

2.0 METHODOLOGY

The study involved the investigation of the sites indicated below by way of site visit, photographic survey, examination of aerial photographs and cadastral survey. Firstly each site was assessed as to the potential impact a development on the adjoining 2(d3) zoned sites may impose on the subject site in terms of amenity and streetscape. If the 2(d3) site imposed a negative impact, then the site was assessed for its suitability for potential development. A major consideration was given to ensure that redevelopment would not move the impact further 'down the street' creating new interface sites.

2.1 SITE SELECTION CRITERIA.

Sites for the study were selected on the following basis:

- They must share a common boundary or street frontage with a site that is zoned 2d(3)
- Certain heritage listed properties that adjoin 2(d3) sites were added to the study

2.2 ASSESSMENT OF IMPACT

AMENITY CRITERIA

- a) Will the 2(d) development create an undesirable overshadowing impact
- b) Are there potential privacy / overlooking issues that are unresolvable if the site is to remain in its current state.
- c) Scale. Will the adjoining 2(d3) development be 'imposing' on the subject site due to changes in level, site geometry or location of existing dwelling.

STREETSCAPE

- a) Is redevelopment of the subject site desirable to maintain streetscape consistency
- b) Will the redevelopment of the site provide a needed transition zone in terms of a 'stepping' streetscape.
- c) Does the redevelopment of the site enable 'completion' of a streetscape.
- d) What is the heritage impact. Does the redevelopment of the 2d(3) sites result in a reduction of the heritage significance of the heritage item. Can adequate curtilage be provided to ensure the significance of the heritage item is maintained.

2.3 SUITABILITY OF SUBJECT SITES FOR RE-DEVELOPMENT

If the impact in terms of amenity or streetscape is considered undesirable the subject sites were assessed as to whether they are suitable for future development. The following issues were assessed:

- a) SLOPE: Is the topography of the site suitable for re-development. Townhouse style developments are suited to flatter site, while apartments can be constructed on steeper sites. Steep sites have higher construction costs and a

greater environmental impact. Will the slope of the site cause overshadowing or scale impacts on adjoining properties.

- b) IMPACT ON ADJOINING SITES. Does redevelopment of this site simply push the problem further down the street.
- c) SIZE and GEOMETRY: is the size of the adjoining property adequate to provide efficient and feasible development. Do further sites need to be amalgamated. Further, will a development of this site be able to satisfy the relevant planning instrument objectives and controls.
- d) VEGETATION. Is there any significant vegetation on the subject site, will this interfere with future development on this site.
- e) ADJOINING HERITAGE ITEM Is the site a heritage item or adjacent a heritage item. Will development of the subject site reduce any heritage significance.
- f) HERITAGE ITEM: Will site rezoning allow protection of the curtilage. Can development occur on part of the heritage site to enhance the heritage significance.

If the subject site meets the above criteria, a recommendation of the most suitable form of redevelopment to resolve the amenity and streetscape issues created by the 2(d3) zoned sites is made.

3.0 STUDY SITES

Sites included in the study include:

92 Coonanbarra Road WAHROONGA
 8 Woniora Avenue WAHROONGA
 10 Woniora Avenue WAHROONGA
 11 Woniora Avenue WAHROONGA
 10 Warwilla Street WAHROONGA
 2,3, + 3a Womerah Street TURRAMURRA
 8 Warrangi Street TURRAMURRA
 3 Warrangi Street TURRAMURRA
 15 - 17 Woonona Ave South WAHROONGA
 14 Woonona Ave South WAHROONGA
 8 Woonona Ave SOUTH WAHROONGA
 6 Woodville Ave WAHROONGA
 2+2a Munderah Street WAHROONGA
 1578 Pacific Highway WARAWEE
 5 Heydon Ave WARRAWEE
 6 Eulbertie Ave WARRAWEE
 5 Eulbertie Ave WARRAWEE
 2b Winton St WARRAWEE
 4 Lowther Park Ave WARRAWEE
 5 Cherry Street WARRAWEE
 4B+8 Finlay Road TURRAMURRA
 1A Duff Street TURRAMURRA
 30 Turramurra Ave TURRAMURRA
 37 Gilroy Rd TURRAMURRA
 5 Duff Street TURRAMURRA
 3 Wonga Road TURRAMURRA
 1-3 Nulla Nulla Street TURRAMURRA
 2 Nulla Nulla Street TURRAMURRA
 9 Telegraph Road PYMBLE
 10 Park Crescent PYMBLE
 14 A + 18B Park Crescent PYMBLE
 3 Alma Street PYMBLE
 10, 12, 12a Bobbin Head Road PYMBLE
 7 Bannockburn Road PYMBLE
 7 Livingstone Avenue PYMBLE
 6-8 Pymble Avenue PYMBLE
 2 Kartoum Avenue GORDON
 33 McIntyre Street GORDON
 36 McIntyre Street GORDON
 41 Dumaresq Street GORDON
 34 Dumaresq Street GORDON
 19-21 Dumaresq Street GORDON
 7 Moree Street GORDON
 21 Moree Street GORDON
 33 Moree Street GORDON
 4 Bushlands Avenue GORDON
 7 Yarabah Avenue GORDON
 4 Yarabah Avenue GORDON
 8 Pearson Avenue GORDON
 5 Cecil Street GORDON
 8 Cecil Street GORDON
 14 Cecil Street GORDON

3 Powell Street KILLARA
 5 Powell Street KILLARA
 7 Powell Street KILLARA
 9-11 Powell Street KILLARA
 8A-10 Buckingham Road KILLARA
 11 Buckingham Road KILLARA
 18 Marian Street KILLARA
 20-24 Marian Street KILLARA
 10-12 Culworth Avenue KILLARA
 1 Caithness Street KILLARA
 2 Killara Avenue KILLARA
 3 Killara Avenue KILLARA
 3 Arnold Street KILLARA
 1 Stanhope Road KILLARA
 20 Stanhope Road KILLARA
 1A Fiddens Wharf Road KILLARA
 5 Killara Avenue KILLARA
 1 Grosvenor Street LINDFIELD
 12-24 Nelson Road LINDFIELD
 8-10 Wolseley Road LINDFIELD
 18 Bent Street LINDFIELD
 5A Beaconsfield Parade LINDFIELD
 10A + 16 Beconsfield Parade LINDFIELD
 7A Gladstone Parade ROSEVILLE
 3 Boundary Street ROSEVILLE
 5 Victoria Street ROSEVILLE

4.0 RECOMMENDATIONS

It should be noted that under LEP 194 the following provisions have been made to reduce the impact of higher density development on the adjoining low density zoned sites:

Clause 25L (2):

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

Clause 25L (3):

Landscaping required to screen development from any adjoining property must be provided on the site and must not rely on landscaping on the adjoining property.

These controls in some circumstances will assist to minimise the impact between buildings of different zones. In particular the additional setback on the third and forth level will reduce overshadowing and scale impacts.

The most significant variant across all of the interface sites was that of topography. The Pacific Highway precinct is characterised by a topography that sharply falls away from the highway - particularly on the western side. Low density zoned sites that are located on the lower side of the interface were typically the most affected, both in terms of streetscape and amenity as their relative difference in building height is greater.

In making the recommendations for rezoning, a site may be suitable for development and may resolve amenity or streetscape issues for that particular site, however consideration has been given to ensure that and rezoning does not result in transferring any of these issues onto other adjoining sites.

There is evidence of an established pattern of development along the Highway Precinct where the change in topography is used as a natural mark for a change in density to occur. For example, density change would happen at a depression or the edge of a creek with one side being high density, the other being low density. The impact and scale change is minimised by the separation created by natural feature, also

In making these recommendations there has been an effort to reinforce this established pattern in preference to the ad-hoc rezoning of the recent past.

Much of the assessment process undertaken on the subject sites has made assumptions to the likely form of any proposed development on the 2(d3) sites. It has been assumed that some effort by the application would be made to reduce the impact of the new development on the interface sites.

4.1 RECOMMENDATION CATEGORIES

The recommendations have been divided into four categories, some of which have sub categories. The following report has been organised consistent with these categories:

NON-HERITAGE SITES

No Change to zoning

The assessment process has determined that there will be minimal impact from the 2(d3) zoned sites. As a result no change to zoning is required.

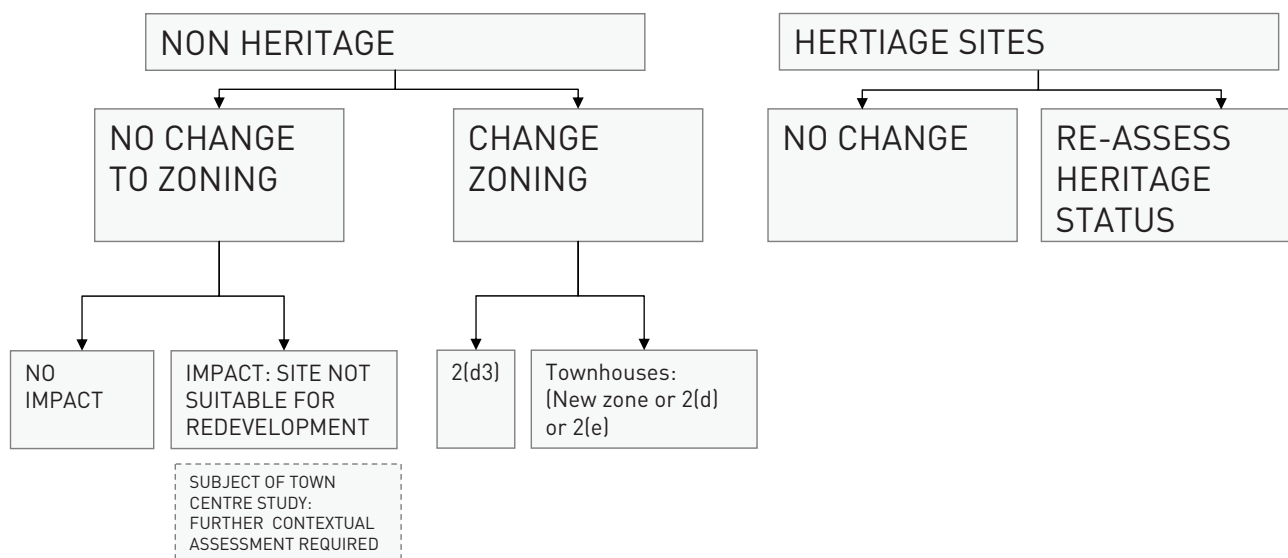
There are a number of circumstances where no change to zoning is required as the existing development is consistent with the 2(d3) zoned sites, i.e. residential flat buildings. It may be worth rezoning these sites 2(d3) for the sake of consistency, even though at present it is unlikely that the sites will be redeveloped, it will allow for increased density in the future on sites that can easily accommodate it.

Change zoning

The assessment process has determined that there will be an impact and that the site is suitable for redevelopment. The zoning changes have been divided into two categories:

- 2(d3) Consistent with the adjoining properties. This has been recommended where the rezoning of the street will enable 'completion' of the streetscape or completion of a block.

1. Categories of recommendations



- 2(?) This zone would permit medium density development of a smaller scale development so the site can act as a transitional development site. This will ensure that issues that result from the difference in scale can be resolved and not simply transferred down the street. The zone should allow for development of up to 3 storeys and consist of either apartments or town houses. Townhouses are preferable on sites that have a generally flat topography. Where as apartments would be suited to the sites that have a steep topography or awkward geometry. Site coverage and setbacks should be consistent with that in the 2(d3) zone. The top floor should be set back from the lower floors in both cases.

HERITAGE SITES

No change to zoning

The assessment process has determined that there will be minimal impact from the 2(d3) zoned sites. As a result no change to zoning is required.

Change zoning

The assessment process has determined that there will be an impact and that the heritage significance of the item may be reduced. Therefore a re-assessment of the heritage statues should be undertaken to evaluate the heritage impact within in the potential future context. In some circumstances rezoning the site but retaining the heritage impact may produce a greater curtilage to the heritage item as the development can be distributed to parts of the site where the impact can be reduced (such as the rear.

4.2 SUMMARY OF RECOMMENDATIONS

NON-Heritage - No change to zoning

92 Coonanbarra Road WAHROONGA	7 Bannockburn Road PYMBLE
10 Woniora Avenue WAHROONGA	7 Livingstone Avenue PYMBLE
10 Warwilla Street WAHROONGA	6-8 Pymble Avenue PYMBLE
2 Womerah Street TURRAMURRA	2 Kartoum Avenue GORDON
8 Warrangi Street TURRAMURRA	33 McIntyre Street GORDON
3 Warrangi Street TURRAMURRA	19-21 Dumaresq Street GORDON
15 - 17 Woonona Ave South WAHROONGA	7 Moree Street GORDON
6 Woodville Ave WAHROONGA	21 Moree Street GORDON
2b Winton St WARRAWEE	4 Bushlands Avenue GORDON
4 Lowther Park Ave WARRAWEE	7 Yarabah Avenue GORDON
1A Duff Street TURRAMURRA	4 Yarabah Avenue GORDON
30 Turramurra Ave TURRAMURRA	5 Cecil Street KILLARA
37 Gilroy Rd TURRAMURRA	5 Powell Street KILLARA
5 Duff Street TURRAMURRA	9-11 Powell Street KILLARA
3 Wonga Road TURRAMURRA	18 Marian Street KILLARA
1-3 Nulla Nulla Street TURRAMURRA	2 Killara Avenue KILLARA
9 Telegraph Road PYMBLE	3 Killara Avenue KILLARA
14 A + 18B Park Crescent PYMBLE	1 Stanhope Road KILLARA
10, 12, 12a Bobbin Head Road PYMBLE	20 Stanhope Road KILLARA

8a Buckingham Road KILLARA
 1A Fiddens Wharf Road KILLARA
 5 Killara Avenue KILLARA
 12-24 Nelson Road LINDFIELD
 5A Beaconsfield Parade LINDFIELD
 10A + 16 Beaconsfield Parade LINDFIELD
 8-10 Wolseley Road LINDFIELD
 7A Gladstone Parade ROSEVILLE

NON-Heritage - Change to zoning

2(d3)

11 Woniara Avenue WAHROONGA
 20-24 Marian Street KILLARA
 10-14 Culworth Avenue KILLARA

Lower density development:

2(?)

2+2a Munderah Street WAHROONGA
 5 Heydon Ave WARRAWEE
 5 Cherry Street WARRAWEE
 5 Eulbertie Ave WARRAWEE
 1578 Pacific Highway WARAWEE
 1574 Pacific Highway WARAWEE
 6 Eulbertie Ave WARRAWEE
 4B+8 Finlay Road TURRAMURRA
 3, + 3a Womerah Street TURRAMURRA
 41 Dumaresq Street GORDON
 34 Dumaresq Street GORDON
 18 Bent Street LINDFIELD

Heritage - No change

8 Woniara Avenue WAHROONGA
 2 Nulla Nulla Street TURRAMURRA - (Defer to Turramurra Town Centre Study)
 10 Park Crescent PYMBLE - (Defer to Pymble Town Centre Study)
 3 Alma Street PYMBLE
 8 Cecil Street GORDON
 14 Cecil Street GORDON
 3 Powell Street KILLARA
 7 Powell Street KILLARA
 3 Arnold Street KILLARA
 11 Buckingham Road KILLARA
 10 Buckingham Road KILLARA
 1 Grosvenor Street LINDFIELD
 3 Boundary Street ROSEVILLE

Heritage - Re-assess heritage status

8 Woonona Ave SOUTH WAHROONGA
 14 Woonona Ave South WAHROONGA
 36 McIntyre Street GORDON
 33 Moree Street GORDON
 8 Pearson Avenue GORDON
 1 Caithness Street KILLARA
 5 Victoria Street ROSEVILLE

5.0 ANALYSIS OF INTERFACE SITES

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
92 Coonanbarra Road WAHROONGA	<p>Amenity:</p> <p>Minimal Impact 2(d3) development is to the rear of the subject site. The subject site is also at the higher level. There is adequate separation between the existing dwelling and the proposed new development. New development will only overshadow the rear of the property during the afternoon.</p> <p>Streetscape:</p> <p>No Impact 2(d3) zoned buildings front Woniora Ave. The subject property is part of the streetscape facing Coonanbarra Road that contain single residential dwellings.</p> <p>SUITABILITY FOR REDEVELOPMENT n/a</p>	No change to zoning is required as the subject site will not necessarily be impacted by any future 2(d3). A change in development form would be inconsistent with the existing and future character of Coonanbarra Road.



1

1. Location 2. Photo of subject site.



2

3

SITE
10
Woniora Ave
WAHROONGA

ZONE
2(c)

IMPACT FROM 2(D3) SITE

Amenity:

No impact. The site forms part of the garden that acts as a curtilage to the heritage dwelling.

Streetscape:

Although surrounded by 2(d3) zoned land the site provides an vital curtilage to the adjoining heritage building at 8 Woniora Ave.

RECOMMENDATION

Due to the nature of the heritage item development on the curtilage is not recommended. The curtilage contains trees of significant height that provide screening from adjoining future higher density developments.

SUITABILITY FOR REDEVELOPMENT

Slope	n/a
Impact on adjoining sites	n/a
Size and geometry	n/a
Vegetation	n/a
Heritage	n/a

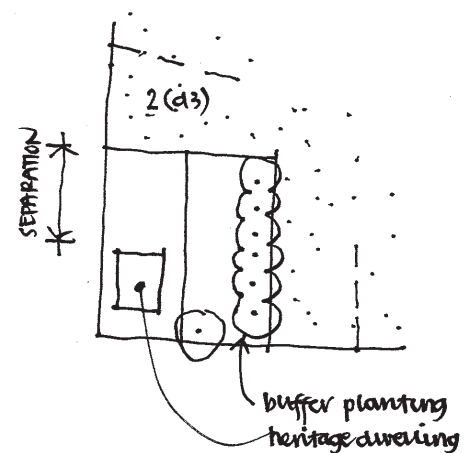


1

1. Location 2. Photo of subject site. 3. Curtilage provided to heritage item



2



3

SITE
10
Warwilla St
WAHROONGA

ZONE
2(c)

IMPACT FROM 2(D3) SITE

Amenity:

Minor privacy issues may arise due to development of adjoining 2(d3) properties.

However with good site planning this could be minimised.

Streetscape:

Minimal Impact. Due to the corner location, the vegetation on the boundary and increased setback streetscape issues should be minimised. The dwelling clearly addresses Warwilla Street. Development on the 2(d3) sites will address Nerringai Street.

Heritage

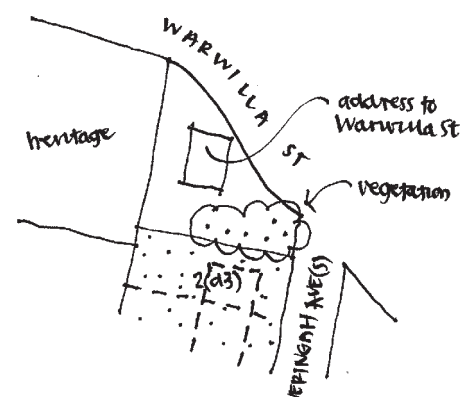
The existing dwelling is part of a group of three adjoining heritage items. Rezoning the property and removal of the heritage status would result in redevelopment that may adversely impact the heritage value of the adjoining two heritage items. Due to the large setback from the adjoining 2(d3) site and the substantial vegetation the impact on 10 Warilla St in terms of heritage would be minimal.

RECOMMENDATION

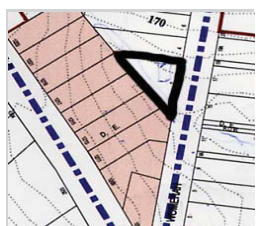
No change to zoning required. Impact on amenity and streetscape is minimal from the 2(d3) site. The heritage status would be largely unaffected as the adjoining 2(d3) development would not occupy the curilage of the dwelling.



1. Location 2. Photo of subject site. 3. Potential site development



SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
2 Womerah St TURRAMURRA	Amenity: 2 Womerah St: Minimal Impact, property separated by creek and substantial vegetation.	2 Womerah St: No change to zoning
ZONE	Streetscape: 2 Womerah St: Minimal Impact, property separated by creek and substantial vegetation.	
2(c2)	SUITABILITY FOR REDEVELOPMENT n/a	



1



2 1. Location 2. Photo of subject site.

SITE

8
Warrangi Street
TURRAMURRA

ZONE

2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Depending on site layout the amenity of the site may be affected by overlooking and overshadowing in the late afternoons. The rear of the property is likely to be most impacted due to the geometry of the site.

Streetscape:

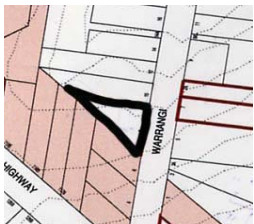
This point in the street marks the edge of the 2(d) development and beginning of the single dwelling within Warrangi St.

SUITABILITY FOR REDEVELOPMENT

n/a

RECOMMENDATION

No change to zoning. The wide frontage would extend the higher density development further down what is predominantly a single storey, single dwelling residential street. The higher density development is contained to properties 'fronting the highway'.



1



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
3 Warrangi Street TURRAMURRA	Amenity: Depending on site layout the amenity of the site may be affected by overlooking and overshadowing in the late afternoons. The front of the property is likely to be most impacted due to the geometry of the site.	No change to zoning.
ZONE 2(c2)	Streetscape: Minimal impact. Site is large and dwelling is setback from street with significant landscaping and planting at the street boundary.	
	SUITABILITY FOR REDEVELOPMENT n/a	



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2 1. Location 2. Photo of subject site.

<p>SITE 15-17 Woonona Ave South WAHROONGA</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity: Minimal Impact. New development potentially consistent with existing town house development.</p>	<p>RECOMMENDATION</p> <p>No change to zoning. Development unlikely to be feasible due to minimal increase in density gained from rezoning.</p>
<p>ZONE 2(c)</p>	<p>Streetscape: Existing development is two storey townhouse under SEPP 28. There would be minimal impact on the streetscape. Site also acts as curtilage to two storey heritage items fronting Warwilla Ave.</p>	
	<p>SUITABILITY FOR REDEVELOPMENT n/a</p>	



1



2



2 1. Location 2. Photo of subject site.

SITE
6
Woodville Ave
WAHROONGA

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:
Large screening vegetation on south boundary will reduce impact. Dwelling located within the centre of the site. Rear of property will only be overshadowed in the late afternoon.

Streetscape:
Property adjoins 2(d3) sites at rear battle axe where garage is located. Principal address is located to front of the property in adjacent street.

The large dwelling on the site is contained within a streetscape of single and double storey dwellings. 2(d3) zoned development and development on the nearby school property will address the Pacific Highway.

SUITABILITY FOR REDEVELOPMENT

Slope	n/a
Impact on adjoining sites	n/a
Size and geometry	n/a
Vegetation	n/a
Heritage	n/a

RECOMMENDATION

No change to zoning – minimal impact. Adjoining sites are zoned 2(c2) . The large single dwelling is the predominant streetscape in Woodville Ave.

A submission has been received by Council on behalf of the owners that argues the site should be rezoned due to the proximity to the school redevelopment and 2(d3) sites. However these sites are not opposite nor adjacent 6 Woodville Ave. Rezoning these sites would create a greater impact - particularly in terms of streetscape for what is predominantly a single dwelling street containing heritage items. The impact from the school or 2(d3) sites is not sufficient to create an impact that would warrant rezoning.

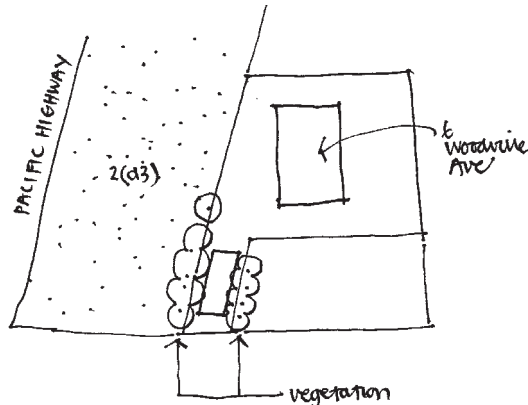


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1. Location 2.Photo of subject site. 3. Potential site development



2



3

SITE
5
Eulbertie Ave
WARRAWEE

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

No overshadowing. Potential for privacy and overlooking into rear or property from adjacent 2(d3) zoned development.

Streetscape:

The change in level and the difference in scale of development creates a substantial impact in the streetscape. The 2(d3) development is also located directly opposite. The transition to lower density development occurs at a point in the street in front of 7 Eulbertie Ave.

RECOMMENDATION

Change zoning to allow maximum three storey townhouses as a transition zone. Consistent with the recommendation for 6 Eulbertie Ave and 5 Heydon Street. This would reduce the impact of higher density development on adjoining property.

A submission was received by the owner of the property requesting rezoning.

SUITABILITY FOR REDEVELOPMENT

Slope

There is a slight fall to the east

Impact on adjoining property

Development on the site should be treated as a transitional zone, with height and density scaled to reduce the impact on adjoining property.



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1. Location 2. Photo of subject site.



2

3

SITE

4
Lowther Park Ave
WARRAWEE

ZONE

2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

The site would probably experience overshadowing and some privacy issues, this will be in part screened by mature vegetation located on the west boundary.

Streetscape:

The street predominantly single storey dwellings. Development on the 2(d3) zoned sites will address the highway. Lowther Park Ave is a cal-de-sac consisting predominately of single storey dwellings. Redevelopment of this site would significantly impact on the remainder of the streetscape.

SUITABILITY FOR REDEVELOPMENT

n/a

RECOMMENDATION

No change to existing zoning. Streetscape is predominately single residential.

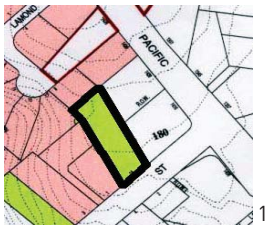


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2 1. Location 2. Photo of subject site.

<p>SITE</p> <p>1A</p> <p>Duff Street</p> <p>TURRAMURRA</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Nil. Currently 3 storey residential flat buildings that over look 2(d3) sites.</p> <p>Streetscape:</p> <p>Nil. Consistent with building form or adjoining sites.</p>	<p>RECOMMENDATION</p> <p>No change to zoning. Change to zoning may be considered as part of a 'housekeeping' exercise so that it is consistent with that of the surrounding development.</p>
<p>ZONE</p> <p>2(d)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



1



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
30 Turramurra Ave TURRAMURRA	Amenity: Nil	Currently included as part of the Turramurra Town Centre study area - defer.
ZONE 2(c2)	Streetscape: A transition from 4.6 storeys to the single storey dwellings could be considered, however the zoning change occurs at an intersection which in itself provides a transition point.	
	SUITABILITY FOR REDEVELOPMENT	
	Slope Slight fall to the north.	
	Impact on adjoining sites Development would need to be a lower scale to avoid the impact being moved 'down the street'.	
	Size and geometry Would need to be amalgamated with at least 32 Turramurra Ave to create a site of adequate frontage.	
	Vegetation n/a	
	Heritage n/a	

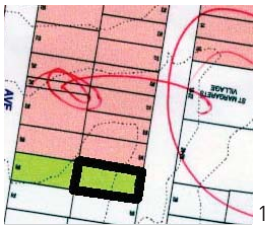


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2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
37 Gilroy Road TURRAMURRA	Amenity: Overlooking and visual privacy issues are likely to result from development of adjoining 2(d3) site.	Currently included as part of the Turramurra Town Centre study area - defer.
ZONE		
2(c2)	Streetscape: The streetscape consists largely of single storey dwellings. A transition zone between the 2(d3) and the single dwellings would improve the streetscape.	
	SUITABILITY FOR REDEVELOPMENT	
	Slope Slight fall to the north.	
	Impact on adjoining sites Development would need to be a lower scale to avoid the impact being moved 'down the street'.	
	Size and geometry Would need to be amalgamated with at least 39 Gilroy Rd to create a site of adequate frontage.	
	Vegetation n/a	
	Heritage n/a	

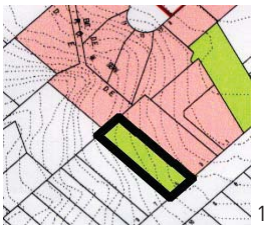


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2 1. Location 2. Photo of subject site.

<p>SITE</p> <p>5</p> <p>Duff Street</p> <p>TURRAMURRA</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Overshadowing and overlooking from 2(d3) development.</p>	<p>RECOMMENDATION</p> <p>Currently included as part of the Turramurra Town Centre study area - defer.</p>
<p>ZONE</p> <p>2(c2)</p>	<p>Streetscape:</p> <p>Steep grade across the street frontage will create significant scale issues, however these are in part reduced due to the grade change and vegetation located within the footpath.</p> <p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



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2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
3 Wonga Wonga Street TURRAMURRA	Amenity: Depending on location of buildings site may be overshadowed by development on 2(d3) sites.	Currently included as part of the Turramurra Town Centre study area - defer.
ZONE 2(c2)	Streetscape: Wonga Road is predominantly a single storey streetscape. If development on 2(d3)] site fronts Turramurra Ave then impact would be minimal.	
	SUITABILITY FOR REDEVELOPMENT n/a	



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2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
1 - 3 Nulla Nulla Street TURRAMURRA	<p>Amenity:</p> <p>Site may be overshadowed in the afternoon by development on 2(d3) depending on site configuration (This would be avoided if the development massing was towards Turramurra Avenue. Privacy impacts are also likely from any buildings that are close to the boundary.</p> <p>Streetscape:</p> <p>The development on the 2(d3) zoned sites are likely to have the predominant frontage to Turramurra Avenue.</p> <p>Nulla Nulla Street has a predominant single storey streetscape.</p>	Currently included as part of the Turramurra Town Centre study area - defer.
ZONE		
2(c2)	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>Slope</p> <p>Slight fall to the north.</p> <p>Impact on adjoining sites</p> <p>If redeveloped the issues of overshadowing and privacy impacts would be transferred to the 4 adjoining sites.</p> <p>Size and geometry</p> <p>Site is very narrow, would need to either amalgamate with 2(d3) zoned sites or adjoining sites on Nulla Nulla Street.</p> <p>Vegetation</p> <p>Generally concentrated on boundary.</p>	



1



2 1. Location 2. Photo of subject site.

<p>SITE</p> <p>9</p> <p>Telegraph Road</p> <p>PYMBLE</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Impact is reduced due to large trees providing screening on boundary between interface sites.</p> <p>Streetscape:</p> <p>Large trees and vegetation on site provide separation and scale transition. Adjoining sites are single dwelling heritage items.</p>	<p>RECOMMENDATION</p> <p>No change to zoning.</p>
<p>ZONE</p> <p>2(c2)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



1



2 1. Location 2. Photo of subject site.

SITE

14 A + 18B
Park Crescent
PYMBLE

ZONE

2(c2)

IMPACT FROM 2(D3) SITE**Amenity:**

Depending on site layout, there is potential for significant overshadowing and overlooking from the development of properties facing Telegraphy Road.

Streetscape:

No Impact. Battle axe site.

RECOMMENDATION

Site is located within Pymble Town Centre study area - defer. All the sites surrounding the Robert Pymble Park have the opportunity for redevelopment and higher density due to the proximity of high amenity and good access. This should be considered as part of the whole strategy from the Pymble Town Centre.

SUITABILITY FOR REDEVELOPMENT**Slope**

Fall towards south west. properties that address Park Cresc have a significant increase in grade.

Impact on adjoining sites

If 14A and 18B were developed isolation they would significantly impact on 14B, 16 and 18 Park Crescent.

Size and geometry

n/a

Vegetation

Large blue gum high forest species throughout site.

Heritage

n/a



1



2



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
10, 12, 12a Bobbin Head Road PYMBLE	<p>Amenity:</p> <p>10 + 12A may be affected by overlooking depending on site configuration. There will be no impact from overshadowing as the new development will be to the south of the existing dwellings.</p> <p>Streetscape:</p> <p>No impact. All dwellings are set back from street with substantial vegetation screening at the boundary. 12a is a battle axe site.</p> <p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	No change to rezoning. The issue of overlooking would not be resolved by rezoning, rather it would be moved further down the street. This issue needs to be resolved in the site planning of the current 2(d3) zoned sites.
ZONE		
2(c2)		



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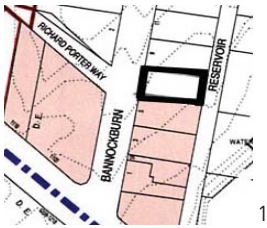


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2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
7 Bannockburn Road PYMBLE	Amenity: The development would be to the south of the subject site, hence would not be affected by overshadowing. Privacy impacts are likely to be minimised as the site proportions suggest that development is likely to front Bannockburn Road and Reservoir Road rather than the common boundary.	No change to zoning.
ZONE 2(c2)	Streetscape: Significant vegetation and large setbacks will reduce the impact in change in scale between the existing dwelling and the potential development on the 2(d3) sites. The site is opposite an intersection which creates a 'density marker' in the street.	
	SUITABILITY FOR REDEVELOPMENT n/a	



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2 1. Location 2. Photo of subject site.

SITE 7 Livingstone Avenue PYMBLE	IMPACT FROM 2(D3) SITE Amenity: Overshadowing from 2(d3) zone due to steep topography.	RECOMMENDATION No change. Development of site will establish undesirable streetscape issues with regard to scale.
ZONE 2(c2)	Streetscape: Minimal impact - site below road, 2(d3) development will front Everton St.	There are two options available for this site.
	SUITABILITY FOR REDEVELOPMENT	(1) No change. Avoid moving scale and overshadowing problems down the street, and accept that dwelling will be impacted.
	Slope Steep fall from road and across frontage of site.	(2) Rezone sites within the street to a point where the scale and overshadowing impacts can be minimised. Site inspection would hence recommend rezoning Nos 7-13 Livingstone Avenue. For redevelopment to a scale of say 3 storey maximum.
	Impact on adjoining sites Development will cast further shadows and create further scale problems down the street.	
	Size and geometry n/a	
	Vegetation n/a	
	Heritage n/a	



1



2 1. Location 2. Photo of subject site.

SITE
6 - 8
Pymble Avenue
PYMBLE

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Minimal impact. Subject property is at higher level. Overshadowing will occur at rear of property.

Streetscape:

2(d3) development will front Everton St reducing any streetscape issues.

RECOMMENDATION

No change.

Redeveloping this site would have a greater impact on sites adjoining it than the loss of amenity it could potentially sustain.

SUITABILITY FOR REDEVELOPMENT

Slope

n/a

Impact on adjoining sites

n/a

Size and geometry

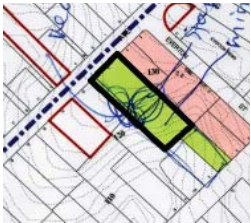
n/a

Vegetation

Significant vegetation at rear of site.

Heritage

n/a



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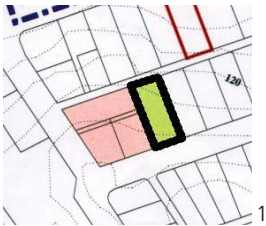
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1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
2 Khartoum Avenue GORDON	Amenity: Minimal amenity impacts - 2(d3) site is square in shape, amenity issues could be avoided by careful planning.	No change to zoning. Kartoum Avenue contains predominantly single storey dwellings. Redevelopment will alter this character.
ZONE 2(c2)	Streetscape: Minimal - development occurs in adjoining street.	
	SUITABILITY FOR REDEVELOPMENT n/a	



1



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
33 McIntyre Street GORDON	Amenity: Minimal impact - 2(d3) site separated by mature vegetation and a change in level.	No change to zoning.
ZONE	Streetscape:	
2(c2)	Impact on streetscape is reduced, change in zoning occurs along the creek line. Subject site is at a higher level to 2(d3) zoned site.	
	SUITABILITY FOR REDEVELOPMENT	
	n/a	



1

1. Location 2. Photo of subject site. 3. Potential site development



2



3

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
19 - 21 Dumaresq Street GORDON	Amenity: Site planning can reduce impact.	No change to zoning. Rezoning 2(d3) may be considered to allow for future development of the site.
ZONE	Streetscape: Existing townhouses are located at a higher level reducing impacts of scale.	
2(c)	SUITABILITY FOR REDEVELOPMENT n/a	



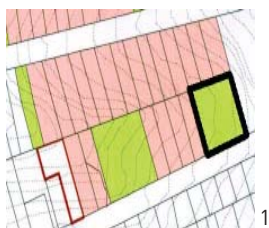
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1. Location 2.Photo of subject site.



2

<p>SITE</p> <p>7</p> <p>Moree Street</p> <p>GORDON</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Minimal impact due to density and orientation development.</p>	<p>RECOMMENDATION</p> <p>No change to zoning. Rezoning 2(d3) may be considered to allow for future development of the site.</p>
<p>ZONE</p> <p>2(c)</p>	<p>Streetscape:</p> <p>Existing units / townhouses.</p>	
	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



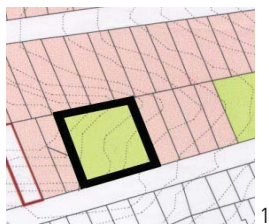
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1. Location 2.Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
21 Moree Street GORDON	Amenity: Minimal impact due to density and orientation development.	No change to zoning. Rezoning 2(d3) may be considered to allow for future development of the site.
ZONE	Streetscape:	
2(c)	Existing units / townhouses.	
	SUITABILITY FOR REDEVELOPMENT	
	n/a	



1

1. Location 2.Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
4 Bushlands Avenue GORDON	Amenity: Overshadowing in the morning from proposed 2(d3), but due to topography, if redeveloped problem will be relocated down the street.	No change to zoning. This form of development is consistent with other sites in the Pacific Highway corridor in that higher density development address the highway and single dwelling are located adjacent in the side streets.
ZONE 2(c2)	Streetscape: If redeveloped the scale impacts will be relocated down the street due to the predominant single storey character.	An alternative would be to rezone the remainder of the block for townhouses. However the amenity issues created by the change in level & scale of the 2(d3) development would not be necessarily resolved, more dwellings may as a result be affected due to the higher density.
	SUITABILITY FOR REDEVELOPMENT n/a	



1

1. Location 2. Photo of subject site.



2

<p>SITE</p> <p>7</p> <p>Yarabah Avenue</p> <p>GORDON</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Vegetation on boundary provides buffer.</p> <p>Streetscape:</p> <p>Vegetation on boundary provides a transition element.</p>	<p>RECOMMENDATION</p> <p>No change to zoning. This form of development is consistent with other sites in the Pacific Highway corridor in that higher density development address the highway and single dwelling are located adjacent in the side streets.</p>
<p>ZONE</p> <p>2(c2)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	<p>An alternative would be to rezone the remainder of the block for townhouses. However the amenity issues created by the change in level & scale of the 2(d3) development would not necessarily be resolved, more dwellings may as a result be affected due to the higher density.</p>



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1. Location 2. Photo of subject site.



2

<p>SITE</p> <p>4</p> <p>Yarabah Avenue</p> <p>GORDON</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Overshadowing from proposed 2(d3), but due to topography, if redeveloped problem will be relocated down the street.</p> <p>Streetscape:</p> <p>Fall of street will increase perceived height of 4-6 storey building on 2(d3) zoned site. However, if redeveloped the problem will be relocated down the street due to the predominant single storey character.</p> <p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	<p>RECOMMENDATION</p> <p>No change to zoning. This form of development is consistent with other sites in the Pacific Highway corridor in that higher density development address the highway and single dwelling are located adjacent in the side streets.</p>
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1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
5 Cecil Street GORDON	Amenity: Overshadowing from proposed 2(d3), but due to topography, if redeveloped problem will be relocated down the street.	No change to zoning. This form of development is consistent with other sites in the Pacific Highway corridor in that higher density development address the highway and single dwelling are located adjacent in the side streets.
ZONE	Streetscape: Fall of street will increase perceived height of 4-6 storey building on 2(d3) zoned site. However, if redeveloped the problem will be relocated down the street due to the predominant single storey character.	
2(c2)	SUITABILITY FOR REDEVELOPMENT n/a	



1

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
5 Powell Street KILLARA	Amenity: No impact. Site adjoins battle axe leg of 2(d3) zoned site.	No change.
ZONE	Streetscape:	
2(c2)	No impact provides curtilage between two heritage items.	
	SUITABILITY FOR REDEVELOPMENT	
	n/a	



1

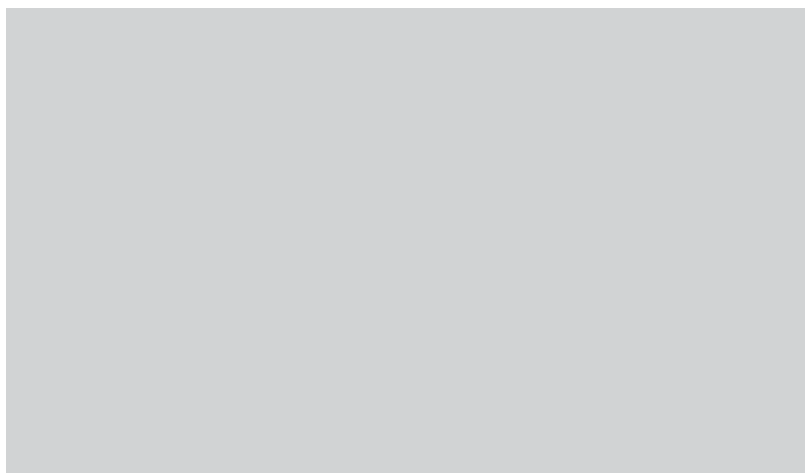


2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
9 - 11 Powell Street KILLARA	<p>Amenity:</p> <p>No impact as the 2(d3) zoned sites are to the rear of the property, further the property is located at a higher level than the zoned sites.</p> <p>Streetscape:</p> <p>The street contains predominantly single dwellings, a number of which have heritage status.</p>	No change to zoning
ZONE 2(c2)	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



1



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
8A-10 Buckingham Road KILLARA	<p>Amenity:</p> <p>8A - Subject site may be overshadowed by development on 2(d3) during the morning. Minimal privacy impacts, as site setback from street.</p> <p>10 - separated from 2(d3) site by driveway to 8A. No impact.</p> <p>Streetscape:</p> <p>8A - NIL - site setback from street.</p> <p>10 - separated from adjoining 2(d3) sites by driveway to 8A and vegetation.</p> <p>SUITABILITY FOR REDEVELOPMENT</p> <p>Slope</p> <p>Fall to south.</p> <p>Impact on adjoining sites</p> <p>Development on 8A is likely to impact on the heritage item at 10 and</p> <p>Size and geometry</p> <p>Would be required to be amalgamated with adjacent 2(d3) site.</p> <p>Vegetation</p> <p>Significant vegetation at rear of site..</p> <p>Heritage</p> <p>Site acts as a curtilage to the heritage item on 10 Buckingham Street and potential privacy impacts on 14 Buckingham Street.</p>	<p>No change to zoning recommended. 8A provides a curtilage to the heritage item located on 10 Buckingham Street. There is adequate curtilage between the heritage item and the development on the 2(d3) zoned site, minimising the impact on the heritage item.</p>



1

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
18 Marian Street KILLARA	Amenity: Minimal. Existing building is a residential flat building.	No change required to zoning. Re-zoning may be considered to provide consistency and all redevelopment of existing r.f.b at a later date.
ZONE	Streetscape:	
2(b)	Existing building consistent with future character.	
	SUITABILITY FOR REDEVELOPMENT	
	n/a	



1



2 1. Location 2. Photo of subject site.

3

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
2 Killara Avenue KILLARA	Amenity: Overlooking from 2(d3) sites facing highway. Overshadowing impacts are minimal	No change required.
ZONE 2(c2)	Streetscape: Minimal impact. Development of 2(d3) sites will predominantly face highway. To continue development on these sites will diminish single storey quality of Killara Avenue.	
	SUITABILITY FOR REDEVELOPMENT n/a	

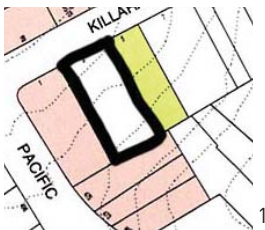


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2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
3 Killara Avenue KILLARA	<p>Amenity:</p> <p>The site would not be affected by overshadowing. As the development is surrounded on two boundaries by 2(d3) zoned sites privacy impacts may arise.</p> <p>Streetscape:</p> <p>Killara Avenue contains predominately single and double storey dwellings. The narrow site width of the 2(d3) zoned property (Cnr Killara Ave and Pacific Hwy) would result in a slim building facade fronting Killara Avenue reducing the impact.</p> <p>Heritage</p> <p>The development constraints placed on 475 Pacific Highway because of its size, result in a small building building footprint. The resulting development would have only a 12m wide elevation to Killara Avenue, reducing the impact on 3 Killara Avenue. The remainder of the street contains single dwellings of similar scale and character to the building at 3 Killara Avenue.</p>	<p>No change to zoning. If the site is not amalgamated with the 475 Pacific Highway or other properties, the 2(d3) zoned site would not be able to reach it's full development potential due to the narrow width. In the case of an amalgamation the visual impact would be reduced as the building width would only be around 12m.</p> <p>Rezoning the site 2(d3) would have a more significant impact on 5 Killara Avenue as combined development on 3 Killara Ave and 475 Pacific Highway would be of a more significant scale</p>
ZONE 2(b)	SUITABILITY FOR REDEVELOPMENT n/a	



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
1 Stanhope Road KILLARA	Amenity: The site would be affected by overshadowing during the late afternoon, and privacy impacts due to overlooking	No change required. This form of development is consistent with other sites in the Pacific Highway corridor in that higher density development address the highway and single dwelling are located adjacent in the side streets.
ZONE 2(c2)	Streetscape: The subject site acts as a curtilage to the heritage items within Stanhope Road. The development on the 2(d3) zoned site has a predominant frontage to the highway.	
	SUITABILITY FOR REDEVELOPMENT n/a	



1

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
20 Stanhope Road KILLARA	Amenity: Minimal impact as the subject site is located at the top of the ridge. The 2(d3) zoned site is located to the rear of the property	No change to zoning. Site provides a curtilage to the adjacent heritage item. Stanhope Road has a predominately single storey character.
ZONE 2(c2)	Streetscape: Minimal impact. The property provides curtilage to the adjacent heritage item.	
	SUITABILITY FOR REDEVELOPMENT n/a	



1



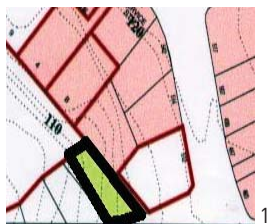
2

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
1A Fiddens Wharf Road KILLARA	Amenity: Minimal overlooking and however site may be overshadowed.	No change. 2(d3) development has frontage to Pacific Highway.
ZONE	Streetscape:	
2(c2)	The site provides curtilage to heritage items. 2(d3) sites are not adjacent on the streetscape.	
	SUITABILITY FOR REDEVELOPMENT	
	n/a	



1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
5 Killara Avenue KILLARA	Amenity: No impact. Common boundary is very small	No change to zoning as there is no impact
ZONE	Streetscape:	
2(c2)	2(d3) development is located diagonally opposite and fronting the Pacific Highway.	
	SUITABILITY FOR REDEVELOPMENT	
	n/a	



1

1. Location 2. Photo of subject site.



2

SITE
12 - 24
Nelson Road
LINDFIELD

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Minimal impact from 2(d3) sites as large vegetation is located at the rear of the property. Further the depth of the properties provides generous separation between the single dwellings and the future 2(d3) development.

Streetscape:

Minimal streetscape impact 2(d3) development addresses Tyron and Havilah Road. Nelson Road is has a character of single and two storey dwellings.

RECOMMENDATION

No change to current zoning. The 2(d3) zoned sites when amalgamated are of a size that will allow the buildings to be orientated to minimise privacy impacts and overlooking

The character of Nelson Street is currently that of single dwellings. To allow rezoning would change the character of this street.

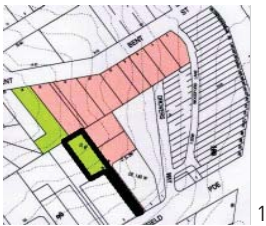


SUITABILITY FOR REDEVELOPMENT
n/a



2 1. Location 2. Photo of subject site.

<p>SITE</p> <p>5A</p> <p>Beaconsfield Parade</p> <p>LINDFIELD</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Minimal impact can be obtained if the new development addresses the carpark.</p> <p>Streetscape:</p> <p>No impacts as the site does not have a street frontage.</p>	<p>RECOMMENDATION</p> <p>No change to zoning. Development on the adjoining 2(d3) sites easily be located to minimise the impact. If the site was to be rezoned it should be consolidated with 5-7 Beaconsfield Parade.</p>
<p>ZONE</p> <p>2(c2)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



1

1. Location 2. Photo of subject site.

IMAGE NOT AVAILABLE

2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
10A + 16 Beaconsfield Parade LINDFIELD	<p>Amenity:</p> <p>10A Beaconsfield Parade: Overshadowing is likely to occur during the morning, however the sites are orientated towards the north west and should still receive adequate winter sunlight.</p> <p>Visual privacy issues and scale issues could be adequately address with good site planning.</p> <p>16 Beaconsfield Parade would not be affected by overshadowing.</p> <p>Streetscape:</p> <p>NIL - dominant single residential streetscape. 2(d3) development has a frontage to the Drovers Way</p>	No change to zoning as amenity and visual privacy impacts are minimal
ZONE 2(c2)	SUITABILITY FOR REDEVELOPMENT n/a	



1

IMAGE NOT AVAILABLE

2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
7A Gladstone Parade ROSEVILLE	<p>Amenity:</p> <p>The subject site is large, as a result impact on site would be minimal. Overshadowing will occur on the eastern boundary, and may result in some privacy impacts however the 2(d3) zoned site is large enough to minimise both of these impacts</p> <p>Streetscape:</p> <p>No streetscape impact as site is a battle axe site.</p>	No change. Minimal impact as the due to the large site area.
ZONE 2(c2)	SUITABILITY FOR REDEVELOPMENT n/a	



1

IMAGE NOT AVAILABLE

2 1. Location 2. Photo of subject site.

SITE
11
Woniora Ave
WAHROONGA

ZONE
2(c)

IMPACT FROM 2(D3) SITE

Amenity:

When 4.6 storey 2(d3) development surrounds this site on either side the site has the potential to be significantly overshadowed for large parts of the day. Site design could reduce privacy impacts, however this may

Streetscape:

Although the property has been developed as a duplex only recently, in a street with 4.6 storey residential flat building the two storey development will create a 'hole' in what could be a consistent streetscape.

SUITABILITY FOR REDEVELOPMENT

Slope

Site is relatively flat.

Impact on adjoining sites

Adjoining sites are 2(d3). Site should be amalgamated with adjoining sites.

Size and geometry

Would require amalgamation with adjoining 2(d3) sites.

Vegetation

No significant vegetation visible.

Heritage

Will not impact on heritage item opposite.

RECOMMENDATION

Rezone 2(d3). Rezoning would overcome amenity and significant streetscape issues. Even though the site has been developed recently, the significant increase in development potential should make 2(d3) zoning feasible. Site would need to be amalgamated with adjoining 2(d3) sites to realise full development potential (NOTE: DA's have already been lodged for the adjacent sites)



1



2 1. Location 2. Photo of subject site.

SITE

1578
Pacific Highway
WARRAWEE

ZONE

2(c)

IMPACT FROM 2(D3) SITE

Amenity:

Potential privacy and overshadowing impacts from 2(d3) site due to the proximity of development on the north and west boundary

Streetscape:

No impact – setback from street.

SUITABILITY FOR REDEVELOPMENT

Slope

Site falls to the north.

Impact on adjoining sites

The site is surrounded on two boundaries by 2(d3) zoned sites. The heritage item adjacent fronts the Pacific Highway with adequate curtilage. Development on the site should avoid transferring the impact to properties fronting Gilda Ave.

Size and geometry

Access to site poor. Site area is just over the minimum area allowed under LEP 194 to make it feasible to be zoned 2(d3).

Vegetation

n/a

Heritage

Heritage site adjacent fronting Pacific Highway and has significant side and front setbacks.

RECOMMENDATION

Rezone both 1578 and 1574 for townhouses or development up to a height of 3 storeys in part consistent with the recommendations contained within the KR Nash and Associates. In the development of the site the heritage impact of 1574 Pacific Highway should be considered. In particular allowing adequate separation between the new development and the heritage item. The existing heritage item should be retained and may be part of an adaptive reuse project. With regard to streetscape the battle axe form results in no significant impact.



1

IMAGE NOT AVAILABLE

2 1. Location 2. Photo of subject site.

SITE
2b
Winton St
WARRAWEE

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

4.6 storey rfb developments are likely to surround this site on the west and south. Creating extensive privacy impacts.

Streetscape:

A tree-lined streetscape commences at 2A Winton Street. The remainder of the street is single and two storey dwellings.

SUITABILITY FOR REDEVELOPMENT

Slope

Gentle slope to north.

Impact on adjoining sites

Streetscape impacts on the adjoining properties would be minimal. Development on the site orientated towards the street would have minimal privacy impacts. Minimal overshadowing would occur as the site is located to the south of adjoining properties.

Size and geometry

Would need to combine either with 2A and or the other 2(d3) zoned sites to be feasible.

Vegetation

Minimal mature vegetation.

Heritage

2 Winton Street is a heritage item. 2A Winton street if remaining undeveloped will provide adequate curtilage.

RECOMMENDATION

A development application has recently been recieved by Council for a three storey residential flat building for the adjoining property, No. 1405 Pacific Highway. As a result no change to zoning is recommended.



1



2



2 1. Location 2. Photo of subject site.

SITE
5
Cherry Street
TURRAMURRA

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Minimal impact as adequate setback from 2(d3) development should be able to be provided.

Streetscape:

The street predominantly single storey dwellings. Development on the 2(d3) zoned sites will address the highway.

SUITABILITY FOR REDEVELOPMENT

Slope

Slight fall to the north.

Impact on adjoining sites

5A Cherry Street would be greatly impacted being surrounded by 2(d3) sites if 5 Cherry street was rezoned. 7 Cherry Street has a tennis court on the common boundary providing adequate curtilage and separation from any new development.

Size and geometry

Approx. 2600 sqm. Rectangular in shape.

Vegetation

Mature vegetation located at boundary.

Heritage

5A Cherry Street shares a common boundary with a heritage item - 1379 Pacific Highway. The combined sites are large enough to resolve heritage impacts and create adequate curtilage.



1



2



2 1. Location 2. Photo of subject site.

SITE
3, + 3a
Womerah St
TURRAMURRA

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

It is likely the properties would be affected by privacy impacts, As the subject property is lower than the 2(d3) zoned site the scale impacts would be accentuated. No overshadowing impacts

Streetscape:

The fence at the street frontage of 3 Womerah St screens the dwelling, which is set down from the street. Any new development would - although be set down from the street present a substantial difference in scale, possibly at close proximity to the boundary. The scale difference would be more noticeable within the site than from the streetscape due to the dominance of the fence. However 2(d3) zoned development is permissible on opposite side of street.

RECOMMENDATION

OPTION: No change to zoning.

OPTION: Change zoning of 3, 3A, 5, 7, 9 + 9A to allow 3 storey apartments or townhouses. This will align with the 2(d3) sites opposite, and occur at a point where the land dips away towards the stream. Further this form of building will minimise the impact on adjoining 2(c2) zoned properties.



SUITABILITY FOR REDEVELOPMENT

Slope

Generally flat with slight fall to the rear of property

Impact on adjoining sites

- 1 Adjoining sites to the north are zoned 2(c). Impacts if rezoned would be similar.

Size and geometry

Site would be required to be amalgamated to ensure sufficient area.



2



2 1. Location 2. Photo of subject site.

SITE

41
Dumaresq Street
GORDON

IMPACT FROM 2(D3) SITE

Amenity:

Site will be overshadowed during the mornings.

RECOMMENDATION

Rezone 41 & 43 Dumaresq Street to allow townhouse or apartment development to a height of 3 storeys.

ZONE

2(c)

Streetscape:

Perceived height of development on the 2(d3) will be greater than 4-6 storeys due to fall down the length of the street.

SUITABILITY FOR REDEVELOPMENT

Slope

Fall to rear and across site.

Impact on adjoining sites

Low scale development will minimise impact on 2(d3) sites.

Size and geometry

Will be required to amalgamate with 43 Dumaresq Street to achieve a feasible site area.

Vegetation

Minimal significant vegetation.

Heritage

n/a



1



2



2

1. Location 2. Photo of subject site. 3. Potential site development



3

<p>SITE</p> <p>34</p> <p>Dumaresq Street</p> <p>GORDON</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Site will be overshadowed during the mornings.</p>	<p>RECOMMENDATION</p> <p>Rezone 34 & 36 Dumaresq Street to allow townhouse or apartment development to a height of 3 storeys.</p>
<p>ZONE</p> <p>2(c2)</p>	<p>Streetscape:</p> <p>Perceived height of development on the 2(d3) will be greater than 4-6 storeys due to fall down the length of the street.</p>	
	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>Slope</p> <p>Fall to rear and across site.</p> <p>Impact on adjoining sites</p> <p>Low scale development will minimise impact on 2(d3) sites.</p> <p>Size and geometry</p> <p>Will be required to amalgamate with 36 Dumaresq Street to achieve a feasible site area.</p> <p>Vegetation</p> <p>Minimal significant vegetation.</p> <p>Heritage</p> <p>n/a</p>	

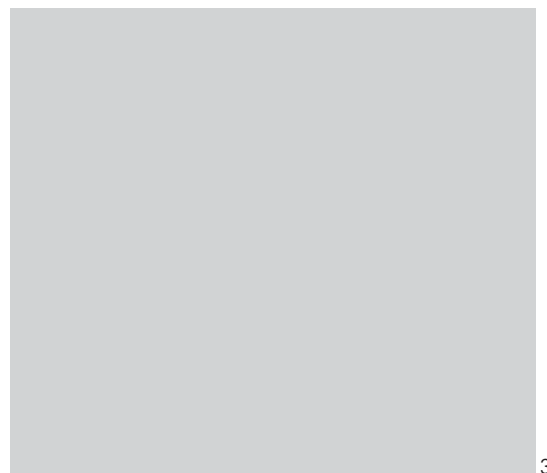


1

1. Location 2. Photo of subject site. 3. Potential site development



2



3

SITE
20 - 24
Marian Street
KILLARA

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Overlooking and overshadowing potential from proposed 2(d3) development.

Streetscape:

Future streetscape on this side to be predominantly 2(d3).

RECOMMENDATION

Rezone 2(d3). Prior to rezoning an investigation into the heritage significance of 1 Caithness Street should be undertaken. The outcome of which may alter the recommendation.

SUITABILITY FOR REDEVELOPMENT

Slope

Fall to rear of site.

Impact on adjoining sites

Minimal as all will be residential flat buildings.

Size and geometry

Rectangular.

Vegetation

No significant vegetation.

Heritage

Significance of item within Caithness St needs to be assessed, however property has wide frontage.



1



2



2



2 1. Location 2. Photo of subject site.

<p>SITE 10, 12 Culworth Avenue KILLARA</p>	<p>IMPACT FROM 2(D3) SITE Amenity: NIL</p>	<p>RECOMMENDATION Rezone 2(d3). These properties are the only single residential buildings remaining in the street.</p>
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<p>ZONE 2(d)</p>	<p>Streetscape: Predominant streetscape character to be residential flat buildings. The subject sites will be the only single dwellings.</p>
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SUITABILITY FOR REDEVELOPMENT

Slope

Fall across front boundary.

Impact on adjoining sites

NIL - adjoining 2(d3) zones.

Size and geometry

Square.

Vegetation

No significant vegetation.

Heritage

n/a



1

2



2

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
8 - 10 Wolseley Road LINDFIELD	Amenity: Minimal privacy impacts onto 8 Wolseley Road. Scale impacts would be increased due to the triangular geometry and small size of the subject site. No overshadowing impacts as subject site is to the north of the 2(d3) zoned sites.	No change to zoning as development potential on 2-6 Wolseley Road is limited to 4 storey reducing the potential impact
ZONE		
I.D.O 78		

Streetscape:
No.8 would be only single dwelling remaining in cul-de-sac, however the footpath is widened at this located due to the road closure and the frontage. No.10 has a frontage to the northern portion of Wolseley Road that has access from Treats Road

SUITABILITY FOR REDEVELOPMENT
Slope
Fall to street.



Impact on adjoining sites
No privacy or overshadowing impacts.

Size and geometry
Would be required to be amalgamated with 2-6 Wolseley Road. The site area of 2-6 Wolseley Road is 1840sqm, this restricts the development potential to four storey, hence limiting the impact



Vegetation
No significant vegetation.
Heritage

n/a

1. Location 2.Photo of subject site. 3. Potential site development



SITE
18
Bent Street
LINDFIELD

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Subject site will be

Streetscape:

Townhouses are located on the opposite side of Bent Street. The 2(d3) zoned sites are uphill from the subject site. As a result the scale impacts may be heightened.

SUITABILITY FOR REDEVELOPMENT

Slope

Fall to the west - along the street.

Impact on adjoining sites

If the site was amalgamated with 20, 22 and 24 this would complete the redevelopment of the street. Marking the end of the medium density zone at the corner of Blafour St, Bent Street and Newark Cresc.

Size and geometry

The site would be required to be amalgamated to provide a feasible development.

Vegetation

Significant vegetation at rear of site.

Heritage

n/a

RECOMMENDATION

Rezone to allow a transitional town house / apartment development up to a maximum of three storeys.

Further rezone 20, 22 and 24 Bent Street to enable amalgamation.

This will create a transition site and enable completion of the medium density zone at a meaningful location.

The lower scale will ensure that impacts to adjoining properties would be minimised.



1



2 1. Location 2. Photo of subject site.

<p>SITE 2 + 2a Munderah Street WAHROONGA</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity: Dwellings will be in shadow cast by 2(d3) development.</p> <p>Streetscape: No Impact. Development site and existing dwellings are set down from street level.</p>	<p>RECOMMENDATION Rezone to allow maximum three storey town houses creating a transition zone between the 2(d3) zoned sites and the adjoining single residential dwellings Low scale of development should have minimal impact on heritage site.</p>
<p>ZONE 2(c2)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>Slope Fall to south away from street.</p> <p>Impact on adjoining sites Minimal if scale is reduced.</p> <p>Size and geometry Approx 2600 sqm.</p> <p>Vegetation Significant mature vegetation appears to be located at boundary.</p> <p>Heritage Rear of site adjoins heritage property to east.</p>	



1



2 1. Location 2. Photo of subject site.

SITE
5
Heydon Ave
WARRAWEE

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

The subject sites would be affected by overshadowing in the afternoon and potential over looking from 2(d3) sites.

Streetscape:

Within Heydon Ave the 2(d3) zoned sites extend halfway down the block. The property at 5 Heydon Ave would be the last single dwelling facing the street. A more consistent streetscape could be achieved if this site was developed.

RECOMMENDATION

To minimise any potential privacy and overshadowing impacts, and to provide a more consistent streetscape rezoning of 5 Heydon Ave is recommended. Further as this would impact on 4 + 6 Eulbertie Ave it is recommended that these sites also be rezoned so that the sites together can be developed as a single development site.

Rezone to permit maximum three storey townhouses.

SUITABILITY FOR REDEVELOPMENT

Slope

Gentle slope to north.

Impact on adjoining sites

n/a

Size and geometry

Would require combining all three sites as one development site.

Vegetation

Mature vegetation located at boundaries.

Heritage

n/a



1



2

1. Location 2. Photo of subject site.



2

SITE
4 - 6
Eulbertie Ave
WARRAWEE

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

The subject sites would be affected by overshadowing in the afternoon and potential over looking from 2(d3) sites.

Streetscape:

Within Eulbertie Street the 2(d3) zoned sites extend halfway down the block. The property at 5 Heydon Ave would be the last single dwelling facing the street. A more consistent streetscape could be achieved if this site was developed.

RECOMMENDATION

To minimise any potential privacy and overshadowing impacts, and to provide a more consistent streetscape rezoning of 4 - 6 Eulbertie Ave is recommended. The sites should be amalgamated with 5 Heydon Ave to ensure a feasible development.

Rezoned to permit maximum three storey townhouses to minimise impact.

SUITABILITY FOR REDEVELOPMENT

Slope

Gentle slope to north.

Impact on adjoining sites

n/a

Size and geometry

Would require combining all three sites as one development site.

Vegetation

Mature vegetation located at boundaries.

Heritage

n/a



1



2



2 1. Location 2. Photo of subject site.

SITE
4B + 8
Finlay Road
TURRAMURRA

ZONE
2(c2)

IMPACT FROM 2(D3) SITE

Amenity:

Considerable overshadowing and overlooking from 2(d3) site to the north-east. 4.6 storey development would have an effective height of 6 or 7 storeys due to the sharp change in level.

Streetscape:

All sites are set down from the street reducing streetscape issues.

SUITABILITY FOR REDEVELOPMENT

Slope

Steep at street boundary, to gentle fall at rear of site.

Impact on adjoining sites

To avoid isolation 6 Finlay Road would need to be included in any rezoning. Adjacent sites have a frontage to Denman Street which is predominantly single dwellings.

Size and geometry

In excess of 8000sqm, and square in shape - minimal vegetation on 8 Finlay.

Vegetation

Mature vegetation located at street boundary. Minimal vegetation in centre of site.

Heritage

Adjacent Sydney Blue Gum High Forest.



1



2



2 1. Location 2. Photo of subject site.

SITE
8
Woniara Ave
WAHROONGA

ZONE
2(c)

IMPACT FROM 2(D3) SITE

Amenity:

10 Woniara Ave provide significant curtilage for the heritage item by way of garden and provision of boundary vegetation.

Streetscape:

The curtilage and vegetation provide adequate buffer zone within what will become potentially a 4.6 storey streetscape.

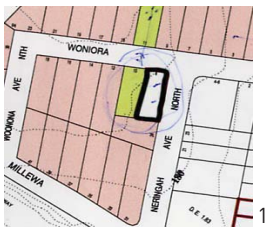
SUITABILITY FOR REDEVELOPMENT

n/a

RECOMMENDATION

No change to zoning required.
No additional controls required.
NOTE: Heritage item is in state of disrepair.

This property is worthy of a heritage re-assessment as the current zoning permits 4.6 storey development in the remainder of the street. The heritage significance may be reduced by the new context.



1. Location 2. Photo of subject site. 3. Potential site development



SITE

8
Woonona Ave South
WAHROONGA

ZONE

2(c)

IMPACT FROM 2(D3) SITE

Amenity:

Minimal. The site is large creating its own curtilage.

Streetscape:

It will be the only single dwelling remaining on that side of street. Although large enough to exist on its own, the site is part of a three lot subdivision currently owned by The Health Commission of NSW.

RECOMMENDATION

If site is successful in achieving its heritage status then there should be no change to zoning. The site provides a curtilage to the heritage item. If the heritage status is not achieved then the site should be considered for development and rezoned 2(d3) consistent with the remainder of the block. The heritage significant and redevelopment potential of 8 and 14 Woonona Ave South should be considered together.

SUITABILITY FOR REDEVELOPMENT

Slope

Gentle slope to north west.

Impact on adjoining sites

Adjoining sites are zoned 2(d3)

Size and geometry

Approx 5700 sqm and square in shape.

Vegetation

Mature vegetation at perimeter of site.

Heritage

Currently a deferred heritage item, being the subject of Draft LEP 19 (Heritage Conservation).

14 Woonona Ave South is currently a heritage item. The site currently offers relief.



1. Location 2. Photo of subject site.



SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
2 Nulla Nulla Street TURRAMURRA	Amenity: Site may be overshadowed in the afternoon by development on 2(d3) depending on site configuration (This would be avoided if the development massing was towards Turramurra Avenue. Privacy impacts are also likely from any buildings that are close to the boundary.	Currently included as part of the Turramurra Town Centre study area - defer.
ZONE 2(c2)		

Streetscape:

The streetscape post 2(d3) development generally will consist of 4.6 storey developments. This dwelling will be the only single dwelling. Although large in size, the contribution to the future streetscape will be questionable.

SUITABILITY FOR REDEVELOPMENT**Slope**

Slight fall to the north.

Impact on adjoining sites

Potential privacy and overshadowing impacts on 4 Nulla Nulla St.

Size and geometry

1 Square in shape approx 3800sqm.

Vegetation

Some large vegetation on boundary.

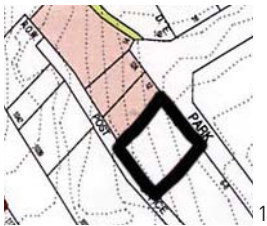
Heritage

Existing Heritage Item



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
10 Park Crescent PYMBLE	Amenity: Dwelling sits comfortably with the developments to the south of the site. New 2(d3) development could offer.	No change to rezoning. Site falls within Pymble Town Centre, review in conjunction with Town Centre strategy (Refer to comments on 14 +18B Park Crescent)
ZONE 2(c)	Streetscape: If new development of adjoining sites is consistent with the recent development on 6-8 Park Cresc the significance would not unnecessarily compromised.	
	SUITABILITY FOR REDEVELOPMENT n/a	



1



2 1. Location 2. Photo of subject site.

<p>SITE</p> <p>3</p> <p>Alma Street</p> <p>PYMBLE</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity:</p> <p>Minimal Impact - the garden provides adequate curtilage to the property.</p> <p>Streetscape:</p> <p>Large vegetation provides screening and transition between the two different scales of development.</p>	<p>RECOMMENDATION</p> <p>No change to zoning.</p>
<p>ZONE</p> <p>2(c)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



1

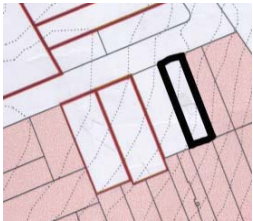
1. Location 2. Photo of subject site.



2

3

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
8 Cecil Street GORDON	Amenity: Overshadowing from 2(d3) site in the morning. 2(d3) zoned site may improve the acoustic amenity on the subject site as it will create a sound barrier, reducing noise from the railway.	No change to zoning due to minimal impact from 2(d3) zoned site.
ZONE 2(b)	Streetscape: Minimal impact on streetscape as 2(d3) site is adjacent railway and has a narrow frontage. Remainder of street contains one & two storey buildings.	
	SUITABILITY FOR REDEVELOPMENT n/a	



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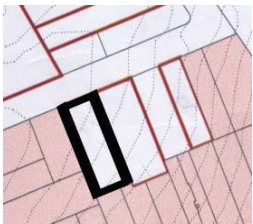


2



2 1. Location 2. Photo of subject site.

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
14 Cecil Street GORDON	<p>Amenity: Overshadowing during late afternoon and privacy impacts due to overlooking into rear of property</p>	No change to zoning. Rezoning and redeveloping site would weaken the streetscape for the four remaining single dwellings.
ZONE 2(b)	<p>Streetscape: This property is the first of five single dwellings fronting Cecil Street.</p>	
	SUITABILITY FOR REDEVELOPMENT n/a	



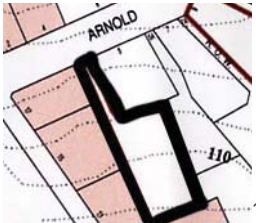
1

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
3 Arnold Street KILLARA	<p>Amenity:</p> <p>No overshadowing impacts. The current dwelling has minimal windows facing the common boundary reducing the privacy impacts. The impacts of scale would be would not necessarily be significant as the site is currently contained by vegetation. The additional setbacks required under LEP 194 would reduce the impacts of scale - it also reduced the viability in the redevelopment of these sites.</p> <p>Streetscape:</p> <p>No impact. 2(d3) sites have a frontage to Werona Avenue.</p>	No change to current zoning.
ZONE 2(b)	SUITABILITY FOR REDEVELOPMENT n/a	



2

1. Location 2. Photo of subject site.

SITE**11****Buckingham Road****KILLARA****ZONE****2(c1)****IMPACT FROM 2(D3) SITE****Amenity:**

The building would be shaded in the early morning by development on the 2(d3) site. Overlooking and privacy issues could be avoided by orientating the units away from the boundary - the geometry of the 2(d3) site encourages this.

Streetscape:

There will be an impact due to the change in scale from a 4.6 storey development to the single storey heritage item. The additional setback will reduce this impact. The footpath in front of the sites is at a different level to the road, this only increases the apparent height of the development.

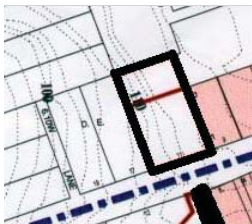
Heritage

The change in scale, and lack of curtilage presents the greatest problem for this site. The strength of character in the remainder of the street, and change in topography midway through the site allow a clear transition between high and low density to occur at this point in the street. If mature vegetation is encouraged within the setback of the 2(d3) zoned site then the impact could be reduced

RECOMMENDATION

No change to zoning. Although there is a significant impact due to the change in scale and lack of curtilage the impact to the heritage significant is reduced by the following factors:
 a) The potential for mature and substantial vegetation along the common boundary
 b) The change in streetscape and landscape character occurs at this point in the street.

Removal of the heritage status and rezoning would place increased amenity issues on adjoining properties.

**SUITABILITY FOR REDEVELOPMENT****Slope**

The 2(d3) zoned site is relatively flat. About midway through No. 11 the land begins to fall away rapidly. .

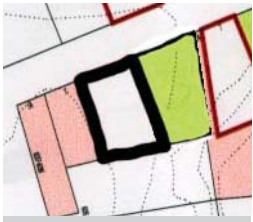
Impact on adjoining sites

Development on this site would have a substantial impact on neighbouring property and the streetscape

1. Location 2. Photo of subject site. 3. Potential site development



SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
3 Powell Street KILLARA	<p>Amenity:</p> <p>Overshadowing in late afternoon, The existing adjoining development is a residential flat building. The level of overlooking would not substantially increase from what currently exists</p> <p>Streetscape:</p> <p>The 2(d3) development has a frontage to the highway. Development in Powell Street consists of large single and two storey dwellings. This relationship is consistent along the Pacific Highway</p> <p>Heritage</p> <p>The heritage item is located within large site with a significant garden curtilage reducing the impact from the development on the adjoining 2(d3) zoned site. The site is first of a number of significant dwelling contain within the street.</p>	No change.
ZONE 2(d)	SUITABILITY FOR REDEVELOPMENT n/a	

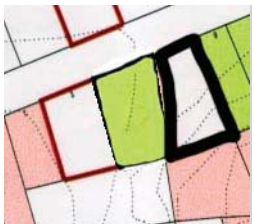


1



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
7 Powell Street KILLARA	Amenity: No impact. 2(d3) development to rear of site and a lower level.	No change to zoning
ZONE 2(b)	Streetscape: No Impact. 2(d3) development to the rear of site. Heritage: Development on the 2(d3) zoned site would not impact the heritage significance of 7 Powell Street as it is located to the rear of the site and at a lower level	
	SUITABILITY FOR REDEVELOPMENT n/a	



1

1. Location 2.Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
1 Grosvenor Street LINDFIELD	Amenity: The site would be overshadowed during the morning.	No change to zoning.

ZONE
2(c)

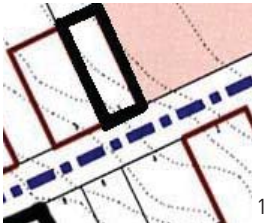
Streetscape:

The 2(d3) zoned site has the primary frontage to the Pacific Highway. Grosvenor Street has a character of single dwellings. Although there is a scale difference between the two developments. The pattern of development is consistent with other development along the highway, that being higher density development fronting the highway and lower density development on the side streets.

Heritage

The dwelling will be impacted by the difference in scale between the heritage item and development on the 2(d3) zoned site, however the remainder of the street contains dwellings of similar scale and character.

SUITABILITY FOR REDEVELOPMENT
n/a



1



2

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
3 Boundary Street ROSEVILLE	Amenity: Minimal impact due to corner location. Potential overshadowing from the north, however the building is currently separated	No change to zoning. Minimal impact from adjoining development.
ZONE		
Residential A	Streetscape: Corner location of the building reduces the scale impact and streetscape issues. The building has it's primary frontage to Hill Street, and is setback from Boundary Road.	

SUITABILITY FOR REDEVELOPMENT

Slope

n/a

Impact on adjoining sites

n/a

Size and geometry

n/a

Vegetation

n/a

Heritage

The site is currently a heritage item.
Adequate visual separation is available,
the dwelling type (apartment building) is
consistent with the future character of the
block.



1



2

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION
14 Woonona Ave South WAHROONGA	Amenity: Surrounded on three sides by 2(d3) zoned sites, there is the potential for the heritage significant to be severely diminished. The site is large in area (approx 3500sqm) hence a natural curtilage is created.	Heritage assessment should be undertaken for the site, with consideration given to the likely development permissible surrounding the site.
ZONE 2(c)	Streetscape: No Impact. Battle axe site.	If the assessment finds that the heritage significance would be reduced or compromised, consideration should be given to the rezoning of the site to a 2(d3) zoning
	SUITABILITY FOR REDEVELOPMENT	
	Slope Slope to north east.	
	Impact on adjoining sites Adjoining sites zoned 2(d3)	
	Size and geometry Square - 3500 sqm.	
	Vegetation n/a	
	Heritage 8 Woonona Ave South is a pending heritage item.	



1

1. Location 2.Photo of subject site.



2

3

<p>SITE</p> <p>36 McIntyre Street GORDON</p>	<p>IMPACT FROM 2(D3) SITE</p> <p>Amenity: Subject site is surrounded by dense vegetation reducing impact.</p> <p>Streetscape: Significant vegetation separates the heritage property from the street and adjoining 2(d3) properties.</p>	<p>RECOMMENDATION</p> <p>Subject site is a current heritage item. The heritage significance should be reassessed in terms of its future context. If the heritage significance is found to be reduced then 36 & 38 McIntyre Street should be considered to be rezoned so the new interface aligns with the creek.</p>
<p>ZONE</p> <p>2(c)</p>	<p>SUITABILITY FOR REDEVELOPMENT</p> <p>n/a</p>	



1

1. Location 2. Photo of subject site.



2

SITE	IMPACT FROM 2(D3) SITE	RECOMMENDATION:
33	Amenity:	A heritage assessment should be
Moree Street	Rear of property would experience	undertaken on this property to ascertain
GORDON	significant overshadowing.	the heritage significance of the item in it's
		future context.
ZONE	Streetscape:	
2(c)	No Impact	An option put forward by the current owner
		of the site is to rezone the site 2(d3) to allow
	SUITABILITY FOR REDEVELOPMENT	residential flat buildings to the rear of the
	Slope	site, thus providing a greater setback from
	Fall to the north. Rear of property is in gully.	the street and existing dwelling creating a
	Impact on adjoining sites	greater curtilage to the heritage item. This
	Privacy and streetscape issues	option has significant merit and should be
	Size and geometry	considered. This approach no only resolves
	Site widens at rear of property.	overshadowing impacts on the subject
	Vegetation	property but resolves the streetscape scale
	Minimal	impacts through the additional setback
	Heritage	created.
	Existing single storey weatherboard and	
	iron dwelling. Heritage significance should	
	be re-assessed. Adequate curtilage should	
	be provided. In particular appropriate	
	separation on the street frontage.	



1. Location 2.Photo of subject site. 3. Potential site development



SITE

8
Pearson Avenue
GORDON

ZONE

2(c)

IMPACT FROM 2(D3) SITE

Amenity:

North facing apartments are likely to look into the rear of the property.

Streetscape:

Heritage item would be impacted by the scale of the proposed development on both Burgoyne St and Pearson Ave. In both cases the apparent scale is increased due to the topography rising away from the subject site.

RECOMMENDATION

Heritage status should be reassessed with consideration given to the potential context, that being surrounded by residential flat buildings.

If heritage significance is found to be reduced - consider rezoning 2(d3)

SUITABILITY FOR REDEVELOPMENT

Slope

Fall to north

Impact on adjoining sites

Adjoining sites zoned 2(d3)

Size and geometry

Rectangular in shape - would require amalgamation with 2(d3) zoned sites - although may be developed at a smaller scale on its own

Vegetation

Significant vegetation located along boundaries.

Heritage

No other heritage items in vicinity



1



2

1. Location 2. Photo of subject site.



2

SITE

1
Caithness Street
KILLARA

ZONE

2(b)

IMPACT FROM 2(D3) SITE

Amenity:

The site will be surrounded on all boundaries by 4.6 storey residential flat buildings. It will be overshadowed and development that surrounds could potentially look into the property.

Streetscape:

The single storey dwelling is located within a cul-de-sac that will contain 4.6 storey residential flat buildings. The adjacent development will severely impact the subject site and potentially substantially reduce its heritage significance

SUITABILITY FOR REDEVELOPMENT

Slope

Slight fall towards the north.

Impact on adjoining sites

Adjoining sites are zoned 2(d3)

Size and geometry

Site would require amalgamation with adjoining 2(d3) sites.

Vegetation

Minimal vegetation

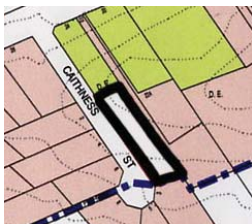
Heritage

Site is a heritage item. Heritage status should be assessed taking into account the future context of the dwelling.

RECOMMENDATION

Re assess the heritage significance of the site taking into account the future context.

Rezone 2(d3)



1



2

1. Location 2. Photo of subject site.



2

SITE

5
Victoria Street
ROSEVILLE

ZONE

Residential A

IMPACT FROM 2(D3) SITE

Amenity:

The site is likely to be affected by morning and afternoon overshadowing, and privacy impacts,

Streetscape:

The future character of Victoria Street is likely to consist of single and double storey dwellings on the north side of the street, and 4.6 storey residential flat buildings on the south side. The subject site is located on the south side. The heritage significance is likely to be reduced due to the potential difference in scale and lack of curtilage.

SUITABILITY FOR REDEVELOPMENT

Slope

Generally flat with slight fall to the south

Impact on adjoining sites

Adjoining sites are zoned 2(d3).

Size and geometry

Site would be required to be amalgamated to ensure sufficient area.

Vegetation

No significant vegetation located on the site

Heritage

The site is currently a heritage item. However the new context warrants a re-assessment of the heritage value of the site.

RECOMMENDATION

Rezone site 2(d3).

Re-evaluate the heritage significance of the item in the context of the potential development that will surround the site.

Even with heritage status maintained, an amalgamated site that includes 5 Victoria Street would provide the opportunity for a greater curtilage, as development may be permissible to the rear of the site where the impact on the streetscape would be minimal.



1

1. Location 2. Photo of subject site.



2

34 BILLYARD AVENUE, WAHROONGA - APPLICATION FOR REZONING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider an application for the rezoning of the convent lands at 34 Billyard Avenue, Wahroonga.

BACKGROUND:

The subject premises have been a convent of the Sisters of the Missionary Sisters of the Society of Mary (SMSM) since 1950. With no new Sisters entering the order the numbers have diminished significantly so that only 5 sisters were on the premises at the time of application. SMSM wishes to dispose of 34 Billyard Avenue and relocate the Sisters to more suitable accommodation. The Special Uses 5(a) zoning of the land is an obstacle to its sale recognising that the demand for convents is low. The current application for rezoning is to better facilitate its appropriate future use and sale.

COMMENTS:

It is recognised that the "Convent" zoning of the land is obsolete. A rationalisation of the zoning to permit appropriate future use is warranted. The rezoning of the site to Residential 2(c) as proposed, would be consistent with the zoning of adjoining and adjacent land. The premises would retain its listing as a heritage item. There are no expressed objections from Council officers to the principle of the rezoning.

RECOMMENDATION:

That Council resolve to prepare a Draft Local Environmental Plan to rezone 34 Billyard Avenue, Wahroonga to 2(c) and place it on public exhibition in accordance with statutory requirements.

PURPOSE OF REPORT

To consider an application for the rezoning of the convent lands at 34 Billyard Avenue, Wahroonga.

BACKGROUND

1. In the late 1930's development was undertaken on site so that by 1940 a residence, tennis court, garden and outbuildings including garage, stables and shed had been established. The premises were the residence of Mr A R Granowski (Engineer) who in 1950 sold the land to SMSM. The lands were used as a convent accommodating up to 30 Sisters in training. The attic underwent extensions to provide improved residential accommodation for the Sisters.
2. With the gazettal of the Ku-ring-gai Planning Scheme Ordinance in 1971 the land was zoned Special Uses 5(a) "Convent". Ku-ring-gai (Heritage Conservation) Local Environmental Plan No. 1 was gazetted in 1987 listing No. 34 Billyard Avenue as a heritage item. In 1990 the eastern portion of the site was subdivided and sold. The new allotment (3326m²) was rezoned at this same time to Residential 2(c) under LEP 92 and has since been developed as a residence with tennis court, known as 38 Billyard Avenue.
3. The subject land at 34 Billyard Avenue is now some 6089m² in extent and it is this site (Lot 1, DP334223) which is subject of the rezoning application.

COMMENTS

Need for Rezoning

It is accepted that the "Convent" zoning of the land is now obsolete. The site no longer fulfils its function as a convent and is essentially used as a residence for the 5 Sisters who remain. The maintenance and upkeep of the premises are now beyond the capacity of the Sisters who are desirous of retiring to more suitable accommodation elsewhere.

It is not reasonably possible to sell the premises with its existing zoning because of its restrictive nature "Convent" and the fact that there is little demand for convent lands today.

New Zoning

The application proposes the rezoning of the site to a residential 2(c) zoning. This is the same zoning as that which prevails on adjoining and adjacent lands, including the allotment subdivided from the site in 1990.

It is considered that this is the most appropriate zoning for the land. It will facilitate the use of the former residence as a dwelling house as originally designed and in a manner consistent with its zoning.

No major work would be necessary to return the premises to use as a dwelling-house.

Future Development Options

A 2(c) rezoning would potentially allow for further residential development of the site if, for example, a subdivision application were to be proposed. However, the acceptability of this would need to be assessed against the heritage provisions of the site and the significance of the landscaped gardens as curtilage to the heritage item.

It is to be noted that the heritage incentive provisions of Clause 61H of the Ku-ring-gai Planning Scheme Ordinance apply to the site. This could be used as a basis for the lodgement of a Development Application for the adaptive reuse of the heritage item in a manner not provided for by the zoning. This would equally apply whether or not the site were to be now rezoned. It is however considered that this does not argue as any reason to support the retention of the existing zoning. The zoning should appropriately allow for the range of uses which would ordinarily be considered as appropriate for the land in its context.

CONSULTATION

Should Council resolve that a Draft Local Environmental Plan be prepared, consultation will be undertaken with the appropriate statutory authorities during its preparation. The Draft Plan will then be placed on exhibition for public comment. The local community including adjoining and adjacent owners / residents will be notified by letter of the exhibition and invited to comment.

FINANCIAL CONSIDERATIONS

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

1. Staff resources.
2. Advertising.

These costs are compensated for by the rezoning application fees.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Department of Development & Regulation
Heritage Conservation Officer

Background

The property has been a novitiate and convent for the Sisters of the Society of Mary for over 50 years but is no longer needed as a facility and only accommodates about 5 Sisters who are all elderly. The place is their only substantial asset and funds from its sale are needed for their retirement and they need to move to suitable accommodation.

Item 10

S04482
21 September 2005

The site was identified in the original heritage study undertaken by consultants for Council in 1986/87. It was included in LEP No 1, gazetted on 6 October 1989 and is included in Schedule 7 (Part 2) as a local heritage item. The listing applies to two lots comprising Lot 1 and Lot 2, DP 334223.

Note: The adjoining house at No. 38 Billyard (Lot 2 DP 334223) was subdivided from the convent and rezoned to residential in 1990. The house and tennis court was built on the subdivided lot in 1992.

Outline history of “Kirawan”

The house was built in 1937 for Arthur Granowski, an engineer who is noted for developing a system for repairing railway tracks. Granowski lived in the house and raised two children. It was sold to the Sisters in 1950 for a convent and novitiate.

The Sisters were able to adapt the place for their needs with only minor alterations, including extensions to the attic and modification to accommodate very small bedrooms for the Sisters. The Sisters subdivided part of the land in 1990 at the eastern boundary of the site (about 3300m) and sold it. The now reduced property comprises about 6000 square meters.

Heritage Impact Assessment prepared for the Sisters.

The applicant prepared a Heritage Impact Assessment for the property in June 2005. It is prepared by a consultant included in the NSW Heritage Office schedule of heritage consultants. It is prepared in accordance with the NSW Heritage Office guidelines and is considered satisfactory. The statement of cultural significance is:

"Kirawan" is a representative example of the residential development that occurred in Ku-ring-gai between the wars. The design is architecturally un-distinguished but sound in its planning. The workmanship is of good quality but the finishes are unexceptional. In 1950 the large scale of the place made it suitable for adaptation as a convent.

Conclusions from the heritage report

The heritage report concludes:

“Kirawan” was built as a house (and not a convent), for it to revert to Residential zoning will have little effect on its cultural significance. For it not to revert to its original zoning has the potential to severely limit the financial security of the remaining members of the Society”.

The summary in the report is:

In the authors opinion there should be no impediment to rezoning of the place arising from the heritage significance of the house and its grounds

Item 10

S04482
21 September 2005**Comment**

The heritage report is satisfactory and I concur with the of the authors view that heritage is not an issue to impede or restrict rezoning that would return the site to residential use.

Council officers met with the applicant and their heritage consultant before the heritage report was finalised it was suggested that the Sisters should undertake a history of the Novitiate and include oral histories of former Sisters who trained there as the facility is one of the last remaining convents/novitiates in Ku-ring-gai. A history of the site would be an invaluable recording tool to describe the life and activities of the Sisters during their ownership of the place. The Sisters have commented that many of the Sisters who trained at the Convent in the 1950s, 1960s and 1970s had been contacted and were looking forward to being involved in preparing the history.

Site Visit

A site visit was held on 29 July 2005 between the Sisters several Councillors and Council staff. The interior, exterior and gardens of the place were inspected.

Comment

The statement of cultural significance in the heritage report has taken the view that the main house is “architecturally un-distinguished” and only a representative example. I do not agree with that conclusion but suggest that it is a fine property that would have very high level of local significance, and evidences high quality workmanship and materials. It retains most of its planned ‘estate garden’ and outbuildings and is highly intact. A statement of significance should be inclusive of the whole of a place.

At the site inspection it was clearly apparent that the house, outbuildings and grounds have undergone only minor change since the Sisters purchased the site in 1950. Although the grounds are now reduced in size, the Sisters have actively maintained the house, outbuildings and garden. The relationship of the house and garden is important particularly the outlook from the east facing ground floor terrace area and the upper floor balcony.

The property demonstrates evidence of formal “estate planning” with a formal entrance from Billyard Avenue leading to a porte-cochere. The service area is located in a separate precinct to the north and includes timber stables, stores, a garage and a small studio. The north eastern part of the site contains a kitchen garden with vegetable patch and a small orchard. The house is sited near the western boundary and is separated from the street by a tennis court making it difficult to see from the street. The house is sited to take advantage of the site and looks out over the formal terraced garden. The Sisters placed a condition on the 1990 subdivision that no fencing was to be placed on the western boundary. As the adjoining land is lower and it is still possible to look out over the adjoining house to the row of trees to the east which terminates the view and defines its visual curtilage.

As part of the recent appeal for 134-138 Eastern Road a short history of Seminaries and Novitiates in the Turrumurra/Wahroonga was prepared. Apart from the Canisius College in St Ives, this site is the last remaining such facility in Ku-ring-gai.

Item 10

S04482
21 September 2005

It is clear that large properties in Ku-ring-gai are under considerable pressure from development. Although the heritage report prepared for the Sisters is satisfactory for rezoning it does not contain any guidelines on how the cultural significance of the place might be managed in the future once it is rezoned and sold. Given its relatively high significance to the local community and its highly intact fabric it is considered that a full Conservation Management Plan should be prepared for the property before it is sold. As an example, the former John Williams Memorial Hospital in Water Street, Wahroonga sold recently. A detailed CMP was prepared and included with the sale documents so that potential purchasers were fully aware of its significance. It is recognized that retaining the value of a heritage asset presents certain constraints and opportunities on development and should not be seen as an unreasonable constraint to future development. If heritage significance is fully understood, then future works and development on the site can be accommodated while retaining its significance. Adaptation and development may enhance the heritage significance, of a place or at least may minimize negative impacts.

Conclusions and Recommendations

The heritage report submitted with the rezoning application is satisfactory and I concur with the conclusion that there “should be no impediment to rezoning arising from the significance of the place”. The property was designed as a residence and returning it to that use is acceptable.

I recommend that before the property is vacated, the Sisters should prepare a history that includes oral histories of former sisters who lived and trained at the facility. A copy of the history should be forwarded to the Ku-ring-gai Library and the Ku-ring-gai Historical Society and a copy should remain in the building so all future owners/occupants have access to it and can appreciate and understand the history and use of the place by the Sisters of the Society of Mary.

I also strongly recommend that before the site is sold and the Sisters relocate to more suitable accommodation that a full Conservation Management Plan (CMP) should be prepared which includes a cultural landscape assessment and reuse scenarios based on a full understanding of its heritage significance. The CMP should be provided to prospective purchasers (similar to the recent sale of the John Williams hospital) so that all future owners understand the cultural significance of the place when making decisions about its purchase. A CMP will be extremely useful to assist in assessing all future applications so that conflict situations do not arise.

**Department of Development & Regulation
Development Engineer**

The property has fallen to Billyard Avenue and is therefore Location A under Council's DCP 47 Water Management. No difficulties are anticipated with the management and disposal of stormwater from a future subdivision and/o residential development.

The site frontage of 62.5 metres would permit the construction of an adequate access road/driveway to a future residential development.

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

**Department of Open Space
Team Leader Landscape**

The proposed rezoning of this property to residential is supported as this would be consistent with the surrounding properties and also consistent with the original zoning of the house and property. I note that there may be potential for subdivision of this property in the future however this would be subject to further assessment on merit, and would not seem to be a reason in itself to refuse rezoning.

Comments

This property which is listed on the local heritage register has a number of significant landscape features, tree groupings and individual trees. Many of these features and trees would appear to date from at least the time of establishment of the house and grounds around 1940. The major features would appear to be largely intact and date from this period.

While the property associated buildings and setting in general are important from a landscape perspective the most important feature is the large area of garden to the east of the house including a terraced lawn, brick walls and steps, and open lawn area and vegetation. This area is of high landscape quality and its major components would appear to be largely intact. The physical and visual link between the house and this area of the garden is of great importance, and obviously a fundamental aspect of the original design of the garden and setting of the house.

Other important components of the site include :

The stand of Eucalyptus paniculata, Angophora floribunda and Eucalyptus saligna to the Billyard Ave frontage to the south east corner of the property. These trees are a remnant of the original vegetation association of the area, Blue Gum High Forest.

Individual trees such as the large Cedrus deodara, tree 23, and row of Cupressus torulosa (some in fair condition only) flanking and defining the northern edge of the main garden and separating visually three old stables and former orchard area from the main landscape setting of the house.

A very large Eleocharis kirtonii an Australian rainforest tree, a fairly unusual species for Sydney, occurs within a stand of smaller trees to the north east corner of the lawn area. Vegetation generally in this area provides a good visual screen between properties and contributes to the landscape setting of the house and grounds. A large Magnolia soulangeana occurs in this area and is a notable landscape feature.

There are various other individual trees such as the conifers within the brick terrace area and magnolia just to the north of the house which are prominent and contribute to the landscape setting.

There are also a number of large trees of significance on adjacent sites which are noted in this report, including tree 31 Lilly Pilly to the North east corner of the site.

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Tree report provided with the application

The tree inventory and report has identified all trees on the property and noted those trees thought to be of high value due to “prominence in the landscape and/ or long life expectancy”.

However the report does not analyse in detail the trees or landscape in the context of the setting for the house or as elements of the grounds and landscape from a heritage and landscape design view point.

The heritage statement accompanying the application does not include any analysis of the garden, or landscape setting despite this being an obviously important part of the overall site and its heritage significance.

The absence of such information does not in my opinion affect the validity of the application in regards to rezoning of this site to residential.

Landscape analysis

I would expect however that a detailed analysis of the landscape setting and garden and all elements within this setting be undertaken by a heritage landscape architect or suitably qualified consultant as part of any further development application for the site where that setting is likely to be changed.

**Department of Technical Services
Design / Projects Engineer**

Technical Services does not object to the rezoning of this site.

From the aspect of road and traffic, while the rezoning may slightly increase the traffic volume, most will be passenger vehicles which will have little impact on the pavement life. The change in volume of traffic will have minimal affect on Billyard Ave and connecting streets. It is noted that the site is close to Wahroonga station.

SUMMARY

The rezoning application by the Sisters of the Missionary Sisters of the Society of Mary is made in respect of the convent at 34 Billyard Avenue, Wahroonga currently zoned Special Uses 5(a) “Convent”. It is also a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance.

The purpose of the application is to seek the rezoning of the land to Residential 2(c). This is to facilitate the sale of the site by the Sisters so that they may relocate to more suitable residential premises in their retirement years. There is no longer the need for the convent as no new Sisters are entering the Order.

The current “Convent” zoning is obsolete and convents are not in demand. There is therefore a need for an appropriate zoning of the land, going forward. The proposed 2(c) zoning is considered the most appropriate being consistent with the zoning of adjoining and adjacent lands. The original development of the site was as a large dwelling-house. This has been adapted to the convent use. It

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is not difficult for this to revert back to its original use. To outward appearance it appears as a dwelling-house in a landscaped setting which is the predominant character of Billyard Avenue.

Council's Departments each raise no objection to the rezoning application.

RECOMMENDATION

- A. That the Director prepare a Draft Local Environmental Plan for 34 Billyard Avenue, Wahroonga to rezone the lands 2(c) under the Ku-ring-gai Planning Scheme Ordinance.
- B. That the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act.
- C. That when prepared, the Draft Local Environmental Plan be placed on public exhibition in accordance with statutory requirements for public comment.
- D. That a report be brought back to Council at the end of the exhibition period for Council's consideration of submissions.

Rod Starr
Senior Urban Planner

Antony Fabbro
Manager Urban Planning

Steven Head
Director Open Space &
Planning

Attachment: Rezoning submission - 34 Billyard Avenue, Wahroonga, June 2005 - 513374

Rezoning submission

34 Billyard Avenue, Wahroonga

Submitted to
Ku-ring-gai Municipal Council
On Behalf of the Missionary Sisters of the Society of Mary

June 2005 ■ 05146

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JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by: Briony Mitchell

Signature  Date 30/06/05

This report has been reviewed by: Vivienne Goldschmidt

Signature  Date 30/06/05

1.0 Introduction

This report, prepared by JBA Urban Planning Consultants on behalf of The Missionary Sisters of the Society of Mary, is submitted to Ku-ring-gai Municipal Council in support of a proposal to rezone land at 34 Billyard Avenue, Wahroonga to Residential 2(c) under the Ku-ring-gai Planning Scheme Ordinance 1971.

The report describes the site, its environs and the proposed rezoning and provides an assessment of the relevant planning issues.

The information presented in this report has been compiled from:

- site investigations;
- consultation with Council officers;
- specialist heritage and arboricultural advice; and
- assessment of relevant planning instruments, controls and strategies.

1.1 Rationale for the proposed rezoning

The Sisters of the Missionary Sisters of the Society of Mary (SMSM) spend most of their working years undertaking missionary work in overseas developing countries such as the Solomon Islands, Papua New Guinea, the South Pacific (Kiribati, Samoa and Fiji) and Bangladesh. 34 Billyard Avenue is SMSM's only substantial asset and unlike other Catholic orders, the Sisters do not undertake land development or have other substantial land holdings.

The property once accommodated up to 30 Sisters in training or in respite from their missionary work. In recent years, with new Sisters no longer entering the order, numbers have diminished significantly and SMSM no longer has a need for a convent. Furthermore, the five remaining Sisters residing at 34 Billyard Ave are in their late 60's and late 70's. Their ability to maintain the house and gardens is diminishing and they are increasingly unable to negotiate the stairs.

SMSM wishes to dispose of 34 Billyard Ave. Timing is critical as the elderly Sisters need to move out of "Kirawan" now and the proceeds of the sale of the property is required for their care.

As there is no market for convents in the foreseeable future, the Sisters wish to rezone the property (by returning it to its original use) in advance of its sale.

2.0 Description of the site and locality

2.1 The site

The property is known as "Kirawan", and is legally described as Lot 1 of DP 334223. Numeric details are as follows:

- 6,091 m² site area;
- 62.5m street frontage width (Billyard Ave); and
- 97.5m site depth.

The property is currently zoned Special Uses 5(a) (Convent) under Ku-ring-gai Planning Scheme Ordinance 1971 (KPSO)). The 5(a) Special Uses zone allows development for the purpose of convent and special events.

2.2 Location and context

The property is located in the Municipality of Ku-ring-gai. Figure 1 illustrates the local context of the site which is located approximately 600m east from Wahroonga railway station and shopping village. In addition, the property is approximately:

- 600m (on foot) or 1.3 km (by vehicle) north of Warrawee railway station;
- 600m west of the Eastern Road neighbourhood shops and the 575 & 576 Shorelink Bus Service to Turramurra railway station and shopping village; and
- 1 km from the Pacific Highway.

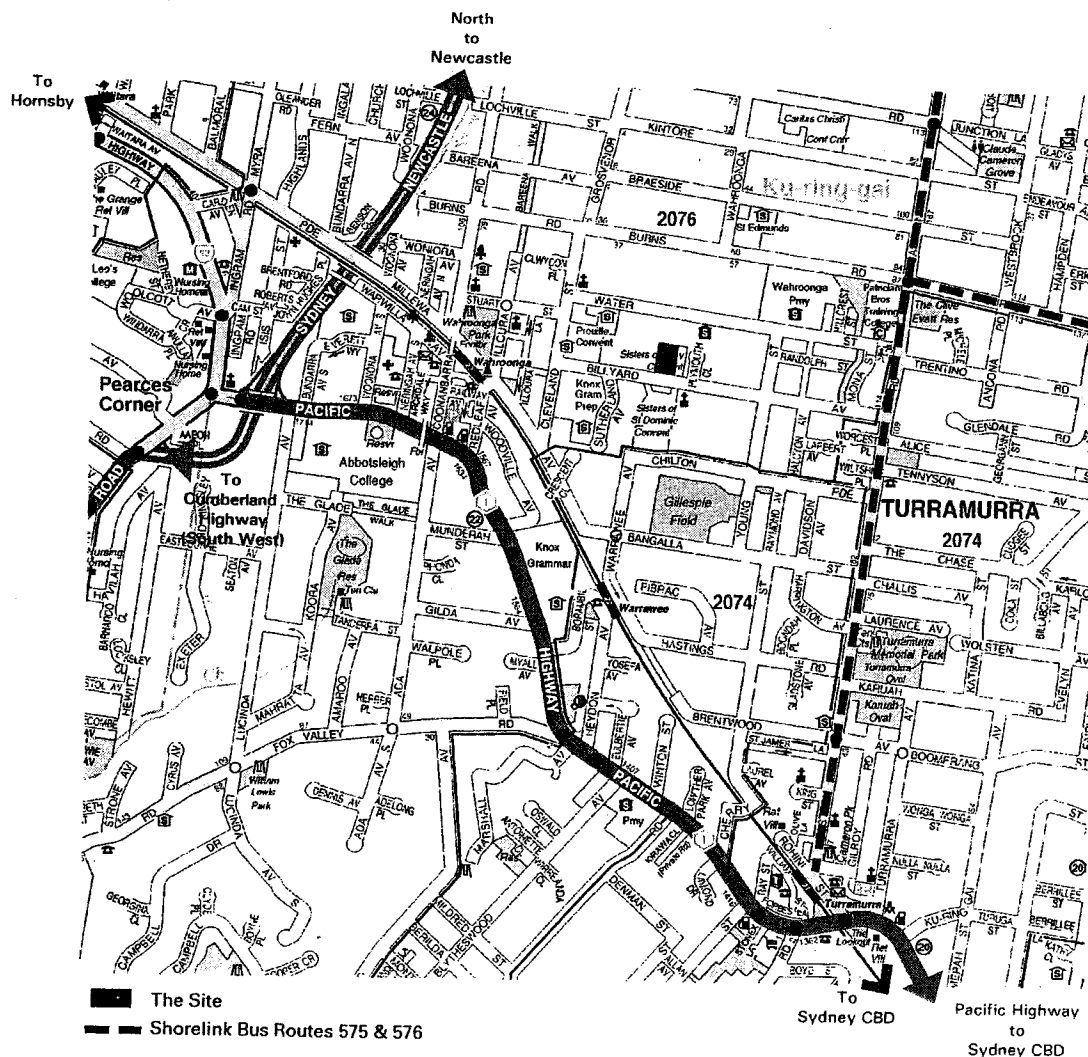


Figure 1 - Locality Plan

2.3 Surrounding development

The majority of the surrounding land in Wahroonga is residential (zoned Residential 2(c) in the KPSO) as illustrated in Figure 2.

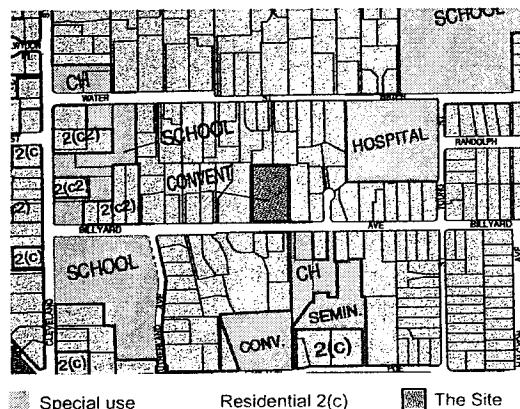


Figure 2 – Ku-ring-gai Planning Scheme Ordinance Map 1971 extract.

Adjoining properties

The property is surrounded by residential lots with large freestanding two storey dwellings. The Holy Name Church is located diagonally opposite 34 Billyard Avenue.

To the east



Figure 3 – Frontage of 38 Billyard Ave.

To the west



Figure 4 – Frontage of 30 Billyard Ave.

To the south



Figure 5 – Frontage of 23 Billyard Ave (opposite the site).

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Subdivision pattern

As illustrated in Figure 6 the subdivision pattern of the locality is characterised by large lots of land (approx. 1,000 – 4,000m²) - many of which have been subdivided from larger parcels of land.

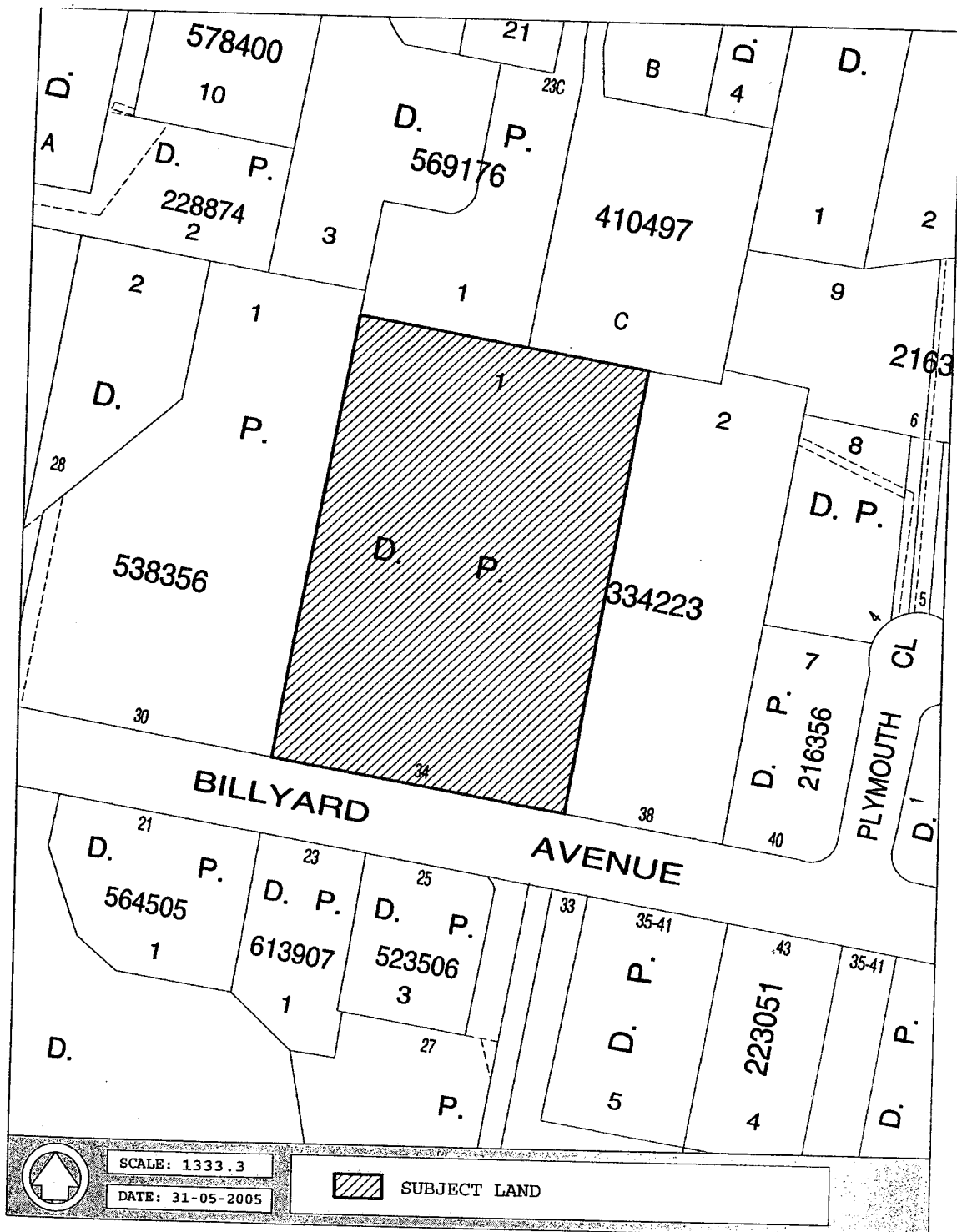


Figure 6 – Location plan illustrating the surrounding subdivision pattern. Source: Kuring-gai Municipal Council

Neighbourhood character

The residential neighbourhood of this part of Wahroonga is characterised by grand, well maintained residences/properties:

- with two/three car garages;
- set amongst large, manicured gardens and framed by tall mature trees;
- containing swimming pools, tennis courts and other ancillary structures;
- separated from the street by front fences with extensive border plantings; and
- generally screened from the street by extensive landscaping and/or topography.

A number of properties in the vicinity of the site are heritage listed. With significant homes and gardens they contribute to the residential character of the locality. The numerous special use properties remain consistent with the predominantly residential character of Wahroonga.

2.4 Site analysis

The property's key features are illustrated in the site analysis at Figure 7. A comprehensive site survey prepared by Craig & Rhodes is included at Appendix A.

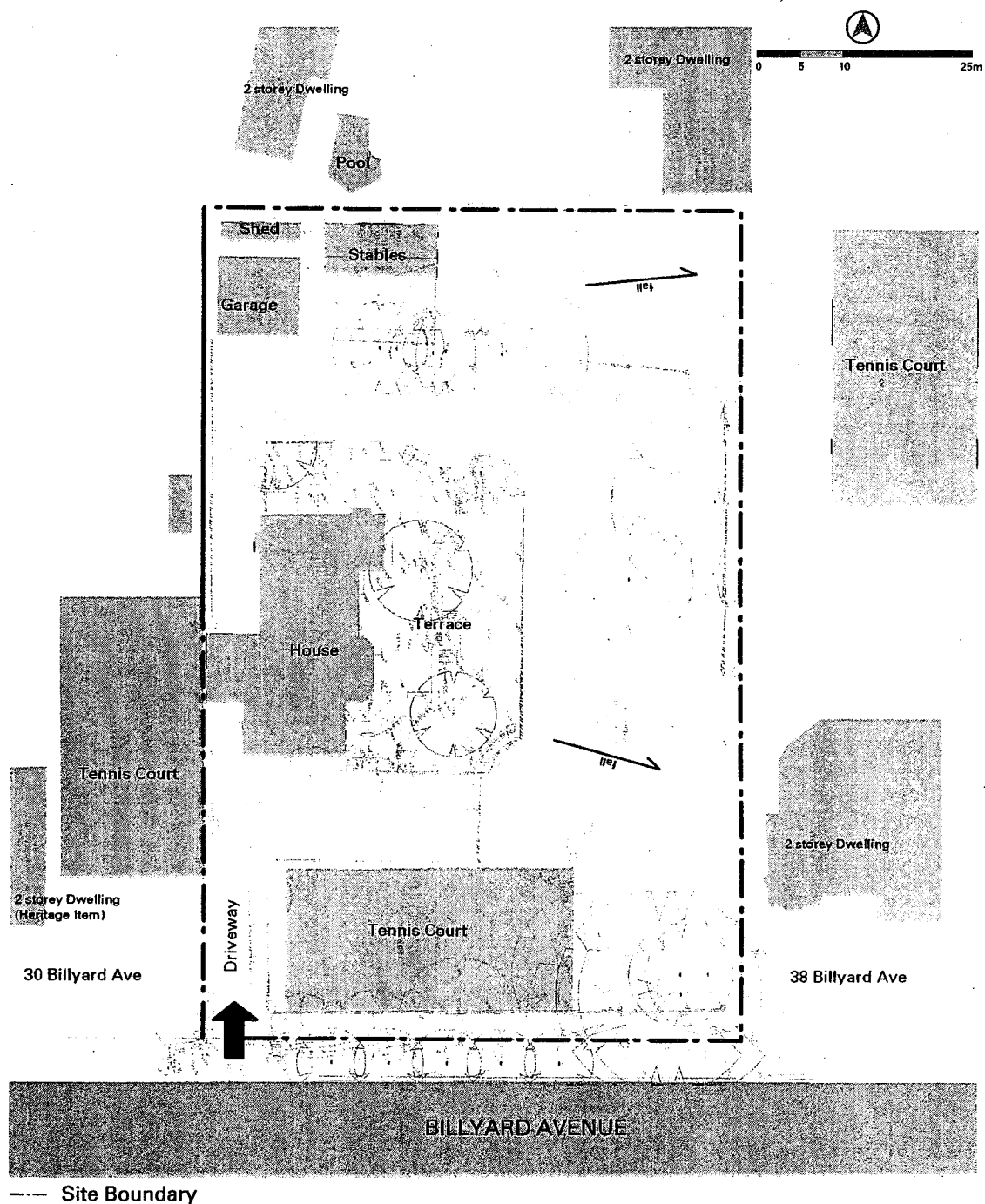


Figure 7 - Site Analysis

Existing development

The property contains:

- a three-storey brick house;
- two-car garage with storerooms;
- former stables containing 4 stalls;
- garden shed; and
- disused tennis court.

Photographs of the property are provided at **Figures 8 and 9**.

Heritage

The property is listed as an item of local heritage significance under the KPSO. It is not listed under the *NSW Heritage Act 1977*.

Access

The property has a single point of entry for vehicles and pedestrians via a gated driveway directly off Billyard Ave (illustrated at **Figure 9**). The driveway has been excavated below natural ground level.

Topography

The land slopes considerably from west to east falling 9.3m from the north western corner to the south eastern corner as illustrated in the site survey included at **Appendix A**.

Vegetation

The site supports a variety of exotic and indigenous canopy trees and an understorey of turfgrass and shrubs (refer to **Figures 10 and 11**).

Treescan Urban Forest Management has undertaken a comprehensive survey of the 73 trees that are over 5m in height (i.e. those covered by Ku-ring-gai Council's Tree Preservation Order). Refer to the full survey in the Tree Report included at **Appendix B**.

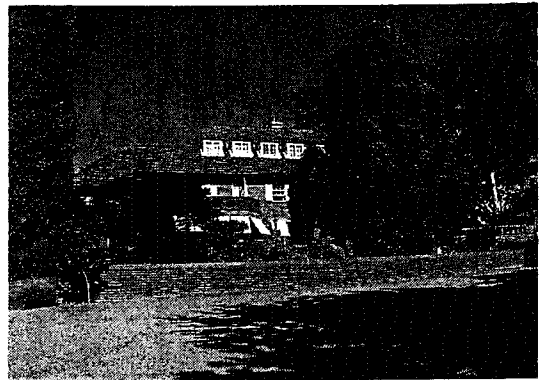


Figure 8 – Eastern elevation of the house and terraces.



Figure 9 – Site entry/ exit located directly off Billyard Ave.

2.5 History of the property

The property was part of a 2,000 acre grant made to John Terry Hughes in 1842. In 1937 two adjoining lots in Billyard Avenue (Part 6, Section C, DP 503 & Part 5, DP 11230) were purchased by engineer, A R Granowski. By 1940 development for a private residence, including house, garage, stables, garden, tennis court and shed, was completed.

SMSM purchased the property from Granowski in 1950 and have made little change to the buildings or gardens.

At some point after 1950 the property was rezoned from Residential to Special Uses (Convent).

In June 1990, SMSM subdivided the property into two lots (Lot 1 and Lot 2 of DP 334223). Lot 1, comprising Kirawan was retained and Lot 2 was rezoned to Residential 2(c). Lot 2 was subsequently sold and developed to include a new two storey dwelling house and tennis court (known as 38 Billyard Avenue and illustrated at **Figure 3**).

3.0 Planning framework

The following section outlines relevant Environmental Planning Instruments that are relevant to the proposal. These have been taken into account in preparing this rezoning submission.

3.1 State Planning Instruments

SEPP 53 - Metropolitan Residential Development

State Environmental Planning Policy No. 53 - Metropolitan Residential Development (SEPP 53) provides for a variety of housing types in areas where Councils have not adopted residential development strategies approved by the Minister. This SEPP applies to the majority of residential land in Ku-ring-gai and permits dual occupancy development where it is prohibited under the KPSO.

Should the property be rezoned then SEPP 53 would apply to the land. However, this rezoning proposal does not envisage any development of the property.

Seniors Living SEPP (2004)

The Seniors Living State Environmental Planning Policy 2004 aims to increase the supply and diversity of residences that meet the needs of seniors or people with a disability. This SEPP applies to residential and special use land in Ku-ring-gai and permits multi-unit development for seniors and people with a disability. Any proposal pursuant to this SEPP would not comply with the locational and environmental criteria of the SEPP. In any case, the proposed rezoning does not envisage any development of the property.

3.2 Ku-ring-gai Planning Scheme Ordinance (KPSO 1971)

The KPSO is the local planning instrument applying to the site. The site is currently zoned Special Uses 5(a). Only development for the purposes associated with a convent and special events are currently permitted. Dwelling houses are currently not permitted in this zone.

3.3 s.117(2) Directions

The proposed rezoning is prepared in accordance with the relevant s.117(2) Directions under the Environmental Planning and Assessment Regulations 2000.

4.0 Assessment of Planning Issues

The following is our assessment of the environmental, social and economic effects of the proposed rezoning.

4.1 Site suitability

Having regard to the characteristics of the site and its location, the proposed rezoning is considered appropriate for the following reasons:

- the property was originally developed for the purpose of a residential dwelling and retains its residential buildings and ancillary structures;
- the site is located in a residential area and is surrounded by land zoned Residential 2(c);
- the site is in close proximity to:
 - public transport (train and bus);
 - services (post, banks, food, recreation, retail etc);
 - schools;
 - major road networks;
- the site enjoys significant amenity:
 - treed outlook;
 - quiet residential neighbourhood and street;
 - no conflicting uses located in the vicinity; and
 - large building separation.
- appropriate vehicle access and car parking is provided;
- no works are required to use the site for a residential purpose; and
- all necessary utilities are available to the site for residential use.

4.2 Heritage

John Graham and Associates has prepared a Heritage Impact Statement (HIS) for the proposal which is included at **Appendix C**. The HIS concludes:

"As "Kirawan" was built as a house (and not a convent), for it to revert to Residential zoning will have little effect on its cultural significance. For it not to revert to its original zoning has the potential to severely limit the financial security of the remaining members of the Society.

In the author's opinion there should be no impediment to the rezoning of the place arising from the heritage significance of the house and its grounds."

Specifically, the HIS assesses the proposal against the following criteria of cultural significance:

(a) Historical: The building was designed as a dwelling and will revert to that use.

(b) Association: Severance of the link with SMSM is inevitable due to the decline in numbers, the unsuitability of the place for use as a residence for the elderly (due to the stairs) and the inability of the Sisters to maintain the place (due to their increasing age).

(c) Aesthetic: A change of zoning to 2(c) Residential will have no effect on the aesthetics of the place.

(d) Social: Whether or not the property is rezoned, it is inevitable that the social links with the place will be severed as it no longer makes a suitable home for the Sisters.

(f) Rare or endangered: Re-zoning to 2(c) Residential is the mechanism most likely to maintain the original use of the place.

(g) Ability to demonstrate the characteristics of a class of places: Rezoning will not affect (but may ensure) the ability of the place to demonstrate its essential characteristics.

In summary, that proposed rezoning will not only preserve the property as a private residence (the purpose for which it was originally built), but will not impact on the aesthetics of the place.

History

To ensure the cultural and social associations that SMSM has with the property are not lost and are recorded for the benefit of future generations, SMSM is in the process of preparing an oral history of the house, its use and its associations with this Missionary order.

4.3 Flora

The proposed rezoning will not impact on any of the property's flora.

4.4 Impact on adjoining properties

The proposed rezoning will have no adverse impacts on adjoining residential properties in terms of acoustic privacy, access to sunlight, traffic or visual privacy.

4.5 Streetscape and neighbourhood character

The predominantly low density residential character of this part of Wahroonga and Billyard Avenue will not be impacted by the proposed residential rezoning of the property.

The property will continue to contribute to the character of the neighbourhood with its large street frontage, significant residence, well maintained garden and significant mature canopy trees and screen planting.

4.6 Traffic

The proposed rezoning will not result in any adverse traffic impacts on local roads and intersections.

4.7 Utility services

The property is within an urban area and all utility services are currently available including, electricity, telecommunications, gas, water, stormwater and sewer.

4.8 Social and economic impacts

The proposed rezoning will not have any negative social and economic impacts.

5.0 Conclusion

The proposed rezoning returns land and buildings at 34 Billyard Avenue, Wahroonga to the residential use for which they were originally intended. Rezoning the land to Residential 2(c) will not impact on:

- adjoining properties;
- the environment;
- the streetscape or neighbourhood character; or
- any significant trees on the property.

The property's heritage significance will remain intact and although SMSM will no longer be associated with the property their history will be recorded.

The Missionary Sisters of the Society of Mary are no longer able to maintain 34 Billyard Avenue and need to relocate to improve the living arrangements of the aging sisters and to fund their care.

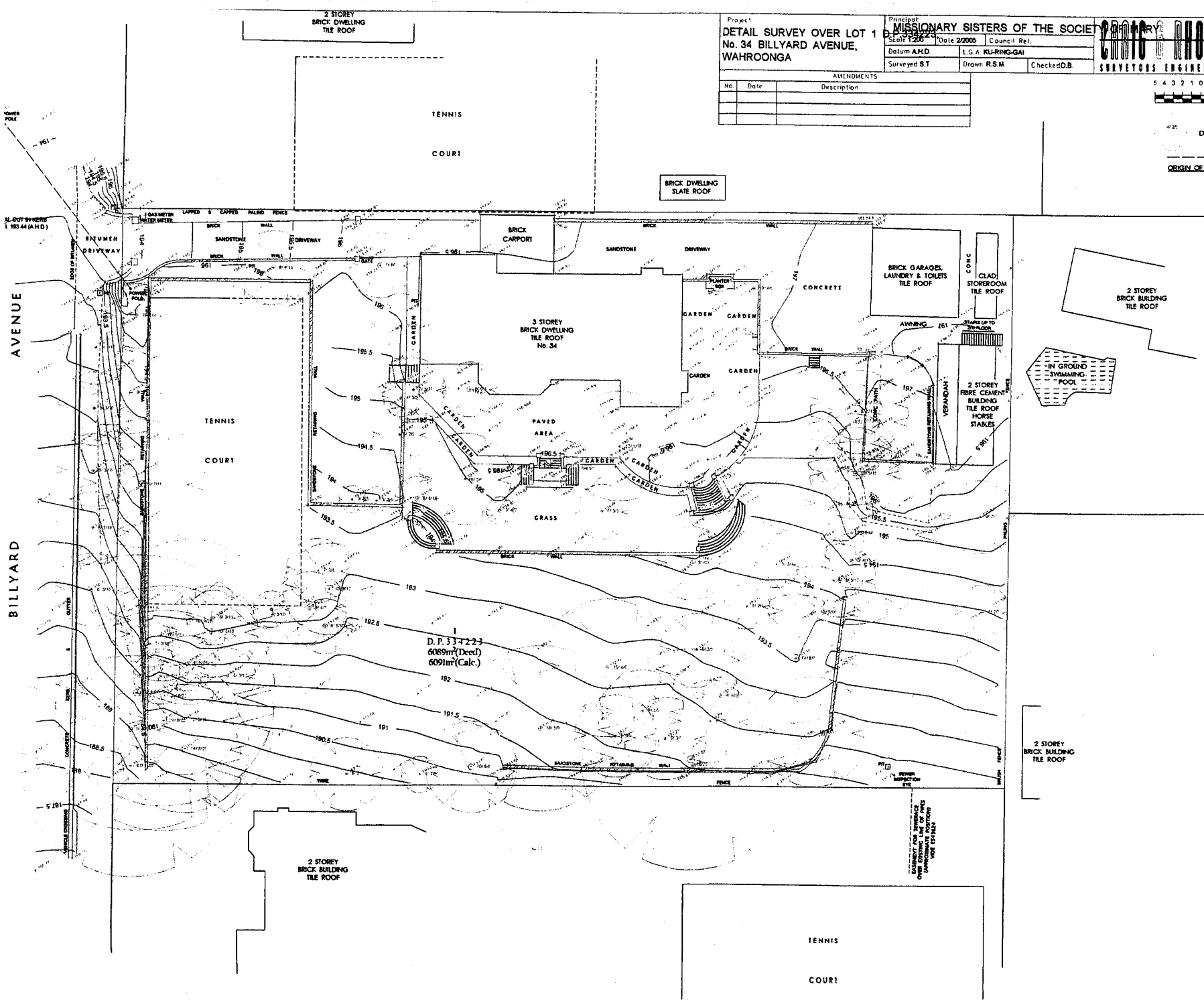
In view of the absence of any negative impacts arising from the rezoning of the site to Residential 2(c), Council's support for the rezoning is strongly recommended.

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Site Survey

Craig & Rhodes





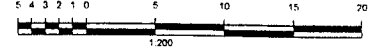
Project		Principal	
DETAIL SURVEY OVER LOT 1		MISSIONARY SISTERS OF THE SOCIETY	
Scale 1:250	Date 2/2005	Council Ref.	
Datum A.M.D.	L.G.A. KULRING-GAI	Drawn R.S.M.	Checked D.B.
Surveyed S.T.			

AMENDMENTS	
No.	Description

LEVEL 4, SUITE 400,
16-18 CAMBRIDGE ST
EPPING 2121
P.O.BOX 233, EPPING NSW 1512
02 9408 1111
Ph. (02) 9869-1655
Fax. (02) 9869-1655
A.C.N. 650 209 901

Directory
Z:YEAR2005
Sheet No 1
of 1 Sheets

Dwg. No
01505
Dwg. Re
15/0



47.25' DENOTES TREE SPREAD, TRUNK DIAMETER, & HEIGHT
 --- DENOTES OVERHEAD ELECTRICITY
 ORIGIN OF LEVELS: 8.8 M 77760 R/L 194.653 A.H.D.1 VIDE SCHEM DATED 21/1/05

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The levels and details on this plan have been determined by standard methods and are within the general accepted accuracies for such surveys. All set out levels must be referred to the bench mark.

Tree sizes are estimates and indicative only.

Services and utilities shown have been located by physical evidence and/or by reference to service plans from the relevant authorities. Pits may not have been opened to verify the type of utility. Excavation has not been carried out to confirm underground location. Service details should be confirmed with the relevant service authority during design and prior to commencement of construction.

As part of your duty of care, please contact the following where necessary:

AGL Gas Company	Ph. 131245
Del Before You Dig	Ph. 1100
Energy Australia	Ph. 131535
Integral Energy	Ph. 131061
Optus Communications	Ph. 1800 605 777
Sydney Water	Ph. 132092
Telstra Corporation	Ph. 132203

This plan has been prepared for the exclusive use of the principal as listed in the title block.

Boundary dimensions are from the Title Diagram and are subject to final survey. Except where shown by dimension, the relationship of structures to boundaries is diagrammatic only. The true positions are subject to final survey.

Any construction on or near the boundaries will require further survey so that marks defining boundaries can be placed.

All set out levels must be referred to the bench mark.

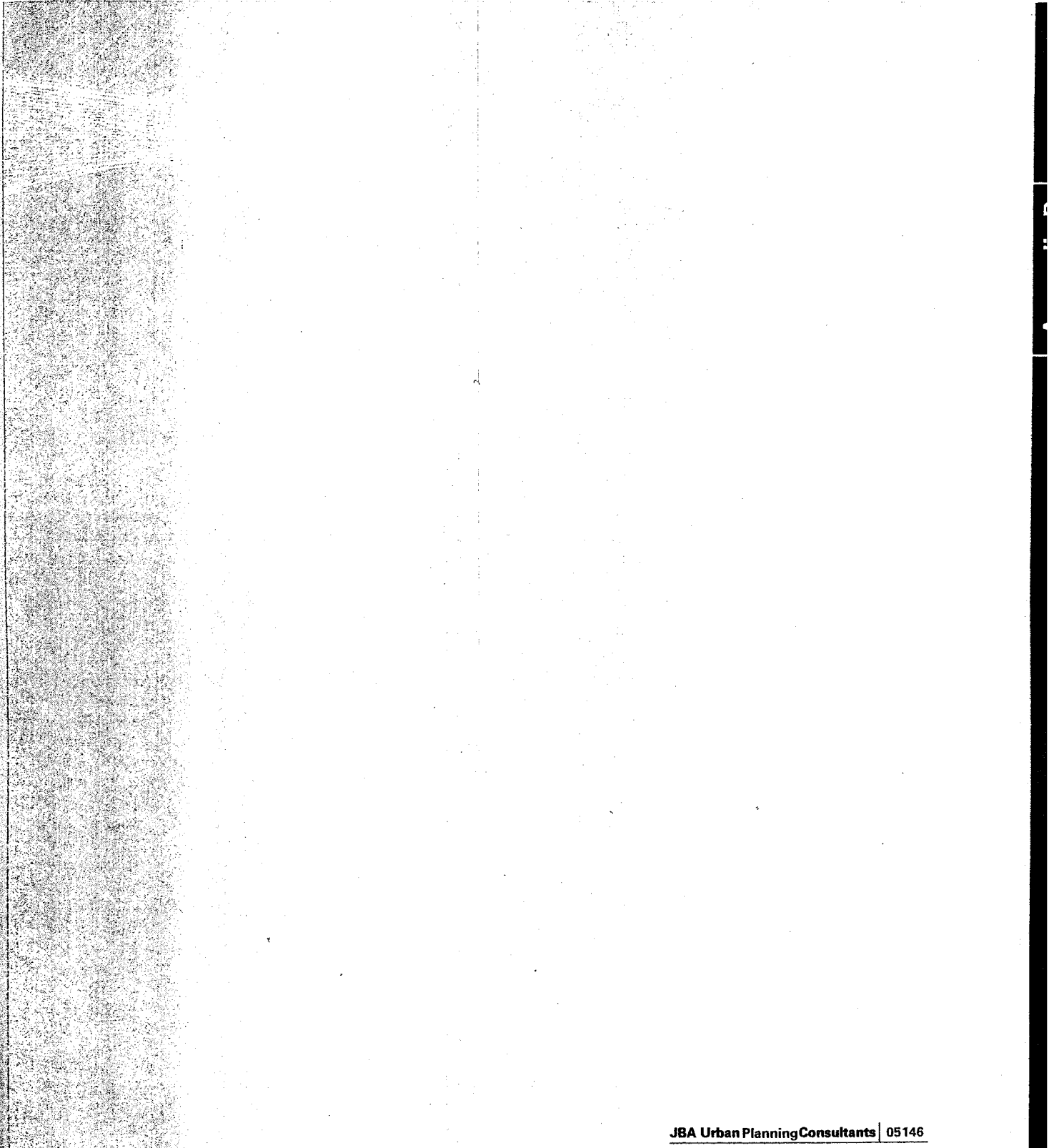
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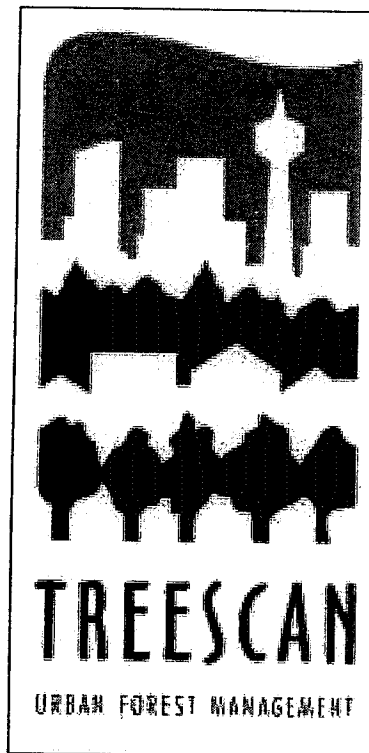
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Tree Report

Treescan Urban Forest Management





TREE REPORT

34 Billyard Ave Wahroonga

**For
JBA Urban Planning Consultants Pty Ltd**

February 2005

45 Glassop Road, Linden NSW 2778

Ph: 02 4753 1018, Fax: 02 4753 1167, Mobile: 0415 064 669

Email: mail@treescan.com.au Website: www.treescan.com.au

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TREE REPORT

34 Billyard Ave Wahroonga

For
JBA Urban Planning Consultants Pty Ltd

February 2005

Introduction

It is proposed to make an application to rezone the property at 34 Billyard Ave Wahroonga. As part of the initial planning, a survey of the site trees was commissioned. This report assesses the trees and comments on their safe useful life expectancy. Trees were inspected on 10 February 2005.

The site

The site is rectangular with the long axis aligned north/south. The south boundary is to Billyard Ave and the other boundaries are defined by private properties. The land slopes gently down from west to east with a fall of approximately eight metres over the site frontage of 62m.

Soils are clays, derived from the Wianamatta Group shale parent rock. Site vegetation consists of scattered exotic and indigenous canopy trees, with an understorey of turfgrass and shrubs.

Most of the site consists of open lawns, with individual trees and tree groups scattered throughout. The main building is located in the west centre of the site, with other buildings located in the northwest corner. A disused tennis court is located in the south near the street frontage.

Present state of the trees

The site trees are assessed in Table 1 below; tree numbers are noted on the plan attached. Trees were inspected from the ground only and no aerial or subterranean inspections were carried out.

Table 1: Site trees

Tree no	Species	Approx trunk dia mm	Health	Condition	SULE	Comment
1	<i>Juniperus chinensis</i> (Chinese Juniper)	400	Good	Fair	2A	Near retaining wall and tennis court
2	<i>Prunus campanulata</i> (Taiwan Cherry)	150 x 3	Fair	Fair	2D	Pear and cherry slug infestation
3	<i>Camellia sasanqua</i> (Camellia)	150	Good	Good	2A	
4	<i>Camellia sasanqua</i> (Camellia)	150	Good	Good	2A	
5	<i>Prunus campanulata</i> (Taiwan Cherry)	150	Good	Fair	3C	Trunk decay
6	<i>Magnolia soulangeana</i> (Magnolia)	100 x 3	Fair	Fair	3C	Trunk decay
7	<i>Jacaranda mimosifolia</i> (Jacaranda)	100 x 2	Good	Fair	2D	One-sided root system
8	<i>Thuja occidentalis</i> (Western Arborvitae)	250	Fair	Good	2D	
9	<i>Thuja occidentalis</i> (Western Arborvitae)	200	Good	Good	2D	
10	<i>Chamaecyparis funebris</i> (Chinese Weeping Cypress)	500 bf	Good	Fair	2D	Multi weak junctions at trunk base
11	<i>Acer palmatum</i> (Japanese Maple)	300	Fair	Fair	3D	Girdling roots
12	<i>Prunus campanulata</i> (Taiwan Cherry) standard	400	Good	Poor	3C	Loose root system Trunk decay
13	<i>Chamaecyparis obtusa</i> 'Crippsii' (Hinoki False Cypress)	500x 2 400	Good	Fair	2D	Weak trunk junction Near retaining wall
14	<i>Prunus campanulata</i> (Taiwan Cherry) standard	250	Good	Fair	3C	Trunk decay
15	<i>Prunus campanulata</i> (Taiwan Cherry) standard	500	Good	Fair	3C	Trunk decay
16	<i>Magnolia soulangeana</i> (Magnolia)	250x 2	Good	Good	2A	Sheltered by walls
17	<i>Cupressus torulosa</i> (Bhutan Cypress)	750	Good	Fair	2D	Weak trunk junction
18	<i>Cupressus torulosa</i> (Bhutan Cypress)	250	Fair	Poor	3C	Suppressed
19	<i>Cupressus torulosa</i> (Bhutan Cypress)	600	Good	Fair	2D	Weak trunk junction Suppressed
20	<i>Cupressus torulosa</i> (Bhutan Cypress)	500	Good	Fair	3C	Bulge @ 2m Suppressed
21	<i>Cupressus torulosa</i> (Bhutan Cypress)	500	Good	Fair	2D	Weak trunk junction Common canopy with 20
22	<i>Camellia sasanqua</i> (Camellia)	250	Good	Good	2A	
23	<i>Cedrus deodara</i> (Himalayan Cedar)	1000	Fair	Good	1B	Sparse crown

Tree no	Species	Approx trunk dia mm	Health	Condition	SULE	Comment
24	<i>Juniperus</i> sp. (a Juniper)	400	Fair	Poor	4A	Sparse crown Suppressed
25	<i>Chamaecyparis obtusa</i> (Hinoki False Cypress)	400	Good	Fair	3D	Sparse crown
26	<i>Juniperus chinensis</i> (Chinese Juniper)	250	Fair	Poor	3C	Suppressed
27	<i>Acer palmatum</i> (Japanese Maple)	250x 2 150	Fair	Fair	3D	Sparse crown
28	<i>Grevillea robusta</i> (Silky Oak)	300	Fair	Fair	3D	Sparse crown
29	<i>Acer negundo</i> (Box Elder)	200	Good	Fair	3B	Weed species
30	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	150	Fair	Good	2A	Sparse crown
31	<i>Syzygium australe</i> (Brush Cherry)	600	Good	Good	1A	On neighbouring property
32	<i>Prunus campanulata</i> (Taiwan Cherry)	150	Poor	Fair	3D	Pear and cherry slug defoliation
33	<i>Prunus campanulata</i> (Taiwan Cherry)	150	Poor	Fair	3D	Pear and cherry slug defoliation
34	<i>Acer palmatum</i> (Japanese Maple)	250	Poor	Poor	4A	Declining
35	<i>Magnolia soulangeana</i> (Magnolia)	500 bf	Good	Good	2A	Excellent specimen
36	<i>Cupressus sempervirens</i> var. <i>stricta</i> (Italian Cypress)	300	Good	Fair	2A	Codominant crown
37	<i>Prunus campanulata</i> (Taiwan Cherry)	75	Fair	Poor	4C	Suppressed
38	<i>Elaeocarpus kirktonii</i> (Silver Quandong)	1000	Good	Good	1B	Broken branches
39	<i>Prunus campanulata</i> (Taiwan Cherry)	200bf	Fair	Poor	3C	Suppressed Multi-stemmed
40	<i>Prunus campanulata</i> (Taiwan Cherry)	300 stump			4A	Trunk decay Suckers from stump
41	<i>Prunus campanulata</i> (Taiwan Cherry)	250 bf	Fair	Poor	4A	Lopped
42	<i>Acer negundo</i> (Box Elder)	400	Fair	Poor	4B	Weed species Leaning
42a	<i>Phoenix canariensis</i> (Canary Island Date Palm)	5m	Good	Good	2B	One-sided root system
43	<i>Fraxinus oxycarpa</i> 'Raywoodii' (Claret Ash)	750	Fair	Poor	4B	Leaning ? unstable
44	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	150	Poor	Fair	3D	Defoliated crown Kurrajong Leaf Tier
45	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	250	Fair	Good	2D	Defoliated crown Kurrajong Leaf Tier

Tree no	Species	Approx trunk dia mm	Health	Condition	SULE	Comment
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	1200	Fair	Poor	4B	Fungal fruit body at 6m Major broken branches over street Hazardous tree
47	<i>Angophora floribunda</i> (Rough Barked Apple)	500	Poor	Poor	4A	Dying Lost top
48	<i>Eucalyptus pilularis</i> (Blackbutt)	750	Fair	Poor	3B	Leaning One-sided crown Bulge at trunk base Retaining wall near trunk
49	<i>Eucalyptus paniculata</i> (Grey Ironbark)	750	Fair	Fair	2D	One-sided crown over neighbouring property
50	<i>Eucalyptus paniculata</i> (Grey Ironbark)	750	Fair	Fair	2D	Codominant with 49 & 51 Bulge at 8m
51	<i>Eucalyptus paniculata</i> (Grey Ironbark)	750	Fair	Fair	2D	Bulge at 8m
52	<i>Scolopia braunii</i> (Flintwood)	500bf	Good	Fair	2D	Codominant crown with 4 subtrunks arising from base
53	<i>Juniperus chinensis</i> (Chinese Juniper)	200	Poor	Poor	4A	Declining Suppressed
54	<i>Juniperus chinensis</i> (Chinese Juniper)	300	Fair	Fair	3D	Suppressed Sparse crown
55	<i>Stenocarpus sinuatus</i> (Queensland Firewheel Tree)	150	Good	Fair	2D	One-sided crown
56	<i>Acacia elata</i> (Cedar Wattle)	250	Poor	Poor	4A	Dying
57	<i>Araucaria heterophylla</i> (Norfolk Island Pine)	400	Poor	Poor	4A	Suppressed Lost top
58	<i>Acacia elata</i> (Cedar Wattle)	500	Fair	Poor	3A	Leaning over court Trunk borers active
59	<i>Liquidambar styraciflua</i> (Liquidambar)	600	Good	Poor	4B	Cavity in lower trunk Big ears defect at 6m
60	<i>Liquidambar styraciflua</i> (Liquidambar)	250	Good	Fair	3B	Root damage to court
61	<i>Callitris columellaris</i> (Richmond Cypress Pine)	500	Fair	Fair	3D	Codominant crown with Tree 63
62	<i>Juniperus communis</i> (Common Juniper)	250	Poor	Poor	4A	Declining
63	<i>Callitris columellaris</i> (Richmond Cypress Pine)	750	Fair	Poor	4B	Leaning Lifted and damaged root system on tension side Hazardous
64	<i>Pittosporum eugenioides</i> (Tarata)	150	Fair	Poor	4C	Crown damage
65	<i>Liquidambar styraciflua</i> (Liquidambar)	400 300	Good	Poor	3D	Weak trunk junction Lopped at 5m
66	<i>Liquidambar styraciflua</i> (Liquidambar)	500	Fair	Poor	3D	Lopped at 4m

Tree no	Species	Approx trunk dia mm	Health	Condition	SULE	Comment
67	<i>Liquidambar styraciflua</i> (Liquidambar)	300	Good	Good	3B	Root damage to retaining wall
68	<i>Liquidambar styraciflua</i> (Liquidambar)	250	Good	Good	2B	Root damage to drain Street tree
69	<i>Liquidambar styraciflua</i> (Liquidambar)	100	Good	Good	2B	Street tree
70	<i>Liquidambar styraciflua</i> (Liquidambar)	200	Good	Good	2B	Street tree
71	<i>Liquidambar styraciflua</i> (Liquidambar)	200	Good	Good	2B	Street tree
72	<i>Liquidambar styraciflua</i> (Liquidambar)	200	Good	Good	2B	Street tree
73	<i>Liquidambar styraciflua</i> (Liquidambar)	200	Good	Good	2B	Street tree

Notes:

bf= approximate diameter below forks, not at breast height

Palms assessed by trunk height, not diameter

Discussion

The trees are scattered throughout the site as individuals and groups. Some are in poor structural condition and declining and/or hazardous, while some are in good health and condition with considerable life expectancy.

Trees considered to be of particular value, due to their prominence in the landscape and/or long life expectancy, are noted in Table 2 and marked as pink circles on the plan below.

Table 2: Trees of high value

Tree no	Species	Approx trunk dia mm	Health	Condition	SULE	Comment
10	<i>Chamaecyparis funebris</i> (Chinese Weeping Cypress)	500 bf	Good	Fair	2D	Multi weak junctions at trunk base
13	<i>Chamaecyparis obtusa</i> 'Crippsii' (Hinoki False Cypress)	500x 2 400	Good	Fair	2D	Weak trunk junction Near retaining wall
16	<i>Magnolia soulangeana</i> (Magnolia)	250x 2	Good	Good	2A	Sheltered by walls
17	<i>Cupressus torulosa</i> (Bhutan Cypress)	750	Good	Fair	2D	Weak trunk junction
18	<i>Cupressus torulosa</i> (Bhutan Cypress)	250	Fair	Poor	3C	Suppressed
19	<i>Cupressus torulosa</i> (Bhutan Cypress)	600	Good	Fair	2D	Weak trunk junction Suppressed
20	<i>Cupressus torulosa</i> (Bhutan Cypress)	500	Good	Fair	3C	Bulge @ 2m Suppressed
21	<i>Cupressus torulosa</i> (Bhutan Cypress)	500	Good	Fair	2D	Weak trunk junction Common canopy with 20
23	<i>Cedrus deodara</i> (Himalayan Cedar)	1000	Fair	Good	1B	Sparse crown
31	<i>Syzygium australe</i> (Brush Cherry)	600	Good	Good	1A	On neighbouring property
35	<i>Magnolia soulangeana</i> (Magnolia)	500 bf	Good	Good	2A	Excellent specimen
38	<i>Elaeocarpus kirktonii</i> (Silver Quandong)	1000	Good	Good	1B	Broken branches
49	<i>Eucalyptus paniculata</i> (Grey Ironbark)	750	Fair	Fair	2D	One-sided crown over neighbouring property
50	<i>Eucalyptus paniculata</i> (Grey Ironbark)	750	Fair	Fair	2D	Codominant with 49 & 51 Bulge at 8m
51	<i>Eucalyptus paniculata</i> (Grey Ironbark)	750	Fair	Fair	2D	Bulge at 8m
52	<i>Scolopia braunii</i> (Flintwood)	500bf	Good	Fair	2D	Codominant crown with 4 subtrunks arising from base

Trees of high value

Tree 10 *Chamaecyparis funebris* (Chinese Weeping Cypress) and Tree 13 *Chamaecyparis obtusa* 'Crippsii' (Hinoki False Cypress) are individuals of great prominence in their locations near the main building.

Trees 16 and 35 *Magnolia soulangeana* (Magnolia) are unusually large and well-grown specimens. Tree 16 has been sheltered by nearby walls and may be dependent on them to some extent for support.

Trees 17 to 21 *Cupressus torulosa* (Bhutan Cypress) are of value for their landscape prominence, but are valued as a group rather than as individuals due to the combined canopy formed by their crowns. Removal of any members of the group would profoundly reduce the value of the remaining trees.

Tree 23 *Cedrus deodara* (Himalayan Cedar), located nearby, is of value as an large individual specimen.

Trees 49, 50 and 51 *Eucalyptus paniculata* (Grey Ironbark) form a group with a common canopy, but two have possible defects which may require further investigation. However they are prominent indigenous specimens and of considerable landscape value.

The species *Eucalyptus paniculata* (Grey Ironbark) and *Eucalyptus saligna* (Sydney Blue Gum) are components of the former Blue Gum High Forest which was presumably the original vegetation community of the site. However these four trees are the sole representatives of the former vegetation community, with understorey and intermediate tree layers now absent. The three specimens of *Eucalyptus paniculata* (Grey Ironbark) are not sufficiently mature to be part of the original community, and Tree 46 *Eucalyptus saligna* (Sydney Blue Gum) is in poor structural condition and may require removal for safety reasons. This group of trees is unlikely to comprise Blue Gum High Forest within the definition of the Threatened Species Conservation Act 1995, and the area is in any case too small to be sustainable.

Tree 31 *Syzygium australe* (Brush Cherry), Tree 38 *Elaeocarpus kirktonii* (Silver Quandong) and Tree 52 *Scolopia braunii* (Flintwood) are large specimens and belong to rainforest species which are uncommonly planted in urban horticulture.

A few trees are located on neighbouring properties within the radius of possible future development of the site. Tree 31 *Syzygium australe* (Brush Cherry) is on the neighbouring property to the east; three trees are located on the neighbouring property to the west, from north to south these are two major specimens of *Eucalyptus pilularis* (Blackbutt) and one of *Cedrus atlantica* 'Glaucæ' (Blue Atlas Cedar).

Trees of low value

It should be noted that Tree 46 *Eucalyptus saligna* (Sydney Blue Gum) is potentially hazardous due to its crown overhanging the neighbouring property and the street. It has a history of major branch failures, and a large wound containing a fungal fruit body is present on the trunk. This is evidence of a fungal infection of the heartwood which may have weakened the trunk to a significant degree. Additional investigation of this tree is required.

Also hazardous is Tree 63 *Callitris columellaris* (Richmond Cypress Pine), a leaning specimen which has severe damage to the main root supporting the weight of trunk and crown. This tree should be removed. Most of the trees in the vicinity of the existing tennis court are in poor condition with little value, including Trees 53, 54, 56, 57, 58, 59, 60, 61, 62, 64, 65, and 66.

Tree 1 *Juniperus chinensis* (Chinese Juniper) is a reasonable specimen but has a severely confined root system which is located on a bank between the driveway retaining wall and the tennis court and which may predispose the tree to windthrow. Other trees near the house are not prominent in the landscape and some have significant defects.

Trees in the north and east parts of the site, with the exception of Trees 23, 31, 35 and 38 as noted above, are generally of low value, being small, in poor structural condition, declining and/or in poor vigour. These include Trees 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 37, 39, 40, 41, 42, 42a, 43, 44 and 45.



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Cert Horticulture, Cert Bush Regeneration, MAIH, MIACA

Consulting Arborist

References

- Barrell, J. 1993, 'Preplanning Tree Surveys: Safe Useful Life Expectancy (SULE) is the Natural Progression', *Arboricultural Journal* 17:1, February 1993, pp. 33-46.
- Barrell, J. 1995, 'Pre-development Tree Assessments', in *Trees & Building Sites, Proceedings of an International Conference Held in the Interest of Developing a Scientific Basis for Managing Trees in Proximity to Buildings*, International Society of Arboriculture, Illinois, USA, pp. 132-142.

Nts



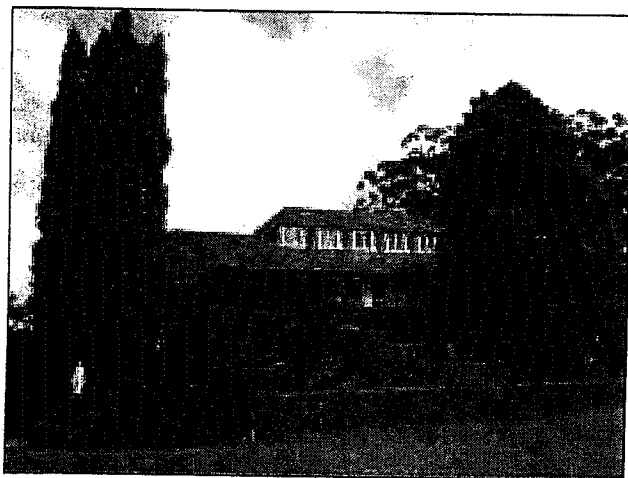


Plate 1: Tree 10 *Chamaecyparis funebris* (Chinese Weeping Cypress), left, and Tree 13 *Chamaecyparis obtusa* 'Crippsii' (Hinoki False Cypress), right



Plate 2: left to right, Trees 17 to 21 *Cupressus torulosa* (Bhutan Cypress), Tree 23 *Cedrus deodara* (Himalayan Cedar), Tree 24 *Juniperus* sp. (a Juniper) and Tree 25 *Chamaecyparis obtusa* (Hinoki False Cypress)

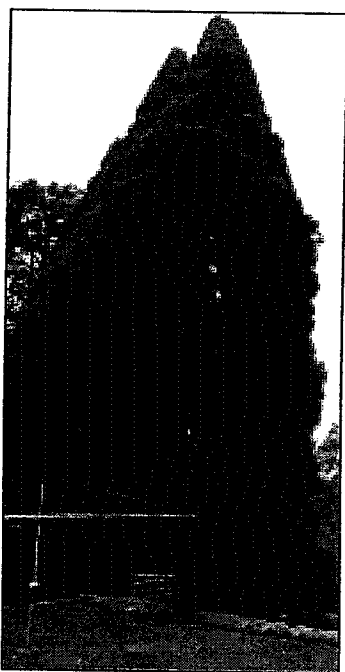


Plate 3: Trees 17 and 18 *Cupressus torulosa* (Bhutan Cypress)

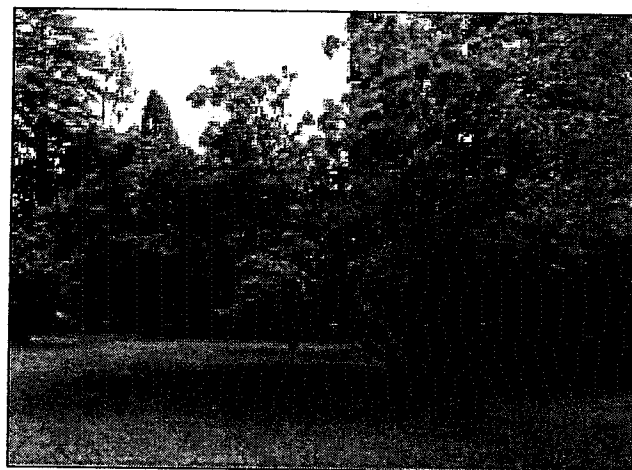


Plate 4: Tree 35 *Magnolia soulangeana* (Magnolia)

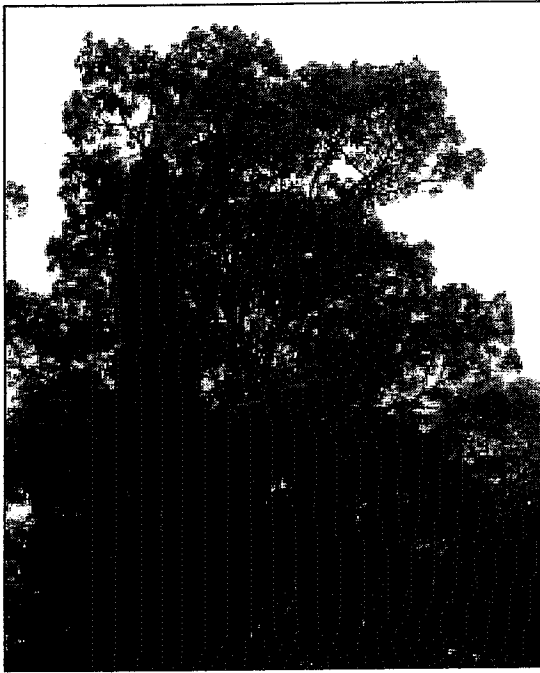


Plate 5: Tree 36 *Cupressus sempervirens* var. *stricta* (Italian Cypress) and Tree 38 *Elaeocarpus kirktonii* (Silver Quandong)

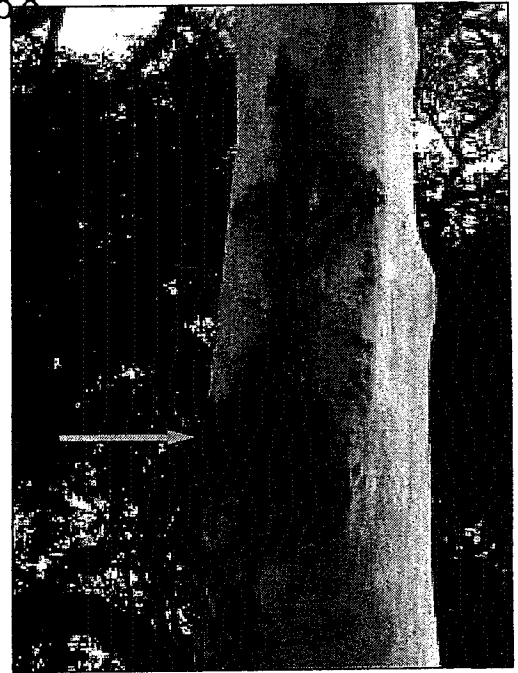


Plate 6: Tree 46 *Eucalyptus saligna* (Sydney Blue Gum) trunk detail showing fungal fruit body (arrow)



Plate 7: Trees 48 to 50 *Eucalyptus paniculata* (Grey Ironbark) and Tree 51 *Scolopia braunii* (Flintwood)

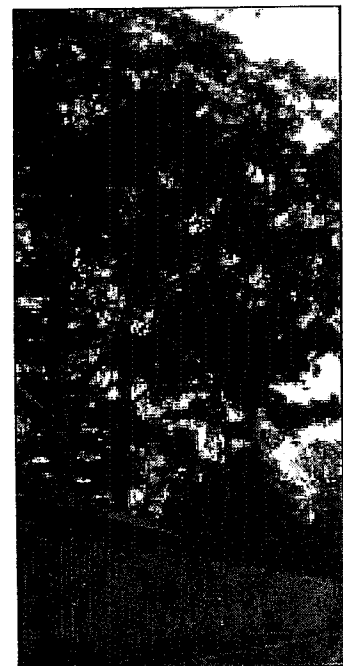


Plate 8: two *Eucalyptus pilularis* (Blackbutt) on neighbouring property

Terminology used in the report

Age classes (I) *Immature* refers to a well-established but juvenile tree. (S) *Semimature* refers to a tree at growth stages between immaturity and full size. (M) *Mature* refers to a full sized tree with some capacity for further growth. (O) *Overmature* refers to a tree about to enter decline or already declining.

Health refers to the tree's vigour as exhibited by the crown density, leaf colour, presence of epicormic shoots, ability to withstand disease invasion and the degree of dieback.

Condition refers to the tree's form and growth habit, as modified by its environment (aspect, suppression by other trees, soils), and the state of the scaffold (ie trunk and major branches), including structural defects such as cavities, crooked trunks or weak trunk/branch junctions. These are not directly connected with health and it is possible for a tree to be healthy but in poor condition.

Safe Useful Life Expectancy (SULE). In a planning context, the time a tree can expect to be usefully retained is the most important long-term consideration. SULE is a system designed to classify trees into a number of defined categories so that information regarding tree retention can be concisely communicated in a non-technical manner. SULE categories are easily verifiable by experienced personnel without great disparity. A tree's SULE category is the life expectancy of the tree modified first by its age, health, condition, safety and location (to give safe life expectancy), then by economics (ie cost of maintenance; retaining trees at an excessive management cost is not normally acceptable), effects on better trees, and sustained amenity (ie establishing a range of age classes in a local population). SULE assessments are not static but may be modified as dictated by changes in tree health and environment. Trees with short SULE may at present be making a contribution to the landscape but their value to the local amenity will decrease rapidly towards the end of this period, prior to their being removed for safety or aesthetic reasons. For details of SULE categories see Table 3, adapted from Barrell (1993 and 1995).

Decay is the result of invasion by fungal diseases through a wound.

Decline is the response of the tree to a reduction of energy levels resulting from **stress**. Recovery from a decline is difficult and slow; is usually irreversible.

Epicormic shoots are sprouts produced from dormant buds in the bark. Production can be triggered by fire, pruning or root damage but may also be as a result of stress or decline.

Sparse crown refers to reduced leaf density, often a precursor to dieback and may imply stress or decline. Also possibly a response to drought or root damage.

Stress refers to the response of the tree to a reduction of energy levels resulting from adverse influences such as altered soil conditions (compaction, poor nutrition, reduced oxygen or moisture levels), root damage, toxicity, drought, waterlogging; may be reversible given good arboricultural practices but may lead to **decline**.

Weak junctions are points of possible failure in the scaffold. They are usually caused by the trunk or branch bark being squeezed within the junction so that the necessary interlocking of the wood fibres does not occur and the junction is forced open by the annual increments in growth. This is often a genetic problem.

Weed species are plants which are known to invade native remnant bushland. The species concerned may be exotic or may be native species from other parts of Australia.

Wounds are areas where the bark has been damaged by branch breakage, impact or insect attack. Some wounds decay and cause structural defects or weakness. Healthy trees are able to resist and contain infection by walling off areas within the wood. Tree wounds are often eventually covered over by new bark but the walled off or infected areas still remain internally and may lead to weakness of the heartwood.

Table 3: SULE categories (after Barrell 1995)

	1	2	3	4
	Long: Appeared to be retainable at the time of assessment for over 40 years with an acceptable degree of risk, assuming reasonable maintenance.	Medium: appeared to be retainable at the time of assessment for 15 to 40 years with an acceptable degree of risk, assuming reasonable maintenance.	Short: appeared to be retainable at the time of assessment for 5 to 15 years with an acceptable degree of risk, assuming reasonable maintenance.	Transient: trees which should be removed within the next 5 years.
A	Structurally sound trees located in positions that can accommodate future growth.	Trees which may only live between 15 and 40 years.	Trees which may only live between 5 and 15 years.	Dead, dying, suppressed or declining trees.
B	Trees which could be made suitable for long-term retention by remedial care.	Trees which may live for more than 40 years but would be removed for safety or nuisance reasons.	Trees which may live for more than 15 years but would be removed for safety or nuisance reasons.	Dangerous trees through damage, structural defect, instability or recent loss of adjacent trees. Urgent removal may be required if near assets.
C	Trees of special significance which would warrant extraordinary efforts to secure their long-term retention.	Trees which may live for more than 40 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting.	Trees which may live for more than 15 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting.	Trees which may live for more than 5 years but should be removed to prevent interference with more suitable individuals or to provide space for new planting.
D		Trees which could be made suitable for retention in the medium term by remedial care.	Trees which require substantial remediation and are only suitable for retention in the short term.	Trees which are damaging or may cause damage to existing structures within the next 5 years.

Disclaimer

All care has been taken to assess potential hazard but trees are always inherently dangerous. This assessment was carried out from the ground, and covers what was reasonably able to be assessed and available to the assessor at the time of inspection. No aerial or subterranean inspections were carried out and structural weakness may exist within roots, trunk or branches.

Any protection or preservation methods recommended are not a guarantee of tree survival or safety but are designed to improve vigour and reduce risk. Timely inspections and reports are necessary to monitor the trees' condition. No responsibility is accepted for damage or injury caused by the trees and no responsibility is accepted if the recommendations in this report are not followed.

Limitations on the use of this report

This report is to be utilised in its entirety only. Any written or verbal submission, report or presentation that includes statements taken from the findings, discussions, conclusions or recommendations made in this report, may only be used where the whole of the original report (or a copy) is referenced in, and directly attached to that submission, report or presentation.

Assumptions

Care has been taken to obtain information from reliable resources. All data have been verified insofar as possible; however, Treescan Urban Forest Management can neither guarantee nor be responsible for the accuracy of information provided by others.

Unless stated otherwise:

Information contained in this report covers only the trees that were examined and reflects the condition of the trees at the time of inspection: and

The inspection was limited to visual examination of the subject trees without dissection, excavation, probing or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.

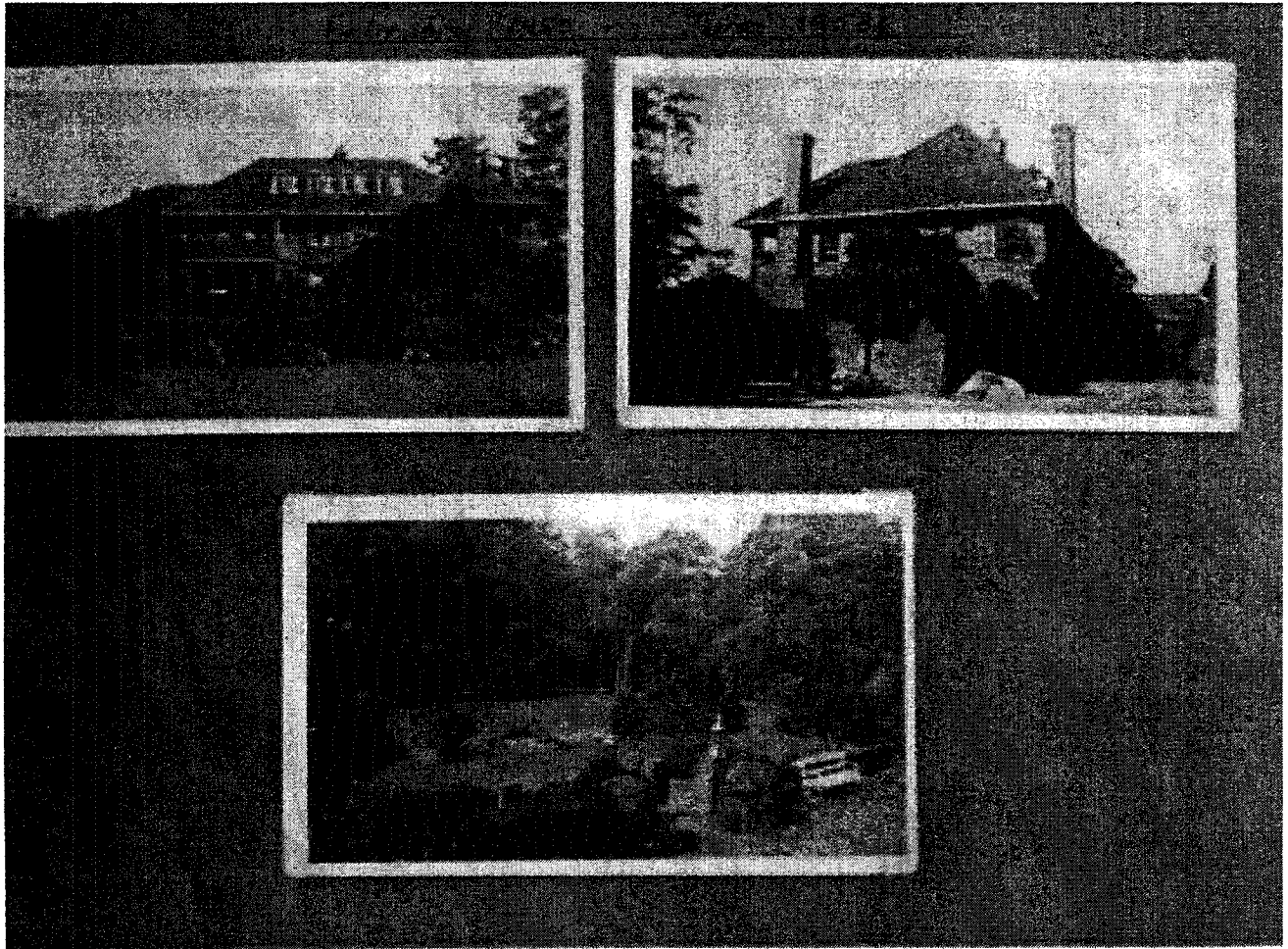
Heritage Impact Statement

John Graham & Associates

494
HERITAGE IMPACT ASSESSMENT

change of zoning

**34 BILLYARD AVE
WAHROONGA**



Prepared on behalf of the
Missionary Sisters of the Society of Mary

by

**John Graham & Associates
156 Gloucester Street
Sydney**

21 June 2005

INTRODUCTION

This assessment has been prepared to accompany an application by the Missionary Sisters of the Society of Mary (SMSM) to change the zoning of 34 Billyard Avenue from Special Uses 5A "Convent" to "Residential 2 (c)" as defined by the Ku-ring-gai Planning Scheme Ordinance.

ACKNOWLEDGEMENTS

The assessment relies on a report on the property prepared by JBA Urban Planning Consultants Pty Ltd, material provided by the Society's archivist Sr. Norma Onley and research undertaken by the author. Plans of the house are adapted from drawings prepared by the architects Young & Metcalf. The assistance of Penny Janu (who gave access to the interior and grounds of "Wichita") and Barbara Gibson (nee Granowski) is gratefully acknowledged.

EXISTING HERITAGE STATUS

The property is listed as a heritage item in Part 2 of Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. The heritage study which informed the listing found the property had municipal significance based on its cultural and architectural values. It is not listed under the NSW Heritage Act.

PROPERTY DESCRIPTION

The property is described as Lot 1 of DP 334223. It has a site area of 6,091 square metres, a frontage to Billyard Avenue of 62.5 metres and a depth of 97.5 metres. Improvements consist of a 2 storey house with attic (known as "Kirawan") several outbuildings including a garage, stable and shed, a tennis court, and extensively landscaped grounds.

A BRIEF HISTORY OF THE DEVELOPMENT OF THE SITE

The property is part of a 2,000 acre grant made to John Terry Hughes in 1842. The construction of the railway line between Hornsby and St. Leonards in 1890 and its subsequent extension to Milsons Point in 1893 precipitated a land boom along its route and sub-division of the grant into numerous estates.¹ Initial development in the area was concentrated around the railway and was built in the style now known as "Federation". Among the prominent architects who designed houses in the initial phase of development were Sir John Sulman, Walter Liberty Vernon, William Hardy Wilson, John Horbury Hunt and Howard Joseland.

On 26 January 1937 the engineer Arthur Rudolph Granowski bought two adjoining lots in Billyard Avenue. For the larger, of one acre two roods and three quarters of a perch, he paid £2,830.² The smaller lot (on the downhill side) added 110 foot to the frontage and contained 3 rods, eleven and one half perches.³ The new property was about a half mile from "Wichita" a beautifully finished house the well-known architect Emil Sodersten had designed for the family on the corner of Bangalla Street and Warrawee Avenue.⁴



"Wichita"

JGA photo, June 2005

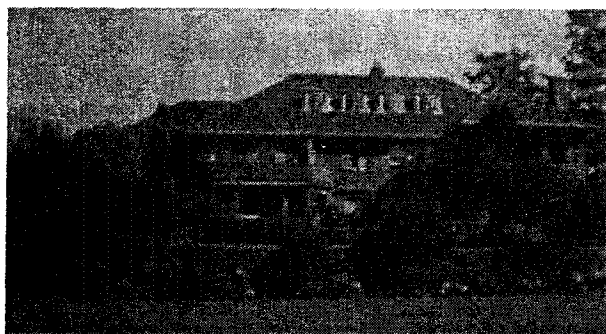
¹ Described in detail by Robert Staas in his thesis WAHROONGA AND TURRAMURRA "The evaluation of Federation styles in Ku-ring-gai"

² Certificate of Title; Volume 4818, Folio 176 in DP 503

³ Certificate of Title; Volume 4818, Folio 177 in DP 11230

⁴ "We still call Wahroonga our home" Ian A Ramage, Printed by McPherson's Printing Group, 2003

On 13 April 1937 JB Irwin applied to Council, on Granowski's behalf, to construct a new house in Billyard Avenue, estimated to cost £9,799⁵. Ten days later Granowski picked up the approved plans and construction was commenced.⁶ The architectural style of the new house suggests he did not retain Sodersten for the design.⁷



"Kirawan" from the garden c. 1950
SMSM Archive

Arthur Granowski was born in Queensland and trained as an engineer. He made his money by pioneering the use of the "Thermit" process in Australia. The process had been invented c.1900 and relies on the heat generated by combustion of a mixture of powdered aluminium and iron oxide to raise the temperature of iron or steel, providing a fast and cost effective means of welding in the field. It remains a particularly useful method of repairing broken railway lines.

The Granowski's had two children and lived in the house until 1950. They then retired to the south of France, where Arthur died about 15 years later.⁸ Photographs of the house and grounds, taken shortly after the property was purchased by the Missionary Sisters of the Society of Mary in February 1950, show the garden was well established by that time.

A BRIEF DESCRIPTION OF KIRAWAN

The new house was conservative in design but grand in scale. In order to maximize the potential of the garden it was sited on the upper side of the block and separated from the street by a tennis court cut in the slope. The siting is such that the view of the house from Billyard Avenue is largely obscured.



Vehicular and pedestrian access was combined in a stone-flagged driveway, entered through high timber gates set between curved brick walls. A porte-cochere provided shelter to the main entry.

From the porte-cochere vehicles could continue to the rear of the property, where garaging and stables for recreational use were sited in the northern part of the grounds. Substantial brick walls separated a formal garden on the north side of the house from the service area.

The entry to "Kirawan" from Billyard Avenue
JGA photo June 2005

⁵ Building Application Index No 186/1937, Ku-ring-gai Council.

⁶ Research by the author has not revealed who designed "Kirawan". The NSW Architects Registration Board have no record of JB Irwin being registered as an architect, Ku-ring-gai Council does not hold any drawings prior to 1974, and the house was not illustrated in either "Building" (the pre-eminent journal of architecture and building in that period) or "The Australian Home Beautiful"

⁷ Confirmed by Barbara Gibson, who does not remember the name of the architect for the new house

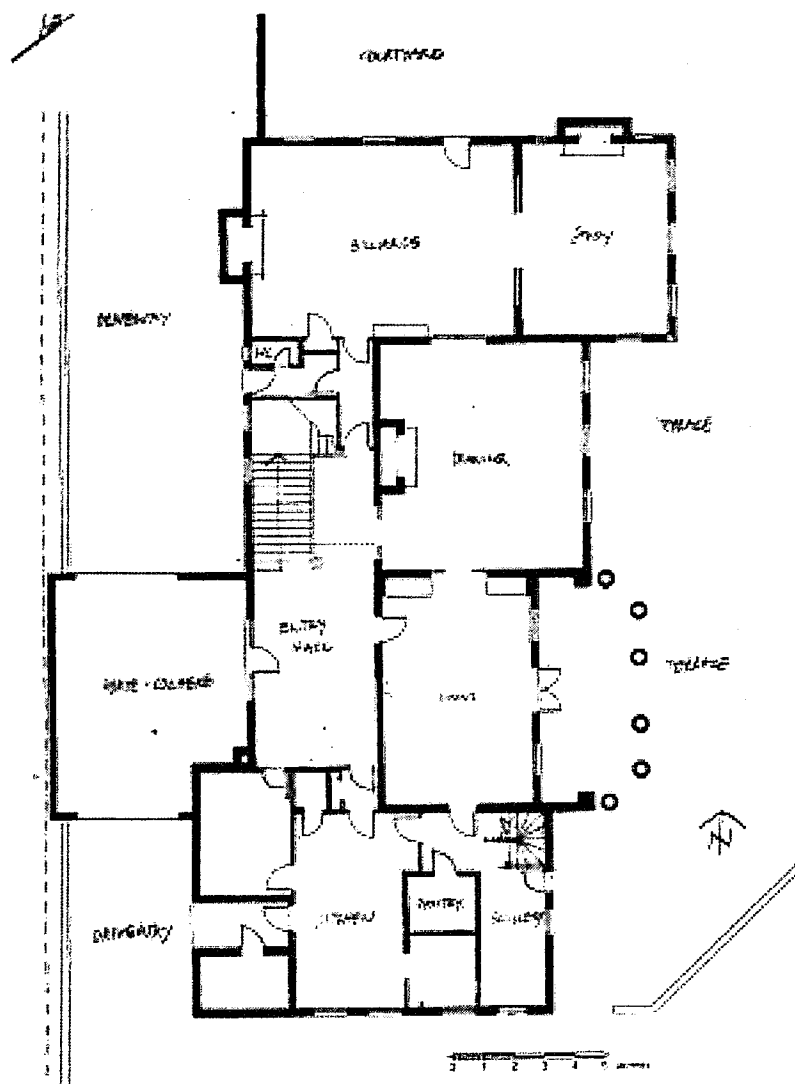
⁸ Information provided by Barbara Gibson

⁹ Photo album held in the SMSM archives



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*"Kirawan" from the north, showing the substantial brick walls separating the car manoeuvring area from the courtyard adjacent to the Billiard Room and Study. The attic is a later addition (see cover).
JGA photo, June 2005*



*Ground Floor Plan
Adapted from a drawing prepared by
Young & Metcalf Architects*



Internal planning of the house is straight-forward and arranged around a large hall set on the western side of the house.

*The Entrance Hall and main stair, looking towards the Billiard Room
JGA photo, June 2005*



The Drawing and Dining Rooms, which are arranged en-suite, overlook a broad, brick-paved terrace and the garden to the east.

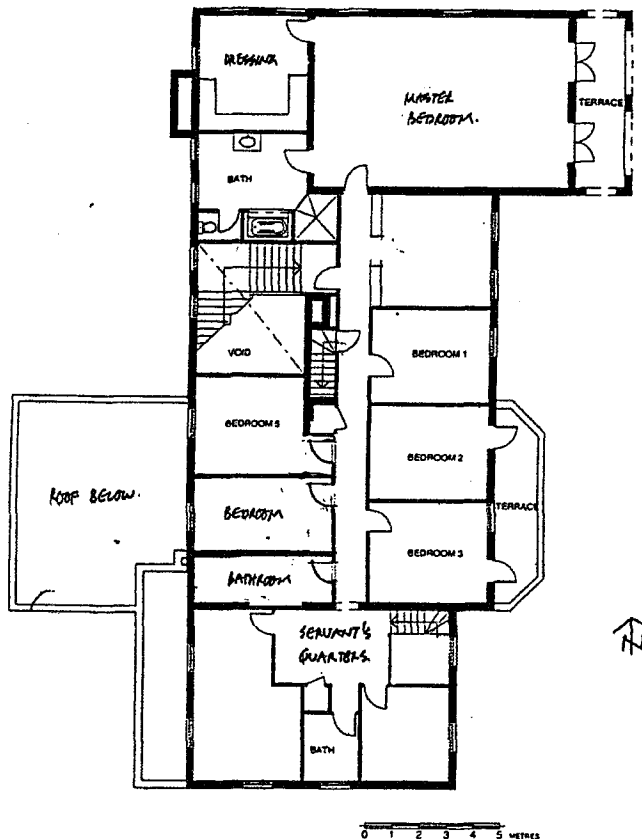
*View to the east from the main terrace
JGA photo, June 2005*



*The Dining Room, looking towards the Drawing Room
JGA photo, June 2005*

On the north side, the Billiard Room (the largest room in the house) is arranged en-suite with both the Sitting Room and the Study. The kitchen is located on the southern side, overlooking Billyard Avenue and the tennis court. Access to the servant's quarters is provided by a winding stair from the scullery.

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First Floor Plan

Adapted from a drawing prepared by
Young & Metcalf Architects

The main stair gives access to 5 bedrooms on the first floor. By far the largest of these (9 x 6.5m) is the Master Bedroom, which has both a dressing room and a bathroom en-suite. The bedroom receives light from the north and has access to a loggia on the east. An open lounge at the top of the stairs separates the children's bedrooms from the master bedroom. The children's bedrooms face east. Two of them have access to a balcony that shelters the French doors of the Dining Room below. Two guest bedrooms overlook the roof of the porte-cochere and share the children's bathroom at the end of a long and narrow hall.



The balcony off the children's bedroom forms a loggia for the Dining Room below.
JGA photo, June 2005

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*The hall to the children's bedrooms
JGA photo, June 2005*

Upstairs an attic, lit by a range of dormer windows with high-set sills, is accessed by a narrow stair off the hallway. An exposed system of steel trusses support the roof. The attic was home to Albert Granowski's model railway, which Ramage reports, was "...of such size and grandeur that the Minister for Transport was honoured to officiate at its inauguration."¹⁰

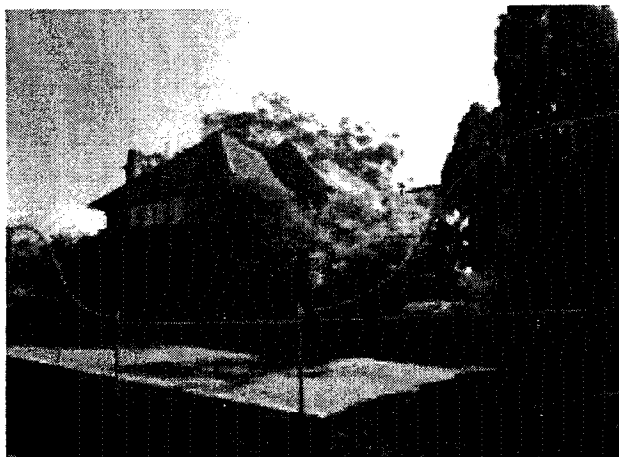
No evidence of the railway set has survived.



*Gambrel roofed stables (foreground) and garage (background) on the north boundary
JGA photo, June 2005*

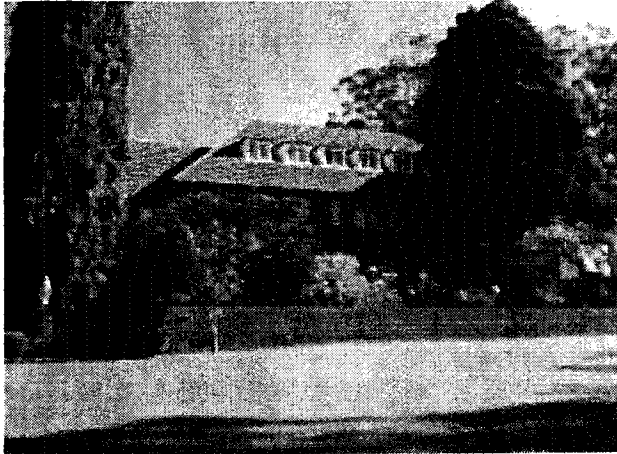
THE GROUNDS

The northern grounds are occupied by a double garage and store, a separate store in the corner of the lot, and a gambrel roofed timber stable where horses used for riding in the local orchards were kept. Below the stables a vegetable garden and orchard were developed. A formal garden occupies the central portion of the grounds. The southern grounds are occupied by a tennis court (now disused) and a stand of eucalypts.



*"Kirawan" from the tennis court (south)
JGA photo, June 2005*

¹⁰ "We still call Wahroonga our home" Ian A Ramage, Printed by McPherson's Printing Group, 2003



*"Kirawan" from the main garden (east)
JGA photo, June 2005*

ALTERATIONS SINCE 1950

Apart from the sub-division and extension of the attic, the house is little changed since 1950. Minor changes include the enlargement of the opening between the Study and Billiard Room to adapt the space for use as a chapel, the provision of an additional stair linking the attic with the loggia off the Master Bedroom and the replacement or covering of original floor finishes. The stables have been adaptively reused as a bakery for the manufacture of Altar Bread but are otherwise substantially intact. Apart from the loss of some of the original plantings due to age, the structure of the garden, including brick walls and terraces, is substantially intact. Several fully mature exotic specimen trees remain in the central part of the garden, there is a stand of eucalypts on the Billyard Avenue frontage and there are the remains of an orchard on the northern boundary.

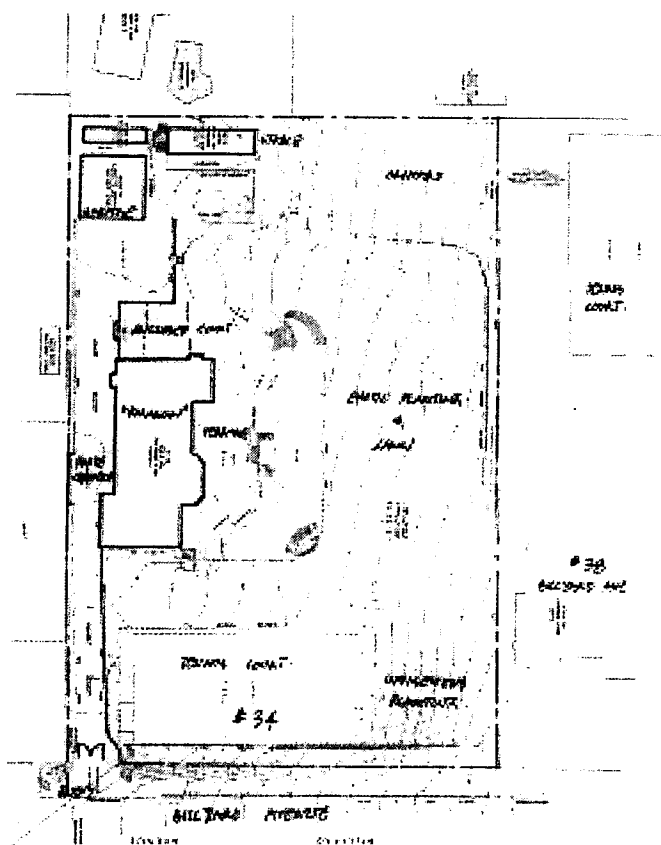


*The kitchen
JGA photo, June 2005*

CONDITION

The building has been well maintained and is generally in good condition. There is some movement in the brick retaining walls. The grounds are in good condition although diminution in numbers from a peak of about 30 Sisters to the current 5 means maintenance is problematic. An assessment of the garden carried out by Treescan Urban Forest Management identified 15 of the 73 trees in the grounds as having high retention value.

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Detailed Survey 2005
Surveyor: Craig Rhodes.

In June 1990 Ku-ring-gai Council granted approval to reduce the area of the grounds by about one third, separating the eastern-most grounds from the convent and re-zoning them 2(c) Residential. A two-storey house and a tennis court, known as 38 Billyard Avenue, now occupy that allotment.

ASSESSMENT OF CULTURAL SIGNIFICANCE

Approach to assessment

The approach to assessing the significance of the place is set out in *The NSW Heritage Manual Part 2* (July 2001). An item will be considered to be of State (or local) heritage significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the following criteria.

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);

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/ or a high degree of creative or technical achievement in NSW (or the local area);

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;

Criterion (e)

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);

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);

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

GRADING OF SIGNIFICANCE

<i>Grading</i>	<i>Justification</i>	<i>Status</i>
EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local and State significance.	Fulfil criteria for local or State listing
HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance	Fulfil criteria for local or State listing
MODERATE	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfil criteria for local or State listing
LITTLE	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing
INTRUSIVE	Damaging to the item's heritage significance	Does not fulfil criteria for local or State listing

STATEMENT OF CULTURAL SIGNIFICANCE

"Kirawan" is a representative example of the residential development that occurred in Ku-ring-gai between the wars. The design is architecturally un-distinguished but sound in its planning. The workmanship is of good quality but the finishes are unexceptional. In 1950 the large scale of the place made it suitable for adaptation as a convent.

Criterion (a) Cultural or Natural History

"Kirawan" was built during an expansionary phase of Ku-ring-gai municipality. *Little*

It is a representative example of a house set in large grounds at the upper end of the housing market in Ku-ring-gai. *Little*. The gardens are substantially intact and thus demonstrate the combination of self-sufficiency and the picturesque that was characteristic of the time. *Moderate*

From 1950-1956, and then for a period in the 1970's it was the Novitiate House for the Society. *Moderate*

Criterion (b) Association

From c.1938 until 1950 the place was associated with the Granowski family. Arthur Granowski had some association with the railways and made a good living from the Thermit welding process, but his life and contribution to society was un-exceptional. *Little*

From 1950 until 2005 the place has been associated with the Missionary Sisters of the Society of Mary. *Moderate*

Criterion (c) Aesthetic, creative, technical

The design of the building is un-exceptional. The craftsmanship is workman-like but not exceptional. The method of construction is not technically innovative, although the house employs a steel-framed roof, which is unusual in a domestic context. *Little*

The size of the garden and the maturity of the planting contributes to the garden setting of the other properties in Billyard Avenue and Water Street to the north. *Moderate*

Criterion (d) Social

The convent had special meaning as a home for the Missionary Sisters, many of whom spent much of their lives on the islands in the South Pacific. *High*

Criterion (e) Potential to yield information

Not applicable

Criterion (f) Rare or endangered

Market forces ensure that grand houses such as "Kirawan" are neither rare nor endangered in Ku-ring-gai. *Little*

The adaptive reuse of grand houses as convents is increasingly rare and unlikely to change in the foreseeable future.

Criterion (g) Ability to demonstrate the characteristics of a class of places

The planning arrangement of the building and its grounds is typical of its type but more grand than most. *Moderate*

THE PROPOSAL

As the Missionary Sisters of the Society of Mary are now much reduced in number, and there is little market for convents, the Sisters seek to have the zoning of their property revert to 2(c) Residential.

HERITAGE IMPACT OF THE PROPOSAL

As "Kirawan" was built as a house (and not a convent), for it to revert to Residential zoning will have little effect on its cultural significance. For it not to revert to its original zoning has the potential to severely limit the financial security of the remaining members of the Society.

Criterion (a) Historical

The building was designed as a dwelling and will revert to that use.

Criterion (b) Association

Severance of the link with the Missionary Sisters of the Society of Mary is inevitable due to the decline in their numbers, the unsuitability of the place for use as a residence (due to the stairs) and the inability of the Sisters to maintain the place (due to their increasing frailty).

Criterion (c) Aesthetic

A change of zoning to 2(c) Residential will have no effect on the aesthetics of the place.

Criterion (d) Social

Whether or not the property is rezoned, it is inevitable that the social links with the place will be severed as it is no longer makes a suitable home for the Sisters.

Criterion (e) Potential to yield information

Not applicable

Criterion (f) Rare or endangered

Re-zoning to 2(c) Residential is the mechanism most likely to maintain the original use of the place.

Criterion (g) Ability to demonstrate the characteristics of a class of places

Rezoning will not affect (but may ensure) the ability of the place to demonstrate its essential characteristics.

SUMMARY

In the author's opinion there should be no impediment to the rezoning of the place arising from the heritage significance of the house and its grounds.

John Graham

COUNCIL ADOPTION OF REVISED AND ADDITIONAL FEES AND CHARGES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report to Council on the public exhibition of additional fees and charges for 2005/2006 Management Plan and for Council consideration to adopt the revised and additional fees and charges.

BACKGROUND:

Council resolved on 26 July 2005 to exhibit a number of fees and charges for 2005/2006. The fees relate to rezoning applications, amendments of the Ku-ring-gai Planning Scheme Ordinance and for the preparation of Development Control Plans. These fees were exhibited for a period of 28 days from 5 August 2005 to 1 September 2005.

COMMENTS:

During the exhibition period, Council received 2 submissions in relation to the exhibited fees and charges. The issues raised in the submissions were not substantial and do not justify any amendments to the exhibited additional fees and charges.

RECOMMENDATION:

That Council adopt the exhibited additional fees and charges as an amendment to the 2005/2006 Management Plan.

PURPOSE OF REPORT

To report to Council on the public exhibition of additional fees and charges for 2005/2006 Management Plan and for Council consideration to adopt the revised and additional fees and charges.

BACKGROUND

Council resolved on 26 July 2005 to exhibit a number of revised and additional fees and charges as an amendment to the 2005/2006 Management Plan.

The proposed fees relate to rezoning applications, amendments of the Ku-ring-gai Planning Scheme Ordinance and for the preparation of Development Control Plans. They are as follows:

1. Minor amendments to an LEP including KPSO or an LEP for the purposes of adding or removing a heritage item, changing the wording of a clause, adding or removing a use to a zoning table that does not require complex assessment or changing development standards that apply to land: \$7,500 plus advertising costs.
2. Minor rezoning application (total site area less than 1 hectare) or major amendment to KPSO or an LEP: \$20,000.
3. Major rezoning application for applications involving institutional sites and sites over 1 ha in area: \$45,000.
4. Amendment of existing DCP: \$10,000 plus advertising costs.
5. Preparation of new DCP or site specific LEP: \$10,000 to \$50,000 (quotes available on request).

The abovementioned fees were exhibited for a period of 28 days from 5 August 2005 to 1 September 2005 in accordance with the requirements of the Local Government Act 1993.

COMMENTS

During the exhibition period, 2 submissions were received in relation to the exhibited fees and charges. The main issue raised in both submissions was regarding the possibility of the new fees applying to the owners of the properties that may be rezoned as a result of Council's interface study. However, any rezonings that result from the interface project will be instigated by the Council and not by individual rezoning applications, therefore the affected landowners will not be charged. There were no other issues raised in relation to the exhibited fees and charges.

CONSULTATION

The Local Government Act 1993 requires that amendments to the fees and charges schedule be advertised. Notice of the fees and charges exhibition was advertised in Council's section in the North Shore Times on 5 August 2005. The exhibition was available for inspection by the public at

Council Chambers, Council's Libraries at Gordon, Lindfield, Turramurra and St Ives, and on Council's website.

FINANCIAL CONSIDERATIONS

The proposals provide for a realistic scale of charges that recognise the level of staff, consultant and legal resources that are required to deal with unscheduled work that arises from applications for amendments to KPSO, an LEP, a DCP or to prepare a new DCP for the benefit of the applicant. The fees will enable Council to engage appropriate temporary staff or consultants, if required, to deal with the additional workload generated in a timely manner.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The revised fees and charges were exhibited in consultation with the Business & Finance Department.

SUMMARY

The revised fees and charges were publicly exhibited in accordance with the requirements of the Local Government Act 1993.

There were no substantial issues raised during the exhibition and there is no recommended changes to the exhibited fees and charges.

RECOMMENDATION

- A. That Council adopt the following revised and additional fees and charges as an amendment to the 2005/2006 Management Plan:
 - 1. Minor amendments to a Local Environmental Plan including the Ku-ring-gai Planning Scheme Ordinance or a Local Environmental Plan for the purposes of adding or removing a heritage item, changing the wording of a clause, adding or removing a use to a zoning table that does not require complex assessment or changing development standards that apply to land: \$7,500 plus advertising costs.
 - 2. Minor rezoning application (total site area less than 1 hectare) or major amendment to the Ku-ring-gai Planning Scheme Ordinance or a Local Environmental Plan: \$20,000.00.
 - 3. Major rezoning application for applications involving institutional sites and sites over 1 hectare in area: \$45,000.00.

Item 11

S03918
4 October 2005

4. Amendment of existing Development Control Plan: \$10,000.00 plus advertising costs.
 5. Preparation of a new Development Control Plan or site specific Local Environmental Plan: \$10,000.00 to \$50,000.00 (quotes available on request).
- B. That those people who made a submission on the matter be advised of Council's decision.

Craige Wyse
Senior Urban Planner

Antony Fabbro
Manager Urban Planning

Steven Head
**Director Open Space &
Planning**

HERITAGE ADVISORY COMMITTEE - MINUTES OF MEETING HELD 27 JUNE 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to receive and note the minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

BACKGROUND:

On Monday 27 June 2005 Council's Heritage Advisory Committee (HAC) held their meeting at the Council Chambers, the minutes taken at this meeting were confirmed and accepted at the following HAC meeting on 22 August 2005.

COMMENTS:

The next HAC meeting will be held on Monday 24 October 2005.

RECOMMENDATION:

That Council note the minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

PURPOSE OF REPORT

For Council to receive and note the minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

BACKGROUND

The Heritage Advisory Committee is an advisory committee comprised of community members, Councillors and Council officers to assist in running the Committee. The aim of the committee is to provide advice to Council on heritage matters and to provide assistance to Council in promoting an understanding and appreciation of heritage through specific activities and events.

COMMENTS

Two speakers addressed the HAC meeting:

Speaker No. 1: 33 Moree Street, Gordon & heritage interface properties with LEP 194

The speakers were the owners of the property at 33 Moree Street, Gordon. Their property is a heritage listed property in Schedule 7 (Heritage items) of the Ku-ring-gai Planning Scheme Ordinance (KPSO) and also a heritage interface property within LEP 194. The speakers made a power point presentation that demonstrated how their heritage property may be affected if the neighbouring properties are developed at higher densities. The speakers acknowledged the heritage significance of their property however asked Council to consider their situation. The speakers agreed to supply Council with a copy of their power point presentation which also detailed a possible 'solution' to their situation.

Comment: This property has been identified as part of Council's Interface Project.

Speaker No. 2: Friends of Tulkiyan

The second speaker to address HAC was a representative of Friends of Tulkiyan. The speaker requested that the HAC give permission for a fellow member of the community group to have access to several books located in Tulkiyan, taking them away from the house for a certain period of time as would be done in the situation of a library. The books would assist the Friends of Tulkiyan member in researching and planning the restoration of Tulkiyan's garden back to its original state. The speaker further raised the Friends of Tulkiyan's proposal to open Tulkiyan to the Public for a weekend in November giving the public an opportunity to view the properties ceramic collection.

A number of matters were minuted at the meeting on Monday 27th June 2005.

Tulkiyan

Councillor Bennett initiated a general discussion about the management of Tulkiyan and the establishment of a sub-committee of the Heritage Advisory Committee. The following members of the Heritage Advisory Committee expressed an interest in being on the sub-committee:

Mr Guy
Ms Shelley
Ms Macdonald
Ms Harvey
Ms Bennett
Mr Stutchbury
Ms Mack

The first meeting was scheduled for Monday 4 July 2005, 4.30-6.30pm. All Heritage Advisory Committee Members were encouraged to attend. Friends of Tulkiyan representatives were invited to attend from 5.30-6.30pm.

Grant Application for Tulkiyan

The Director of Community Services explained that The Ministry for Arts advised Council that any funding received for Tulkiyan must be matched by Council dollar for dollar (this is not possible for Council at the moment). Alternatively the Ministry stated that Council can put in an application for funding to engage a consultant to prepare a strategic plan for Tulkiyan and Eryldene. The Ministry conveyed to Council that the preparation of a strategic plan would put it in good stead to receive further funding in the future to engage a curator for the properties.

Agenda for first Tulkiyan sub-committee meeting

Several issues for discussion at the first Tulkiyan sub-committee meeting were highlighted:

- Property maintenance
- Issues of proper procedures to deal with a State heritage listed item and funding
- Delegation
- Discuss how the committee will deal with issues raised that cannot wait 2 months until the next Heritage Advisory Committee Meeting (suggested that such issues should be emailed to all HAC members and if not objects are raised within 3 days the sub-committees decision be actioned/put into place).

Update: Potential heritage items project

Presentation by Council's Heritage Planner and Manager Urban Planning

The Heritage Planner made a power point presentation on a glossy brochure that was produced by Warringah Council in 2004 on "Owning a Heritage Property in Warringah". Each HAC member was provided with a copy of the brochure. The presentation outlined the purpose and aims of the brochure, and its intended audience. The brochure was sent out to every heritage property owner in Warringah and made available at all local libraries and the Council chambers.

The Manager Urban Planning discussed a brochure prepared by Kogarah Council on "Draft Heritage items in Kogarah". Each HAC member was provided with a copy of the brochure. The brochure differed from the Warringah example as it was targeted at draft heritage property owners.

Item 12

S03816
5 October 2005

The brochure is written in plain English and explains the importance of built heritage, what a heritage item is, the heritage study being undertaken by the Council the potential implications of heritage listing and the next step in the project.

Proposed draft Ku-ring-gai Heritage Brochure

Following the presentations Councillor Bennett raised the issue of establishing a brochure similar to those presented and putting it on the agenda as a project to be completed.

Comment: This will form part of the Potential Heritage Item Review.

Review of first 8 items excluded from heritage item review

Councillor Bennett requested that an updated list of heritage items being reviewed be emailed to all committee members together with confirmation as to why 3 Crete Place, East Lindfield was recommended for no further study.

An update of various heritage matters was provided by staff on the following properties:-

517 Pacific Highway, Killara
134-138 Eastern Road, Wahroonga
51 Billyard Avenue, Wahroonga
35-45 Water Street, Wahroonga
2 Wirra Close, St Ives

CONSULTATION

The Heritage Advisory Committee comprises several members of established heritage organisations, community representatives and Councillors.

FINANCIAL CONSIDERATIONS

The cost of running the Committee is covered by the Planning Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Where relevant consultation with other Departments is conducted.

SUMMARY

The Heritage Advisory Committee meeting was held on 27 June 2005. A range of heritage issues and heritage projects were discussed. A number of issues were identified for future discussion.

RECOMMENDATION

That Council note the Minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

Louise O'Flynn
Heritage Planner

Antony Fabbro
Acting Director

Attachments: Minutes of Meeting held 27 June 2005 - 540186

MINUTES

HERITAGE ADVISORY COMMITTEE MEETING

MONDAY 27 JUNE 2005

**Council Chambers
818 Pacific Highway, Gordon**

MEETING OPEN: 6.30PM

1.0 APOLOGIES

Councillor I Cross
Councillor E Malicki

2.0 ATTENDANCE

Community Members:

Mr Stutchbury
Ms Harvey
Ms Macdonald
Ms Mack
Mr Guy
Ms Edwards

Councillors

Councillor L Bennett (Chair)
Councillor M Shelley
Councillor A Andrew

Council Officers

Ms J Bevan, Director Community Services
Mr A Fabbro, Manager Urban Planning
Ms Louise O'Flynn, Heritage Planner
Ms D Silva

Speakers

- 1) Ms S Young RE: 33 Moree Street, Gordon & heritage interface properties with LEP 194
- 2) Friends of Tulkiyan representative RE: the borrowing of books from Tulkiyan and the proposed Tulkiyan open day in November to view ceramics

3.0 CONFIRMATION OF MINUTES OF 27 APRIL 2005

The minutes were confirmed with changes to the attendance.

Moved; Ms L Bennett
Seconded; Unanimous

4.0 DECLARATIONS OF PECUNIARY INTERESTS

None declared

5.0 Speaker No. 1: 33 Moree Street, Gordon & heritage interface properties with LEP 194

See attached presentation notes.

6.0 Speaker No. 2: Friends of Tulkiyan

The representative of Friends of Tulkiyan requested that the Heritage Advisory Committee (HAC) give permission for a fellow member of the community group to have access to several books located in Tulkiyan, taking them away from the house for a certain period of time as would be done in the situation of a library. The books would assist the Friends of Tulkiyan member in researching and planning the restoration of Tulkiyan's garden back to its original state.

The speaker further raised the Friends of Tulkiyan's proposal to open Tulkiyan to the Public for a weekend in November giving the public an opportunity to view the properties ceramic collection.

7.0 Tulkiyan

Councillor Bennett initiated a general discussion about the management of Tulkiyan and the establishment of a sub-committee of the Heritage Advisory Committee. The following members of the Heritage Advisory Committee expressed an interest in being on the sub-committee:

Mr Guy
Ms Shelley
Ms Macdonald
Ms Harvey
Ms Bennett
Mr Stutchbury
Ms Mack

First meeting scheduled for Monday 4 July 2005, 4.30-6.30pm, all Heritage Advisory Committee Members are encouraged to attend. Friends of Tulkiyan representatives are invited to attend from 5.30-6.30pm.

8.0 Grant Application for Tulkiyan

Ms Bevan explained that The Ministry for Arts advised Council that any funding received for Tulkiyan must be matched by Council dollar for dollar (this is not possible for Council at the moment). Alternatively the Ministry stated that Council can put in an application for funding to engage a consultant to prepare a strategic plan for Tulkiyan and Eryldene. The Ministry conveyed to Council that the preparation of a strategic plan would put it in good stead to receive further funding in the future to engage a curator for the properties.

9.0 Agenda for first Tulkiyan sub-committee meeting

Issues to be discussed:

- Property maintenance
- Issues of proper procedures to deal with a State heritage listed item and funding
- Delegation
- Discuss how the committee will deal with issues raised that cannot wait 2 months until the next Heritage Advisory Committee Meeting (suggested that such issues should be emailed to all HAC members and if not objects are raised within 3 days the sub-committees decision be actioned/put into place)

10.0 Update: Potential heritage items project

10.1 Presentation by Louise O'Flynn

Louise made a power point presentation on a glossy brochure that was produced by Warringah Council in 2004 on "Owning a Heritage Property in Warringah". Each HAC member was provided with a copy of the brochure. The presentation outlined the purpose and aims of the brochure, and its intended audience. The brochure was sent out to every heritage property owner in Warringah and made available at all local libraries and the Council chambers.

10.2 Presentation by Antony Fabbro

Antony discussed a brochure prepared by Kogarah Council on "Draft Heritage items in Kogarah". Each HAC member was provided with a copy of the brochure. The brochure differed from the Warringah example as it was targeted at draft heritage property owners. The brochure is written in plain English and explains the importance of built heritage, what a heritage item is, the heritage study being undertaken by the Council the potential implications of heritage listing and the next step in the project.

10.3 Proposed draft Ku-ring-gai Heritage Brochure

Following the presentations by Louise and Antony, Councillor Bennett raised the issue of establishing a brochure similar to those presented and putting it on the agenda as a project to be completed.

11.0 Review of first 8 items excluded from heritage item review

Councillor Bennett requested that an updated list of heritage items being reviewed be emailed to all committee members together with confirmation as to why 3 Crete Place was recommended for not further study.

12.0 517 Pacific Highway, Killara

A report recommending that DLEP 32 be adopted is going to Council on Tuesday 28 June 2005.

13.0 134-138 Eastern Road, Wahroonga

A report recommending that DLEP 31 be abandoned is going to Council on Tuesday 28 June 2005.

14.0 51 Billyard Avenue, Wahroonga

Council is waiting for the final independent heritage assessment to be prepared by the heritage consultant. Upon receipt of the assessment a report will be put to Council with a recommendation based on the assessment findings.

15.0 35-45 Water Street, Wahroonga

Council sent a letter to the above mentioned property expressing concern over vandalism; a response was received in which it was stated that a 24 hour security guard has been employed onsite as well as the introduction of stricter management.

16.0 2 Wirra Close, St Ives

Council is waiting for the final independent heritage assessment to be prepared by the heritage consultant. Upon receipt of the assessment a report will be put to Council with a recommendation based on the assessment findings.

16.0 General Matters

16.1 81 Clanville Street, Roseville

Councillor Shelley provided an outline of the Land and Environment Court decision to approve a child care centre at 81 Clanville Street permitting some changes to the internal fabric of the house and extensive changes to the garden and garage.

The HAC has requested that documentary photographic evidence be obtained of the properties garden and garage prior to works being undertaken.

16.2 Camellia Grove

This property has been sold.

16.3 New Ku-ring-gai Character and Heritage statement brochures have been published

The HAC was shown the new Ku-ring-gai brochures.

16.4 RAIA and Heritage Office Letters to Council

Ms Edwards presented the letters received from the RAIA and the Heritage Office. The RAIA's letter discusses the findings of a comparative analysis the Institute undertook of Ku-ring-gai's display villages. The Institute undertook a ranking of each village and made a submission to the Heritage Office that ranks Richmond Avenue as the number one display village. The letter provides reasons for this ranking. Ms Edwards requested that the letters be tabled at the next meeting of council.

16.5 Next agenda

Councillor Bennett requested that DCP 38 and 55 be put on the next HAC agenda meeting and that all Committee members have the relevant controls of each DCP circulated via email prior to the next meeting.

17.0 NEXT MEETING

The next meeting will be held on Monday 29 August 2005.

18.0 CLOSE

The meeting closed at 9.10PM.

ADDITIONAL BUS SHELTERS - PUBLIC CONSULTATION REVIEW & PROPOSED SITES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report the comments and outcome from the public consultation on the proposed locations of additional shelters and seek approval for the installation of shelters.

BACKGROUND:

On 29 June 2004, Council resolved to approve the installation of advertising and non-advertising shelters, and that a further report be brought back on the potential locations of additional sites.

On 19 July 2005, Council endorsed the 13 locations for additional advertising and non-advertising bus shelters for further public consultation.

COMMENTS:

A public consultation process commenced on 27 July and closed on 19 August 2005. Information was hand delivered to 134 Residents, 11 Body Corporations and 9 other organisations located in the vicinity of the sites.

At the close of the consultation period, 20 responses were received.

RECOMMENDATION:

That Council approves the location of most of the additional shelters proposed requiring further negotiation with residents in accordance with the recommendations of the report.

PURPOSE OF REPORT

To report the comments and outcome from the public consultation on the proposed locations of additional shelters and seek approval for the installation of shelters.

BACKGROUND

Following approval on 29 June 2004 to accept the Tender from Adshel, advertising and non-advertising bus shelters have been installed throughout the LGA in the past year. The status of these shelters under the contract is discussed below. Also included in the resolution, was a recommendation:

“That a further report be brought back to Council within the next 12 months on the potential locations of additional sites”

Accordingly, on 19 July 2005, a report was presented for the consideration of 13 additional sites. The Council resolved:

“That Council endorses the locations for additional advertising and non-advertising bus shelters for further public consultation.”

COMMENTS

A public consultation process commenced on 27 July and closed on 19 August 2005. Information was hand delivered to 134 residents, 11 body corporate premises and 9 other organisations (Church, School, Business owners and an Association) located in the vicinity of the sites.

Information delivered to the public, comprised a cover letter with an attached customised map with information on responses to frequently asked questions on the reverse side. Plans had been customised to **identify** if the shelter was proposed as an **advertising or non-advertising** type.

The list of sites is shown on Table 1.0 below as copied from the report on 19 July 2005, with the locations corresponding to each site number shown on locality plans as **Attachment 1**.

At the close of the consultation period, a total of 20 responses were received. The main proportion of these responses were received for site 8 (4 responses) as well as site 6 and 7 (3 responses each).

No responses were received in relation to site Nos 2 and 4. A summary of the submissions is shown on **Attachment 2**.

Shelter sites

From the responses, further site inspections were carried out to review the specific shelter locations in relation to site Nos 1, 3, 7, 8, 9 and 10 located near Kitchener Avenue, outside 103 Collins Road, near Nadene Avenue, near Highfield Road, near Earl Road and on Clive Road respectively.

Table 1.0 Requested and identified sites

Site No.	Site Location	Remarks	Proposed shelter type
1	O/s 370 Mona Vale Rd, S/O Kitchener St, St Ives	R, 1.55(1)	Advertising
2	West side Mona Vale Rd, N/O Palm Street, St Ives	R, 1.70(1)	Advertising
3	Near 103 Collins Rd, St Ives	R, 1.50(1), (2)	Non-Advert
4	Mudies Rd, O/s southern boundary 7 Bass Pl, St Ives	R, 1.50(1), (2)	Non-Advert
5	O/s 145 Kissing Point Rd, opp. Wattle Pl, Turramurra	R, 2.30(1), (2), (3)	Non -Advert
6	Opp. 1 Nicholson Ave, St Ives	R, 1.50(1), (2)	Non-Advert
7	O/s 71 Ryde Rd, W/O Nadene Pl, Pymble	I, 1.70(1)	Advertising
8	West side Pacific Highway, S/O Provincial Rd, Lindfield	I, 1.70(1)	Advertising
9	East side Archbold Rd, N/O Earl St, Roseville	I, 1.30(1)	Advertising
10	O/s 10 Clive St, Roseville	R, 1.70(1)	Advertising
11	East side Pacific Highway, N/O Ravenswood Ave, Gordon	I, 1.70(1)	Advertising
12	O/s 640 Pacific Highway, opp. Powell St, Killara	I, 1.70(1)	Advertising
13	Fox Valley Road, O/s Sydney Adventist Hospital	I, 1.5 (1)	Advertising

Notes:

R denotes requested, **I** denotes identified

(1) Shelter setback from kerb shown in metres, based on site measurements and shelter type.

(2) Possible rear entry configuration

(3) No kerb and guttering fronting bus stop site. Distance based on clearance to edge of bitumen

Adshel response

During the consultation period, this list was also provided to Adshel for comment who notes:

Site No.1 & 2

Adshel are not in favour of these sites proposed along Mona Vale Road. In their opinion, there is already a sufficient number of advertising shelters established along Mona Vale Road. This reasoning is debateable, given a double shelter proposed (on the western side, north of Woodbury Road) was not installed due to a perceived obstruction by the guardrail to the advertising panel. The provision of single advertising shelter offsets this requirement. Subject to residents' comments, it is therefore proposed that one site be recommended. Site 1 is preferred based on requests and maintenance of streetscape with the new shelter on the opposite side.

Site Nos 3 – 11 inclusive, and 13.

For site Nos 3 - 6, Adshel were satisfied with these, given these are non-advertising and therefore were not as sensitive to location. Adshel were also satisfied with the remaining sites proposed as advertising types.

Site No.12.

Adshel's only concern related to the relative location of the guardrail in the vicinity of this area. However, the guardrail is located farther south of this site.

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4 October 2005Resident responses*Shelter site No.1 - on western side of Mona Vale Rd, south of Kitchener St, St Ives*

One submission was received indicating objection. The objection was based on the grounds of perceived impaired sight visibility, usage and environment (removal of tree). A reply was sent to the resident on 10 August 2005 noting on the map provided, the proposed site was accidentally shown located outside the south-eastern corner of No.372, and is proposed to be south of the existing bus stop site, coinciding with the south-eastern corner of No.370 in order to take into account sight distance matters. As such no significant trees are to be impacted upon.

A further site inspection at the signalised intersection indicates the position would not impede sight visibility. It is therefore proposed to recommend installation of this shelter.

Shelter site No.2 - Western side of Mona Vale Rd, north of Palm Street, St Ives

No submissions were received, however in view of comments above and when weighted against site No1, this site would not be recommended for installation.

Shelter site No3 - Near 103 Collins Rd, St Ives

One submission was received by phone indicating support. However, the resident of 9 Shelby Road advised that he seeks to locate a garage in the future at the rear with proposed access off Collins Road and therefore coinciding with the existing bus stop location. The subject resident has requested the stop and shelter be therefore moved outside 103 Collins Rd to accommodate this future need.

A sight inspection on 29 August 2005 concerning 9 Shelby Street and the relocation is not considered justifiable given:

- Relocation may unfairly disadvantage the residents of 103 and 101 Collins Road.
- Presence of an existing double lock up garage and wide access driveway. Advice from the Development & Regulatory section indicate that as the residents at 9 Shelby Street have dual frontage and established, unimpeded vehicle access to their property that seems compliant with Council standards and that the residents also have a lock-up garage facility, it seems reasonable to locate the bus shelter along the Collins Street frontage of this property. In their opinion, this would not unduly impede future development of 9 Shelby Street.
- There is a natural depression and piped drainage system between 103 and 101 Collins Road that would be subject to an overland flow path, in the event of a blockage during a high intensity rainfall event.

Shelter site No4 – Northern side of Mudies Rd, outside southern boundary 7 Bass Pl, St Ives

No submissions were received. This is proposed as a non-advertising site. It is therefore proposed to recommend this site for installation, subject to the availability of an ASF shelter being relocated.

Shelter site No5 - outside 145 Kissing Point Rd, opposite Wattle Place, Turramurra

Two submissions were received, one in support and one objecting. The objection was based on the grounds of perceived advertising, light illumination, impaired sight visibility, usage and risk of vandalism.

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Both on the list and map provided, this site was clearly shown as **non-advertising**. As such, it is constructed with clear glass panels on both sides and rear. The shelter is to be solar powered, which produces a low light level in comparison to the advertising shelter types. The submission in support also required sight visibility to be maintained and Technical Services staff have consulted further with the subject owner regarding the shelter position to explain and ensure this aspect is achievable.

It is therefore proposed to recommend this site for installation, subject to availability of an ASF shelter.

Shelter site No.6 - Opposite 1 Nicholson Ave, St Ives.

Three submissions were received, all in support. This site was shown as non-advertising.

It is therefore proposed to recommend this site for installation, subject to availability of an ASF shelter.

Shelter site No.7 - Outside 71 Ryde Rd, west of Nadene Pl, Pymble

Three submissions were received, one showing support, one objection and one neither. All had a common concern in relation to sight visibility.

An inspection of the site was carried out on 29 August 2005 having regard for the comments. Two photos were taken of existing conditions, one as viewed from the driver turning out of Nadene Place, and the other close up. For each, before and after representation are prepared showing the position of the Advertising Panel, corresponding to the back rest of the seat. Photos 1, 2, 3 and 4 are shown on **Attachment 3**. Comparison of the photos indicates that the advertising panel has a negligible impact on sight visibility from the existing conditions. An overgrowth of vegetation of 0.6 – 1.2m over the property boundary was observed. These will all require trimming.

It is therefore proposed to recommend this site for installation of a new shelter.

Shelter site No.8 - West side Pacific Highway, S/O Provincial Rd, Lindfield.

Four submissions were received, all indicating objection. The objections were based on the grounds of perceived low usage, risk of vandalism and blockage of visibility to a message board.

Given the strong objection, this site will not be recommended for a new shelter.

However three of the submissions all suggested an alternate location further south, near the corner of Highfield Road. This site is located outside the school and used by children and forms route 565, servicing West Lindfield, West Killara and Macquarie shopping centre.

As this site was not originally proposed it is recommended to consult directly with the nearby school, and body corporate to seek support. Given the location, twin single advertising shelters would be proposed, to provide a minimum of two bench style seating.

Shelter site No.9 - East side Archbold Rd, N/O Earl St, Roseville

Two submissions were received, both objecting. The objections were based on the grounds of perceived difficulty exiting driveway, narrow footpath and risk of encouraging loitering.

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A site inspection was undertaken before the consultation period with Adshel, and subsequent visit on 29 August 2005. Existing difficulty of sight distance from the driveways of both 45 and 45a was observed by virtue of the foliage of a privet tree and vine overgrowth completely around another tree, both of which originate from 45A Archbold Road. These should be removed irrespectively.

The proposed 1.3 metre setback was reviewed and it was considered that a setback of 1.7 metres is required for sight distance, resulting in the shelter being installed a distance of 0.65 behind the fence which is achievable.

It is therefore proposed to recommend this site for installation of a new shelter.

Shelter site No.10 - outside 10 Clive St, Roseville

One submission was received indicating objection. The objection was based on the grounds of impeding sight visibility when reversing onto Clive Street from No.12. Although this manoeuvre is an unsafe practice, a site meeting on 29 August with the owner indicated their circumstances:

- The configuration of the dwelling's existing driveway is elevated from their single garage to the road, and the front garden area is a short distance to the front boundary. Provision of turning area within would be tight, involving filling and be cost prohibitive.
- Masonry walls at the front are narrow; and the
- Wheelchair access to the car is required, and cannot be accommodated

A further site inspection conducted of the subject premises, revealed there was no ability within the property to undertake a 3-point turn manoeuvre to enable the car to exit onto a main road in a forward motion. As such, an advertising style shelter would impede sight visibility further.

Having regard for the issues of this dwelling, this site will not be put forward for recommendation of a new shelter.

Shelter site No 11 - east side of Pacific Highway, north of Ravenswood Ave, Gordon

One submission was received, objecting to the proposal. The objection was based on the grounds of perceived low usage and reduced streetscape. Overall, it can be assumed that evidence has not come forward to show that there is overwhelming objection to the proposal, and therefore it is proposed to recommend this site for installation of a new shelter.

Shelter site No12 – Pacific Highway, opp. Powell St, Killara

One submission was received, objecting to the proposal. The objection was based on the grounds of visibility from the unit, perceived increase in noise and vandalism. This site is proposed for an Advertising shelter. On the map provided, two locations were shown:

- outside 640 Pacific Highway. This is known as Niteride bus stop. It is located on an outside bend, with provision of an additional lane for this purpose.
- an alternate site outside 666 Pacific Highway, opposite Powell St. The site is located on a straight section of road just north of the above site.

The subject resident notes the alternate site is preferred citing valid reasons including, proximity to commercial buildings and Killara shopping precinct, with foliage to screen the presence of the

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shelter. Both sites have merit and therefore it is recommended to retain these sites on the list for new shelter installations.

Shelter site No.13 - Fox Valley Road, O/s Sydney Adventist Hospital

One submission was received, objecting to the proposal. The reason is based on the grounds of seat capacity, compatibility and overall aesthetics with current landscaping. I was advised also that the current shelter was constructed on the lands of the Sydney Adventist Hospital. The site is subject to a Master planning process which may jeopardise the long-term viability of this location.

Therefore, it is not recommended to install a shelter at this site.

Recommended Proposed List of New Shelter Sites

Following the list of proposed sites, a revised list has been prepared showing the recommended sites on Table 2.0.

Table 2.0 Recommended additional sites

Site No.	Site Location	Proposed Shelter type
1	O/s 370 Mona Vale Rd, S/O Kitchener St, St Ives	Advert
3	Near 103 Collins Rd, St Ives	Non-Advert
4	Mudies Rd, O/s southern boundary 7 Bass Pl, St Ives	Non-Advert
5	O/s 145 Kissing Point Rd, opp. Wattle Pl, Turramurra	Non-Advert
6	Opp. 1 Nicholson Ave, St Ives	Non-Advert
7	O/s 71 Ryde Rd, W/O Nadene Pl, Pymble	Advert
9	East side Archbold Rd, N/O Earl St, Roseville	Advert
11	East side Pacific Highway, N/O Ravenswood Ave, Gordon	Advert
12	O/s 640 Pacific Highway, or O/s 666 Pacific Highway, Killara	Advert

An alternative for Site No8 is however proposed on Pacific Highway south of Highfield Road. This site has several merits, but was not originally proposed. It is therefore recommended to consult directly with the nearby school and body corporate to seek support. One or twin single advertising shelters would be proposed for this site to provide a minimum of two bench style seating in consultation primarily with the School.

Subject to any approval by Council, further consultation is also required with the shelter provider regarding locations, and property owners regarding positioning.

As advised in the previous report on 19 July 2005, Council also resolved on 29 June 2004 to endorse the modification of ASF non-advertising shelters where appropriate. To reduce the capital expenditure imposed by the purchase of new non-advertising shelters, the existing ASF shelters are to be relocated to non-advertising sites indicated in Table 2.0 above, once modification of ASF shelters to advertising shelters is commenced.

Status of approved Shelter Installations

Under the Contract, a total of 29 advertising panels within bus shelters was approved in the program, comprising 5 double advertising shelters (equivalent to 10 advertising panels) and 19 single advertising shelters, as well as 5 non-advertising shelters. The status of this installation is:

i. 4 double and 13 single advertising as well as all 5 non-advertising shelters are installed.

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ii. Modifications were carried out at two other single advertising shelters:

- At Eastern Arterial Road site, side panels have been permanently removed following road safety audits to address resident concerns of reduced visibility as well as from vehicle headlight reflection and fogging.
- Outside Corpus Christie church, the advertising panel was removed temporarily following their concerns of reduced pedestrian visibility on approach to the entrance. Council sought a quotation to setback the shelter. From discussion with the Church, other locations were explored but not viable. Instructions were issued to Adshel to setback the shelter to meet concerns of visibility and reinstate the advertising panel to meet contract obligations, and the Church advised.

iii. Two other sites are delayed pending information:

- Installation commenced in April 2005 at the site on Pacific Highway, south of Marshall Avenue, but was halted due to resident concern for visibility. Whilst this was resolved, other residents wanted to relocate the shelter further south. Council wrote to the Roads & Traffic Authority (RTA) in May, and has received verbal approval but is awaiting written advice.
- Complications with Telstra utilities and consultation with RailCorp has delayed the shelter at the site opposite 1116 Pacific Highway, Pymble. Due to potentially complex underground services located at this site, Adshel were reluctant to install a double shelter but have considered potential for a single. RailCorp has not yet responded to our letter to consider the shelter based under our lease agreement.

iv. Two sites have been deleted:

- A double shelter was proposed on the western side of Mona Vale Road, North of Woodbury Avenue. Adshel considered the guardrail obstructed visibility to the panels and were reluctant to install the shelter. Council sought advice from RTA regarding the guardrails and have advised that an equivalent device would be required. Given the remaining obstruction, the site was abandoned.
- A single shelter was proposed outside 1670 Pacific highway, Wahroonga (Shell Service Station). Whilst visibility issues were previously assessed it was considered prudent given issues raised at other sites to abandon this site.

Overall, 4 single and 1 double advertising shelter remains outstanding to be installed to meet obligations under the contract. To achieve this:

- i. A double shelter is to be located at Pacific Highway, Lindfield approved for a single shelter.
- ii. Single shelters are to be selected from the following choices:
 - Replacement of ASF shelters (those situated on main roads only), having regard for issues such as visibility, and available width in the footpath; and/or
 - Use of sites from Table 2.0 above intended for advertising shelters, subject to approval.

Scrolling panels were introduced at the double shelter near Memorial Ave. Scrolling was installed only on a temporary basis to offset removal of advertising panels at the Eastern Arterial Road and

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Corpus Christie church sites. Adshel have recently de-activated this in view that installation of remaining shelters is imminent to meet the obligations under the contract and given the fact that Council has already received payment for the first 3 years in accordance with the tender.

To reduce capital outlay by Council, the non-advertising shelter proposed on Warrimoo Avenue, St Ives is intended to be an ASF type, and is therefore contingent on this replacement strategy.

CONSULTATION

A public consultation process was carried out between 27 July and 19 August 2005, involving hand delivered letters. Site specific consultation with the resident was undertaken by telephone and site visits.

FINANCIAL CONSIDERATIONS

As indicated in the previous report, the supply of additional shelters is subject to Adshel's Schedule of Rates under the Tender. The amount of revenue per annum payable to Council for additional shelters containing advertising is dependent of the purchaser of the shelter:

1. where Council will be responsible for the Capital cost to supply and install the advertising shelter, rates are identical with current advertising shelters.
2. where Adshel will be responsible for the Capital cost to supply and install the advertising shelter, then amount is subject to timing of installation relative to the years remaining under the contract term. Council has undertaken a contract term of 15 year period.

Rates are also subject to adjustment based on the Consumer Price Index.

Additional costs would be expected for sites associated with the modification of ASF non-advertising to advertising. Expenses are subject to quotation on application.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Advice was sought from the Development & Regulatory Section regarding development issues.

SUMMARY

On 19 July 2005, Council endorsed a total of 13 locations comprising additional advertising and non-advertising bus shelters requiring further public consultation.

A public consultation commenced on 27 July and closed on 19 August 2005. Letters, customised maps and information was hand delivered to 134 residents, 11 body corporate premises and 9 other organisations. Of a total of 154 delivered, 20 responses were received. No responses were received in relation to site Nos 2 and 4. A summary of the submissions is shown on **Attachment 2**.

After taking into account responses and comments, from a review of these individually, a total of 9 sites are listed on Table 2.0 as the recommended additional sites comprising 5 Advertising and 4 non-advertising. Site Nos 2, 8, 10 and 13 have been removed. An additional site on Pacific Highway, south of Highfield was also suggested, and has merit for an advertising structure.

The main issues raised for objection were based on the grounds of perceived advertising, high light illumination, impaired sight visibility and risk of vandalism. All these issues have been addressed above and in some cases the objections were found to be based on incorrect assumptions. Further consultation would be carried out with Adshel and property owners regarding positioning.

To meet obligations under the existing contract, 4 single and 1 double advertising shelter remains outstanding to be installed, and can be met by existing ASF installations and/or proposed shelters.

Council would obtain further revenue for additional advertising shelters installed. The amount of revenue per year is dependent on the purchaser of the capital and installation date.

RECOMMENDATION

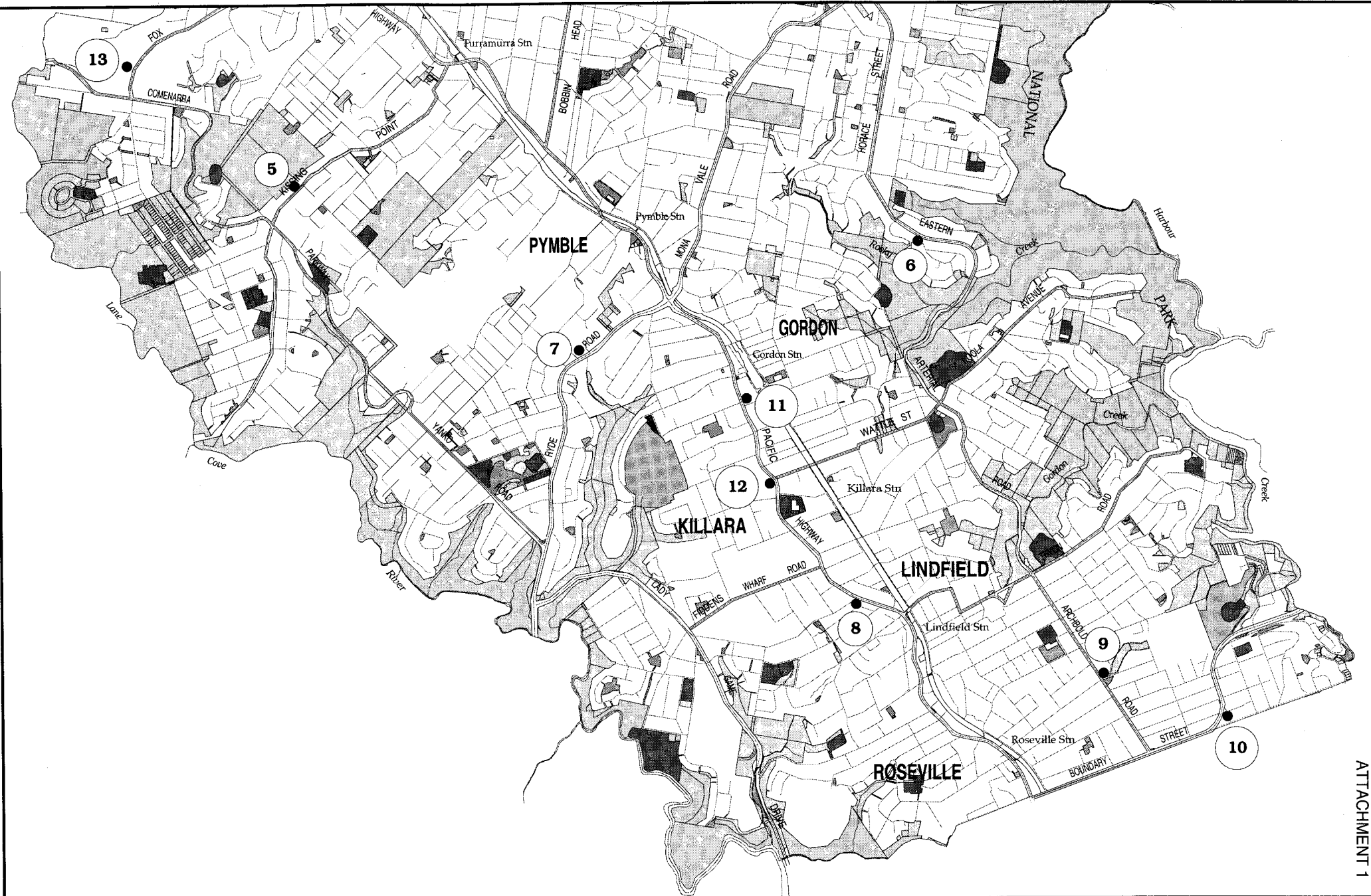
- A. That Council approves the 9 additional sites for advertising and non-advertising in accordance with the list in **Attachment 2** of the report.
- B. That Council endorses the location for an additional advertising shelter(s) on Pacific Highway, near Highfield Road, Lindfield for further public consultation.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments:

- 1. Location maps - 541686 & 541689**
- 2. Response Form summary - 541424**
- 3. Before and After photos - 527914**



ATTACHMENT 1



Scale : 1:40000

04-07-2005

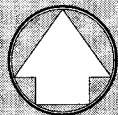
ADDITIONAL ADVERTISING & NON ADVERTISING BUS SHELTER SITES LOCATON PLAN

WARNING
Ku-ring-gai Council accepts no
liability for the accuracy
otherwise of this plan





ATTACHMENT 1



Scale : 1:40000

04-07-2005

ADDITIONAL ADVERTISING & NON ADVERTISING BUS SHELTER SITES LOCATON PLAN

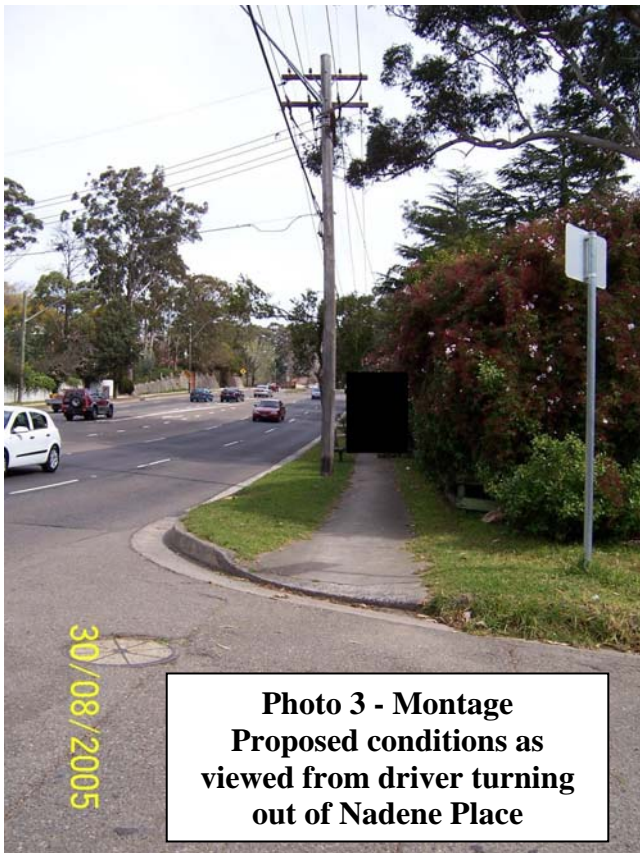
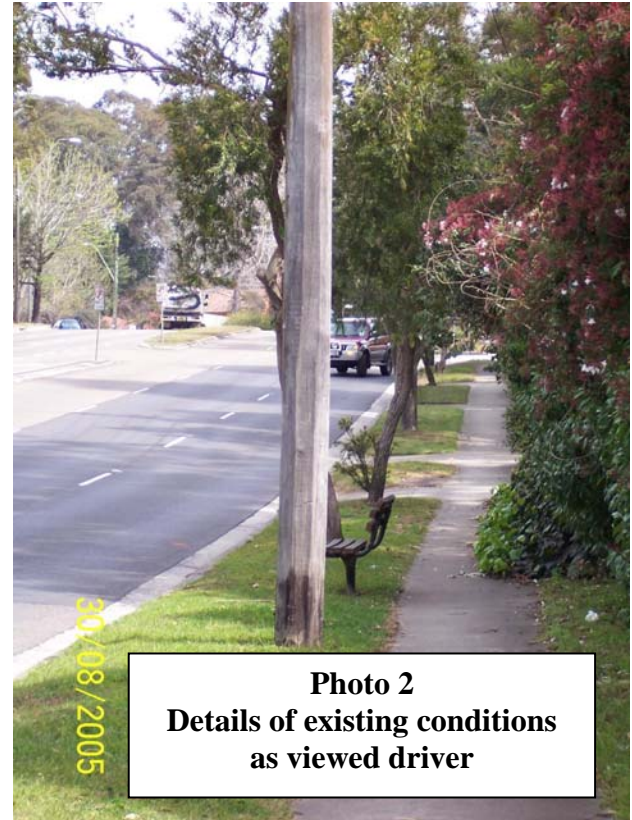
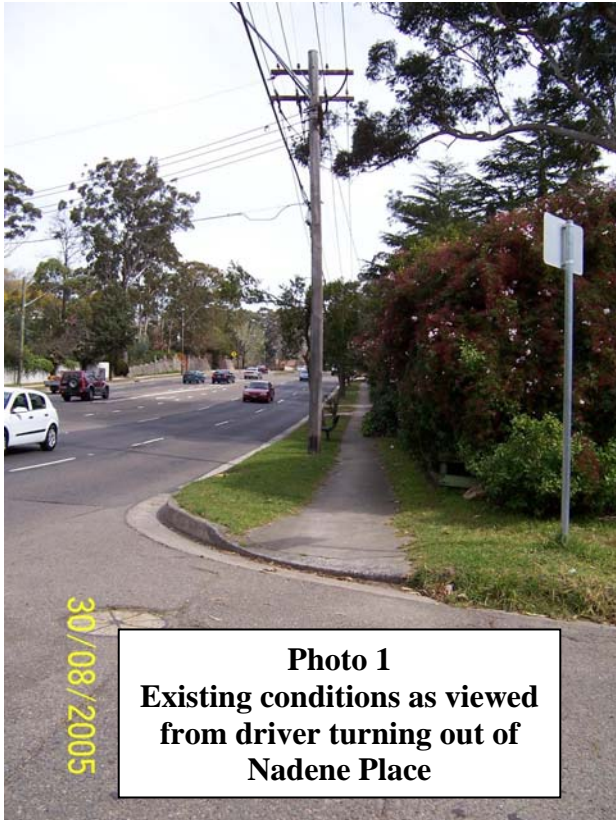
WARNING

Ku-ring-gai Council accepts no liability for the accuracy otherwise of this plan



Table 2.0 Response Form summary

Form No.	Site	Support (Y)	Support (N)	Residents Remarks	Follow up action required
6	1		1	Insufficient setback, usage, sight visibility.	Site not correctly located on map. Reply sent to resident
5	3	1		Wants to relocate shelter and stop to accommodate future garage and driveway. Contact no. 0403 114 166	Need to contact Forest and owner of 103 regarding relocation.
8	5	1		Relocate shelter and seat to enable no obstruction	
9	5		1	Complaint about Advert shelter, visibility, risk of vandalism, illuminations	Shelter is non-advert as shown on map. Site positioned in consultation with owner. Low light illumination - solar powered. Shelter maintained under periodic maintenance schedule.
2	6	1		Shelter good idea, Trees near site need to be investigated	
12	6	1		Great position for a shelter	
14	6	1		More than appreciated	
7	7			Concerned about blocking access of cars from Nadene - sight visibility	
13	7	1		Traffic visibility though needs to be considered	
15	7		1	sight visibility problem	
10	8		1	Low usage, risk of vandalism, waste of ratepayers money. Alternate suggests at CNR of Pacific Hwy and Highfield for Route 565- servicing W Lindfield, W Killara, Macquarie	Shelters provided by Adshel at no cost to Ratepayers, Maintained under schedule. Alternate possible
16	8		1	Risk of encouraging vandalism. Suggest alt location near Highfield	
17	8			Suggest alt location near Highfield	
19	8		1	Compatibility with heritage of church, usage, block message board	
1	9		1	Rubbish, narrow footpath, difficulty exiting driveway	
11	9			Concern for encouragement of loitering, sight dist for exiting cars	
4	10		1	Impede reversing onto Clive St	I would need to question this activity to see if this is permitted under ERTA regulations, and discuss with owner
3	11		1	Infrequent use, reduced streetscape, low demand	
20	12		1	Perceived target for increase noise and vandalism. Visibility from unit. Proposed site O/s 666 preferable - near commercial building, closer to Killara shopping precinct, would relocate night bus from residential block	
18	13			Not in favour of demolishing, smaller shelter, compatibility, landscaping.	Site is on SAN land, Masterplanning process may jeopardise long-term location



NOTICE OF RESCISSION

2 TO 8 BURLEIGH STREET, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 31 UNITS, 50 BASEMENT CAR SPACES & LANDSCAPING

Notice of Rescission from Councillors Ebbeck, Hall & Lane dated 18 October 2005.

We, the undersigned, hereby rescind the Council's resolution rejecting a site inspection of DA0062/05 and is hereby rescinded.

RECOMMENDATION

That the above Notice of Rescission as printed be adopted.

Nick Ebbeck
Councillor for Wahroonga Ward

Tony Hall
Councillor for St Ives Ward

Michael Lane
Councillor for Gordon Ward