



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 22 MARCH 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 8 March 2005

Minutes numbered 53 to 76

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

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 8 Woodlands Road, Lindfield - Supplementary Report

1

File: DA935/04

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

Recommendation:

Refusal.

GB.2 Restriction Of Speed, Internal Roads, Sportsgrounds

22

File: S04109

Council to consider the implementation of advisory speed limits of 10km per hour on the internal access roads and car parks in sportsgrounds and parks.

Recommendation:

That Council introduce an advisory 10km per hour speed limit on all internal roads and car parks in sportsgrounds and parks.

GB.3 Council Seal For Deed Of Licence Temporary Rock Anchors 26

File: S02983

To seek approval to affix Council's Common Seal to the Deed of Licence authorising the conditions for encroachment of temporary rock anchors and crane booms into the road reserve.

Recommendation:

That authority be given to affix the Common Seal of Council to the Deed of Licence for Temporary Rock Anchors.

GB.4 Cities For Climate Protection CCP Plus Membership 37

File: S02845

For Council to consider endorsement of the continuation of the Cities for Climate Protection program through the CCP Plus Program. This will enable Council to take advantage of financial and in-kind benefits associated with continuing membership.

Recommendation:

That Council continues to partnership with the CCP Program by joining the CCP Plus Program.

GB.5 Parks, Sport And Recreation Reference Group - Minutes Of Meeting Held Thursday, 24 February 2005 42

File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 24 February 2005.

Recommendation:

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

That Council consider the recommendation of the Parks, Sport and Recreation Reference Group with regard to the implementation of Council's ban on smoking in parks in a separate report to Council on the matter.

GB.6 Tree Preservation Order Review Update 51

File: S02052

To advise Council of the status of the Tree Preservation Order (TPO) Review and make initial recommendations concerning the reactivation of this review.

Recommendation:

That Council endorse the proposed consultation process and time frame for the remainder of the Tree Preservation Order Review process as outlined in this report.

GB.7 Ku-ring-gai Art Centre Draft Plan Of Management 55

File: P56518

To determine further action in respect of the Draft Plan of Management for the Ku-ring-gai Art Centre.

Recommendation:

That the Draft Plan of Management for the Ku-ring-gai Art Centre be adopted.

GB.8 Bushland, Catchments & Natural Areas Reference Group - Minutes Of Meeting Of 21 February 2005 99

File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group Meeting held on Monday 21 February 2005.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on 21 February 2005 be received and noted.

GB.9 Investment Cash Flow & Loan Liability As At 28 February 2005 104

File: S02722

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

Recommendation:

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

- GB.10 **40 Clissold Road, Wahroonga - Demolition Of Existing Dwelling And Tennis Court And Construction Of A SEPP 5 Development Of Six (6) Units With Basement Carparking And Landscaping** **113**

File: DA1669/03

Ward: Wahroonga
Applicant: Paul Nehme
Owner: Lynette Aouab

To determine Development Application DA 1669/03, which seeks consent for the demolition of the existing dwelling and tennis court and construction of six (6) units with basement carparking under the provisions of SEPP 5 - Housing for Older People or Peop

Recommendation:

Approval

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

- NM.1 **Draft Local Environmental Plan No 204 - Consideration Of Submissions** **175**

File: S03843

Notice of Rescission from Councillors E Malicki, I Cross and L Bennett dated 8 March 2005.

We the undersigned move:

“That Council’s decision with regard to Draft LEP 204, made at the meeting on 8 March 2005, is hereby rescinded.”

- NM.2 **Standards - Australian English/Dictionary** **228**

File: S02355

Notice of Motion from Councillor M Shelley dated 14 December 2004.

I move:

- “A. That the Council adopt Australian English as its standard;
- B. That the Council further adopt the Macquarie dictionary as its standard English dictionary reference; and
- C. That all documents prepared by Council be spell-checked before submission to Councillors or included in papers before Council.”

NM.3 Ku-ring-gai Youth Council

229

File: S02593

Notice of Motion from Councillor E Malicki dated 10 March 2005.

I move:

"That Councillors have an informal meeting within the next four weeks with members of the Ku-ring-gai Youth Council to discuss Youth issues in Ku-ring-gai with them".

NM.4 Bushland Walks For Older People

230

File: S03488

Notice of Motion from Councillor T Hall dated 13 March 2005.

I move:

- "A. That this Council provide enjoyable, safe and inexpensive walks in Ku-ring-gai's bushland areas to older people. The policy should be directed to encourage seniors to remain active and fit, while enjoying many of the walks available in Ku-ring-gai Local Government area.

In order to implement this policy, the Director Open Space provide a timely report on the availability for publication of such walking paths to residents and where upgrading is necessary, to identify opportunities for these and new pathways to be included in a S.94 Contribution plan amendment to meet the additional expenses of their projected use by new residents taking up residence in the newly zoned medium density areas.

The walks should be graded and published according to their suitability for people of varying physical capabilities, making it easier to select the most appropriate walk. In addition, the routes of each shall be checked for major hazards and steepness of which walkers should be aware to maximise enjoyment and minimise the risk of injury.

- B. That the Director of Open Space also seek funding from other Government agencies to support the early implementation of this policy, with direction being given in the 2005/2006 Management Plan".

NM.5 Memorandum For Action

231

File: S02943

Notice of Motion from Councillor E Malicki dated 12 March 2005.

In previous Councils, Councillors and all staff carried a booklet of forms headed "Memorandum for Action". These forms were available for recording any matters observed in daily travel around the Council area that needed action. For instance, missing street signs, potholes, damaged street trees and so on were reported on a daily basis. This created a sense of ownership and pride in the area and allowed Council to be proactive in overcoming problems rather than reactive.

I move:

"That the General Manager report to Council on bringing back this system so that we can be seen to be involving all our staff and Councillors in making Ku-ring-gai a better place to live, and giving members of our organisation a greater sense of ownership and pride in the job we do for our community."

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

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PETITION

104 WELLINGTON ROAD, EAST LINDFIELD – PETITION TO COUNCIL FOR PURCHASE OF LAND FROM NSW DEPARTMENT OF LANDS FOR USE AS PARK LAND - (FORTY-THREE [43] SIGNATURES)

The following Petition was presented by Councillor Innes:

“We, the undersigned residents of the Ku-ring-gai area and generally from the suburb of East Lindfield, hereby petition the Ku-ring-gai Council to purchase or gain management control of the land situated at 104 Wellington Road, East Lindfield for the purposes of public open space or park land.

The land is currently under the control and management of the NSW Department of Lands. The land has: unique views of Middle Harbour suitable for public use, provides one of a limited number of access points to the Garigal National Park Twin Creeks Nature Track, features a large rock platform which may have aboriginal or heritage significance, offers level ground suitable for the use of young children and the elderly residents of the neighbouring retirement village, and will provide one of a limited number of open community spaces available for local residents. The land is currently well used as a community meeting place and as a quiet and serene retreat.

We would all be opposed to this land being sold for residential development as foreshadowed by the Department of Lands.

We would also request a formal process of community consultation prior to any final decision on this land’s potential future.”

RECOMMENDATION

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

8 WOODLANDS ROAD, LINDFIELD - 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 13 September 2004
- Council considered a report at its meeting on 1 February 2005
- Consideration pending site inspection which took place on 12 February 2005
- Minutes of the Inspections Committee presented for confirmation on 8 March 2005.

COMMENTS:

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

RECOMMENDATION:

Refusal.

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 13 September 2004.
- Council considered a report at its meeting on 1 February 2005.
- Consideration pending site inspection which took place on 12 February 2005.

COMMENTS

1. Confirmation of width of existing carport.

The existing carport has a width of 2.2 metres.

2. Width of driveway and manoeuvring area.

A 3 metre wide vehicle crossover is proposed while the driveway/manoeuvring area varies in width from 5 metres to 7.6 metres.

3. Possible impact of works within the root zone of a tree on the adjoining site at 10 Woodlands and raising of the ground level within the canopy spread of a tree located in the front south-west corner of the subject site.

Council's Landscape Development Officer, in response to the issues raised, has provided the following additional comments.

- The proposed setback of 400mm along the eastern side boundary is not considered sufficient space to establish screen planting.*
- There is a large surface tree root extending onto the subject property from a Jacaranda mimosifolia (Jacaranda) located on the adjoining property, No. 10 Woodlands Road. The tree root runs parallel to the eastern boundary approximately 1 metre from the common boundary. Excavation required for the proposed carport will require removal of this root and may damage the subject tree.*
- Two (2) Camellia japonica (Japanese Camellia) 2 to 3 metres high will require removal. Although these shrubs are exempt from the TPO there are considered worthy of preservation considering the carport is to be constructed forward of the building line.*

To resolve these issues the Landscape Section recommends a setback of 1.5 metres to the side boundary in accordance with DCP38.

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To ensure that the Tallowood tree in the south west corner of the site is protected, a tree protection fence should be erected at a 4 metre radius from its trunk. Earthworks such as cutting or filling outside of this fence should not have any detrimental impacts on its health.

SUMMARY

The amendments proposed by the Landscape Development Officer will result in a structure that is more dominant due to its now central position within the front setback area. The resulting building bulk, height and footprint of the carport will not only dominate the natural landscape setting but will obscure the dwelling to a greater extent. Consequently, the proposed carport still results in a streetscape presentation which is out of keeping with the majority of front setbacks in the area. In addition excessive proportion of hard surface paved area is proposed to the front setback and fails to maintain the landscape quality of the locality.

The alternative suggested by the Landscape Section cannot be supported from a town planning point of view.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979
THAT Council, as the consent authority, refuse development consent to Development Application No. 935/04 for a detached double carport and additions and alterations to an existing dwelling on land at 8 Woodlands Road, Lindfield, as shown on plans referenced Drawing No. A/01/B, A/02, A/03, A/04 & A/05, dated 8 September 2004, drawn by Tom Bomford Studio for the following reasons:

1. Streetscape

The double carport and associated paving forward of the building façade of the house results in an adverse streetscape impact.

Particulars

- i) The proposal will result in a dominant structure of excessive scale and bulk and will be unsympathetic to the natural and built environment in this location. It does not provide for sufficient soft landscaping area and is inconsistent with the objectives set out in Schedule 9 (Clauses 1(a), 1(b), 2(e), 2(f) of the Ku-ring-gai Planning Scheme Ordinance.

It is proposed to cover more than 45% of the front setback area with hard surface area which will undermine the streetscape setting of the locality due to an inadequate landscaped area in the front setback compared to the adjoining properties and the street in general.

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- ii) The proposed carport being located 8.4m from the street fails to comply with the minimum front setback requirement of 12m as prescribed by clause 5.1.3 of Development Control Plan 38.
- iii) The proposed carport being located 400 millimetres from the north-eastern boundary fails to comply with the setback requirement of 1.5 metres as prescribed by Clause 5.1.3 of Development Control Plan No.38.

2. **Landscaping**

- (a) The proposed carport and driveway will have a detrimental impact upon the Jacaranda mimosifolia located within No 10 Woodlands Road.

R Kinninmont
Team Leader
Development Assessment – Team South

C Swanepoel
Executive Assessment Officer

M Miocic
Director
Environment & Regulatory Services

M Prendergast
Manager
Development Assessment Services

Attachment: Copy of initial report to Council meeting of 1 February 2005

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	8 WOODLANDS ROAD, LINDFIELD - ALTERATIONS, ADDITIONS AND CARPORT
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	935/04
SUBJECT LAND:	8 Woodlands Road, Lindfield
APPLICANT:	MC Jacques
OWNER:	MC & CA Jaques
DESIGNER:	T Bomford
PRESENT USE:	Residential
ZONING:	Residential 2(a)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Development Control Plan 38, Development Control Plan 40, Development Control Plan 43, Development Control Plan 47
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	N/A
COMPLIANCE WITH GOVERNMENT POLICIES:	N/A
DATE LODGED:	13 September 2004
40 DAY PERIOD EXPIRED:	23 October 2004
PROPOSAL:	Alterations, additions and carport
RECOMMENDATION:	Refusal

DEVELOPMENT APPLICATION N^o 935/04
PREMISES: 8 WOODLANDS ROAD, LINDFIELD
PROPOSAL: ALTERATIONS, ADDITIONS AND
CARPORT
APPLICANT: MC JACQUES
OWNER: MC & CA JACQUES
DESIGNER: T BOMFORD

PURPOSE FOR REPORT

To determine development application NO 935/04, which seeks consent for a detached double carport, a water tank and additions and alterations to an existing dwelling.

This matter has been called to Council by Councillor Innes..

EXECUTIVE SUMMARY

Issues: Streetscape.
Submissions: No submissions were received.
Recommendation: Refusal.

HISTORY

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

THE SITE

Zoning: Residential 2(a)
Visual Character Study Category: 1920 -1945
Lot Number: 43
DP Number: 10267
Area: 976m²
Side of Street: North-eastern
Cross Fall: South-west to north-east
Stormwater Drainage: To street
Heritage Affected: No
Required Setback: Minimum 12 metres and 14 metres average
Integrated Development: No
Bush Fire Prone Land: No
Endangered Species: Not affected
Urban Bushland: No
Contaminated Land: No

THE SITE AND SURROUNDING DEVELOPMENT

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The Site

The allotment measures 15.24 metres wide by 64 metres deep and contains a two storey dwelling set back from its boundaries as follows:

Front setback	15 metres
Rear setback	25 metres
Side set back (North eastern boundary)	2.45 metres
Side setback (South western boundary)	1.035 metres

A carport accommodating tandem parking for two cars is located along the east elevation of the dwelling, with a setback of approximately 150mm to the side boundary.

There is an in-ground swimming pool in the rear yard and the site contains several trees.

A solid brick fence and gates, measuring 1.5 to 1.8 metres high (RL 87.09), screen the property from Woodlands Road.

Surrounding development

The surrounding area is described in the Ku-ring-gai Visual Character Study as being characterised by single dwellings on single lots, with the majority of construction being within the period 1920 to 1945. A mix of architectural styles and periods are evident within the wider streetscape. The predominant housing style in the street is a mix of single and double storey dwellings where garages/carports are either set back behind the building line or incorporated within the lower level of the building flush with the front building line. Whilst there are 6 (six) exceptions in this part of Woodlands Road, they are long established and pre-date the current DCP:

Address	Setback to Woodlands Road
6 Woodlands Road	8 metres
12 Woodlands Road	11 metres
20 Woodlands Road	3.5 metres
22 Woodlands Road	4 metres
28 Woodlands Road	8 metres
32 Woodlands Road	12 metres

Setbacks on the southern side (low side) of Woodlands Road are generally in excess of 11 metres while the setbacks on the northern side (high side) range from approximately 12-14 metres.

An attached, two storey, dual occupancy is located opposite the site (1a & 1b Woodlands Road) and as a corner allotment it presents a side setback of approximately 4 to 5 metres to Woodlands Road.

THE PROPOSAL

Consent is sought to construct a detached double carport, new driveway and paving within the front yard. The driveway and front fence are re-aligned closer to the north eastern side boundary which requires a new vehicle crossover and also the removal of a street tree. The proposed paving and

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carport add approximately 130m² of hard surface which constitutes more than 45% of the 288m² of the front setback area.

The carport will measure 6.3 metres in length and 6.3 metres in width and be set back 8.4 metres from the front boundary and 400mm from the north-eastern (side) boundary. Some excavation is proposed to provide a suitable grade for the carport and associated driveway. Excavation will have a maximum depth of approximately 430mm to achieve a finished floor level of RL 85.7.

A pitched roof with terracotta tiles is proposed with a ridge height 4 metres above the floor level at approximately RL 89.7.

The proposal also entails:

- a minor first floor addition (6m²) comprising an en-suite to an existing bedroom;
- 2000 litres rain water tank in the north-western (side) setback.

CONSULTATION - COMMUNITY

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

No submissions were received.

CONSULTATION - WITHIN COUNCIL

Consultation within Council was not considered necessary.

The Landscape Development Officer raised no objection to the removal of the street tree but indicated that the 400mm side setback is inadequate to provide landscaped screening between the carport and the adjacent property.

The Development Engineer has no objection to the proposal.

STATUTORY PROVISIONS

State Environmental Planning Policy No.55

The site has a history of residential use. There are no concerns related to potential contamination.

Ku-ring-gai Planning Scheme Ordinance

COMPLIANCE TABLE		
Development Standard	Proposals Numeric Compliance	Complies
Site Area: 975.5m ²		
Building Height 8m (max)	6 m (existing)	YES
Built-Upon Areas 60% (585m ²) (max)	51% (497m ²)	YES

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Aims and objectives for residential zones

The proposed development is contrary to the aims and objectives stated in Clause 1(a), 1(b), 2(e) and 2(f) of Schedule 9 of KPSO in the following respects:

Visual Impacts

- The proposed carport is inconsistent with the existing streetscape and detracts from the visual character of the locality by being located 8.4 metres from the front boundary, 400mm from the north eastern side boundary and forward of the existing building line on site. There is insufficient room to accommodate screen planting along the north eastern boundary.
- The proposal will result in a dominant structure of excessive scale and bulk within the front setback area of the dwelling. With the exception of the 6 examples listed earlier in the report, carparking within the context of the existing streetscape is predominantly in-line with or set behind the building line. Consequently, the introduction of the proposed carport will result in a streetscape presentation which is out of keeping with the majority of front setbacks in the area.

Diminished landscape quality

The building bulk, height, location and footprint of the proposed carport and associated paved areas will dominate the natural landscape setting, and provide for insufficient soft landscape area for planting.

An excessive proportion of hard surface paved area is proposed to the front setback of the site and fails to ensure the landscape quality of the locality.

POLICY PROVISIONS**DCP 38 - Ku-ring-gai Residential Design Manual**

COMPLIANCE TABLE		
Site Area: 975m ²		
Development Control	Proposals Numeric Compliance	Complies
5.1 Streetscape:		
Building Setbacks (s.5.1.3)		
<ul style="list-style-type: none"> • Front Setback: 14m (Ave) -75% front elevation 12m (min) – 25% front elevation 	<p>>15m 8.4m</p>	<p>YES NO</p>
<ul style="list-style-type: none"> • Side Setback: Ground Floor: 2m(min) 1st Floor: 2.5m (min) 	<p>1.035m (existing) 2.2m</p>	<p>NO NO</p>
<ul style="list-style-type: none"> • Rear Setback: 12m(min) 	<p>>25m</p>	<p>YES</p>
Front Fences (s.5.1.5)		

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• Height: 1.2m(max)- (Fencing present in street)	1.5m to 1.8m (existing)	NO
5.2 Building Form:		
FSR (s.5.2.1) 0.37:1 (max)	0.35:1	YES
Height of Building (s.5.2.2) • 2 storey (max) and 7m (site <20° slope)	2 storey & 6m (no increase to existing)	YES
Building Height Plane (s.5.2.3) 45° from horizontal at any point 3m above boundary	1m over a distance of 6m	NO
First Floor (s.5.2.4) • FSR: < 40% total FSR	20%	YES
Roof Line (s.5.2.6) • Roof Height (5m – single storey) (3m – two ⁺ storey) • Roof Pitch 35° (max) • Dormer Control >200mm below main roof ridge Occupies<40% face of gable Occupies<20% face of roof or slope	1.8m <35° 800mm <40% <20%	YES YES YES YES YES
Built-Up Area (s.5.2.7) 54% (501.7m ²) (max)	53.9% (501m ²)	YES
Cut & Fill (s.5.2.15) • max cut 900mm • max cut & fill across building area of 1800mm and 900mm	500mm 700mm	YES YES
5.3 Open Space & Landscaping:		
Soft Landscaping Area (s.5.3.3) 46% (427.3m ²) (min)	46.1% (428.3m ²)	YES
Tree Replenishment (s.5.3.6) 5 Trees Required	6 trees provided	YES
Useable Open Space (s.5.3.8) Min depth 5m and min area 50m ²	Depth >5m Area >100m ²	YES
5.5 Access & Parking:		
No. of Car Parking Spaces (s.5.5.1) 2 spaces behind building line	2 spaces forward of building line	NO
Size of Car Parking Space (s.5.5.2) 5.4m x 5.4m	5.9m x 6.5m	YES
Driveway Width (s.5.5.6) 3.5m	3m	YES
5.7 Ancillary Facilities:		
Outbuildings (s.5.7.3) • Setback from boundary: 2m	450mm (east boundary)	NO

Building height plane variation

There is a minor non-compliance with the building height plan along the north-western elevation of the first floor bathroom addition.

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The purpose of the building height control is to ensure that heights are the same or similar to the characteristic building heights in the locality; promote the retention and sharing of views; maintain solar access and privacy to properties. In this regard, the non-compliance can be supported as the underlying objectives of ensuring the amenity of neighbouring properties in terms of overshadowing and privacy and maintaining bulk/scale relationships will be achieved.

Front and side building setback and car parking forward of the building line

The proposal is inappropriately located on the site having regard to the existing setback of adjoining properties and the setback pattern of the street block within which the proposal is situated.

The proposed carport will be set back 8.4 metres from the front boundary and 400mm off the eastern side boundary. The breach of the 12 metres setback and more importantly the provision of a car parking structure forward of the front façade of the house results in an unsatisfactory streetscape impact. The development will result in a utilitarian structure forward of the house and will not only compete with the house as a dominant element within the streetscape but will also reduce the dwelling's existing landscaped garden setting.

The predominant streetscape surrounding the subject site is one that exhibits generous front setbacks to dwellings with substantial landscaping elements within the front setbacks of sites. Clause 5.1.3 of DCP 38 requires that development be appropriately located to maintain the streetscape character and discourages the provision of garages, carports or other structures for the parking of cars on the front boundary or between the boundary and the primary façade of the front of the building. In this location, DCP 38 specifies a minimum setback of 12 metres and an average setback of 14 metres. The proposed setback of 8.4 metres to Woodside Road is a significant departure which cannot be justified.

CONCLUSION

The key aims and objectives referred to in the KPSO and the Development Control Plan No. 38 would not be met by the proposal in relation to the planning requirements that apply to the subject site. The proposed double carport and associated paving removes opportunity for landscaping in the front setback which departs from the planning controls dealing with streetscape and landscaped setting in this location.

The proposal is inconsistent with the character of the area and there is no justifiable reason why Council's development controls should be relaxed to accommodate the proposed additional vehicular accommodation, in view of its impacts and given that the existing carport which is compliant with the DCP and KPSO provisions can accommodate two cars.

The proposal fails to have regard to the location of the site and its relationship to adjoining properties and for Council's desire to maintain and enhance high quality residential development within a landscaped setting.

RECOMMENDATION

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 935/04 for a detached double carport and additions and alterations to an existing dwelling on land at 8 Woodlands Road, Lindfield, as shown on plans referenced Drawing No. A/01/B, A/02, A/03, A/04 & A/05, dated 8 September 2004, drawn by Tom Bomford Studio for the following reasons:

Streetscape

1. The double carport and associated paving forward of the building façade of the house results in an adverse streetscape impact.

Particulars

- i) The proposal will result in a dominant structure of excessive scale and bulk and will be unsympathetic to the natural and built environment in this location. It does not provide for sufficient soft landscaping area and is inconsistent with the objectives set out in Schedule 9 (Clauses 1(a), 1(b), 2(e), 2(f) of the Ku-ring-gai Planning Scheme Ordinance.

It is proposed to cover more than 45% of the front setback area with hard surface area which will undermine the streetscape setting of the locality due to an inadequate landscaped area in the front setback compared to the adjoining properties and the street in general.

- ii) The proposed carport being located 8.4m from the street fails to comply with the minimum front setback requirement of 12m as prescribed by clause 5.1.3 of Development Control Plan 38.
- iii) The proposed carport being located 400 metres from the north-eastern boundary fails to comply with the setback requirement of 1.5 metres as prescribed by Clause 5.1.3 of Development Control Plan No.38.

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment – Team South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

Attachments: **Locality map**
 Site plan and carport layout
 Elevation to street
 Sections and elevations of en-suite

ORIGINAL REPORT

RESTRICTION OF SPEED, INTERNAL ROADS, SPORTSGROUNDS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

Council to consider the implementation of advisory speed limits of 10km per hour on the internal access roads and car parks in sportsgrounds and parks.

BACKGROUND:

In July 2004, Council received a request from Ku-ring-gai Stealers Baseball Club who play at Golden Jubilee Oval, Wahroonga, for the internal access road to the car park to be designated a 10km zone.

COMMENTS:

The Ku-ring-gai Stealers Baseball Club made a request to Council following the completion of a risk assessment of their club's activities at Golden Jubilee. The risk assessment raised a number of issues which either Council or the Club have addressed.

RECOMMENDATION:

That Council introduce an advisory 10km per hour speed limit on all internal roads and car parks in sportsgrounds and parks.

PURPOSE OF REPORT

Council to consider the implementation of advisory speed limits of 10km per hour on the internal access roads and car parks in sportsgrounds and parks.

BACKGROUND

In July 2004, Council received a request from Ku-ring-gai Stealers Baseball Club who play at Golden Jubilee Oval, Wahroonga, for the internal access road to the car park to be designated a 10km zone.

COMMENTS

The Ku-ring-gai Stealers Baseball Club made a request to Council following the completion of a risk assessment of their club's activities at Golden Jubilee. The risk assessment raised a number of issues which either Council or the Club have addressed. The issue of implementing a 10km per hour speed limit was referred to Council's traffic engineers who recommended that the matter be referred to Council to seek approval for the introduction of a reduced speed limit. Additionally, the traffic engineers suggested that rather than consider this on a site by site basis it could be introduced in principle, across all internal access roads and car parks within sportsgrounds and parks.

The issue of vehicles speeding within our park and sportsground areas has been raised as an issue by both local residents and user groups previously. The proposal to Council is to establish policy position and to seek support of user groups to implement. Funds are not available for the implementation of signs at all locations; their installation will be considered either where there are specific requests from local residents, user groups or a current issue of speeding vehicles within such areas.

CONSULTATION

The request for advisory 10km zones was raised during General Business at the 24 February 2005 meeting of the Parks, Sport and Recreation Reference Group, and the group's support for the proposal reported to Council through the Minutes of that meeting.

Regulatory staff have advised whilst the signage proposed is by definition advisory only, if Council includes on these signs – subject to Section 650 Local Government Act – will in fact allow Rangers the statutory support to issue the relevant infringements. Whilst in general terms, Open Space lacks the resources to substantially police this initiative, the inclusion of Section 650 Local Government Act on the signs will, to a degree, offset this issue.

If resolved by Council, updates will be included in the Open Space (electronic) Newsletter and included in confirmation correspondence for any bookings occurring at sites where the speed limit is applicable. Additionally, a letter will be sent to all clubs who hire those sportsgrounds, advising them of Council's recommendation to implement this advisory speed limit, and encouraging them

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14 March 2005

to support the initiative and advise their members or detail any issues or objections. Staff will report back to Council should significant issues or objections be evident.

FINANCIAL CONSIDERATIONS

The cost to install signs at all 16 locations (**Attachment 1**) would be considerable and therefore it is suggested that signs be installed over a period of time, either through recurrent sign replacement budgets, when other signs on site are being replaced or, when other substantial capital works are being carried out. It is suggested that signs be installed at Golden Jubilee during this year and be funded from Council's recurrent budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's traffic engineers and Development and Regulation staff have provided their support for a reduced speed limit and guidance in the development of this report.

SUMMARY

At the request of a local sports club, it has been suggested that Council introduce an advisory 10km per hour, speed limit, on all internal roads and car parks in sportsgrounds and parks.

RECOMMENDATION

- A. That Council introduce an advisory 10km per hour, speed limit, on all internal roads and car parks in sportsgrounds and parks as outlined in this report, subject to notification of all user affected groups.
- B. That should significant issues or objections be raised to this policy, a further report be brought to Council.

Steven Head
Director Open Space

Amanda Colbey
Manager Parks, Sport and Recreation

Morven Cameron
Sport and Recreation Planner

Attachments: Table of Sports and Parks Sites with internal roads and/or Car Parks

COUNCIL SEAL FOR DEED OF LICENCE TEMPORARY ROCK ANCHORS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek approval to affix Council's Common Seal to the Deed of Licence authorising the conditions for encroachment of temporary rock anchors and crane booms into the road reserve.

BACKGROUND:

The Minister for Planning targeted a site in Merriwa and McIntyre Streets, Gordon for DIPNR to be the approval authority. Some of the proposed works are in the roadway and the developer wishes to have a Deed of Licence to cover this work. The Common Seal of Council is required for completion of the Deed

COMMENTS:

A developer owns the site and DIPNR is the consent authority. In order to have control over the limits of the work in the roadway, the Deed of Licence is proposed by the developer, between Council, the developer and the construction contractor.

RECOMMENDATION:

That authority be given to affix the Common Seal of Council to the Deed of Licence for Temporary Rock Anchors.

PURPOSE OF REPORT

To seek approval to affix Council's Common Seal to the Deed of Licence authorising the conditions for encroachment of temporary rock anchors and crane booms into the road reserve.

BACKGROUND

The site in Merriwa and McIntyre Streets, Gordon is one of the sites targeted by the Minister for Infrastructure and Planning. As some of this work will extend into the road reserve, either above or below the surface, agreement with Council is required. As a result of conditions to be imposed by DIPNR following Council's input and discussions between Council and the developer, work methods that satisfy the needs of both parties have been developed. The section dealing with the temporary rock anchors and construction crane has been incorporated in a Deed of Licence.

A copy of the draft Deed of Licence and the relevant parts of the development consent are attached to this report.

COMMENTS

In order to build the design approved by DIPNR, the developer proposes to use temporary rock anchors during construction of the basement walls. Some of these temporary rock anchors will extend into the road reserve. Once the basement floors are constructed, the temporary rock anchors will be de-stressed and disconnected from the building.

Through the Streets Opening Conference, different parts of the road reserve have been allocated for the location of underground services, both horizontally and vertically. The location of the temporary rock anchors is below the areas allocated for underground services. The existence of the de-stressed cables will not restrict future use of the roadway by Council or Utility Service.

The temporary rock anchors will help support the adjoining land, as required by the Roads Act. This will reduce the risk of collapse. While the person doing the work is responsible for any damage to the road, residents would still be affected by road closures resulting from any subsidence or movement of the walls during excavation for the basement.

Council, as the Roads Authority for this road, has a role in considering and conditioning work in the road area. In this situation, the use of temporary rock anchors is one method of construction. If rock anchors are not used, the development will still go ahead in the present form.

The site cranes will also be in positions where the booms will be over the public roads in part of their arcs. In order to clarify each party's responsibilities in relation to the temporary rock anchors and cranes, Stockland Developments propose a Deed of Licence. The Deed of Licence requires the Common Seal of Council for formalization.

CONSULTATION

The applicant approached Council asking for conditions for installing permanent rock anchors. Council advised that permanent rock anchors would not be approved. Following a request from the applicant for conditions for temporary rock anchors, a range of conditions were developed. The applicant accepted those conditions. The conditions for installation of temporary rock anchors were included in Council's submission to DIPNR for inclusion in conditions of consent, if they chose to give consent.

Part of conditions for working in the road reserve are that the developer locates all utility services and is responsible for any damage to the utility services.

FINANCIAL CONSIDERATIONS

Council will not pay or receive any financial consideration apart from applicable monies listed in the current adopted list of fees and charges. There are no direct fees related to rock anchors in the current fees and charges, this may be considered in the future reviews.

Any costs associated with the installation of the temporary rock anchors, including any fees charged by utility services will be the responsibility of the developer, as the person who will be carrying out the work. Conditions for Construction associated with Roads Act works contain a standard clause requiring the applicant to locate all utility services and comply with the conditions set by the utility owner.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance section advise that the developer is required to have \$20M public liability under the conditions of consent and also the conditions attached to any approvals issued for construction issued under the Roads Act.

SUMMARY

The site in Merriwa and McIntyre Streets, Gordon is one of the sites targeted by the Minister for Infrastructure and Planning. As some of this work will extend into the road reserve, either above or below the surface, agreement with Council is required.

The Deed of Licence will define the role and responsibilities of Council and the developer and their contractors. The Common Seal of Council is required for completion of the Deed of Licence.

RECOMMENDATION

That authority be given to affix the Common Seal of Council to the Deed of Licence for Temporary Rock Anchors.

Jim Turner
Design Engineer

Roger Guerin
Manager Design & Projects

Greg Piconi
Director

Attachments: **Copy of Deed of Licence without contractors name**
 Conditions of consent relating to Roads Act

CITIES FOR CLIMATE PROTECTION CCP PLUS MEMBERSHIP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider endorsement of the continuation of the Cities for Climate Protection program through the CCP Plus Program. This will enable Council to take advantage of financial and in-kind benefits associated with continuing membership.

BACKGROUND:

Council has been a member of the CCP program since 1999 and has recently completed the final milestone in the program. Council has received over \$20,000 in funding for greenhouse gas reducing projects and in-kind assistance through participating in the CCP program. CCP Plus has been developed for Local Councils to continue beyond the first five milestones and to reduce greenhouse gas emissions even further whilst providing a similar level of support as the basic CCP program.

COMMENTS:

By becoming a CCP Plus member, Council will receive an \$8,000 Australian Greenhouse Office grant to install solar panels on the visitor's centre of the Ku-ring-gai Wildflower Garden to reduce energy costs, greenhouse gases and increase awareness of various energy technologies.

RECOMMENDATION:

That Council continues to partnership with the CCP Program by joining the CCP Plus Program.

PURPOSE OF REPORT

For Council to consider endorsement of the continuation of the Cities for Climate Protection program through the CCP Plus Program. This will enable Council to take advantage of financial and in-kind benefits associated with continuing membership.

BACKGROUND

Council joined the International Council for Environmental Initiatives' (ICLEI) Cities for Climate Protection™ Program in July 1999 and committed to the completion of the following five milestones:

1. Conduct an emission inventory of both council (corporate) and community activities and prepare a forecast of emissions growth in the future.
2. Set an emission reduction goal for both corporate and community emissions.
3. Develop and adopt a local greenhouse action plan.
4. Implement the local action plan.
5. Monitor and report on implementation of the local action plan.

Council completed Milestone Five in June 2004. The five milestones of the program have provided a strategic framework for Council to address the issue of global warming through greenhouse gas reduction. The completion of milestone five has provided a valuable indicator of how the Council is progressing towards the reduction goal set at milestone two.

Council's overall corporate emissions stood at 8405tCO₂e in 1996 and have decreased by 1.6% to 8268tCO₂e by 2002. Throughout participation in the CCP program, several programs have been implemented within the Council to reduce greenhouse gases. These include, installation of power factor correction equipment in the Council chambers, gradual replacement of fluorescent office lights with energy efficient triphosphor globes, energy efficient light replacements at car parks, alternative fuel trials for vehicles, installation of solar park lights, purchase of renewable energy for Council's larger sites.

For Council to continue receiving the financial and in-kind support from ICLEI, Council is required to join the CCP Plus program. CCP Plus has been developed by ICLEI for Local Council's to continue beyond the first five milestones and to reduce greenhouse gas emissions even further.

Feedback from CCP Councils on the value of being part of the CCP Program is that it provides:

- Practical demonstrations of the financial benefits that can be realised through greenhouse abatement action.
- An avenue for community and council education.
- A focus and long-term strategic direction for council.
- An opportunity for councils to take leadership on a global issue, and
- A framework for achievable results for the environment.

Item 4

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1 March 2005

These benefits will continue and become more tangible as a larger number of councils reconsider their approach to the strategic and implementation milestones in the program.

The intent of the CCP Plus program is to support councils (including officer, management and councillors) to:

- Develop sustainable strategies for continued abatement activities within council and the municipality.
- Deepen actual abatement activity by council and their community.

Create opportunities for knowledge exchange regionally, nationally and internationally.

COMMENTS

CCP™ Plus is only available to councils in Australia that have completed the five milestones of the CCP Program. The aim of CCP Plus is to provide an avenue for councils that have completed the five milestones to continue to engage with CCP and maintain the benefits of being an active participant in the program.

There is no cost involved in joining CCP Plus.

Councils that commit to CCP Plus will continue to receive the benefits of CCP membership, including:

- funding opportunities provided to CCP™ Program councils by the federal government
- access to modules provided to CCP™ Program councils by the federal government
- resource material produced, such as case studies highlighting the economic, environmental and social benefits of greenhouse action, newsletters, email bulletins, CCP™ Snapshot etc.
- the members area of the CCP™ Australia web site, soon to contain a comprehensive searchable database of actions taken by CCP™ Program councils
- continued access to the CCP™ software
- technical services support, including support for the CCP™ software and electronic tools
- Invitations to CCP™ forums, including:
 - National and state conferences
 - Training and networking events
 - Recognition ceremonies
 - Access to expertise and networks of councils to exchange information and ideas.

Councils will be asked to commit to CCP Plus within 6 months of completing Milestone Five. Should councils not commit to CCP Plus within this time period, they will no longer be eligible for the benefits of CCP membership. To join CCP Plus, council must make the following commitments:

- To allocate appropriate staff time. This will vary depending on the elements that council chooses to participate in, but as a minimum will require staff time to provide the information required below:

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1 March 2005

- To participate in the annual measures report, aimed to capture information on greenhouse abatement actions taken by CCP Program councils, including greenhouse emissions, financial savings and investments.
- To play an appropriate advocacy role for CCP as a leading council committed to greenhouse abatement

Should Council become a CCP Plus member it will be eligible to receive an \$8,000 Australian Greenhouse Office grant to install solar panels on the visitor's centre of the Ku-ring-gai Wildflower Garden to reduce energy costs, greenhouse gases and increase awareness of various energy technologies. Without signing to the CCP Plus program, Council will not be eligible to receive this grant assistance.

CONSULTATION

The community has been consulted on the development of the Greenhouse Action Plan. No further consultation has been undertaken.

FINANCIAL CONSIDERATIONS

There is no cost to join CCP™ Plus.

If Council joins the CCP Plus program, the Australian Greenhouse Office will award Council an \$8,000 grant for the installation of photovoltaic cells at the Wildflower Garden Visitor Centre.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Open Space Department and Bushland Education Officer have been consulted in regards to the grant application which can be implemented in the event of Council endorsing the continuation of the partnership with the CCP Plus program.

SUMMARY

Council has been a member of the CCP program since 1999 and has recently completed the final milestone in the program. Council has received over \$20,000 in funding for greenhouse gas reducing projects and in-kind assistance through participating in the CCP program. CCP Plus has been developed for Local Council's to continue beyond the first five milestones and to reduce greenhouse gas emissions even further whilst providing a similar level of support as the basic CCP program.

By becoming a CCP Plus member, Council will receive an \$8,000 Australian Greenhouse Office grant to install solar panels on the visitor's centre of the Ku-ring-gai Wildflower Garden to reduce energy costs, greenhouse gases and increase awareness of various energy technologies.

RECOMMENDATION

That Council continues the partnership with the CCP Program by joining the CCP Plus Program.

Louise Hayward
Environmental Projects Officer

Leta Webb
Director Planning & Environment

PARKS, SPORT AND RECREATION REFERENCE GROUP - MINUTES OF MEETING HELD THURSDAY, 24 FEBRUARY 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 24 February 2005.

BACKGROUND:

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

COMMENTS:

Seven (7) items of business were discussed (PSRRG 13 – PSRRG 19). Comments have been provided on items relevant to Council and items not referred relate to general business of the Reference Group.

RECOMMENDATION:

That the minutes of the Parks, Sport and Recreation Reference Group be received and noted and that Council consider the recommendation of the Parks, Sport and Recreation Reference Group with regard to the implementation of Council's ban on smoking in parks in a separate report to Council on the matter.

PURPOSE OF REPORT

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 24 February 2005.

BACKGROUND

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

Those matters include, but are not limited to, the following areas:

- a) Future planning and policy development;
- b) Strategic review including relevant Plans of Management;
- c) Community input into the development of Council's Management Plan;
- d) Facilitation of partnerships, community and user participation and volunteer programs;
- e) Provide support to specific project working sub-groups established by Council from time to time such as "Sport in Ku-ring-gai", "Open Space Strategy", "Pool Feasibility Study" and "North Turramurra Recreation Area".

COMMENTS

As the meeting held 24 February 2005, several items of business were discussed. Comments have been provided on the items relevant to Council and items not referred to Council relate to matters requiring further consideration prior to recommendation to Council or were items directed towards the sharing of information.

In general terms, members were presented information regarding improvements at the Weir Precinct - Lane Cove National Park, as well as reports from both the Open Space Strategy and Sport in Ku-ring-gai sub-group working parties, together with a report from the inaugural Sports Forum that was held in November 2004.

Specifically, the Reference Group considered in detail funding opportunities and strategies for current and future sportsground capital works projects. The ten year financial model presented detailed Council's application of the strategy in relation to sportsground funding and the types of other likely funding opportunities that will be available.

Item 5

S03447
3 March 2005

The other significant issue considered by the Reference Group was the review of priorities for the development of Council's 2004/2005 Management Plan. Members were provided with an overview of Council's management planning process and the importance of this document.

Members were informed the Management Plan outlines Council's goals and objectives and details how Council will achieve these goals. In essence, the plan sets in train a direction through which Council commits resources to meet those challenges. Members are to consider and identify such priorities so when key performance indicators (KPI) are being developed for the coming year, they can be considered as part of the process. All items staff receive will be collated and further considered by the Reference Group at its April meeting.

In addition to the above items, the Reference Group also contemplated implementation of Council's smoking ban at parks and sportsgrounds and were supportive of a 10km advisory speed restriction on internal roads and car parks in sportsgrounds and parks, and were advised of the current District Park Masterplanning, the Parks Plan of Management, Streetcare/Park Care initiative; the Out in the Open quarterly e-newsletter and sport rage prevention.

The next meeting of the Reference Group is scheduled for Thursday 28 April 2005, 6.30pm – 8.30pm.

CONSULTATION

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

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

The meeting held on 24 February 2005, gave the group members present, the opportunity to commence identifying future priorities for consideration in the upcoming Management Planning process and the opportunity to better understand Council's future funding opportunities and the strategy adopted for sportsground capital works over the next ten years.

Item 5

S03447
3 March 2005

Eight items of business were discussed at the February meeting, five items, Items 17, 18 and 19 are matters of significance, with the remaining five items relating to general matters as detailed in this report and the attached minutes (**Attachment 1**).

RECOMMENDATION

- A. That the minutes of the Parks, Sport and Recreation Reference Group be received and noted.
- B. That Council consider the recommendation of the Parks, Sport and Recreation Reference Group with regard to the implementation of Council's ban on smoking in parks and sportsgrounds in a separate report to Council on the matter.

Amanda Colbey
Manager Parks Sport and Recreation

Steven Head
Director Open Space

Attachments: Parks, Sport and Recreation Reference Group Minutes of Meeting held Thursday, 24 February 2005

TREE PRESERVATION ORDER REVIEW UPDATE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the status of the Tree Preservation Order (TPO) Review and make initial recommendations concerning the reactivation of this review.
BACKGROUND:	<p>In December 2002, Council established a working party to review the Tree Preservation Order. The working party met on six occasions between March 2003 and March 2004.</p> <p>The completion of a review of Council's TPO is a task within Council's current Management Plan, requiring a draft TPO document to be completed by June 2005.</p>
COMMENTS:	<p>In order to finalise the review of the TPO a broad community consultation programme involving industry representatives, community groups and general community is proposed in which issues are identified and discussed. This will result in the completion of the review being delayed until September 2005.</p>
RECOMMENDATION:	That Council endorse the proposed consultation process and time frame for the remainder of the Tree Preservation Order Review process as outlined in this report.

PURPOSE OF REPORT

To advise Council of the status of the Tree Preservation Order (TPO) Review and make initial recommendations concerning the reactivation of this review.

BACKGROUND

On 17 December 2002, Council resolved to establish a working party, consisting of interested Councillors, community and industry representatives and council staff, to oversee the process for the review of Council Tree Preservation Order. The working party met on six occasions between March 2003 and March 2004. These meetings raised and discussed numerous of issues associated with the Tree Preservation Order review process and desired outcomes.

To facilitate the review, an initial issues paper was prepared by staff prior to the commencement of the review and a draft TPO working document was also developed in conjunction with the working party. A copy of the draft TPO working document was circulated to Council's prior to the planning Committee meeting on 1 March 2005.

The completion of a review of Council's TPO is a task within Council's current Management Plan, requiring a draft TPO document to be completed by June 2005

COMMENTS

Tree Preservation issues generate considerable community interest and debate. It is critical for the progression of the review that opportunities be provided for significant community input into the review and for Council to seek an understanding of the various views held by the community.

Although numerous issues and portions of the draft discussion paper have been considered by the working party, significant input from the general community and focused input from representative groups has not been obtained. Therefore it is considered that broad based community feedback be sought to reflect the diversity of opinions in the community in relation to the TPO and provide some guidance in relation to the key issues for consideration.

This item was discussed at the 1 March 2005 meeting of the Planning Committee.

CONSULTATION

It is envisaged that rather than a general exhibition of the TPO that a more focused community consultation process be undertaken based on a series of workshops with invited industry representatives, community groups and general community in which issues are identified and discussed.

Item 6

S02052
10 March 2005

Following these workshops it is proposed that issues identified from the focus group workshops be used as a basis of a survey of a broader based community sample by way of the Resident Reference Group of up to 250 households currently being developed by Council. The proposed time table for this consultation is as follows.

- 1. (March/April)** Develop a concise briefing paper (Max 2 pages) focused on TPO issues for distribution to all participants of focus group sessions.
- 2. (April)** Undertake specific focus group meetings with selected representatives for ;
 - (a) Industry Group
 - (b) Community Group
 - (c) Open Space Committee group
- 3. (May/June)** Review survey questions and gain executive approval and develop and undertake broad based resident survey based on the Resident Feedback Register of up to 250 residents.

Following this process and after feedback from the Planning Committee the draft TPO document would be further developed for presentation to the Committee during July, for final reporting in August as a comprehensive new draft for public exhibition prior to adoption in late September.

It should be noted that in order to accommodate the broader consultation proposed by the steering group, there is a need to extend the completion of the project until September 2005. In this regard, Council will need to amend the 2004-2008 Management Plan to cater for the extension of the project.

FINANCIAL CONSIDERATIONS

It is anticipated that dependent on the means of surveying residents eg phone survey, there may be some costs in relation to customer service staff time undertaking surveys out of hours. Anticipated maximum costs would be in the order of \$5000. Costs in relation to facilitation of the focus group meeting may also be required if an external facilitator is used. The results from this process would be collated and reported to Planning Committee following conclusion of the consultation process.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Tree Preservation Order Review is being undertaken jointly by the Open Space and Planning and Environment Departments.

SUMMARY

The working party met on six occasions between March 2003 and March 2004. These meetings raised and discussed numerous issues associated with the Tree Preservation Order review process and desired outcomes.

In order to finalise the review of the TPO it is proposed that a broad community consultation programme be undertaken involving industry representatives, community groups and the general community in which issues are identified and discussed.

In order to accommodate the broader consultation proposed by the steering group, there is a need to extend the completion of the project until September 2005. In this regard, Council will need to amend the 2004-2008 Management Plan to cater for the extension of the project.

RECOMMENDATION

That Council endorse the proposed consultation process and time frame for the remainder of the Tree Preservation Order Review process as outlined in this report.

Leta Webb
Director Planning & Environment

Steven Head
Director Open Space

KU-RING-GAI ART CENTRE DRAFT PLAN OF MANAGEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To determine further action in respect of the Draft Plan of Management for the Ku-ring-gai Art Centre.
BACKGROUND:	A Draft Plan of Management has been prepared for the Ku-ring-gai Art Centre and was exhibited to 23 March 2004. A Public Hearing was held on 25 February 2004 at the Art Centre.
COMMENTS:	In addition to staff, two community persons attended the Public Hearing and one written submission was received in response to exhibition of the Draft Plan. In response to this feedback minor amendments have been made to the Draft Plan.
RECOMMENDATION:	That the Draft Plan of Management for the Ku-ring-gai Art Centre be adopted.

PURPOSE OF REPORT

To determine further action in respect of the Draft Plan of Management for the Ku-ring-gai Art Centre.

BACKGROUND

The *Local Government Act 1993* contains significant requirements for Council in terms of Public Land Management.

The most pressing of the requirements are as follows:

- Plans of Management for all Community Land have to be prepared and adopted in accordance with the Act's requirements.
- Council can not enter into any agreements regarding leases, licenses or other estates relating to Community Land unless a Plan of Management, expressly authorizing the lease/license/other estate, has been prepared and adopted in accordance with the requirements of the Act.
- Pending the adoption of Plans of Management the nature of and use of Community Land can not be changed.

Amendments to the *Local Government Act 1993* that came into effect on 1 January 1999 require that a Draft Plan must be re-exhibited every time it is significantly amended.

The changes also require that a Public Hearing be held for plans which have the effect of categorising or recategorising Community Land. Any new Plan for Community Land not already covered by a Plan will require a Public Hearing as it will have the effect of categorising the land.

At its meeting of 16 December 2003 Council considered a report regarding the Draft Plan of Management and resolved:

- A. *That the Draft Plan of Management for the Ku-ring-gai Art Centre be exhibited for a period of 42 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.*
- B. *That during the exhibition period, copies of the Draft Plan of Management be placed at the Council Chambers, Ku-ring-gai Library and branch libraries at St Ives, Lindfield and Turramurra and the Ku-ring-gai Art Centre.*
- C. *That Council give notice of its intention to determine a purchase price in accordance with Council's Fees and Charges for the plan of Management of the Ku-ring-gai Art Centre via advertisements in the North Shore Times.*

Item 7

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11 March 2005

- D. *That a further report be presented to Council following the public consultation process.*
- E. *That a Public Hearing be held during exhibition and public comment period in accordance with the requirements of the Local Government Act 1993.*

The Draft Plan was exhibited from 28 January 2004 to 23 March 2004 with the Public Hearing being held on 25 February 2004.

COMMENTS

The Draft Plan follows a similar format to Plans of Management for other areas of Community Land in Ku-ring-gai and comprises 4 Sections being:

- Introduction – containing relevant background material, plan objectives and approach.
- Basis for Management - incorporates the core values of the Ku-ring-gai Art Centre and issues affecting its management which are reflected in the vision and role for the land and is the driving force for the Plan.
- Issues, Performance Targets and Strategy Plan – Outlines the Performance Targets that have been developed in response to the key issues that affect the management of the Ku-ring-gai Art Centre. It also defines the strategies that will be implemented to achieve the Performance Targets.
- Monitoring Program – sets out the process for review of the Plan's implementation.

The following amendments were made to the Draft Plan of Management as a result of feedback received during the public exhibition process, including the Public Hearing:

- Two minor spelling and format changes;
- The following new performance target has been added to Section 3.2 Access: “To have 20% of visitors access the Ku-ring-gai Art Centre via alternative forms of transport by 2010” This change is highlighted in the Draft Ku-ring-gai Arts Centre Plan of Management on page 18.

CONSULTATION

A letter was sent to residents in the vicinity of the Art Centre (80 properties) advising of the exhibition of the Draft Plan, extending an invitation to attend the Public Hearing and seeking feedback on the Draft Plan.

The public hearing was held on 25 February 2004 commencing at 6.30pm at the Ku-ring-gai Art Centre and was facilitated by Tina Spiegel. Two interested members of the community attended together with four Council staff.

The public hearing report prepared by Tina Spiegel is attached as **Appendix A**.

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11 March 2005

The public comment period officially closed on 23 March 2004 with late submissions being accepted up to 30 March 2004. One submission on the Ku-ring-gai Art Centre Draft Plan of Management was received. The issues raised in response to the Draft Plan of Management are broadly summarized in **Appendix B**.

FINANCIAL CONSIDERATIONS

The majority of strategies and performance targets in the Draft Plan can be achieved within existing operational budgets. Those items which require capital funding will be considered through the usual capital works funding process.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation was undertaken with Community Services in preparing the Draft Plan of Management for the Ku-ring-gai Art Centre.

SUMMARY

A Draft Plan of Management has been prepared and exhibited for the Ku-ring-gai Art Centre with a Public Hearing held on 25 February 2004. Two members of the public attended the Public Hearing and one submission was received on the Draft Plan. Minor amendments have been made to the Draft Plan in response to feedback from the Public Hearing and the submission.

RECOMMENDATION

- A. That the amended Draft Plan of Management for Ku-ring-gai Art Centre be adopted.
- B. That person who provided a submission or attended the Public Hearing be advised of Council's decision.
- C. That notification of the adoption be provided in terms of the requirements of Section 40(2A) of the Local Government Act 1993.

Kelly Wood
Environmental Projects Officer

Leta Webb
Director
Planning & Environment

Attachments: **Appendix A - Public Hearing Report**
 Appendix B - Summary of Submissions
 Appendix C - Draft Ku-ring-gai Art Centre Plan of Management

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF MEETING OF 21 FEBRUARY 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group Meeting held on Monday 21 February 2005.
BACKGROUND:	The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.
COMMENTS:	The group discussed four items including: the review and development of the Management Plan, the progress of the submission for a variation in rates to fund a range of environmental initiatives; the draft Open Space Strategy; and the updating of the Bushland Plan of Management
RECOMMENDATION:	That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on 21 February 2005 be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group Meeting held on Monday 21 February 2005.

BACKGROUND

The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

The group discussed four items including: the review and development of the Management Plan, the progress of the submission for a variation in rates to fund a range of environmental initiatives; the draft Open Space Strategy; and the updating of the Bushland Plan of Management.

In general discussion, congratulations were offered to Nancy Pallin on receiving an Australia Day honour and the offer by the Department of Infrastructure, Planning and Natural Resources to transfer land adjacent to Flying Fox Reserve. The Reference Group recommended that Council acquire the land offered by the NSW Government and incorporate it into the Ku-ring-gai Flying Fox Reserve. This late item will be the subject of a separate report to Council.

CONSULTATION

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

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

The Group revisited the Riparian Policy and examined the Open Space Strategy and Bushland Plan of Management. They recommended that Council accept the land offered by the NSW Government and incorporate it into the Ku-ring-gai Flying Fox Reserve.

RECOMMENDATION

That the attached Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting of 21 February 2005 be received and noted.

Steven Head
Director Open Space

Peter Davies
Manager Bushland Catchments & Natural Areas

**Attachments: Minutes of the Bushland Catchments & Natural Areas Reference Group,
held on 21 February 2005**

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 28 FEBRUARY 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No.480).

COMMENTS:

The Reserve Bank of Australia (RBA) again left the official rate unchanged at 5.25% during February.

RECOMMENDATION:

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

PURPOSE OF REPORT

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

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No. 480).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Councils, with the advice of Grove Research & Advisory Pty Limited.

COMMENTS

During the month of February Council's cash increased by \$2,200,000 and gross capital appreciation on Council's investments was \$61,500.

Council's total investment portfolio at the end of February 2005 is \$16,552,100. This compares to an opening balance of \$17,271,200 as at 1 July 2004.

Council's General Fund interest on investments for February year-to-date is \$667,100. This compares favourably to the year-to-date budget of \$570,000.

Council's total debt as at 28 February 2005 is \$10,385,900. This compares to a total debt of \$11,850,000 as at 1 July 2004.

PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance against the UBSWA Bank Bill Index**

This measures the annualised yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBSWA Bank Bill Index.

- **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

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Summary of Borrowings

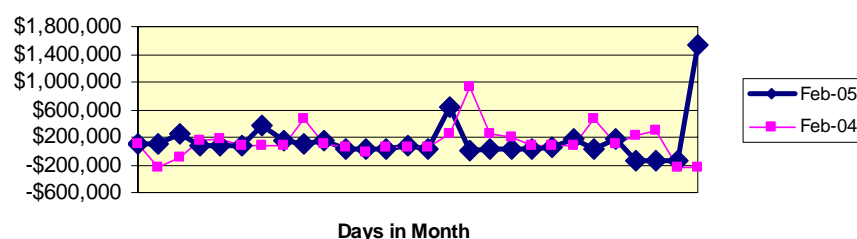
This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

February 2005

Management of General Fund Bank Balance

During February Council had an inflow of funds of \$2,200,000. At the end of February funds were received from the third rate installment which fell due on 28 February 2005.

Management of General Fund Bank Balance



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during February was 6.77% compared to the benchmark of the UBSWA Bank Bill Index of 5.32%.

A summary of each funds performance is shown in the following table.

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$246,509	\$1,400,000	\$3,871	\$1,650,380	5.63%
Deutsche Income Fund	At Call	\$0	\$3,501,572	\$7,773	\$3,508,876	7.13%
Macquarie Income Plus Fund	At Call	\$3,513,927	\$300,000	\$15,802	\$3,829,729	7.58%
Perpetual Credit Enhanced Cash	At Call	\$0	\$4,450,298	\$12,811	\$4,463,108	6.75%
Turramurra Community Bank	Term Deposit	\$500,000	-	\$2,358	\$500,000	5.66%
CBA Loan Offset No 1	Offset	\$1,170,000	-	\$2,552	\$1,170,000	5.39%
CBA Loan Offset No 2	Offset	\$1,430,000	-	\$3,518	\$1,430,000	5.39%
Perennial Cash Enhance Fund	At Call	\$3,248,702	(\$3,251,572)	\$2,870	\$0	5.60%
BT Institutional Enhanced Cash	At Call	\$4,192,160	(\$4,200,298)	\$8,138	\$0	7.62%
TOTALS		\$14,301,298	\$2,200,000	\$59,693	\$16,552,093	

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4 March 2005**Year-to-date Funds Performance against the UBSWA Bank Bill Index**

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

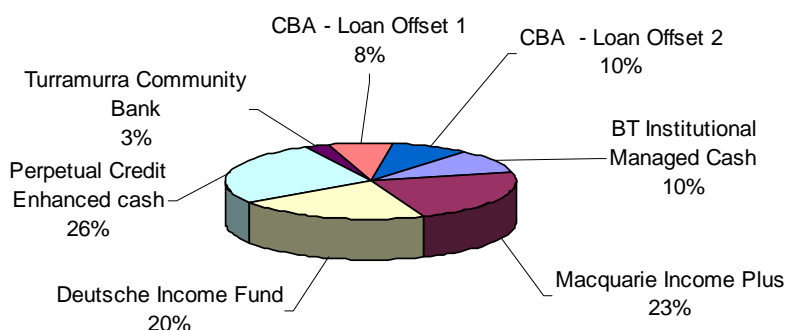
Fund Manager	Performance Annualised for July 2004 –February 2005	UBSWA Bank Bill Index Annualised for July 2004 –February 2005
BT Institutional Managed Cash	5.64%	5.52%
Deutsche Income Fund	6.63%	
Macquarie Income Plus Fund	6.54%	
Perpetual Credit Enhanced Cash	6.75%	
Turramurra Community Bank	5.66%	
CBA Offset No.1	5.57%	
CBA Offset No.2	5.57%	

Switch to New Funds

As per recommendations from Grove Financial Services, Council's funds held in Perennial Cash Enhanced and BT Institutional Enhanced Fund were transferred into two new funds – Deutsche Income Fund and Perpetual Credit Enhanced Cash Fund. The switch to these funds should contribute to a higher portfolio return.

Allocation of Surplus Funds:

Council's funds during February were allocated as follows:

Portfolio Allocation of Surplus Funds

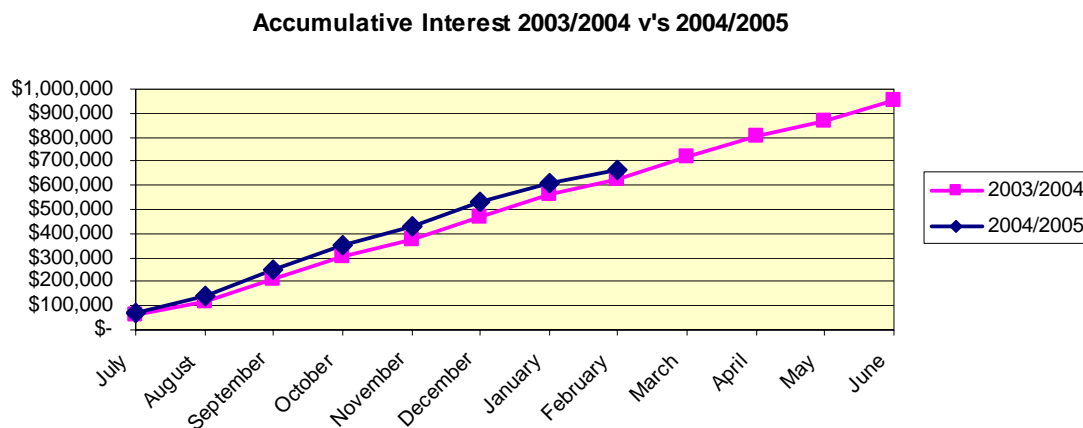
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2003/2004 versus 2004/2005

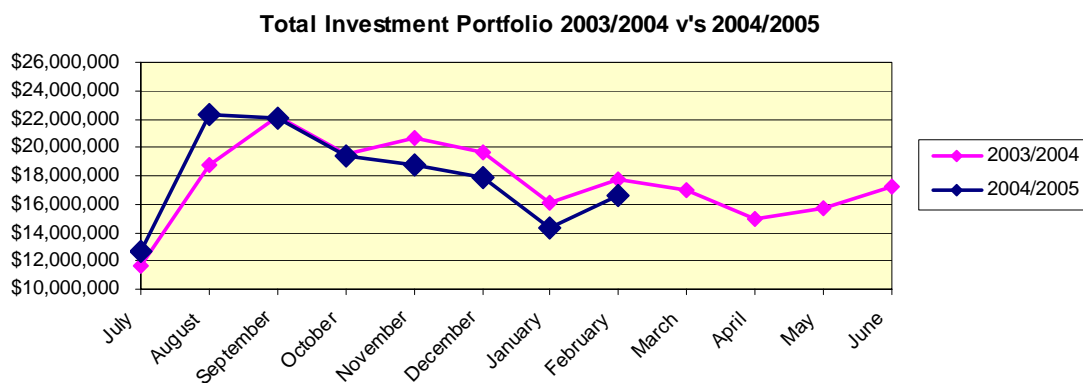
Accumulative Interest

The following graph compares the interest earned on an accumulative monthly basis for financial years 2003/2004 and 2004/2005. As at the end of February 2005, year to date interest earnings totalled \$667,100. This compares to \$626,800 at the same time last year, an increase of \$40,300.



Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2004/2005 in comparison to 2003/2004.



During February 2005 Council's investment portfolio increased by \$2,200,000. In comparison, during February 2004 Council's investments increased by \$1,652,500.

Council's closing investment portfolio of \$16,552,100 in February 2005 is \$1,161,200 lower than the February 2004 closing balance of \$17,713,300.

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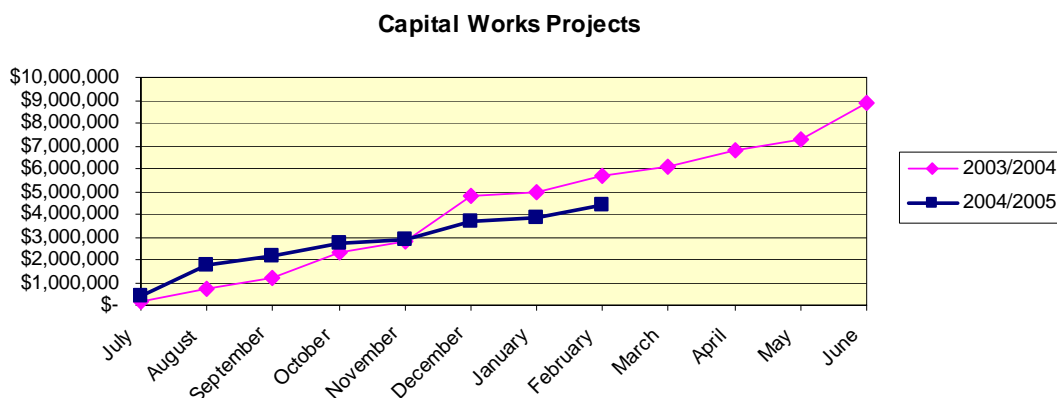
Capital Works Projects

As at the end of February 2005 Council has expended \$4,113,600 on capital works, which is \$1,577,600 lower than at the same time last year when \$5,691,200 had been expended.

During February 2005 Council expended \$637,600 on capital works, which compares to \$716,500 during February 2004, a decrease of \$78,900.

Council's 2004/2005 total budget for capital works (excluding fleet replacement and purchase of the property at 48 St Johns Avenue, Gordon) is \$9,891,900 which leaves funds of \$5,778,300 unspent at the end of February.

The following graph compares the accumulative monthly expenditure totals for Capital Works for financial years 2003/2004 and 2004/2005.



Portfolio Performance Average Return 2003/2004 versus 2004/2005

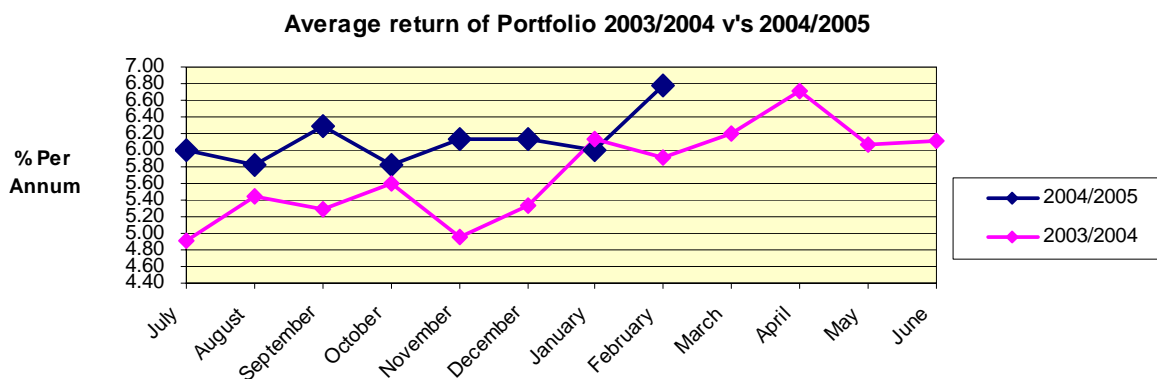
The following graph compares the monthly returns on Council's portfolio for the financial years 2003/2004 and 2004/2005.

In February 2005 earnings before fees were 6.77 %, this compares to 5.90% in February 2004.

For the period July 2004 – February 2005 Council's average earnings before fees were 6.13%. This compares to 5.45% for the same period last financial year.

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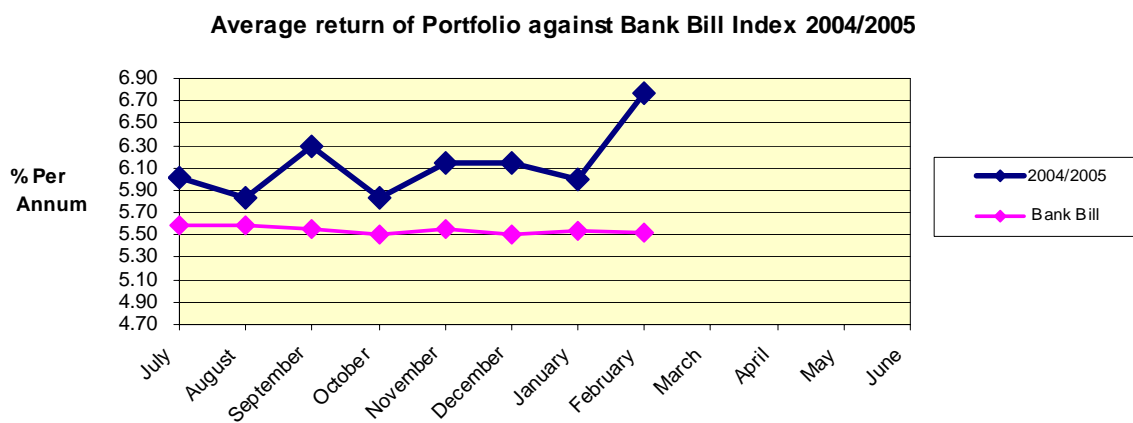
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2004/2005 Portfolio Performance against the UBSWA Bank Bill Index

Council's average portfolio return performed above the UBSWA Bank Bill Index in February. Returns above benchmark have been achieved in each of the eight months this financial year.

The average return of portfolio against Bank Bill is displayed in the following graph.



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4 March 2005**Summary of Borrowings**

During February Council repaid \$403,300 in borrowings, reducing the total level of debt at month end to \$10,385,900. This compares to a total debt at 1 July 2004 of \$11,850,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	124	\$4,000,000	\$4,000,000	\$0	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$1,000,000	\$0	6.27%	02-Feb-95	02-Feb-05
Westpac	127	\$1,000,000	\$577,558	\$422,442	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,430,000	\$1,170,000	5.54%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,170,000	\$1,430,000	5.54%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$732,979	\$1,867,021	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$495,310	\$2,104,690	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$224,562	\$1,657,438	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$65,647	\$1,734,353	6.36%	23-Jun-04	23-Jun-14
TOTAL		\$20,082,000	\$9,696,056	\$10,385,944			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) has left the official cash rate unchanged at 5.25% during February. Subsequent to this reporting period, the RBA has increased the cash rate by 0.25%.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 28 February 2005:

- Council's total investment portfolio is \$16,552,100. This compares to an opening balance of \$17,271,200 as at 1 July 2004.
- Council's General Fund interest on investments totals \$667,100. This compares favourably to the year-to-date budget of \$570,000.

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4 March 2005

- Council's total debt is \$10,385,900. This compares to a total debt of \$11,850,000 as at 1 July 2004.

RECOMMENDATION

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

John McKee
Director Finance and Business

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	40 CLISSOLD ROAD, WAHROONGA - DEMOLITION OF EXISTING DWELLING AND TENNIS COURT AND CONSTRUCTION OF A SEPP 5 DEVELOPMENT OF SIX (6) UNITS WITH BASEMENT CARPARKING AND LANDSCAPING
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	1669/03
SUBJECT LAND:	40 Clissold Road, Wahroonga
APPLICANT:	Paul Nehme
OWNER:	Lynette Aouab
DESIGNER:	Building Design & Technology
PRESENT USE:	Single Dwelling - Residential
ZONING:	Residential 2(C)
HERITAGE:	No
PERMISSIBLE UNDER:	SEPP 5 - Housing of Older People or People with a Disability
COUNCIL'S POLICIES APPLICABLE:	SEPP 5 - Housing for Older People or People with a Disability, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Carparking
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 5 - Housing for Older People or People with a Disability, SEPP 55 - Remediation of Land
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	19 December 2003
40 DAY PERIOD EXPIRED:	28 January 2004
PROPOSAL:	Demolition of existing dwelling and tennis court and construction of a SEPP 5 Development of six (6) units with basement car parking and landscaping
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 1669/03
PREMISES: 40 CLISSOLD ROAD, WAHROONGA
PROPOSAL: DEMOLITION OF EXISTING DWELLING
AND TENNIS COURT AND
CONSTRUCTION OF A SEPP 5
DEVELOPMENT OF SIX (6) UNITS WITH
BASEMENT CARPARKING AND
LANDSCAPING
APPLICANT: PAUL NEHME
OWNER: LYNETTE AOUAB
DESIGNER BUILDING DESIGN & TECHNOLOGY

PURPOSE FOR REPORT

To determine Development Application DA 1669/03, which seeks consent for the demolition of the existing dwelling and tennis court and construction of six (6) units with basement car parking under the provisions of SEPP 5 - Housing for Older People or People with a Disability.

EXECUTIVE SUMMARY

Issues: Bulk and scale, privacy, traffic, overshadowing and access to transport and services.

Submissions: Fourteen (14) submissions received.

Land & Environment Court Appeal: N/A

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:

19 Dec 2003	Development application lodged.
28 Jan 2004	'Stop the clock' letter sent to applicant requesting additional information on compliance with Clause 4, 12, 13A and 24 of SEPP 5 and an access report, arborists report and amended landscape plan.
30 Jan 2004-16 Feb 2004	Notification period.

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3 March 2004	Letter from applicant confirming additional information will be received within 7 days.
11 March 2004	Additional information received.
12 November 2004	Request for additional information and amended plans to be submitted addressing the widening of the driveway, details of the BBQ area in the rear south-western corner of the site, the revision of the lift and access stairway to retain the existing Syrian Ash and the relocation of the garbage enclosure.
14 December 2004	Amended plans received.

THE SITE AND SURROUNDING AREA

The Site

Zoning:	Residential 2(C)
Visual Character Study Category:	1945-1968
Lot Number:	Y
DP Number:	419199
Area:	1695m ²
Side of Street:	Western
Stormwater Drainage:	To Clissold Road
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The Site

The site is located on the western side of Clissold Road, Wahroonga. It is on the western side of Clissold Road, between Chauvel Close and Bunyana Avenue, Wahroonga. The street frontage is 24.08m in width and the site has a length of 70.41m.

The site has a gentle slope to the east towards Clissold Road. An existing single storey brick and tile dwelling is situated approximately 13.5m from the Clissold Road boundary. A detached fibro garage is located halfway along the northern boundary of the site. A full size tennis court is also located at the rear of the site along the southern boundary.

Vegetation within the property is relatively sparse and located around the perimeter. A Syrian Ash is located adjacent to the property's central southern boundary. This is the largest tree on the site and is proposed to be retained in the development. Remaining vegetation on the site is a mix of smaller native and exotic species. Council's Landscape Officer has also noted that the trunk of the

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Eucalyptus scoparia (Willow Gum), shown on the applicant's survey plan adjacent to the property's northern boundary and near its north-western corner, is actually located within No. 4 Bunyana Avenue.

Surrounding development:

Surrounding development comprises single storey detached dwellings generally of 1960s style. Some new development is scattered along the street, which consists of large two storey dwellings.

The streetscape of Clissold Road is dominated by a treed canopy and open landscaping, with low or no fencing. Some fencing up to 1.8m in height is scattered along Clissold Road, however, this is the exception and not the norm.

The Hampden Avenue shops are located on the corner of Hampden Avenue and Gladys Avenue. The shops are located approximately 430 m from the subject site when travelling directly up Bunayna Avenue. The shops support a number of small businesses including: a bottle shop, newsagent, dentist, health food store, hair and beauty salon, green grocers, restaurant and a mini supermarket/delicatessen.

The 587 Shorelink bus service runs directly past the site and has bus stops outside No. 33A Clissold Road, on the northern corner of Glenrock Avenue and Clissold Road and between Nos 42 and 44 Clissold Road.

THE PROPOSAL

The proposal seeks is for the demolition of the existing dwelling and tennis court and the construction of a two storey SEPP 5 development comprising six (6) apartments, each containing three (3) bedrooms, with the exception of unit 5, which is nominated as the adaptable unit and has two (2) bedrooms.

Basement carparking is provided for fourteen (14) vehicles. Two (2) car spaces are provided in the basement carpark for each unit and two (2) visitor spaces. Secure storage areas ranging in size from 7m²-13.5m² are also provided in the basement for Units 1, 2, 5 and 6. Lift access from the basement level to a communal walkway at the ground floor level is located towards the southern end of the Clissold Road frontage.

Vehicular access is provided to the site from a single entry/exit point on the northern corner of the frontage to Clissold Road.

Access throughout the development is via accessible pathways and a lift. With the inclusion of the lift, the units and common areas are wheelchair accessible.

The development has a setback to Clissold Road of 10.3m (o the balcony of Unit 4), with an average setback of 15.0m for the primary facade of the development. Side boundary setbacks to the north range from a minimum of 2.6m for the balcony of Unit 5 to 10.4m for recessed areas of the units. From the southern boundary the proposal has a minimum side setback of 1.4m from the lift and access stairway extending to 7.8m for the recesses areas of the units.

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The development proper has a setback of 14.1m to the rear boundary. The BBQ area is setback some 1.5m from the rear boundary.

CONSULTATION - COMMUNITY

The following comments have been received:

In accordance with Council's Notification Policy, owners of surrounding properties were given notice of the application. In response, Council received 14 submissions.

1. I & K Stewart - 34 Clissold Road, Wahroonga
2. B Braathen - 51 Clissold Road, Wahroonga
3. W & M Brindle - 41a Clissold Road, Wahroonga
4. D & S Williams - 33a Clissold Road, Wahroonga
5. W & M Wylie - 10 Bunyana Avenue, Wahroonga
6. E Shin & T Kim - 12 Ann Place, Wahroonga
7. H & D Wooller - 1 Glenrock Avenue, Wahroonga
8. A Horn - 40 Clissold Road, Wahroonga
9. M Taylor - 2 Bunyana Avenue, Wahroonga
10. I & H de Jersey - 9 Broula Road, Wahroonga
11. Dr I Truskett - 4 Glenrock Avenue, Wahroonga
12. D Graham - 10 Chauvel Close, Wahroonga
13. M & L Aoud - 41 Clissold Road, Wahroonga
14. N Addison - no address provided

The submissions raised the following issues:

Undesirable bulk and scale of the building when viewed from the streetscape in relation to surrounding properties.

The proposed development has been designed so that the section of facing the streetscape appears as two storeys and this is acceptable in the streetscape. The units have been broken into two main blocks. The front block has substantial articulation and has a similar bulk and setback to that of the adjoining property at No 42 Clissold Road and other new development within the immediate locality.

Council's Landscape Officer has reviewed the proposed development and with the inclusion of appropriate conditions, is satisfied that the development can be appropriately screened from the street frontage. The majority of the existing street trees are also to be retained which will further reduce the bulk of the development when viewed from the street.

Impact on privacy and lifestyle to No. 42 Clissold Road due to two storey development and balconies.

The three (3) first floor units of the proposed development each have balconies directly off the living area which face towards the northern side boundary that adjoins No 42 Clissold Road.

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The balcony off Unit 4 at the front of the development will be located directly across from the existing two storey section of the dwelling at No 42 Clissold Road, some 2.65m from this property. This balcony has a setback to the boundary of 2.65m to the boundary. Fixed privacy screens are proposed for the western and eastern elevations of the balcony. The landscape plan submitted with the application details hedge screen planting clipped to a height of 3.0m, additional planting of a *Pittosporum undulatum* (which has a mature height between 6-8m) is also proposed to be planted along the boundary facing the existing dwelling. This planting will provide an adequate screen along the boundary adjoining the dwelling and will minimise direct viewing into the neighbouring property.

Unit 5 and 6 are similar to Unit 4, in that they have main outdoor living areas located to the north off internal living areas. Balustrades on each of these Units are proposed at 1.5m in height from the finished floor level and of opaque glass. The provision of opaque glazed balustrades 1.5m high will restrict the overlooking from these units to the private open space of the neighbouring property of 42 Clissold Road and also the private open space of the units below within the development.

Noise and dust during construction and ongoing noise from air conditioners

No air conditioning units are proposed. Airconditioning systems may be installed without the need for a development application under the provisions of Councils Exempt and Complying DCP if they meet specific requirements.

Appropriate standard conditions have been included in the recommended development consent to minimise construction impacts of the development to adjoining properties (**refer Conditions Nos 8, 21, 24, 30, 35 and 36**).

Impact of additional traffic along Clissold Road

Council's Development Engineer has reviewed the proposed development and raised no issue in relation to the increase in traffic along Clissold Road. As the proposed development is for six (6) units, it is not expected that this increase in density would have an unreasonable impact on the traffic levels and movement along Clissold Road.

Plans are unclear in terms of the proposed levels for the landscaped and outdoor entertaining areas of the development.

Additional information was sought from the applicant in relation to the proposed landscape plan. In particular, architectural particulars for the BBQ shelter, located in the rear southern corner of the property levels were sought. The proposed landscaped areas will remain at the same level as the existing natural ground levels.

The replacement of existing side boundary brushwood fencing with a timber lap and cap fence is not supported.

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No issues are raised in relation to the proposed new side boundary fencing. This matter may be dealt with privately between the developer and the adjoining property owner under the provisions of the Dividing Fences Act 1991 and is not a matter in of itself that requires development consent.

Overshadowing to driveway of 34 Clissold Road during winter will impact on the existing vegetation and limit possibilities for suitable screening.

Shadow diagrams submitted by the applicant show that the proposed development will overshadow a section of the adjoining driveway up to 17m in length at 34 Clissold Road during the winter solstice. This impact is not considered to warrant refusal of the application, as it does not affect the amenity afforded to No 34 Clissold Road and Council's Landscape Officer has also raised no issue in relation to the longevity of the existing landscaping with a two storey development to the immediate north.

Proximity to Rose Seidler House at 71 Clissold Road.

Council's Heritage Advisor, Paul Dignam, has reviewed the application and concludes that the distance between the development and Rose Seidler House, at some 350m, is substantial and no impact will occur to the heritage listed property.

The development will cause the devaluation of properties within the locality.

This is not a matter for consideration under the Environmental Planning and Assessment Act of 1979.

Lack of suitable area to provide substantial screen planting.

Council's Landscape Officer has reviewed the proposed development and advised that substantial setbacks have been provided to the side boundaries to enable sufficient screen planting to be provided along the boundaries. The side setbacks range from 1.4m for the lift shaft and stairwell access to 3.885m on the southern boundary and between 2.65m from the balcony of Unit 4 to 4.0m to the balcony of Unit 6 along the northern boundary.

Proposed development does not have a lift to the first floor and Council should not approve a development that does not provide a lift for residents.

The architectural plans show a lift to be provided from the basement carpark up to the first floor of the development.

Proximity to local bus transport is unsuitable and infrequent and a pathway should be provided for suitable pedestrian access.

The proposed development has good access to three bus stops within easy walking distance. The Shorelink 575 service timetable indicates that a bus service runs past the site up to four times during the morning and seven times up until 5pm in the afternoons, Monday to Friday. Weekend services are also as regular, with three services in the morning and five services in the afternoons up to 5pm

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on Saturday and a single morning service and three services in the afternoon up to 5pm on a Sunday.

A condition has been recommended requiring the construction of a pathway from the front entrance of the site to the bus stop between 42-44 Clissold Road (**refer Condition No 130**).

Potential traffic hazard during construction.

Council's Development Engineers have reviewed the proposed development and are satisfied with regard to this matter, subject to an appropriate condition in relation to traffic management during construction (**refer Condition No 88**).

Enforcement of conditions if the application is approved.

The enforcement of conditions is administered under the provisions of the EP & A Act 1979 and the EP&A Regs 2000 and would occur as for any other development.

Bunyana Avenue should not be used during construction as is the case with the approval granted for 32 Clissold Road (DA283/03).

Condition 66 of the Development Consent DA to 283/03 states:

'A construction traffic management plan be prepared and submitted to and approved by the Council which includes:

- a) No heavy construction vehicles to use Bunyana Avenue;*
- b) Traffic controls in and out of the site during construction, and*
- c) Any necessary traffic using Clissold Avenue.'*

It is considered appropriate to include such a condition in this recommendation to ensure consistency in the control of construction activity and reduce its impacts on surrounding properties (**refer Condition No 87**).

The existing pathways between Clissold Road and the East Wahroonga Shops are not in a suitable state for appropriate access.

Under the provisions of SEPP 5 (Clause 12 2(b)) the development is not required to provide level pedestrian access to the shops as they provide access to a bus stop within 400m of the site which will take the residents of the development to a location which is at a distance of not more than 400m from the facilities and services referred to in Clause 12(1) of SEPP 5. The proposal is compliant with this requirement.

If approval were granted it would change the character of the area and lead to an inappropriate area of residential apartments within a quiet suburban street.

The proposed development, notwithstanding that it is multi-unit, due to its two storey form and restrained bulk, will be consistent with development typical of a residential street. The design of the development for the six (6) units has been well articulated along the front and side setbacks and provides for the retention of the significant trees both on the site and on the road reserve. The inclusion of landscaping along each of the side boundaries will result in a development which is

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provides suitable levels of privacy for both the residents of the units and the adjoining owners at 42 Clissold Road.

Why does the development have 3 bedroom apartments if it is being developed for the elderly.

Clause 3 'Aims', of SEPP 5 clearly states that the policy aims to encourage the provision of housing that will increase the supply and diversity of housing that meets the needs of older people or people with a disability.

The construction of this development does not restrict occupation of the units by the elderly and the future occupants of this development may therefore have families which would require the use of more than one bedroom or may be used as shared housing for a number of people.

Removal of existing trees without suitable replacement being provided

Council's Landscape Officer has reviewed the proposed development and advised that, subject to the modifications to the location of the lift shaft and stair well, no objection to the removal of three trees on the site is raised. Appropriate conditions have been included in the recommended consent for the retention of existing trees and the provision of a sufficient number of replacement trees (refer Conditions Nos 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 75, 95, 96, 97, 98 and 99).

Concern over the increase in traffic trying to make already dangerous right turn into Burns Road.

Council's Development Engineer has reviewed the proposed development and has provided the following comments:

"The traffic generation from the proposed development using RTA traffic generating guidelines would be a total of 3 (12-9) and 0.35 (1.2-0.85) additional trips along Clissold Avenue per day and per peak hour respectively. This is based on 2 vehicle trips. Accordingly the traffic generation of the proposed development is comparatively low and is considered acceptable for the local road network. Sight distances along Clissold Avenue are satisfactory in both directions for the proposed driveway location.

It is concluded that the proposed development has satisfactory traffic arrangements subject to the conditions discussed above."

CONSULTATION - WITHIN COUNCIL

Heritage Officer

"From the roof form, the existing house appears that it might have been an early farmhouse, however if it is, successive alterations/upgrades may have resulted in removal of most fabric although the form is retained. The house is not a heritage item and would have little if any heritage value. I have no concern with the removal of the house. It is unusual for a small modest house to have a tennis court. I did not inspect the rear of the site of the tennis court. The street has numerous street tree plantings. The house on northern side is c1960, two storey red brick with no heritage value. The house on the south side is a modest cottage, separated

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by a driveway to a rear battle-axe property. The street has a mix of older cottages with some new development. The site opposite has a recent, large, two storey house, close to the street and that type of replacement development is common in the street. Further down the street are three Seidler houses, but there is no affect due to the distance from this site.

The new dwellings are all similar in plan and orientated with living /dining areas at the north, bedrooms areas to the south, which is acceptable. There is provision for private open areas for the residents of the units. Existing mature trees are to be retained, apart from one near the driveway.

From the street, it presents as a two storey building, similar in scale to the house opposite. The front setback is similar to the existing house and consistent with nearby houses. The façade is contemporary, slightly Georgian proportions with some symmetry. It is typical of other smaller SEPP 5 developments in the area.

I have no objections to demolition of the existing house, garage or tennis court. There are no heritage items in the immediate area and it is not in a proposed Urban Conservation Area (UCA).

The design of the proposed development under SEPP 5 provisions is generally acceptable in that's its orientation is acceptable and provision of private open space. The loss of mature trees is minimized. The existing character of the street is mixed and this development would in my opinion be acceptable."

Engineering

"The original DA was assessed as satisfactory by Development Engineers, subject to engineering conditions of consent

The applicant has now updated the proposal to address a number of engineering issues discussed in my previous referral response dated 4 May 2004, which were to be rectified by condition.

As the original DA was assessed as satisfactory from an engineering perspective, subject to special engineering conditions. I note that:

The driveway has been widened to accommodate two way traffic. Gradients and conditions are to be refined on construction certificate issue plans via suitable condition of consent. Spaces have generally been made wider, except spaces 2, 4, 6 remain undersized at 2.8 metres wide as originally shown. These are to be rectified by way of conditions.

Matters such as traffic generation, geotechnical and stormwater management remain largely unaltered by the latest proposal and are satisfactory.

Overall, the development is satisfactory from an engineering perspective, subject to imposition of engineering conditions as shown. (refer Condition Nos 51, 52, 53, 54, 55, 56,

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57, 58, 59, 60, 61, 62, 63, 64, 65, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125 and 126).”

Landscaping

‘Amended architectural plans Dwg Nos A1.02 - A1.05 (Rev.B) & A1.07 (Rev.A) prepared by Building Design & Technology and dated Nov. 2003; drainage plan Dwg No 03MB1252/D01 Issue B prepared by United Consulting Engineers Pty Ltd and dated Dec. 2003, and landscape plan Dwg No L01/1-R8311 Rev B prepared by Michael Siu Landscape Architect and dated 12 Dec 2003 have been used in preparing this report.

The proposed lift/stair tower and on-site detention tank have been satisfactorily relocated a minimum distance of 6 metres from the trunk of the Fraxinus syriaca (Syrian Ash) to ensure its preservation. Details have been submitted for the BBQ shelter and the garbage enclosure has been appropriately relocated off the southern boundary to permit its screening from the south.

The revised landscape plan has been amended to include 44 additional shrubs from the Sydney Turpentine Ironbark Forest assemblage of vascular plants to ensure the site supports 50% locally occurring native plant content.’ (refer Condition Nos 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 76, 95, 96, 97, 98 and 99).

STATUTORY PROVISIONS

State Environmental Planning Policy No 5 Housing for Older People or People with a Disability

The proposal is permissible with the consent of Council, pursuant to SEPP 5 as the subject allotment is zoned Residential 2(c) , which is primarily for urban purposes and on which dwelling houses are permitted in accordance with the provisions of Clause 4.

Consideration of this matter under SEPP 5 is specifically provided for by Clause 6 of the Seniors Living Policy, wherein it provides a savings provision requiring development applications made on or before 18 February 2004 to be considered under SEPP 5.

The subject application was lodged prior to 18 February 2004 and, as such, assessment of the DA has occurred against the provisions of SEPP 5.

Clause 12 lists matters for consideration that must be satisfied before the development consent can be granted. Clause 13 specifies height and site frontage development standards. A summary of compliance/or otherwise with these clauses is as follows:

Clause	Standard	Compliance
Clause 12(1), (2)	Access to shops, banks, other retail and commercial services, community services and recreational facilities and the	YES. The site is located approximately 24m to a bus stop located between 42 and 44 Clissold Road. Shorelink bus Route 575 which travels from Turramurra Station to

Clause	Standard	Compliance
	practise of a general medical practitioner	Wahroonga operates from this stop. Wahroonga Village shops are located in Hampden Avenue approximately 450m from the site to the west. There is no existing pathway from the site to the bus stop adjacent to Glenrock Avenue. Consent was however granted by the Land and Environment Court on 10 November 2003 for the construction of sixteen (16) units under the provisions of SEPP 5 at 32 Clissold Road, Wahroonga. A condition was included in this consent requiring the construction of a pathway which complies with the requirements of SEPP 5. The construction of this development is now underway, however similar conditions have been included in this recommendation in the instance that the development at No 32 Clissold Road is not completed (<i>refer Conditions Nos 77 and 127</i>).
Clause 12 (2A)	Reasonable access to home delivered meals, personal care and home nursing and assistance with housework.	YES. Support services, being meals at home, housework assistance, personal care, home nursing, health services, rehabilitation services, home library services and transport services are available in the Ku-ring-gai area. In addition, hospital facilities are available at Hornsby and Ku-ring-gai Hospital (Hornsby), Sydney Adventist Hospital (Wahroonga), Royal North Shore Hospital (St Leonards) and Lady Davidson Hospital (private).
Clause 12(3)	Availability of facilities and services when housing is ready for occupation	YES. The required services mentioned above are presently available.
Clause 12(4)	Water and sewer	YES. Written evidence has been provided confirming the availability of such services
Clause 13(1), 2	Maximum height of 8m or less. A building adjacent to a boundary of the site must not be more than 2 storeys in height	YES. The building has a ceiling height of 6.1m and the building is a maximum of two storeys in height.
Clause 13(1), 3	Site frontage of at least 15 m width	YES. The site has a frontage of 24.08m.

Clause 13A Development Standards - access and useability (2) Siting

This clause states that a consent authority must not consent to a development application made pursuant to this part unless it complies with the following standards:

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Clause	Standard	Proposal	Compliance
13A (2)(a) Wheelchair access	100% of dwellings must have wheelchair continuous access to a public road or internal road that is accessible to all residents	All dwellings have access to an adjoining public road	YES
13A(2)(b) Road access	Min 10% of dwellings must have wheelchair access by a continuous path of travel(AS1428) to an adjoining public road	All dwellings have access to the adjoining public road	YES
13A(2)(c) Common areas	Wheelchair access to be available to all common areas and facilities	Wheelchair access available to all common areas	YES
13A(2)(d) Adaptability	10% of dwellings must have or be capable of being modified to have wheelchair access to all essential areas of the dwelling	Unit 5 has been nominated at the adaptable unit. It is capable of meeting the requirements of AS1428.	YES
13A(3) Identification		The site only fronts one road.	N/A
13A(4) Security	Pathway lighting must be designed at low height to avoid glare and must provide at least 50 lux at ground level.	No details have been provided. Capable of compliance by condition.	YES (refer Condition No 100)
13A(5) Letterboxes	Must be lockable, located together in a central location adjacent to the street and have wheelchair access.	Letterboxes have been located at the front boundary of the property on the direct pedestrian access path to the dwellings.	YES
13A(6) Private car accommodation	Car parking spaces must have: <ul style="list-style-type: none"> • be not less than 6m x 3.2m or be capable of being adapted. • Internal clearance of 2.5m 	8 spaces fully comply	YES (Refer Condition No 101)

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Clause	Standard	Proposal	Compliance
	<ul style="list-style-type: none"> Any garage must have power-operated roller door, or a power point to allow a power operated door to be installed at later date. 		
13A(7) Accessible entry	<p>Every entry must:</p> <ul style="list-style-type: none"> Not have a slope that exceeds 1:40. Comply with clauses 4.3.1 & 4.3.2 of AS 4299. Have entry hardware that complies with AS 1428. 	Proposal will be constructed so as to comply with the requirements as stated in Statement of Environmental Effects	YES (refer Condition No.103)
13A(8) Exterior doors	All doors to any one dwelling must be keyed alike.	All external doors to each unit will be keyed alike and may be conditioned as part of the consent.	YES (refer Condition No.103)
13A(9) Interior general	<ul style="list-style-type: none"> All doors must have a clearance of at least 820mm. Internal corridors must have a width of at least 1000mm. The width of internal door approaches must be at least 1200mm. 	All internal doors to each of the individual dwellings will be keyed alike as required. A condition of consent will be imposed as part of the consent.	YES (refer Condition No 102)
13A(10) Living room and dining room	<p>A living room in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> Circulation space at least 2250mm in diameter and as set out in clause 4.7 of 	Meets the circulation requirements and details regarding the telephone outlets can be conditioned as part of the consent.	YES (refer Condition No 104)

Clause	Standard	Proposal	Compliance
	<p>AS 4299.</p> <ul style="list-style-type: none"> • A telephone adjacent to a general power outlet • Potential illumination level of at least 300 lux. 		
13A(11) Kitchen	<p>A kitchen in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> • A width of at least 2.7m and a clear space between benches of at least 1450mm. • A width at door approaches of at least 1200mm. • Benches that include at least one work surface that is at least 800mm in length, and The height of which can be adjusted from 750mm - 850mm. • A tap set that is located within 300mm of the front of the sink and that is a capstan tap or that comprises level handles or a level mixer. • A thermostatic mixing valve for the hot water outlet. • Cook tops with either front or side controls that have raised cross bars for ease of grip and 	<p>Internal benches and fittings detailed in the plans comply with the requirements. A condition of consent is recommended to ensure specifications meet the minimum standards required.</p>	<p>YES (refer Condition No 105)</p>

Clause	Standard	Proposal	Compliance
	<p>that include an isolating switch.</p> <ul style="list-style-type: none"> • A work surface adjacent to the cook top that is the same height and at least 800mm in length. • An oven that is located adjacent to a work surface to which the height can be adjusted 		
13A(12)Main bedroom	<p>At least one bedroom within a self-contained dwelling must have:</p> <ul style="list-style-type: none"> • an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1 200 millimetres wide at the foot of the bed, and • 2 double general power outlets on the wall where the head of the bed is likely to be, and • at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and • a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone 	<p>The plans indicate the main bedroom is capable of complying with these requirements. A condition of consent is recommended to ensure specifications meet the minimum standards required.</p>	YES (refer Condition No 106)

Clause	Standard	Proposal	Compliance
	<p>outlet, and</p> <ul style="list-style-type: none"> a potential illumination level of at least 300 lux 		
13A(13) Bathroom	<p>A bathroom must have:</p> <ul style="list-style-type: none"> an area that complies with AS 1428, and a slip-resistant floor surface, and a shower: the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and the recess of which does not have a hob, and that is waterproofed in accordance with AS 3740, and the floor of which falls to a floor waste, and that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 	<p>The bathrooms in each of the units are capable of complying with the requirements of this Clause. A condition of consent is recommended to ensure specifications meet the minimum standards required.</p>	<p>YES (refer Condition No 107)</p>

Clause	Standard	Proposal	Compliance
	<p>1428, and</p> <ul style="list-style-type: none"> • that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and • that has the tap set positioned so as to be easily reached from the entry to the shower, and • that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and • that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and • thermostatic mixing valves for all hot water outlets, and • a washbasin with clearances that comply with Figure 4.4 of AS 4299, and • a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and 		

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Clause	Standard	Proposal	Compliance
	<ul style="list-style-type: none"> • a mirror, and • a double general power outlet beside the mirror. 		
13A(14) Toilet	<p>A dwelling must have a toilet:</p> <p>that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and</p> <p>that is installed in compliance with AS 1428, and</p> <p>that has a slip-resistant floor surface, and</p> <p>the WC pan of which is located from fixed walls in accordance with AS 1428, and</p> <p>that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.</p>	The toilets have been included within the bathroom plan for each of the dwellings. A condition of consent is recommended to ensure specifications meet the minimum standards required.	YES (refer Condition No.107)
13A(15) Access to kitchen, main bedroom, bathroom and toilet	<p>In a multi-storey self-contained dwelling:</p> <ul style="list-style-type: none"> • the kitchen, main bedroom, bathroom and toilet must be located on the ground floor, or • if the kitchen, main bedroom, bathroom and toilet are not located on the 	All units are single level.	YES

Clause	Standard	Proposal	Compliance
	<p>ground floor, the ground floor living space must be able to be altered so as to accommodate them, or</p> <ul style="list-style-type: none"> • if the kitchen, main bedroom, bathroom and toilet are located on a floor above the ground floor, the stairs to the higher floor: • must be equipped with a stair climber that is capable of being used by a person in a wheelchair, or • must be sufficiently wide to enable the installation of a stair climber that is capable of being used by a person in a wheelchair. 		
13A(16) Laundry	<p>A self-contained dwelling must have a laundry:</p> <ul style="list-style-type: none"> • that has provision for the installation of an automatic washing machine, and • that has provision for the installation of a clothes dryer, and • that has a clear space in front of 	<p>The floor plans indicate that the laundry in each unit will be accessible. To ensure compliance with this Clause, a condition of consent is recommended to ensure specifications meet the minimum standards required.</p>	<p>YES (refer Condition No 108)</p>

Clause	Standard	Proposal	Compliance
	<p>appliances of at least 1 300 millimetres, and</p> <ul style="list-style-type: none"> that has thermostatic mixing valves for all hot water outlets, and that has a slip-resistant floor surface, and that has an accessible path of travel to any clothes line provided in relation to the dwelling. 		
13A(17) Storage	<p>A self-contained dwelling must be provided with a linen cupboard:</p> <ul style="list-style-type: none"> that is at least 600 millimetres wide, and that has adjustable shelving. 		YES (refer Condition No 109)
13A(18) Doors	<ul style="list-style-type: none"> Door hardware provided as the means for opening doors must be: able to be operated with one hand, and located between 900 millimetres and 1100 millimetres above floor level. 	<p>The floor plans for each of the proposed units indicates that the development is capable of meeting the requirement of this Clause. A condition of consent is recommended to ensure specifications meet the minimum standards required.</p>	YES (refer Condition No 110)

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Clause	Standard	Proposal	Compliance
13A(19) Surface Finishes	Balconies and external paved areas must have slip-resistant surfaces.	A condition of consent is required to ensure that the standard in this Clause is met. A condition of consent is recommended to ensure specifications meet the minimum standards required.	YES (<i>refer Condition No 111</i>)
13A(20) Ancillary Items	<ul style="list-style-type: none"> Switches must be located between 900 millimetres and 1 100 millimetres above floor level. General purpose outlets must be located at least 600 millimetres above floor level. 	Compliance with this Clause is required by a condition of the recommended consent to ensure the minimum standards are met.	YES (<i>refer Condition No 113</i>)
13A(21) Garbage	An outside garbage storage area must be provided in an accessible location.	The proposed garbage area is accessible from all units and has been modified to provide appropriate access. A condition of consent has been recommended to ensure compliance with this Clause.	YES
13A(22) Applications by certain housing providers	Despite the provisions of subclauses (2) and (9)–(20), a dwelling, or part of a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those subclauses if	N/A – Private developer.	N/A

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Clause	Standard	Proposal	Compliance
	the development application is made by, or by a person jointly with, the Department of Housing or a local government or community housing provider.		

Clause 14 lists development standards that cannot be used as grounds for refusal of an application where the proposal complies with specified criteria.

Clause	Standard	Proposed	Compliance
14(a) Building Height	8m or less in height	6.1m	YES
14(b) Density and Scale	Max floorspace ratio of 0.5:1	0.49:1	YES
14(c) Landscaped Area	Landscaped area of 35m ² per dwelling (6 x 35m ² = 210m ²)	840m ²	YES
14(d) Parking	0.5 spaces per bedroom. 17 Bedrooms x 0.5 = 8.5	14 spaces provided, 12 resident spaces 2 visitor spaces	YES
14(e) Visitor Parking	Proposed development is less than 8 dwellings and is not situated on a clearway	No visitor parking required, however 2 spaces provided.	YES
14(f) Landscaped Areas	Area which is not built upon, paved or otherwise sealed having soil of a sufficient depth to support the growth of trees and shrubs on an area of width of the site x 15% of the length = 254.3m ² Preferably located at the rear of the site.	840m ² (49.5%) of soft landscaping area available for deep soil planting which meets the requirements. Majority of the land is at the rear of the site and within the setback zones	YES
14(g) Private Open Space	15m ² for dwellings at ground level with an area of 3m x 3m. Balcony with are not less than 6m ² width not less than 1.8m and	Ground Level Unit 1 - 81m ² Unit 2 - 98m ² Unit 3 - 164m ² First Floor Unit 4 - 22.5m ²	YES

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Clause	Standard	Proposed	Compliance
	accessible from a living area.	Unit 5 - 26m ² Unit 6 - 44.6m ² The private open space for each of the units is accessible directly from the living area.	

Clause 24 of SEPP 5 states “consent must not be granted for development to which this part applies unless the consent authority has taken into account a site analysis prepared by the applicant in accordance with this clause”.

A site analysis plan has been prepared by Building Design & Technology, drawing number A1.01, dated Nov 2003. This analysis, together with the other documentation of the development application, provides all necessary information for assessment purposes under Clause 25 of SEPP 5.

Clause 25 of SEPP 5 requires that the consent must not be granted unless Council is satisfied that adequate regard has been given to the following principles.

a. Neighbourhood amenity and streetscape

The proposal has been designed to sympathetically contribute to the residential character of the locality. Significant existing trees along the road reserve and onsite are being retained and appropriate additional landscaping shall be provided which shall screen the development from adjoining properties and provide a reasonable level of privacy and amenity to both the residents of the units and those of the adjoining properties.

The development will maintain a setback to Clissold Road that is consistent with adjoining development and the general streetscape and has provided setbacks to the side boundaries which will allow for extensive landscaping. The proposed development also provides a high level of articulation to the Clissold Road and along each of the side boundaries to minimise bulk when viewed from neighbouring properties or the street.

b. Visual and acoustic privacy and security

The proposed development has been designed with sufficient setbacks and landscaping screening along the side boundaries. The balconies off the first floor units will be reasonably screened from the neighbouring property to the north, with the proposed screen planting up to 3.0m in height and the planting of several trees attaining mature heights of approximately 6-8 metres.

The architectural plans also indicate that the balconies of Units 4, 5 and 6, which face towards the north, will have 1.5m high opaque glass balustrades to minimise overlooking to the neighbouring property of 42 Clissold Road and also to the private open space areas of the units below, within the proposed development.

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c. Solar access and design for climate

Shadow diagrams submitted by the applicant demonstrate that the proposed development will receive compliant levels of solar access to the private open space areas and the living rooms of each of the dwellings as they are orientated to the north.

The shadow diagrams show that the southern side of the units will be overshadowed for the majority of the day until mid afternoon when they will receive afternoon sun. As the living areas and private open space for each of the units have been orientated to the northern side of the property, the overshadowing to the southern side of the development is reasonable.

d. Stormwater

Council's Development Engineer has reviewed the proposed drainage plans prepared by United Consulting Engineers and advised that at the application was submitted prior to the adoption of DCP 47 – Water Management that the application has been assessed under the 1993 Stormwater Manual. Subject to appropriate conditions, no issues have been raised in relation to stormwater drainage.

e. Crime Prevention

The design of the units allows for casual surveillance with the each of the entries to the units having views to the pathway along the southern boundary of the development.

The plans indicate that provision will be made for a security entry to the car park. A security entry will also be provided at the front pedestrian gate to the units directly in front of Unit 1. Additionally, it is recommended that 'peep holes' be provided in each of the front doors (**refer Condition No 86**).

f. Accessibility

Conditions are recommended requiring the construction of a pedestrian pathway from the pedestrian entrance of the development to the bus stop located to the north between 42 and 44 Clissold Road. Development Consent was granted for a SEPP 5 development with sixteen (16) units at No 32 Clissold Road and this development has just commenced construction (**refer Condition Nos 77 and 131**).

g. Waste Management

Waste management will be required to comply with Development Control Plan 40. As the development proposes 6 units, one collection point is required. The garbage bin storage area is located along the southern boundary with a setback of 4.5m to the front boundary. This setback is considered reasonable as the garbage storage area is located along the pedestrian entrance to the units along the southern boundary of the site and is capable of being sufficiently screening with the existing street trees and additional planting on site. Garbage collection shall be from the kerbside to Clissold Road.

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State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 aims to set an approach for the remediation of contaminated land. Clause 7 of the SEPP requires Council to consider whether the land is likely to be contaminated prior to determination of development consent.

The site is currently used for residential purposes. There is no evidence that indicates the site is contaminated nor would this be likely, given the long-established residential use of the site.

Ku-ring-gai Planning Scheme Ordinance

There are no development standards applicable to this development pursuant to KPSO. Further, SEPP 5 specifically sets aside any planning controls of the KPSO which would prevent a development that is compliant with the standards and considerations of the SEPP.

Schedule 9 of the Planning Scheme Ordinance sets out aims and objectives for residential zones, which are still applicable to the proposed development. These aims and objectives refer to such matters as streetscape character, amenity, solar access, tree replacement etc. These matters are also referred to in SEPP 5 and the proposed development meets these aims and objectives.

Development Control Code 1/2003 - Housing for Older People or People with a disability

Council's Code includes reference to the statutory development standards of SEPP 5 in relation to height, density, landscaped area and parking. The Code also provided guidelines relating to standards considered by Council to be more appropriate to the Ku-ring-gai area.

The following table contains an analysis of the development against the provisions of Council's Code.

Provision	Proposed	Compliance
Zoning	Residential 2(c)	
500m to local shops	The site is located 430m to the east of the Wahroonga shops in Hampden Avenue	YES
250m to public transport	Within 24m to a bus stop on the western side of Clissold Road which provides bus service from Shorelink 575 to Turramurra.	YES
Site analysis required	Matter addressed in SEPP 5 assessment	YES
SEPP 5 development standards	Matter addressed in SEPP 5 assessment	YES
Sympathetic design	Matter addressed in SEPP 5 assessment	YES
Buildings to address street	Matter addressed in SEPP 5 assessment	YES
Minimal visual impact of driveway	The driveway is accessed from the northern end of the front boundary. The driveway curves to the basement parking and has suitable landscaping	YES

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Provision	Proposed	Compliance
	areas to minimise visual impact	
No bland building facades	The elevations of the proposed development are extensively articulated and along each of the boundaries with a mix of modern materials.	YES
Emphasise entry	The primary pedestrian entry to the site is located along the southern boundary	YES
Match setbacks	The proposed development is setback in line with the adjoining property at 42 Clissold Road and is complies with the building line established in the street.	YES
Level private open space	Each dwelling is provided with a paved patio which is directly accessible from the living areas.	YES
1.8m courtyard fences	The courtyard of each of the ground units has noted the inclusion of 1.8m high rendered masonry fencing to ensure the amenity of each of the dwellings is maintained.	YES
Living areas linked to open space	The private open space areas for each of the units is located directly off the living areas of those units.	YES
Landscaping to enhance and screen	The Landscape plan prepared by Michael Sui provides screen planting consisting of Syzigium australe southern (Lilly Pilly) along the northern boundary which will be clipped to a height of 3m. The southern boundary has Viburnum tinus (Laurustinus) which will be clipped to a height of 4m.	YES
Significant trees	This matter is addressed in the section of this report titled 'Consultation within Council – Landscape Officer'.	YES
Carparking to meet demand	This matter is addressed in the SEPP 5 assessment.	YES
Energy Efficiency	Each of the six (6) dwellings and their private open space areas have been orientated towards the north to enable adequate sunlight to these areas.	YES
Privacy	This matter has been addressed in the SEPP 5 assessment.	YES
Lighting	This matter has been addressed in the SEPP 5 assessment.	YES
Waste collection	This matter has been addressed in the SEPP 5 assessment.	YES
Letterboxes, TV antenna, services, house numbers	Lockable letter boxes will be provided along the main pedestrian entry to the units on a hard level surface.	YES
Covered entry porch	Each dwelling is provided with a covered accessible entry.	YES

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Provision	Proposed	Compliance
Internal space location, wall length, hobby space and eating areas	All dwellings are of generous size to accommodate a range of occupancy requirements.	YES
Bedroom design	All dwellings are provided with a large master bedroom including an ensuite.	YES
10% adaptable housing	This matter is addressed in the SEPP 5 assessment.	YES
Support services	Support services are available to the proposed development depending on the needs of the likely occupants.	YES
Community Area	The proposed development provides for a community area behind units 3 and 6.	YES

Likely Impacts

The likely impacts of the development have been assessed elsewhere in this report.

Suitability of the Site

The site is suitable for the proposed development due to its size and gentle slope and as it has good access to public transport and services. The site does not have any constraints that could be considered detrimental to the development of a SEPP5.

Any Submissions

The submissions received in relation to this application have been addressed.

Public Interest

The proposed development meets the aims and objectives of SEPP 5 and Council's Development Control Code 1/2003 - Housing for Older People or People with a Disability and is therefore considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

All relevant matters have been addressed.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the development has been designed with appropriate regard for the relevant planning controls. Accordingly, 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 1669/03 for the proposed demolition of the existing dwelling and associated structures and the construction of six (6) units with basement car parking for fourteen (14) vehicles under the provisions of SEPP 5 on land at 40 Clissold Road, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1669/03 and Development Application plans prepared by Building Design & Technology & Michael Siu, Landscape Architects Pty Ltd, reference numbers A1.02, A1.03, A1.04, A1.05 & A1.07 (Rev B) and L01/1-R8311 *Error! No document variable supplied.*, dated 2 December 2004 and 6 December 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the

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abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. The fence and 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. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
21. 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.
22. 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.

23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. 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.

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- 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.
- 25. 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.
- 26. 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.
- 27. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
- 28. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
- 29. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
- 30. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
- 31. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
- 32. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
- 33. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
- 34. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.

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35. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
36. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
37. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
38. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
39. 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.

40. Landscape works shall be carried out in accordance with Landscape Drawing No L01/1-R8311 prepared by Michael Siu Landscape Architects Pty Ltd and dated 12 Dec. 2003 (Rev. 6.12.04) submitted with the Development Application, except as amended by the following:
 - 44 *Pittosporum revolutum* (Yellow Pittosporum) shall replace 45 *Viburnum tinus* (Viburnum) as screen planting adjacent to the southern side boundary to ensure the site supports 50% locally occurring native plant content.
41. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
42. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
43. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
44. 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.

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45. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Fraxinus syriaca</i> (Syrian Ash) Adjacent to the site's southern side boundary.	5m
<i>Syncarpia glomulifera</i> (Turpentine) At the southern end of the nature strip forward of the subject site.	4m

46. 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.
47. On completion of the LANDSCAPE WORKS including TREE and 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.
48. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Ageratina adenophora (Crofton Weed)
Ailanthus altissima (Tree of Heaven)
Asparagus densiflorus (Asparagus Fern)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Hedera sp. (Ivy)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Senna pendula (Cassia)
Solanum mauritianum (Wild Tobacco)
Toxicodendron succedaneum (Rhus Tree)

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Tradescantia albiflora (Wandering Jew)

49. 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.
50. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must supervise the excavation procedure.
51. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided at the base of the ramped driveway and be connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
52. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
53. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
54. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s). All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

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

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56. 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.
57. 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.**
58. Suitable oil separator units shall be provided in the drainage systems of basement carparking areas. These shall be designed to remove oils and sediment from any water runoff from these areas prior to discharge to the main stormwater system.
59. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
60. 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 Australian Standard AS 2890.1 – "Off-Street car parking" and the provisions of State Environment Planning Policy for 'Seniors Living'. The driveway and circulation aisles must accommodate two-way traffic.
61. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
62. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

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63. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
64. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
65. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorized statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
66. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority’s local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the occupation Certificate.
67. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
68. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.

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

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

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

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70. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
71. 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.
72. 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.
73. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.

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74. 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.

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

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
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<i>Fraxinus syriaca</i> (Syrian Ash) Adjacent to the site's southern side boundary.	5m
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76. Prior to issue of the Construction Certificate, the Applicant must submit and have approved by Council design documentation and specifications for the following infrastructure works in the Road Reserve, which must be completed prior to occupation:
77. Full footpath construction and associated infrastructure works which comply with the accessibility requirements of the State Environment Planning Policy for Seniors Living. The footpath and associated works shall conform with design guidelines (grades, widths) on quality of the footpath route and proximity to services/transport set out in the State Environment Planning Policy. The necessary adjustments to intervening driveway crossings must be made to facilitate the footpath construction.

Council will assess plans for the necessary works under section 138 and 139 of *the Roads Act 1993*. **The Construction Certificate must not be issued until Council has issued a formal written consent under the *Roads Act 1993*.** To obtain assessment under the *Roads Act 1993* for the infrastructure works necessary on Council property, full engineering drawings (plans, longsections and elevations) and specifications for the works must be prepared. A suitably qualified and experienced consulting engineer and/or surveyor must prepare the plans. Plans and specifications must be submitted and approved by Council (only) as the Roads Authority in this location. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act* approval.

The works must be designed in accordance with Council's "Specification for Road and Drainage Works". **The exact locations of all existing services, driveway crossings, street trees and signs in relation to the footpath route must be shown on the plans submitted.** In addition, **the drawings are to detail erosion control requirements and traffic management requirements during the course of works.** Traffic management is to be

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certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

A minimum of three (3) weeks will be required for assessment. Early design and submission is recommended to avoid any delay in Construction Certificate issue. An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees. Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property, reason for submission and the accompanying DA number. Failure to do so may delay the processing of the application.

a) To ensure that the required infrastructure works on Council property, approved under the *Roads Act 1993*, are carried out to Council's requirements, **the developer must lodge a bond to the value of \$ 20,000 (twenty thousand dollars)**. The Bond may be in the form of a bank guarantee and must be lodged **prior** to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council's requirements. Council may use part or the entire bond to complete the works to its satisfaction if the works do not meet Council's requirements. After Council's final inspection of these works 10% of the bank guarantee will be retained for a further six (6) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

78. 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.**

The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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79. Prior to the issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority, a revised plan for the basement parking area and vehicular access driveway. The plan shall incorporate the following revisions to the plan basement plan A1.02 (B) by Building Design and Technology, dated 2.12.2004:

- a) An increase in the width of non-complying vehicle spaces so that all parking spaces (notably spaces 2, 4, 6) have a minimum width of 3.2 metres and length of 6 metres, in accordance with the requirements of the State Environment Planning Policy for 'Seniors Living'.
- b) Ramped access driveway shall be widened to have a minimum clear width of 6 metres so that ingressing and egressing vehicles may pass on the driveway. This is because sight distance from one end of the driveway to the other is limited.

A qualified civil/traffic engineer shall certify on the revised plan that the parking provisions provided in common areas and within private parking areas comply with the State Environmental Planning Policy for Senior Living (particularly relating to height clearances and space dimensions) and the Australian Standard 2890.1 – 2004 “Off-street car parking”.

80. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:

- a) That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- b) That all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

The longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

81. 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 Councils Water Management DCP 47 (available on the Council website).
82. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of a 5,000 to 10,000 litre rainwater tank(s) within the subject property, to be used for garden irrigation purposes. The tank(s) shall designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of rainwater storage, after which runoff reverts to the main drainage system. A design shall be prepared by a suitably qualified and experienced

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civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.

- NOTE 1: Maximum capacity of an individual rainwater tank to be 10,000 litres.
- NOTE 2: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.
- NOTE 3: Rainwater tanks must not be located on the front façade of a dwelling.
- NOTE 4: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturer's specifications. A first flush system shall be provided.
- NOTE 7: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

- 83. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage requirements for the on-site stormwater detention system. The design shall be generally based on the concept plans by United Consulting Engineers, drawings 03MB1252/D01 and D02, revisions B dated December 2004, and shall be an advancement of these plans suitable for construction issue purposes. The storage volume shall comply with Council Stormwater Management and on-site detention design shall comply with Councils Water Management DCP 47, appendix 5 (available on the Council website and at Council customer services). The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan. The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.
- 84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
- 85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have

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an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.

86. To enable compliance with the requirements of Clause 25(e) of SEPP 5 the main entrance to each unit shall be provided with a glazed panel 200mm in width for either the entire height of the door or alternatively from a height of 1.0metre from the finished floor level to at least 1.8 metres above the finished floor level. Additionally each main entrance shall be provided with an eye 'peep hole' to enable residents to view persons at the front door without the need to open the front door. Details of such shall be provided in the Construction Certificate Plans.
87. A construction traffic management plan be prepared and submitted to and approved by the Council which includes:
 - a. No heavy construction vehicles to use Bunyana Avenue;
 - b. Traffic controls in and out of the site during construction; and
 - c. Any necessary traffic controls for using Clissold Avenue.
88. Prior to the issue of the Construction Certificate, the Applicant must submit to Council, design documentation and specifications for the following infrastructure works in the Road Reserve which, if approved, must be completed prior to occupation:
 - a. Footpath and associated infrastructure works which comply with SEPP 5 requirements to enable pedestrian and disabled access to the existing bus stop between 42 and 44 Clissold Road, Wahroonga. Works to conform with guidelines on quality of the footpath route and proximity to services.

The plans are also to be accompanied by a report from a qualified arborists (referencing the design plans), advising the proposed footpath design will allow for the retention of the existing Turpentine on the Road Reserve in front of 40 Clissold Road and recommendations on construction methods to be used.

89. 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 FIVE ADDITIONAL DWELLINGS IS CURRENTLY \$55,788.30. 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 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New Library bookstock	\$17.95
4.	New Public Art	\$2.93
5.	Acquisition of Open Space - Wahroonga	\$7,851.00
6.	Koola Park upgrade and reconfiguration	\$143.09
7.	North Turrumurra Sportsfield development	\$986.80
8.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9.	Section 94 Officer for period of Plan 2000-2003	\$118.42
10.	Preparation of New SEPP5 Residents Kit	\$22.44
11.	SEPP5 S94 Study and Interim Plan, 2000-2003	\$108.95

To obtain the total contribution figure the occupancy rate for all SEPP5 developments is 1.3 persons

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

90. 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.
91. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
92. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. A Registered Surveyor's set out report.
93. Five units are to be designed to meet the requirements of Clause 13A(2)(a) of State Environmental Planning Policy No 5 for disabled occupation to the satisfaction of Council. Full details are to be submitted to and approved by the Principal Certifying Authority prior to work commencing.
94. To enable the "ageing in place" philosophy to be achieved in Ku-ring-gai:
 - a. Prior to the commencement of construction, documentary evidence is to be provided to Council's satisfaction, of an agreement with suitably qualified service provider/s for the provision of the following services if and when required by any of the residents of the development:

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- Personal care, including bathing and dressing;
 - Housekeeping, including cleaning and laundry;
 - Home delivered meals; and
 - 24 hour a day monitored emergency call system.
- b. The documentary evidence is to include the following details:
- Proposed cost to residents of each of the services listed in (a) above; and
 - Proposed means of altering the cost to residents of these services. This may include: linking costs to the Consumer Price Index or a proportion of the Aged Pension; or be selecting a new service provider.
- c. Promotional material shall include details of the services available to residents of the development and their cost.
- d. A comprehensive residents' manual is to be provided to all residents which includes information of relevance to them, such as doctors, churches and other community services and facilities.
95. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Fraxinus syriaca (Syrian Ash) / Adjacent to the site's southern side boundary.

96. 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
<i>Eucalyptus scoparia</i> (Willow Gum) Abutting the rear boundary of No 4 Bunyana Avenue, Wahroonga.	8m
<i>Araucaria columnaris</i> (Cook Island Pine) Adjacent to the site's central rear boundary.	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to the site's central front boundary.	3m

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97. 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 SOUTHERN BOUNDARY RETAINING WALL shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Fraxinus syriaca</i> (Syrian Ash) Adjacent to the site's southern side boundary.	5m

98. 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.
99. 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 THE FINAL COMPLIANCE CERTIFICATE

100. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP 5. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
101. To ensure compliance with the requirements of SEPP 5 13(6) and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres 98. To ensure compliance with the requirements of SEPP 5 every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
102. To ensure compliance with the requirements of SEPP 5, every entry must have an entry door handle and other hardware that complies with AS1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299.
103. To ensure compliance with the requirements of SEPP 5, clause 13A(9) each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm.

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Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

104. To ensure compliance with SEPP 5, clause 13A (10) the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
- 105 To ensure compliance with the requirements of Clause 13A(11) of SEPP 5 the kitchen shall meet the following requirements:
- a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
 - b. a width at door approaches of at least 1 200 millimetres, and
 - c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and
 - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
 - d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
 - e. a thermostatic mixing valve for the hot water outlet, and
 - f. cook tops:
 - i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and
 - iii. that include an isolating switch, and
 - g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
 - h. ``D'' pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
 - j. general power outlets: at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

106. To ensure compliance with Clause 13A(12) of SEPP 5 the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The

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bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate

107. To ensure compliance with the requirements of Clause 13A (13) the bathrooms must comply with the following:

- a. an area that complies with AS 1428, and
- b. a slip-resistant floor surface, and
- c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- d. thermostatic mixing valves for all hot water outlets, and
- e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- g. a mirror, and
- h. a double general power outlet beside the mirror.

108. To ensure compliance with Clause 13A (16) the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.

109. To ensure compliance with Clause 13A (17) a self-contained dwelling must be provided with a lined cupboard that is:

- a) able to be operated with one hand, and
- b) located between 900mm and 1100mm above floor level.

110. To ensure compliance with Clause 13A(18) door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.

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111. To ensure compliance with Clause 13A (19) and (2) all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
112. To ensure accessibility to from the living/dining rooms to the private open space the variation between the FFL of the rooms and the courtyard will be provided with a small threshold ramp in accordance with AS1428.1.
113. To ensure compliance with Clause 13A (20) switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
114. To ensure compliance with Clause 13A(2)(d), 10% of the dwellings within the proposed development shall be capable of being modified so that they have wheelchair access by a continuous path of travel (within the meaning of AS1428) to all essential areas and facilities inside the dwelling. Documentary evidence shall be submitted prior to the release of an Occupation Certificate indicating compliance with this condition prior to the release of an Occupation Certificate.
115. 1.8m lapped and capped timber courtyard fences are to be provided as required in Development Control Code 1/2003 - Housing for Older People or People with a disability.
116. To ensure further compliance with Development Control Code 1/2003 – Housing for Older People or People with a disability, the applicant must provide lockable letterboxes adjacent to the main pedestrian entry.
117. Certification prepared by a Registered Surveyor confirming the development consists of a maximum of floor space ratio of 0.5:1 in accordance with the definition with State Environmental Planning Policy No 5 shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

118. 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.
119. Prior to issue of an Occupation 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) Construction of accessible footpath between the site and nearby bus stop/shops in accordance with the *Roads Act* approved drawings,
 - c) Removal of all redundant driveway crossings or kerb laybacks or sections thereof. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the

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satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

- d) Any sections of damaged grass verge are to be fully 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, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

- 120. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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.

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

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

- 122. Prior to issue of an Occupation Certificate the approved road, footpath and/or drainage works must be completed in the road reserve. The works shall be completed in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

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123. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
124. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) written certification from a suitably qualified and experienced traffic/civil engineer, that:
- a) The dimensions of each as-constructed private car parking space meets the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b) The as-constructed car park complies with the approved Construction Certificate plans, and
 - c) The vehicular headroom requirements of:
 - the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 - Australian Standard 2890.1 - "Off-street car parking", and
 - 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement car park, and
 - d) The gradients of the constructed access driveway from the public street to the basement car park are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
 - e) No doors or gates have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.

The certifying engineer shall carry out a site inspection and measure each carspace in order to satisfy this condition.

125. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:
- As constructed levels in comparison to design levels
 - As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
 - As built locations of all pits and grates in the detention system, including dimensions.
 - The size of the orifice or pipe control fitted.
 - Dimensions of the discharge control pit and access grates
 - The achieved capacity of the detention storage and derivative calculation.
 - The maximum depth of storage over the outlet control.
 - Top water levels of storage areas and RL's at overflow point(s)

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126. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a) Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b) The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
- c) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- a) As built reduced surface and invert levels for all drainage pits and connection points, including the on-site detention system.
- b) Orifice details.
- c) As built reduced level(s) at the approved point of discharge to the public drainage system.
- d) Gradients of drainage lines, materials and dimensions.

127. The creation of a Restriction-on-Use under the Conveyancing Act, prior to the issue of an Occupation Certificate, restricting the occupation of the premises to:

- a) Seniors and those with a disability as defined in the State Environmental Planning Policy for 'Seniors Living'.
- b) People who live with such people as defined in (a) above.
- c) Staff employed to assist in the administration of and provision of services to housing provided in this development.

128. Prior to issue of an 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.

129. Prior to issue of an Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA) 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.

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130. Prior to the issue of the Occupation Certificate construction of the footpath from the front pedestrian entrance of the site to the bus stop between 42 and 44 Clissold Road is to be completed in accordance with the plans approved by Council. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings.

BUILDING CONDITIONS

131. 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.
132. 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.

C Otto
Executive Assessment Officer

S Cox
Team Leader
Development Assessment - Central

M Miocic
Director
Development & Regulation

M Prendergast
Manager
Development Assessment Services

Attachments: **Locality Plan**
 Architectural Drawings
 Landscape Plan
 Stormwater Plan

NOTICE OF RESCISSION

DRAFT LOCAL ENVIRONMENTAL PLAN NO 204 - CONSIDERATION OF SUBMISSIONS

Notice of Rescission from Councillors E Malicki, I Cross and L Bennett dated 8 March 2005.

We the undersigned move:

“That Council’s decision with regard to Draft LEP 204, made at the meeting on 8 March 2005, is hereby rescinded.”

RECOMMENDATION

That the above Notice of Rescission as printed be adopted.

Councillor E Malicki
COMENARRA WARD

Councillor I Cross
WAHROONGA WARD

Councillor L Bennett
ST IVES WARD

Attachments: **Original Report to Council dated 22 February 2005**
 Attachment A - Council resolution of 9 November 2004
 Attachment B - Letter of 15 October 2004 from DIPNR
 Attachment C - Draft LEP 204 as exhibited
 Attachment D - Authorities consulted under Section 62
 Attachment E - Rural Fire Service letter & attachment
 Attachment F - Copies of submissions received

NOTICE OF MOTION

STANDARDS - AUSTRALIAN ENGLISH/DICTIONARY

Notice of Motion from Councillor M Shelley dated 14 December 2004.

I move:

- "a) That the Council adopt Australian English as its standard;
- b) That the Council further adopt the Macquarie dictionary as its standard English dictionary reference; and
- c) That all documents prepared by Council be spell-checked before submission to Councillors or included in papers before Council."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Maureen Shelley
Councillor for Roseville Ward

NOTICE OF MOTION

KU-RING-GAI YOUTH COUNCIL

Notice of Motion from Councillor E Malicki dated 10 March 2005.

I move that:

"Councillors have an informal meeting within the next four weeks with members of the Ku-ring-gai Youth Council to discuss Youth issues in Ku-ring-gai with them".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

BUSHLAND WALKS FOR OLDER PEOPLE

Notice of Motion from Councillor T Hall dated 13 March 2005.

I move:

"That this Council provides enjoyable, safe and inexpensive walks in Ku-ring-gai's bushland areas to older people. The policy should be directed to encourage seniors to remain active and fit, while enjoying many of the walks available in Ku-ring-gai Local Government area.

In order to implement this policy, the Director Open Space provide a timely report on the availability for publication of such walking paths to residents and where upgrading is necessary, to identify opportunities for these and new pathways to be included in a S.94 Contribution plan amendment to meet the additional expenses of their projected use by new residents taking up residence in the newly zoned medium density areas.

The walks should be graded and published according to their suitability for people of varying physical capabilities, making it easier to select the most appropriate walk. In addition, the routes of each shall be checked for major hazards and steepness of which walkers should be aware to maximise enjoyment and minimise the risk of injury.

That the Director of Open Space also seek funding from other Government agencies to support the early implementation of this policy, with direction being given in the 2005/2006 Management Plan".

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Tony Hall
Councillor for St Ives Ward

NOTICE OF MOTION

MEMORANDUM FOR ACTION

Notice of Motion from Councillor E Malicki dated 12 March 2005.

In previous Councils, Councillors and all staff carried a booklet of forms headed "Memorandum for Action". These forms were available for recording any matters observed in daily travel around the Council area that needed action. For instance, missing street signs, potholes, damaged street trees and so on were reported on a daily basis. This created a sense of ownership and pride in the area and allowed Council to be proactive in overcoming problems rather than reactive.

I move that:

"The General Manager report to Council on bringing back this system so that we can be seen to be involving all our staff and Councillors in making Ku-ring-gai a better place to live, and giving members of our organisation a greater sense of ownership and pride in the job we do for our community."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

KYDS MANAGEMENT COMMITTEE - FINANCIAL ASSISTANCE TO CONSTRUCT AN ACCESS PATHWAY TO THE YOUTH CENTRE

Notice of Motion from Councillors M Shelley & G Innes dated 16 March 2005.

Council is in receipt of a letter from the KYDS Management Committee seeking financial assistance from Council to construct an access pathway to the Youth Centre that they are in the process of establishing. **Attached** is a copy of their letter.

KYDS has advised that they have expended the majority of their budget on the building works and are having difficulty funding the access pathway. Incidents relating to water damage have incurred additional costs to them.

The Centre cannot operate until the pathway has been completed as they require an Occupation Certificate and all works associated with the consent conditions must be completed before the Certificate is issued.

The quotation for the pathway ranges from \$8,000 to \$13,000 and has sought a 50% contribution to the pathway but would prefer Council to do the work and fund the works.

We move:

- "1. That Council undertake the work to construct the pathway and invoice KYDS Management Committee for 50% of the costs to a maximum of \$4,000.
2. That funding for this work be considered as part of the third quarter Budget Review."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Maureen Shelley
Councillor for Roseville Ward

Graeme Innes
Councillor for Roseville Ward

Attachment: Letter from KYDS dated 15 March 2005