



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 24 AUGUST 2004 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 10 August 2004

Minutes numbered 382 to 400

MINUTES FROM THE MAYOR

MM.1 Vale Ivor Forsyth Wyatt OBE

1

File: S02791

It was with sadness that we learned of the passing of Ivor Forsyth Wyatt OBE on Sunday 1 August 2004 at the age of 88.

Born in Sydney on 26 October 1915, Ivor Wyatt was a resident of Ku-ring-gai since 1926. He enlisted in the Australian Army on 3 April 1941 and was discharged in November 1944 at the Rank of Staff Sergeant with the 16th ATT Battalion. At the conclusion of his war service, Ivor became involved in the St Ives-Pymble Community Centre Fund Committee which recommended that Council acquire the 8.6ha (20 acre) site known today as the St Ives Village Green – a living tribute to the foresight of earlier St Ives residents.

Ivor Wyatt's interest in the Village Green resulted in his representing the St Ives Progress Association on the 1993-formed, St Ives Village Green Advisory Committee. He was a proud St Ives resident, and was known to the local community as "Mr St Ives".

Mr Wyatt was an active member of the National Trust since 1947. Ivor was Hon. Secretary from 1952 to 1969 when he was elected President, stepping down from that office in 1973 to become Vice-President until 1976. In all, he worked for 51 years in an honorary capacity for the National Trust and was appointed an Honorary Life Member of the Trust in 1959, continuing to serve on Trust committees until 2003.

Ivor Wyatt wrote "Ours in Trust": a personal history of the National Trust of Australia (NSW), which was published in November 1987.

Ivor's name first appeared in the minutes of the St Ives Progress Association in 1948, serving as President from 1950 to 1954, and again in 1976 and from 1985 to 1990. He also served as Hon. Treasurer from 1965 to 1990.

In all of these years, Ku-ring-gai was not the only beneficiary of such community spirit. Ivor was honoured by the State Pollution Control Commission for the 17 years in which he represented the environmental interests of New South Wales. In 1977 he was awarded an OBE from the Commonwealth for his contribution to conservation and environmental work. Ivor was recognized with Life Membership of the Nature Conservation Council of NSW.

On Australia Day 1998, Ivor Wyatt, at the age of 82, was further honoured, being jointly named with Killara resident George Broadbent, as Citizen of the Year. Later in the same year, in recognition of Ivor Wyatt's contribution to the Ku-ring-gai community, Council dedicated to him and named in his honour, a piece of land located at the corner of Link and Mona Vale Roads, St Ives, "The Ivor Wyatt Reserve".

These were just a few of Ivor Wyatt's achievements.

Ivor Forsyth Wyatt OBE was a very proud Australian and is survived by his wife of 50 years, Mabel Wyatt, his sister, Mrs Lynette Lee and his son Clinton Wyatt.

PETITIONS

PT.1 Petition To Request More Bike Tracks In St Ives - Thirty-Two [32] Signatures

3

File: S02025

Letter from Jasper Ludewig:

I am a 13 year old bike rider who is extremely enthusiastic about my hobby. This passion is also if not more reflected by the surrounding riders which dominate the Sydney riding community. To give you an idea of the extent to which bike riding rises, here is a list of all the extremely successful riders located around St Ives.

Justin Havukainen: The highest ranked American rider who is currently working with the local bike shop.

Mick Ross: The foundation of bike riding in St Ives, an extremely nice and talented rider who is now sponsored for the 2004 race season and of course the funniest guy in St Ives.

Hugh Mansfield: St Ives Cycles employee, placed 3rd at Mount Beauty in the Nationals and was also crowned "King of the Hill" in last year's Inter Schools competition.

Niki Gudex: One of Australia's fastest bike riders, who is to try out for the upcoming Olympic Games.

These are only a few of the talented and extremely successful riders who are located around the St Ives area. On a wider scale, Australia has now the fastest man to date, who has recently taken out the most prestigious title one can achieve, The World Cup. This honour was hardly worked for and Nathan Rennie (World Cup Champion) could not have done without practice, hence the saying 'practice makes perfect'.

I think the bike riding community around the St Ives area deserves better. Warrimoo, our most popular trail in St Ives has recently been flattened and West Pymble's jumps and obstacles have also been demolished. In the North Shore Times I saw an article saying 'Pymble bike riders please refrain from riding near the ovals, we will facilitate your needs'. I still have not seen any change. If you take the time to look at the attitude of riders you will definitely find that we are easygoing, polite to walkers, courteous and we do not start arguments or disputes. We are all out there to win the 'lolly' and consequently we need the facilities to practise.

Just like soccer players have soccer fields, golfers have golf courses, skaters have the bowl and tennis players have tennis courts, bike riders should have bike parks, as bike riding is an extremely recognised sport. Just take a look at Farkin.net, mtba.asn.au, 26inches.com.au. These sites are only a tiny minority of the endless sites that are out there. A local newsagent will most probably have 2 or more bike riding magazines in stock.

Other than hanging around shopping centres and getting up to no good we go riding, with mates, we are in touch with the bush and are environmentally friendly as we do not want our bush to deteriorate, otherwise we cannot ride any more. We are not asking for a city block

to be ripped down or for the world to be stopped, we are asking for a simple space which, with your help, we can turn into an appropriate and sufficiently facilitated bike park. This will abolish the ongoing demolition and rebuilds of both sides of the argument, your demolition our rebuilds. Let's not play stalemate, let's work together to achieve a victory to please us both.

Attached are a few signatures of the parents and riders who support this idea and think words should be put into actions.

PT.2 **Kissing Point Village Green, Vernon Street, South Turramurra - Request For Works (Fifty-Nine [59] Signatures)**

5

File: S03670

We the undersigned users of the off-leash dog exercise area of the Kissing Point Village Green Vernon Street, South Turramurra, known collectively as the Kissing Point Companion Animal Social Group wish to express our thanks for the fencing, rubbish bins, seating, drinking fountain and shade trees already provided by Council primarily at your instigation. As you are aware the area is extremely popular with dog owners and others with an interest in dogs, some of whom travel a considerable distance to take advantage of the amenities.

This group has made considerable efforts on its own behalf to encourage dog owners to use the facilities responsibly by putting up signs encouraging people to pick up their dog droppings, and providing a dispenser and plastic bags for this purpose. In addition we verbally "remind" owners of their responsibilities for this and for control of any antisocial behaviour displayed by their dogs. We have provided drinking bowls for the dogs to use at the tap, and place lost balls etc on top of the electrical cabinet where they can be easily found.

Having now used the area for a number of years our experience shows that it could be improved even more by the provision of additional facilities:

1. It would be greatly appreciated if the area could be lit.

In winter many people with full-time jobs are unable to exercise their dogs until after sunset. The area is then in darkness making it hard to supervise dogs and pick up their droppings as required. The darkness also makes some owners, in particular the elderly and single individuals feel insecure.

We believe that strategically installed lighting, positioned to cause no inconvenience to local residents of housing, set to automatically turn on as the natural light deteriorates and switch off after 2 hours or at 7pm (whichever is sooner) would offer a reasonable compromise of greater access to the area without interfering unduly with the lifestyle of local residents.

2. We would value a water tap, bubbler and appropriate drainage installed in the "Speakers Corner".

In summer this is the most shaded area of the park and most dog owners choose to sit on the seating kindly provided by Council, out of concern for our dog's welfare buckets of water

GB.3	2003 To 2007 Management Plan, 4th Quarter Review For The Year Ended 30 June 2004	50
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File: S02394

To report to Council the year end status of Key Performance Indicators as contained in Council's 2003 to 2007 Management Plan.

Recommendation:

The 2003 to 2007 Management Plan status report be received and noted.

GB.4 **Five Year Footpath Program 2004 To 2009** 127

File: S02627

To seek Council's approval of a Five Year Rolling New Footpath Program and the carry forward works from 2003/04.

Recommendation:

To seek Council's approval of the 2004/2005 Footpath Program and the draft 2005/2009 Rolling New Footpath Program.

GB.5 RTA Project Nominations For 2005/2006 136

File: S2388

To advise the Roads and Traffic Authority (RTA) of Council's project nominations for the financial year 2005/2006 in the RTA program areas.

Recommendation:

That Council nominates the list of projects identified in this report for Roads and Traffic Authority Projects in Financial Year 2005/2006.

GB.6 Analysis Of Land & Environment Court Costs 2003/2004 144

File: S02466

To report on Council's financial liability on legal matters before the Land & Environment Court for the financial year ended 30 June 2004.

Recommendation:

That the analysis of Land & Environment Court costs for the financial year 2003/2004 be received and noted.

GB.7 NSW Department Of Local Government Comparative Data 2002/2003 172

File: S02779

To present to Council an analysis of the NSW Department of Local Government Comparative Data Report for 2002/2003.

Recommendation:

That Council receive and note the analysis of Department of Local Government 2002/2003 Comparative Data.

GB.8 Draft Financial Statements For The Year Ended 30 June 2004 176

File: S03611

To present to Council the Draft Annual Financial Statements for the year ended 30 June 2004 for certification and referral to Council's external auditors, Spencer Steer.

Recommendation:

That Council receive, certify and refer the Draft Financial Statements for the year ended 30 June 2004 to Council's external auditors Spencer Steer.

GB.9 Heritage Nomination - Request To Prepare Local Environmental Plan 180

File: P56728 P52770

For Council to consider the heritage status of two properties - 27 Richmond Avenue and 400 Mona Vale Road, St Ives and to determine whether the two properties should be included in the Pettit and Sevitt Display Village heritage group in St Ives.

Recommendation:

That Council prepare a Local Environmental Plan (LEP) to include the properties in the Pettit and Sevitt heritage group and prepare a Draft LEP (LEP29) to include the properties in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

GB.10 Ku-ring-gai / Hornsby Council - Changes To Existing Section 88B Instruments 350

File: S03518

To advise Council of variations required to be made to Section 88B Instruments relating to certain properties formally within the Ku-ring-gai Local Government area which were transferred to Hornsby in 1997 and vice versa.

Recommendation:

That Council approve the variation to the records and authorise the affixing of the Common Seal of Council to all necessary documents.

File: S02186

To advise Council of a request from the Combined Churches of Ku-ring-gai to participate in the Carols in the Park event in December 2004.

Recommendation:

- A. That Council grant the \$10,000 that has been budgeted in the 2004/05 budget to the Combined Churches of Ku-ring-gai to enable the Carols in the park to continue for 2004.
- B. That the Combined Churches of Ku-ring-gai take responsibility for the organisation and payment of the venue, the portable toilets, the garbage collection, the chairs and trestle tables, and sound and stage lighting.
- C. That the Combined Churches of Ku-ring-gai take responsibility for the production and printing of all advertising materials and booking of banner sites for Carols in the Park.
- D. That the Combined Churches take responsibility for the liaison with and organising of community and commercial groups that participate in the Carols in the Park.
- E. That Council transfer funds budgeted for the Carols in the Park 2005 to the Financial Assistance Program for 2005/06, and invite the Combined Churches of Ku-ring-gai, along with any other community groups, to apply for funding to assist with their events in 2005/06.

File: S03209

To have Council consider Draft Local Environmental Plan No 200 (DLEP 200) and the public submissions received in response to its re-exhibition.

Recommendation:

That Council adopt the final format of Draft Local Environmental Plan No 200 and forward it to the Minister requesting its gazettal.

File: S02646

To provide Council with an update on the Centenary of Local Government activities and to have Council determine future projects to celebrate 100 years of local government in Ku-ring-gai.

Recommendation:

That Council approve the expenditure of \$50,000 to commence a research project on the first 100 years of local government in Ku-ring-gai.

GB.14 Local Government Association Conference 2004 392

File: S02132

For Council to determine its delegates to the 2004 Local Government Association Conference.

Recommendation:

That Council determine its elected delegates and the General Manager accompany elected representatives to the Conference.

GB.15 Heritage Assessment - Camellia Grove Nursery 238 - 240 Mona Vale Road, St Ives 400

File: P52812

To report to Council on the heritage assessment of Camellia Grove Nursery 238-240 Mona Vale Road, St Ives.

Recommendation:

That the Camellia Grove Nursery 238-240 Mona Vale Road, St Ives not be listed as a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance. That Council request the owners to undertake archival recording of the site to Heritage Office guidelines for local significance in its current ownership. That the owners be notified of Council's decision.

GB.16 Investment Cash Flow & Loan Liability As At 31 July 2004 403

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for July 2004.

Recommendation:

That the summary of investments, daily cash flows and loan liability for July 2004 be received and noted.

GB.17 Kokoda Track Memorial Project 411

File: S02092

To advise Council of the progress of the Kokoda Track Memorial project, and to seek Council approval for the construction of a memorial in Kokoda Avenue, Wahroonga.

Recommendation:

- A. That Council approve the construction of a memorial on Kokoda Avenue, Wahroonga as per the attached plan, subject to the Kokoda Track Memorial Committee providing sufficient funding for the memorial.
- B. That a formal notification process of affected residents be conducted.

GB.18 Status Report On Development Assessment

418

File: S02445

To report to Council on the progress made to date in strategies and actions to reduce the DA backlog and to report on the positive reforms implemented within the Development Assessment Section since October 2003.

Recommendation:

That the report of the Director of Environment and Regulatory Services and the General Manager regarding the status of Council's Development Assessment Section be received and noted.

GB.19 UTS Site, Lindfield - Heritage Significance Assessment

496

File: S03621

To have Council consider an independent Heritage Assessment of the UTS Ku-ring-gai Campus.

Recommendation:

That Council prepare a new Draft LEP to include the site as a heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. That due to its assessed State level of heritage significance, nominate the UTS Lindfield site to the NSW Heritage Council for inclusion in the State Heritage Register.

GB.20 2 & 4 Eton Road and 205 Pacific Highway, Lindfield - Demolition Of Three Existing Dwellings And Construction Of 2 X 3 Storey Residential Flat Buildings Comprising 21 Units And Connected By A Common Basement Carpark Containing 35 Car Parking Spaces

524

File: DA328/04

Ward: Roseville

Applicant: Adavale Investments Property Limited

Owner: Adavale Investments Property Limited

Determination of a development application for the demolition of three existing dwellings and construction of 2 x 3 storey residential flat buildings comprising 21 units and connected by a common basement carpark containing 35 car parking spaces.

Recommendation:

Approval

GB.21 Open Space Capital Works Program

591

File: S03021

To recommend to Council the Open Space Capital Works Program following adoption of Council's Management Plan,

Recommendation:

The projects outlined in this report form the projects for the 2004/2005 Open Space Capital Works Program. That funds from the swimming pool reserve be used to fund the Pool Feasibility Study and a review of capital works prioritisation process be undertaken prior to the development of planning for the 2005/2006 capital works program. Council's matching funding for the St Ives Showground Conservation Plan be identified and reported to Council, should the Greenspace Grant be successful.

GB.22 12 Month Review Of Trial - Gordon Golf Club - Additional Tee Access

621

File: P05679

To advise Council of the review of the relevant information relating to the future of off peak additional tee access by Gordon Golf Club members.

Recommendation:

That Council grant a separate licence to the Club for concessional green fees for Club members in off peak course usage periods during Monday - Friday.

GB.23 2003/2004 Budget Review 4th Quarter Ended June 2004

629

File: 01/0975

To present to Council the quarterly financial review for the year ended 30 June 2004.

Recommendation:

That Council receive and note the contents of this report.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

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

- C.1 **Tender - Recycling Materials** 1
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: S03185

Report by Director Technical Services dated 9 August 2004.

Brian Bell
General Manager

** ** *

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. *Matters for consideration - general*
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
 - a. *The provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. *any development control plan, and*
 - iv. *any matters prescribed by the regulations,*
that apply to the land to which the development application relates,
 - b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - c. *the suitability of the site for the development,*
 - d. *any submissions made in accordance with this Act or the regulations,*
 - e. *the public interest.*

MAYORAL MINUTE

VALE IVOR FORSYTH WYATT OBE

It was with sadness that we learned of the passing of Ivor Forsyth Wyatt OBE on Sunday 1 August 2004 at the age of 88.

Born in Sydney on 26 October 1915, Ivor Wyatt was a resident of Ku-ring-gai since 1926. He enlisted in the Australian Army on 3 April 1941 and was discharged in November 1944 at the Rank of Staff Sergeant with the 16th ATT Battalion. At the conclusion of his war service, Ivor became involved in the St Ives-Pymble Community Centre Fund Committee which recommended that Council acquire the 8.6ha (20 acre) site known today as the St Ives Village Green – a living tribute to the foresight of earlier St Ives residents.

Ivor Wyatt's interest in the Village Green resulted in his representing the St Ives Progress Association on the 1993-formed, St Ives Village Green Advisory Committee. He was a proud St Ives resident, and was known to the local community as "Mr St Ives".

Mr Wyatt was an active member of the National Trust since 1947. Ivor was Hon. Secretary from 1952 to 1969 when he was elected President, stepping down from that office in 1973 to become Vice-President until 1976. In all, he worked for 51 years in an honorary capacity for the National Trust and was appointed an Honorary Life Member of the Trust in 1959, continuing to serve on Trust committees until 2003.

Ivor Wyatt wrote "Ours in Trust": a personal history of the National Trust of Australia (NSW), which was published in November 1987.

Ivor's name first appeared in the minutes of the St Ives Progress Association in 1948, serving as President from 1950 to 1954, and again in 1976 and from 1985 to 1990. He also served as Hon. Treasurer from 1965 to 1990.

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Item 1

S02791
18 August 2004

On Australia Day 1998, Ivor Wyatt, at the age of 82, was further honoured, being jointly named with Killara resident George Broadbent, as Citizen of the Year. Later in the same year, in recognition of Ivor Wyatt's contribution to the Ku-ring-gai community, Council dedicated to him and named in his honour, a piece of land located at the corner of Link and Mona Vale Roads, St Ives, "The Ivor Wyatt Reserve".

These were just a few of Ivor Wyatt's achievements.

Ivor Forsyth Wyatt OBE was a very proud Australian and is survived by his wife of 50 years, Mabel Wyatt, his sister, Mrs Lynette Lee and his son Clinton Wyatt.

RECOMMENDATION

- A. That Council acknowledge the contribution to the Ku-ring-gai community and the community at large, made by Ivor Wyatt OBE; and
- B. That Council pass on to Mr Wyatt's family its sincere condolences together with a copy of this Mayoral Minute.

Cr Adrienne Ryan
Mayor

PETITION

PETITION TO REQUEST MORE BIKE TRACKS IN ST IVES - THIRTY-TWO [32] SIGNATURES

Letter from Jasper Ludewig:

I am a 13 year old bike rider who is extremely enthusiastic about my hobby. This passion is also if not more reflected by the surrounding riders which dominate the Sydney riding community. To give you an idea of the extent to which bike riding rises, here is a list of all the extremely successful riders located around St Ives.

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Mick Ross: The foundation of bike riding in St Ives, an extremely nice and talented rider who is now sponsored for the 2004 race season and of course the funniest guy in St Ives.

Hugh Mansfield: St Ives Cycles employee, placed 3rd at Mount Beauty in the Nationals and was also crowned "King of the Hill" in last year's Inter Schools competition.

Niki Gudex: One of Australia's fastest bike riders, who is to try out for the upcoming Olympic Games.

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I think the bike riding community around the St Ives area deserves better. Warrimoo, our most popular trail in St Ives has recently been flattened and West Pymble's jumps and obstacles have also been demolished. In the North Shore Times I saw an article saying 'Pymble bike riders please refrain from riding near the ovals, we will facilitate your needs'. I still have not seen any change. If you take the time to look at the attitude of riders you will definitely find that we are easygoing, polite to walkers, courteous and we do not start arguments or disputes. We are all out there to win the 'lolly' and consequently we need the facilities to practise.

Just like soccer players have soccer fields, golfers have golf courses, skaters have the bowl and tennis players have tennis courts, bike riders should have bike parks, as bike riding is an extremely recognised sport. Just take a look at Farkin.net, mtba.asn.au, 26inches.com.au. These sites are only a tiny minority of the endless sites that are out there. A local newsagent will most probably have 2 or more bike riding magazines in stock.

Item 1

S02025
12 August 2004

Other than hanging around shopping centres and getting up to no good we go riding, with mates, we are in touch with the bush and are environmentally friendly as we do not want our bush to deteriorate, otherwise we cannot ride any more. We are not asking for a city block to be ripped down or for the world to be stopped, we are asking for a simple space which, with your help, we can turn into an appropriate and sufficiently facilitated bike park. This will abolish the ongoing demolition and rebuilds of both sides of the argument, your demolition our rebuilds. Let's not play stalemate, let's work together to achieve a victory to please us both.

Attached are a few signatures of the parents and riders who support this idea and think words should be put into actions.

RECOMMENDATION

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

PETITION

KISSING POINT VILLAGE GREEN, VERNON STREET, SOUTH TURRAMURRA - REQUEST FOR WORKS (FIFTY-NINE [59] SIGNATURES)

We the undersigned users of the off-leash dog exercise area of the Kissing Point Village Green Vernon Street, South Turramurra, known collectively as the Kissing Point Companion Animal Social Group wish to express our thanks for the fencing, rubbish bins, seating, drinking fountain and shade trees already provided by Council primarily at your instigation. As you are aware the area is extremely popular with dog owners and others with an interest in dogs, some of whom travel a considerable distance to take advantage of the amenities.

This group has made considerable efforts on its own behalf to encourage dog owners to use the facilities responsibly by putting up signs encouraging people to pick up their dog droppings, and providing a dispenser and plastic bags for this purpose. In addition we verbally “remind” owners of their responsibilities for this and for control of any antisocial behaviour displayed by their dogs. We have provided drinking bowls for the dogs to use at the tap, and place lost balls etc on top of the electrical cabinet where they can be easily found.

Having now used the area for a number of years our experience shows that it could be improved even more by the provision of additional facilities:

1. It would be greatly appreciated if the area could be lit.

In winter many people with full-time jobs are unable to exercise their dogs until after sunset. The area is then in darkness making it hard to supervise dogs and pick up their droppings as required. The darkness also makes some owners, in particular the elderly and single individuals feel insecure.

We believe that strategically installed lighting, positioned to cause no inconvenience to local residents of housing, set to automatically turn on as the natural light deteriorates and switch off after 2 hours or at 7pm (whichever is sooner) would offer a reasonable compromise of greater access to the area without interfering unduly with the lifestyle of local residents.

2. We would value a water tap, bubbler and appropriate drainage installed in the “Speakers Corner”.

In summer this is the most shaded area of the park and most dog owners choose to sit on the seating kindly provided by Council, out of concern for our dog’s welfare buckets of water are carried from the tap on the other side of the park and left in the shaded area for the dogs to drink, we humans collect and carry water in bottles for our own use.

Item 2

S03670
18 August 2004

A suitably drained vandal resistant tap and bubbler similar to the one installed at the other side of the park located in the vicinity of “Speakers Corner” would be of great benefit, the group is happy to provide dog drinking containers as we have at the existing tap.

We trust that as the elected representative of this area, you will submit our request to Council in the appropriate manner, and vigorously pursue its timely implementation.

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

<i>REPORT TITLE:</i>	18C SAIALA ROAD, KILLARA - FLOODLIGHTING OF TENNIS COURTS AT ALLAN SMALL PARK
<i>WARD:</i>	Gordon
<i>DEVELOPMENT APPLICATION N^o:</i>	169/04
<i>SUBJECT LAND:</i>	18C Saiala Road, Killara
<i>APPLICANT:</i>	Ku-ring-gai Council (Open Space Services)
<i>OWNER:</i>	Ku-ring-gai Council
<i>DESIGNER:</i>	Premier Lighting and Electrical Pty Ltd
<i>PRESENT USE:</i>	Tennis Courts
<i>ZONING:</i>	Open Space 6a
<i>HERITAGE:</i>	No
<i>PERMISSIBLE UNDER:</i>	Ku-ring-gai Planning Scheme Ordinance
<i>COUNCIL'S POLICIES APPLICABLE:</i>	Ku-ring-gai Planning Scheme Ordinance
<i>COMPLIANCE WITH CODES/POLICIES:</i>	Yes
<i>GOVERNMENT POLICIES APPLICABLE:</i>	SEPP 19 – Urban Bushland
<i>COMPLIANCE WITH GOVERNMENT POLICIES:</i>	Yes
<i>DATE LODGED:</i>	23 February 2004
<i>40 DAY PERIOD EXPIRED:</i>	3 April 2004
<i>PROPOSAL:</i>	Floodlighting of Tennis Courts at Allan Small Park
<i>RECOMMENDATION:</i>	Approval

Item 1

DEVELOPMENT APPLICATION N^o	169/04
PREMISES:	18C SAIALA ROAD, KILLARA
PROPOSAL:	FLOODLIGHTING OF TENNIS COURTS AT ALLAN SMALL PARK
APPLICANT:	KU-RING-GAI COUNCIL (OPEN SPACE SERVICES)
OWNER:	KU-RING-GAI COUNCIL
DESIGNER	PREMIER LIGHTING AND ELECTRICAL PTY LTD

PURPOSE FOR REPORT

To determine an application by Council for the floodlighting of tennis courts at Allan Small Park.

EXECUTIVE SUMMARY

Issues: Illumination, noise and traffic generation.

Submissions: Five written submissions received.

Recommendation: Approval.

HISTORY

Allan Small Park tennis courts are used for casual play, regular coaching, school practice and competitions and social tennis groups. At present, the location does not have lights and therefore is available for hire only until 5pm during winter and until 8pm during summer.

Ku-ring-gai has 71 Council tennis courts across 20 locations, however, only 3 have floodlights allowing extended evening usage. The need for additional lit tennis courts and in, particular, locations with more than two courts and synthetic grass surfaces was identified in the Tennis Court Business Plan prepared in August 2002. As a result, Allan Small Park was identified as one of the most suitable locations for lighting, due to its geographical location, being below the surrounding residential properties, its layout of four courts and the fact that it has both synthetic and acrylic courts.

Council allocated capital funding for the project in the 2003/2004 Management Plan and additional funding has been sought from the NSW Department of Sport and Recreation.

Further recognition was given to the need to increase the number of tennis courts with floodlighting in Council's Strategic Plan for Sportsfield/Courts in Ku-ring-gai (1997).

Subject DA

A meeting to discuss the application was held with interested residents on 24 June 2004 and attended by 3 residents. The main issues raised by residents at this meeting related to noise

Item 1

generated by the extended use of the tennis courts during evening hours. Residents felt that the poor condition of the carpark contributed to noise generated by cars turning on gravel. Other concerns included the impact of light spill to their properties, misuse of energy due to frivolous use of the lights via the proposed push-button system and inadequate carparking in the area for the facility. These issues are responded to in the body of this report. The issues raised are not considered sufficient to justify refusal of the application.

THE SITE & SURROUNDING DEVELOPMENT

Zoning:	Open Space 6a
Lot Number:	8
DP Number:	978755
Side of Street:	Northern
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	Yes (Category 2 Bush Fire Prone Vegetation)
Endangered Species:	Yes
Urban Bushland:	Yes
Contaminated Land:	No

The subject site is known as Lot 8, DP 978755 being 18C Saiala Road, Killara.

The site currently contains four tennis courts, two with a synthetic grass surface and two with an acrylic surface. In addition, at the location there is an enclosed playground, tennis practice wall, half court basketball court, amenities and a sportsground, used for soccer during winter and for cricket in the summer.

The tennis courts and sportsground are surrounded by residential properties to the north, south and west. The surrounding dwellings sit above the height of the tennis courts and sportsground.

On-site parking is available for 40 cars.

THE PROPOSAL

The development proposes to install four 12m high lighting poles fitted with 1 Phillips Opti Vision 2kW metal halide floodlights, and two 12m high lighting poles fitted with two Phillips Opti vision 2kW metal halide floodlights.

The objective of installing new floodlighting is to allow for the playing of recreational tennis and coaching in the evenings.

Details of the physical works proposed are as follows:

- Excavation for and installation of six cast in-situ concrete column foundations, certified for their structural adequacy.
- Installation of six new 12m high galvanised steel columns

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- Installation of eight Philips Opti vision 2kW Floodlights, one per pole on four poles and two per pole on the two central poles; complete with lamp and control gear.
- Underground cabling from the switchboard to the six columns
- Aiming and commissioning of the system to ensure compliance with Australian Standards 4282 and 2560.

It is also proposed to extend the use of tennis courts to 10.00pm seven days a week throughout the year.

CONSULTATION - COMMUNITY

The application was notified in accordance with Council's Notifications Policy on 16 April 2004. In response, the following submissions were received:

1. Mr and Mrs Ching of 39 Saiala Road
2. Geoff Smith of 11 Redfield Road
3. Mr and Mrs Jeremy of 5-7 Redfield Road
4. Mr and Mrs Fung of 15 Redfield Road
5. Mr and Mrs Silman of 13 Redfield Road

Resident meeting date 24 June 2004

Residents who made submissions to the development proposal were invited to attend a meeting to discuss the development proposal and their concerns.

The meeting was attended by:

1. Mr R Jeremy of 5-7 Redfield Road
2. Mr M Kiprioti of 37 Saiala Road
3. Mr G Silman of 13 Redfield Road

Those issues raised by residents in writing and at the resident meeting, are discussed below:

Residents currently enjoy quiet nights and are accepting of existing noise during daylight hours on weekends. Noise from tennis, conversations, shouting and nearby basketball court would be intrusive and unacceptable on week nights after 10pm.

The application proposes a 10pm finishing time 7 days a week. This is the same as other floodlit sporting facilities in the area.

Carpark is in poor condition and requires re-sealing as spinning and screeching of car wheels is an issue. Past repairs on the carpark have been inadequate.

The erection of the floodlighting does not alter the existing conditions of the carpark

Concerns regarding the impact of the lighting on residents

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The lights are designed to shed light downward such that the impact of illumination on residences located at a considerable height above the valley, and distance from the light poles, will be minimal. In addition, the design and installation of the lighting is to be in accordance with the following Australian Standards:

1. AS2560 – “Lighting for outdoor Tennis Courts”
2. AS4282 – “Control of the Obtrusive Effects of lighting”

Compliance with AS4282 will reduce the potential for illumination impacts on adjoining properties. **(Condition No.6)**

Concern regarding the timing of the lights and possibility of misuse and wasted energy when users are not present.

A new system of controlling this aspect is being investigated by Council’s Open Space Planners, however, at this stage, a push button system is proposed.

There is an existing problem of carparking shortage, particularly at weekends, and the number of car spaces in the carpark is inadequate.

The provision of floodlighting to the courts will extend the use of the tennis court at night time. The extended use is not likely to create further pressure on the carpark.

Residents requested a lighting trial so that they could fully understand the implications of the development on them

Council’s officers investigated the feasibility and cost of undertaking such a trial. It was found that the cost of this trial was prohibitive to the project.

The operating times of the lights to be until 9pm (10pm is too late)

This has been considered but it unduly restricts the tennis coaching activities, 10pm is considered reasonable.

CONSULTATION - WITHIN COUNCIL

Consultation within Council was not considered necessary.

STATUTORY CONSIDERATIONS

State Environmental Planning Policy No 19

SEPP 19 (Bushland in Urban Areas) is the only State Environmental Planning Policy applying to the subject site.

Council officer Peter Davies, Manager of Catchments and Open Space Sustainability, has considered any likely impacts and formed the view that, as the development is occurring in a

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sportsground, it should not have any impact. Although it is adjacent to bushland, the development is not likely to affect it significantly. The only issue might have been light spill, however, the location of the courts in conjunction with the design of the lights is such that any light spill at the bushland interface will be minimal. Additionally, as the times that the lights will be operational is limited to no later than 10pm, this further reduces any impacts from the lights.

Ku-ring-gai Planning Scheme Ordinance

The proposal is a permitted use within the relevant zone (ie Open Space 6(a) pursuant to the Ku-ring-gai Planning Scheme Ordinance) as a Utility Installation. Council's development consent is required (Column III of clause 23 of KPSO).

LIKELY IMPACTS

The key potential impacts are:

- Light spill to adjoining properties. There will be some light spill but it is designed to be minimal (Further detail on this issue is provided below);
- Additional noise from cars using the carpark associated with the facility. This carpark has a gravel surface and wheels turning on this surface generates noise;
- Additional noise from use of the tennis courts during the extended evening hours

- **Lighting details and impacts**

In 2003, Standards Australia reviewed their recommended light levels for sports lighting - part 2.1 Lighting for Outdoor Tennis Courts. In addition to applying Australian Standard 2560 part 2.1 in relation to the levels of light recommended for club competition and commercial courts, the design of this development has also taken into account Australian Standard 4282, for the control of obtrusive light.

AS 4282 recommends that residential areas be considered in three ways when assessing lighting installations:

1. Light surrounds or dark surrounds
2. The size of the area to be illuminated
3. The level of control - Level 1 and Level 2. Control Level 1 is determined as being appropriate where the "existing environment is of high quality, where abutting properties are close to the installation, where they are residential in nature, where the existing ambient light levels are low and where the community requires the best available environmental safeguards to be applied. Control level 1 is clearly applicable in the circumstances. (Control level 2 permits range of lighting techniques which throw light to a greater height and distance. It is not suitable for an environmentally sensitive area).

In addition, in AS 4282 there are two other components relevant for consideration in the circumstance of this case.

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1. Illuminance in the vertical plane measures the amount of illumination in a vertical plane parallel to the boundary of adjacent residential properties. In locations assessed as having “dark surrounds” the vertical illuminance should not exceed 10 lux pre-curfew and 1 lux post-curfew. Pre-curfew is generally recognised as being as nominated by the local Council or say 11pm.”
2. Luminous Intensity, measures the intensity of the light emitted towards neighbouring properties, generally considered as the “light spill”. Level 1 control sets a maximum intensity of 7,500 candela (cd) for this component.

The recently imposed lighting standards represent significant improvements to court lighting in relation to lighting spill and glare compared to previously regarded norms. The contractor, Premier Lighting and Electrical Pty Ltd, has confirmed with Council’s Open Space Planner that the lighting design complies with both of the above standard, consequently, the amenity provided to surrounding residential properties will be maintained.

- **Access, Transport and Traffic**

The site is not currently used in the evenings after 5pm from April to October as it is not lit. It is used currently in the evenings during summer when there is sufficient daylight to play.

It is recognised that installing lights will increase the use of the tennis courts throughout the year. The location has off street parking for 40 cars. It is not anticipated that an increase in evening use will have a significant impact on the traffic or access in the area, beyond that which currently exists during the daytime.

- **Noise and Vibration**

The installation of lighting for the tennis courts will increase the level of use of the facilities and, as a result, noise generated by users will extend further into the night. The noise impact is not considered unreasonable for the location.

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

The site is not within a wilderness area nor in an area of critical habit.

The site can be adequately landscaped and conditions relating to soil erosion can be imposed. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

1. Suitability of The Site

This site is considered suitable for the proposed development.

2. Any Submissions

All submissions have been addressed earlier in this report.

3. Public Interest

Approval of the application is considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

There are no other relevant matters.

CONCLUSION

The proposal is consistent with Council's adopted Strategic Planning objectives in this area, that being the Tennis Court Business Plan and the Strategic Plan for Sportsfields/Courts in Ku-ring-gai. These documents have been developed after considerable community consultation. Additionally, Council has identified funding for this project in the 2003/2004 Management Plan.

The design of the proposed floodlights has been developed to gain the greatest benefit from the lighting on the tennis courts, with the least impact on neighbouring properties from light spill.

The proposed works are consistent with the existing land use of the site. As the proposed light poles are 12m in height, Premier Lighting and Electrical Pty Ltd has indicated that this will allow a more exact angling of the light, reducing glare and the potential for widespread light spill.

It is anticipated that an increase in evening use will not have a significant impact on the traffic and parking situation in this area.

The proposed lighting works will improve the facilities to an acceptable standard for public recreational opportunities at the tennis courts and increase the number of facilities in the local government area available for the community to use.

The application has been considered under the various relevant matters for consideration under section 79C of the Environmental Planning and Assessment Act and is considered satisfactory.

RECOMMENDATION

- A. That Development Application DA169/04 for the floodlighting of Allan Small Park at 18C Saiala Road, Killara by Council's Parks, Sports and Recreation Section as shown on plan Nos AST CL SK-1, dated February 04, drawn by PLA.KC.AW, be approved for a period of 2 years, subject to the following conditions:

GENERAL CONDITIONS

1. The lighting structures are to designed and erected in accordance with the provisions of the Building Code of Australia.

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

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

3. 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.
4. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
5. The operation of the lighting is to cease at 10pm in order to prevent an illumination nuisance to surrounding residential properties.
6. The lighting is to be designed and installed in accordance with the following Australian Standards in order to reduce the obtrusive effects of lighting.
 - a. AS 2569 – “Lighting for Outdoor Tennis Courts”
 - b. AS4282 – “Control of the Obtrusive Effects of Lighting”.

CONDITIONS TO BE COMPLIED WITH PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

7. 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.

8. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

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- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO COMMENCEMENT OF WORK

- 9. 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.

BUILDING CONDITIONS

- 10. 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.
- 11. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
 - a. Any pier holes and/or foundation material.
 - b. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - c. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - d. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

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U Lang
**Executive Planner –
Gordon Ward**

M Prendergast
**Manager
Development Assessment
Services**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Location Plans
Project Plans**

REZONING OF B2 ROAD RESERVATION, WAHROONGA - SOUTH TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To update Council on progress and recommendation for formal exhibition of Draft Local Environmental Plan No 201 (DLEP201), Rezoning of the Abandoned B2 Road Corridor between The Comenarra Parkway, Wahroonga and Kissing Point Road, South Turramurra.

BACKGROUND:

The rezoning application was submitted to Council on behalf of the Department of Infrastructure, Planning and Natural Resources and Roads and Traffic Authority. The submission was publicly exhibited for initial comment from 10 September 2003 to 10 October 2003. A report was considered by Council on 16 December 2003 detailing the application and preliminary feedback and initial analysis (Attachment D). A Council inspection and meeting of the B2 consultative committee has also been held.

COMMENTS:

It is generally considered appropriate that the County Road reservation be removed and replaced with the appropriate zonings under the Ku-ring-gai Planning Scheme Ordinance.

RECOMMENDATION:

That the revised DLEP201 for the former B2 Road Reservation Corridor be placed on formal public exhibition. That DLEP201 be exhibited in accordance with the Best Practice Guidelines for LEPs relating to Council owned land.

PURPOSE OF REPORT

To update Council on progress and recommendation for formal exhibition of Draft Local Environmental Plan No 201 (DLEP201), Rezoning of the Abandoned B2 Road Corridor between The Comenarra Parkway, Wahroonga and Kissing Point Road, South Turramurra.

BACKGROUND

The B2/B3 Road Corridor extends for 4.3 kilometres from Pearces Corner, Wahroonga to Kissing Point Road, South Turramurra. This proposal only covers the section of the Corridor extending from south of the Comenarra Parkway, Wahroonga to Kissing Point Road, South Turramurra.

The abandoned road corridor passes through residential areas, bushland and open space. The Road Corridor is currently reserved as “County Road Proposed” under the Ku-ring-gai Planning Scheme Ordinance. The proposal seeks to rezone some of this land to Residential 2(c) and Residential 2(b) to permit residential development. It also seeks to maintain bushland and open space through an Open Space 6(a) zoning of the remainder of the Corridor lands.

The application was submitted on 1 August 2003 and put on preliminary exhibition from 10 September 2003 to 10 October 2003 to seek initial comments from the public, before Council assessment. A report went to the meeting of Council on 16 December 2003 detailing the application and preliminary feedback and initial analysis (Attachment C).

At the meeting of 16 December, 2003 Council resolved the following:

- A. *That the Director of Planning and Environment prepare a Draft Local Environmental Plan for the road reservation corridor between The Comenarra Parkway, Wahroonga and Kissing Point Road, Turramurra in consultation with appropriate staff from Council's other Departments.*
- B. *That when prepared, the Draft Local Environmental Plan be the subject of a report to Council for consideration as to whether it should be placed on statutory public exhibition.*
- C. *That the Department of Infrastructure Planning and Natural Resources be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act.*
- D. *That Council resolve to notify those that made submissions of Council's resolution of this meeting.*
- E. *That Council resolve to advise the public of the future report to Council and accompanying Draft Local Environmental Plan.*
- F. *That prior to and if necessary during preparation of the draft Plan, Council consult with the B2/B3 Corridor Lands Consultative Committee.*

G. That there be a site inspection for Councillors and staff.

COMMENTS

It is generally considered that the preparation of an appropriate Draft Local Environmental Plan is desirable to see the defunct freeway reservation removed from the Planning Scheme map. It is appropriate that the reservation be removed and replaced with appropriate local zonings. Single residential housing and open space zonings are considered the most suitable zones within the context of surrounding development. In some locations, changes to the zoning recommended in the original submission have been made.

CONSULTATION

During the original preliminary consultation for the proposal the following key issues were raised in the submissions:

- loss of flora and fauna and inconsistencies in the flora and fauna assessment report.
- high bushfire risk in the area and consequent evacuation routes
- pedestrian, vehicular access and increased traffic and concerns about loss of walking tracks and open space including the horse paddock.

(These issues were discussed in detail in the Officers Report to Council 16 December, 2003)

Attachment D. In addition on 21 April 2004, a meeting was held with the B2/B3 Corridor Lands Consultative Committee. Attendees included representatives of the Committee, Councillors and staff.

A presentation was given to attendees and discussion took place between summaries of each of the Precincts. The major concerns were as follows:

- Loss of area designated as a wildlife corridor and overall open space connectivity as a consequence of residential development;
- Ownership and management of asset protection zones and the preference for Council to be responsible for maintenance;
- Some areas proposed for Residential 2(c) zoning contain good bushland which should be preserved (especially Precincts 10(a) and 10(b);
- Decrease in parking availability in Barwon Avenue (for the netball courts) after residential development is undertaken;
- Areas which are currently cleared are acceptable for development, however undisturbed bushland should remain intact;

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- The Flora and Fauna Study submitted to Council was not necessarily representative of what has been observed by local residents

These matters have been taken into account during the preparation of Draft Local Environmental Plan 201. The Committee will have another opportunity to comment during the formal public exhibition of Draft LEP 201.

In June 2004 Staff met with officers from DIPNR seeking their views on the proposed changes and it is recommended that Council proceed to exhibition of the Draft LEP.

FINANCIAL CONSIDERATIONS

The financial considerations specific to the issue of the preparation of a proposed LEP and its finalisation relate to staff resources and advertising. These are covered by the rezoning fee.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Following consultation with Open Space and the Traffic and Transport Section of Technical Services, changes to the zoning recommended in the application are proposed. In essence, much of the proposed rezoning is agreed with, however there are some parts of the corridor identified for residential zoning which should be rezoned to Open Space. Below is the proposed rezoning of each 'Precinct' as per the application received by Council, followed by recommendations from internal consultations with justifications and taking into account the initial public submissions.

This should be read in conjunction with Attachments A and B.
Attachment A is a map showing the applicants' proposed rezoning of the corridor, while Attachment B is Council staff's recommended zoning for comparison.
Attachment C is a map displaying ownership and classification of the land within the road reservation.

Precinct 7 (Comenarra Parkway – Kiogle Street)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

Residential 2(b) under the Ku-ring-gai Planning Scheme Ordinance proposed for entire Precinct.

Recommendation:

The northern row of allotments fronting Comenarra Parkway should be left undisturbed and rezoned Open Space (6a) "Recreation Existing".

The southern row of allotments fronting Kiogle St should be rezoned Residential 2(c) to allow development for residential purposes with the zoning being consistent with the Residential 2(c) zone of adjoining residential property.

Precinct 8 (Kiogle Street – Eurong Street)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

Residential 2(c) proposed for land between the southern side of Kiogle Street and the northern side of Eurong Street.

A sliver of land proposed for Open Space 6(a) “Recreation Existing” adjoining with the bushland of Precinct 9 at Eurong Street.

It should be noted that land between the southern side of Kerela Avenue and the unmade part of Eurong Street requires an Asset Protection Zone due to its bushfire prone land classification.

Recommendation:

The entire precinct is suitable for Residential uses and is recommended to be rezoned as residential 2(c), with the exception of the open space strip at Eurong Street.

However, it is inhabited by significant intact individual and groups of Angophora and Turpentine trees, housing possums and cockatoos. For this reason, consideration must be given at the development application stage to protect the trees and vegetation that are identified as significant.

Precinct 9(a) (Eurong Street – Field of Mars Avenue)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

Proposed to be zoned Open Space 6(a) “Recreation Existing”.

Recommendation:

Open Space 6(a) “Recreation Existing”.

Precinct 9(b) (Field of Mars Avenue – Canoon Road)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

Proposed to be zoned Open Space 6(a) “Recreation Existing”.

Recommendation:

Open Space 6(a) “Recreation Existing”.

Precinct 10(a) (Canoon Road – Warner Avenue)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

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It is proposed that north of Canoon Road, the area within the Precinct should be zoned Open Space 6(a) "Recreation Existing".

It is proposed that the Precinct south of Canoon Road be zoned Residential 2(c).

An Asset Protection Zone is suggested fronting Canoon Road from the southern block of Precinct 10(a).

Recommendation:

Proposed to be zoned Open Space 6(a) "Recreation Existing" north of Canoon Road.

South of Canoon Road could be rezoned to Residential 2(c) in so far as the current bush landscape is not of considerable environmental value to warrant an open space zone when compared to other areas of the rezoning proposal.

Precinct 10(b) (Warner Avenue – Chisholm Street)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

It is proposed that the entire Precinct be rezoned to Residential 2(c).

Recommendation:

That the area North of Hall Street be rezoned Residential 2(c), including the horse paddock (D.P. 746618, Lots 1,2,3).

Note: The triangular shaped land south of Hall Street and west of Chisholm Street is classified as transitional Duffy's Forest. This bushland is regarded as having moderate maintenance importance. Following discussion with Open Space, this bushland could be offset in order to protect the vital natural bushland of Precinct 7 and Precinct 11. This area should be zoned as Residential 2(c).

Precinct 11 (Chisholm Street – Kissing Point Road)

Proposed zoning by Department of Infrastructure, Planning and Natural Resources / Roads and Traffic Authority:

The application proposes that the land making up Kissing Point Oval and a small segment of Sir David Martin Reserve be zoned Open Space 6(a) "Recreation Existing".

Two parcels of residential land fronting Chisholm Street and Paroo Place are currently zoned Residential 2(c) and part Reservations (a) – "County Road Proposed". It is proposed that those segments protruding slightly into the corridor be rezoned Residential 2(c) to match with the existing zoning of the land.

A Residential 2(c) zone is proposed for the rectangular parcel of land fronting Chisholm Street to complement low-density housing on large sized allotments in the locality.

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Recommendation:

This entire Precinct including the two protrusions should be maintained as undeveloped and be rezoned to Open Space 6(a) "Recreation Existing" due to its environmental significance, including the northwest triangle proposed for residential zoning.

It should be noted that in the case of the land at the rear of Chisholm Street and Paroo Place the area to be rezoned from Reservations (a) – "County Road Proposed" have been recommended for rezoning to Open Space 6 (a) rather than the adjoining zone of Residential 2(c) as the areas are considered of environmental significance and should be incorporated into the main parcel of existing open space. The areas of land are 35sqm and 75sqm respectively.

Discussions with the Department of Infrastructure Planning and Natural Resources

Following the preliminary public submissions and further staff review, and discussions with the Department of Infrastructure, Planning and Natural Resources the proposed amendments will be placed on exhibition of the Draft LEP. The key changes from proposed Residential 2(c) to Open Space 6 (a) are:

- the bushland of Precinct 7 fronting the Comenarra Parkway as shown by the existing allotment pattern
- the bushland on the northwest corner of Precinct 11

The land adjacent to the road reservation in Precinct 10(b) next to the horse paddock is currently owned by Council, while the section that lies in the corridor is owned by DIPNR. Council could also be prepared to rezone the small triangle south of Hall Street in Precinct 10(b) which is also owned by Council. This bushland is intact, however could be offset in order to protect more significant open space areas (please see Attachment C).

Maintenance of the northwest corner of Precinct 11 as undisturbed bushland is of high priority. This is owned by DIPNR. A possible trade for example could be beneficial for Council and DIPNR in this situation regarding Precinct 10(b) and Precinct 11.

Note: It is to be noted that in some parts of the B2 Corridor, the application has not clearly addressed the uplifting of the 'road reservation' status from existing streets where they cross the corridor. The applicant has verbally indicated this to have been an oversight. It is proposed that this should be addressed in the Draft LEP by erasing these reservations such that the unzoned status of these roads is re-established. This is consistent with the practice applying to all roads in Ku-ring-gai.

As Council owns some land (See attachment XX) within the B2 Corridor the Draft Local Environmental Plan must be exhibited in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997 titled "*LEPs and Council Owned Land– Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*".

SUMMARY

The subject application proposes the rezoning of the Abandoned B2 Road Corridor between The Comenarra Parkway, Wahroonga and Kissing Point Road, South Turramurra.

The abandoned road corridor passes through residential areas, bushland and open space. The Road Corridor is currently reserved as “County Road Proposed” under the Ku-ring-gai Planning Scheme Ordinance. The proposal seeks to rezone some of this land to Residential 2(c) and Residential 2(b) to make residential development permissible on certain areas of the land currently allocated as the road corridor. It also seeks to maintain bushland and open space through an Open Space 6(a) zoning of the remainder of the Corridor lands.

Public submissions have been received expressing concerns relating to loss of flora and fauna, bushfire risk, traffic issues and loss of open space for the community.

The rezoning application is supported to the extent that single residential development is compatible and consistent with much of the land adjoining the county road reservation.

Following further internal consultation with Council’s Open Space and Technical Services, it is found that the fundamental issue is that some areas proposed as residential zones are considered to be of significant open space value, namely sections of Precinct 7 and Precinct 11. This is a matter which should be discussed with the Department of Infrastructure, Planning and Natural Resources during preparation of Draft LEP 201 with a view to altering the plan prior to public exhibition.

RECOMMENDATION

- A. That Council exhibit Draft Local Environmental Plan No 201 in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations with the following zones under the Ku-ring-gai Planning Scheme Ordinance.
- B. That in relation to Precinct 7 Comenarra Parkway to Kiogle Street, Fox Valley, the northern row of allotments fronting Comenarra Parkway be rezoned Open Space (6a) “Recreation Existing” under the Ku-ring-gai Planning Scheme Ordinance and that the southern row of allotments fronting Kiogle St be rezoned Residential 2(c).
- C. That in relation to precinct 8 Kiogle Street – Eurong Street, Fox Valley be rezoned Residential 2 (c) and the lot forming part of Eurong Street be rezoned to Open Space 6(a).
- D. That in relation to precincts 9(a) (south of Eurong Street, Fox Valley – Field of Mars Avenue, South Turramurra) and Precinct 9(b) (Field of Mars Avenue – Canoon Road) be rezoned to Open Space 6(a) “Recreation Existing”.
- E. That in relation to Precinct 10(a) (Canoon Road – Warner Avenue) the lots north of Canoon Road, be rezoned Open Space 6(a) “Recreation Existing” and South of

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Canoon Road be rezoned to Residential 2(c) under the Ku-ring-gai Planning Scheme Ordinance.

- F. That in relation to Precinct 10(b) (Warner Avenue – Chisholm Street) the lots north of Hall Street to Warner Avenue be rezoned Residential 2(c).
- G. That in relation to Precinct 11 (Chisholm Street – Kissing Point Road) the entire Precinct (including the two protrusions) be rezoned to Open Space 6(a) “Recreation Existing”.
- H. That Council resolve to exhibit Draft Local Environmental Plan No 201 in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled “LEPs and Council Land – Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was previously owned and controlled by Council”.
- I. That Council further discuss with DIPNR the options of a land swap for the land in the north west sector of Precinct 11 (undisturbed bushland) owned by DIPNR and Council owned land adjacent to the horse paddocks south of Hall Street.
- J. That a report be brought back to Council at the end of the exhibition period.

Rod Starr
Urban Planner

Antony Fabbro
Manager Strategic Planning

Leta Web
**Director Planning &
Environment**

Attachments:

- A - Map and plan for Draft Local Environmental Plan No 201 - Circulated separately.**
- B - Map showing ownership and classification of the land within the road reservation - Circulated separately.**
- C - Schedule of Council owned land - Circulated separately.**
- D - Report considered by Council on 16 December 2003 - Circulated separately.**

2003 TO 2007 MANAGEMENT PLAN, 4TH QUARTER REVIEW FOR THE YEAR ENDED 30 JUNE 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council the year end status of Key Performance Indicators as contained in Council's 2003 to 2007 Management Plan.
BACKGROUND:	Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.
COMMENTS:	A status report for all Objectives, Actions and Key Performance Indicators contained in the 2003 to 2007 Management Plan is attached.
RECOMMENDATION:	The 2003 to 2007 Management Plan status report be received and noted.

PURPOSE OF REPORT

To report to Council the year end status of Key Performance Indicators as contained in Council's 2003 to 2007 Management Plan.

BACKGROUND

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

The 2003 to 2007 Management Plan was adopted by Council on 10 June 2003.

The resulting plan contained six principal activities, namely:

- Finance and Governance
- Infrastructure
- Waste Management
- Open Space
- Land Use Management
- Community Services

Each of Council's six principal activities contained a series of Objectives, Actions and Key Performance Indicators which provided detail on how Council planned to achieve desired outcomes for each of the principal activities and how performance would be measured.

COMMENTS

The requirements set out in Council's Management Plan provide the foundation for measuring the performance of the organisation at a given point in time.

To ensure that the reporting of performance is both accurate and meaningful the options available under the heading 'status code details' are as follows:

Status Code	Definition
Completed	KPI has been fully carried out in accordance with the Management Plan.
Deferred	KPI has been placed on hold. This status code is only to be used where deferral has resulted from a Council resolution, a change in Government Legislation, or similar significant circumstance.
Not Achieved	KPI has not been completed as required in the Management Plan.

All Key Performance Indicators are categorised by one of the above three status codes to illustrate performance against the Management Plan

Analysis of Results

Council's 2003-2007 Management Plan contains 353 KPIs. The following table shows Council's overall KPI achievement results for the year ended 30 June 2004.

Status	Achievement	Percentage
Completed	267/353	75.6%
Deferred	26/353	7.4%
Not Achieved	60/353	17.0%

Discounting the KPIs which have been deferred, completion statistics are as follows:

Status	Achievement	Percentage
Completed	267/327	81.7%
Not Achieved	60/327	18.3%

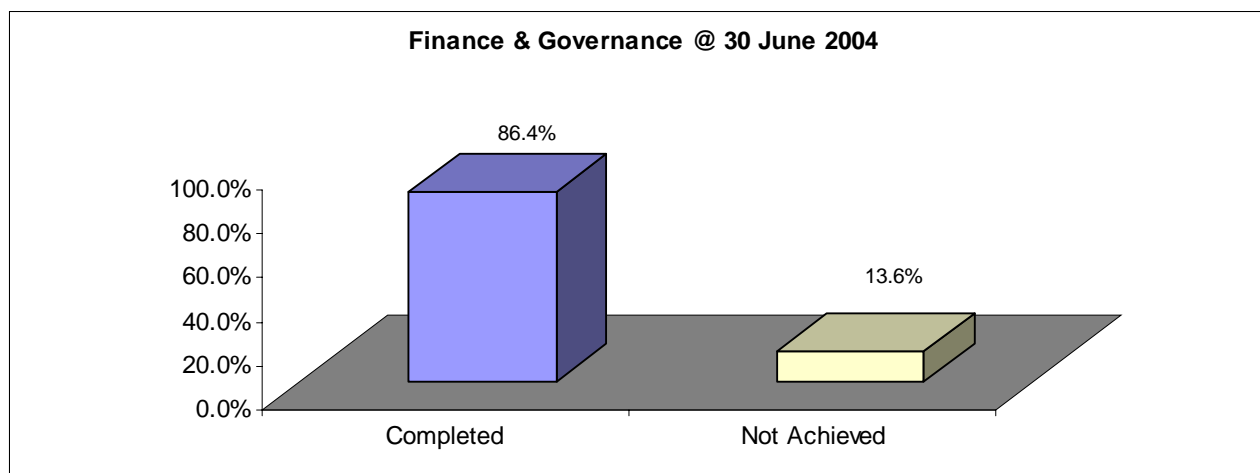
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This is broken down by percentage by Principal Activity as follows:

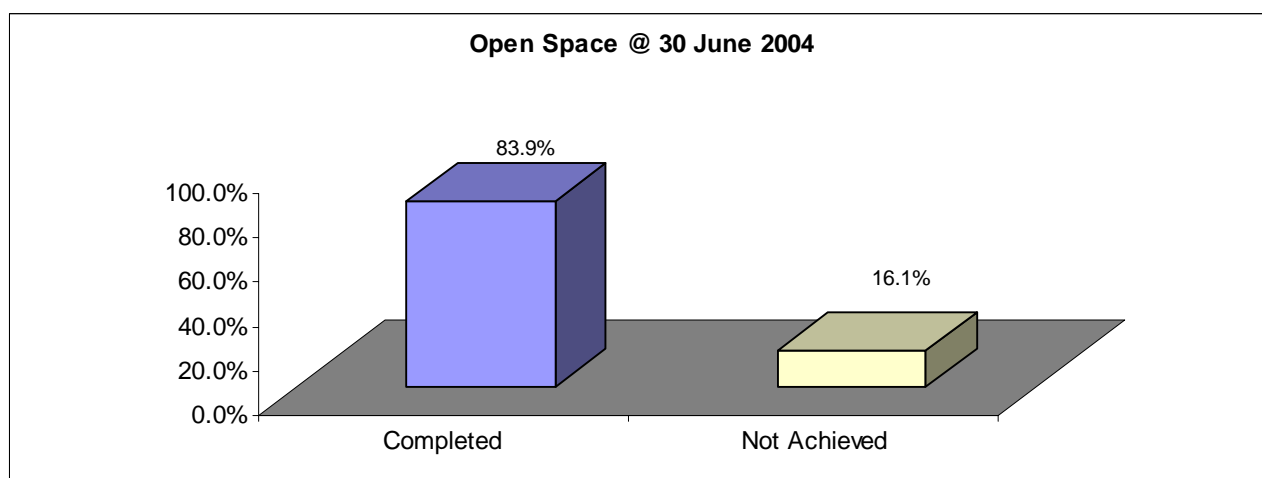
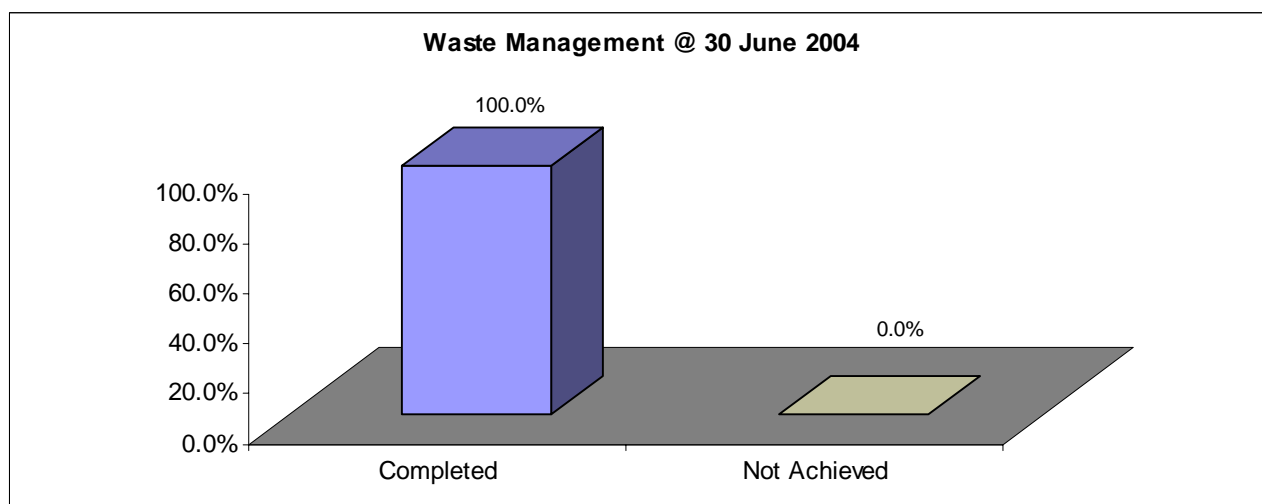
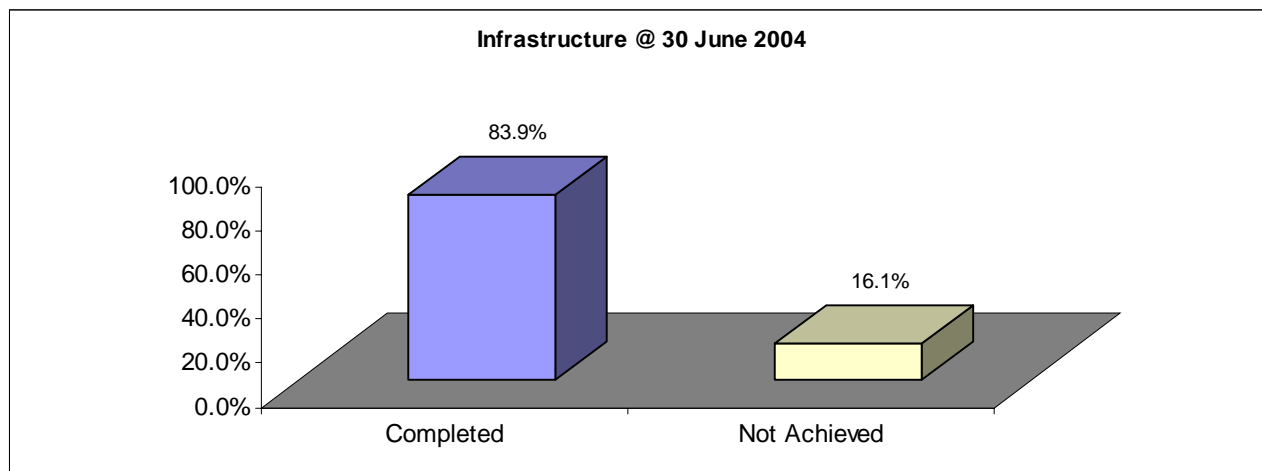
Principal Activity	As at 30 June 2004					
	Number of KPIs	Number Completed	% Completed	Number Not Achieved	% Not Achieved	Number Deferred
Finance & Governance	81	70	86.4%	11	13.6%	1
Infrastructure	31	26	83.9%	5	16.1%	4
Waste Management	10	10	100.0%	0	0%	0
Open Space	62	52	83.9%	10	16.1%	3
Land Use Management	98	66	67.3%	32	32.7%	15
Community Services	45	43	95.6%	2	4.4%	3
Total	327	267	81.7%	60	18.3%	26

This is represented graphically below:



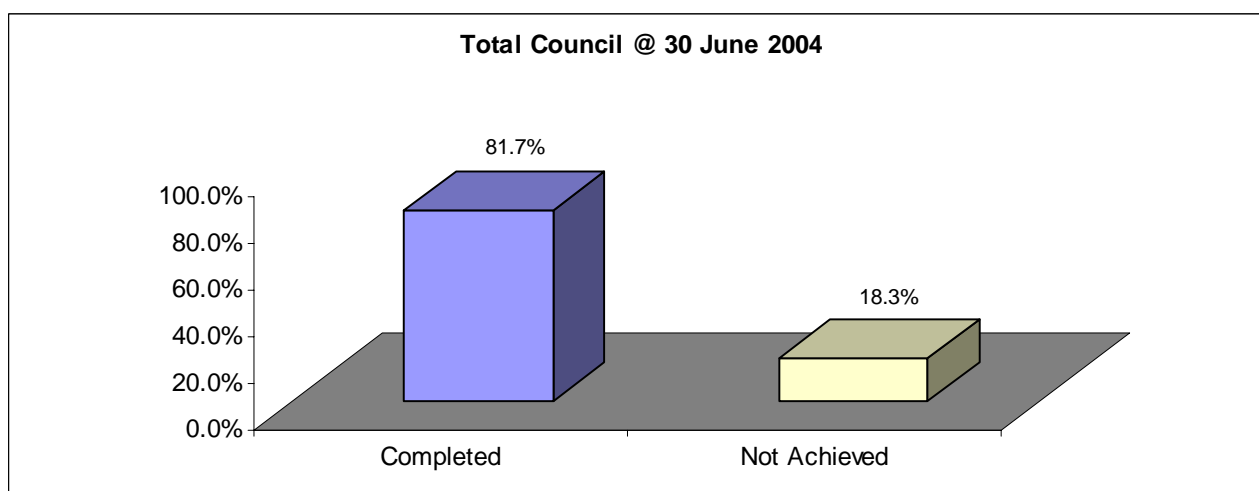
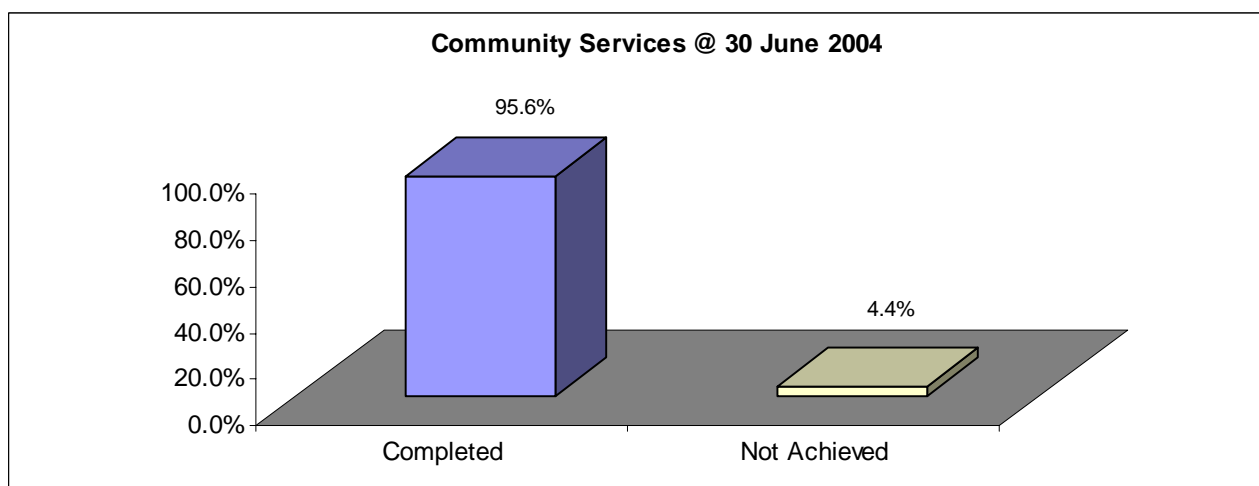
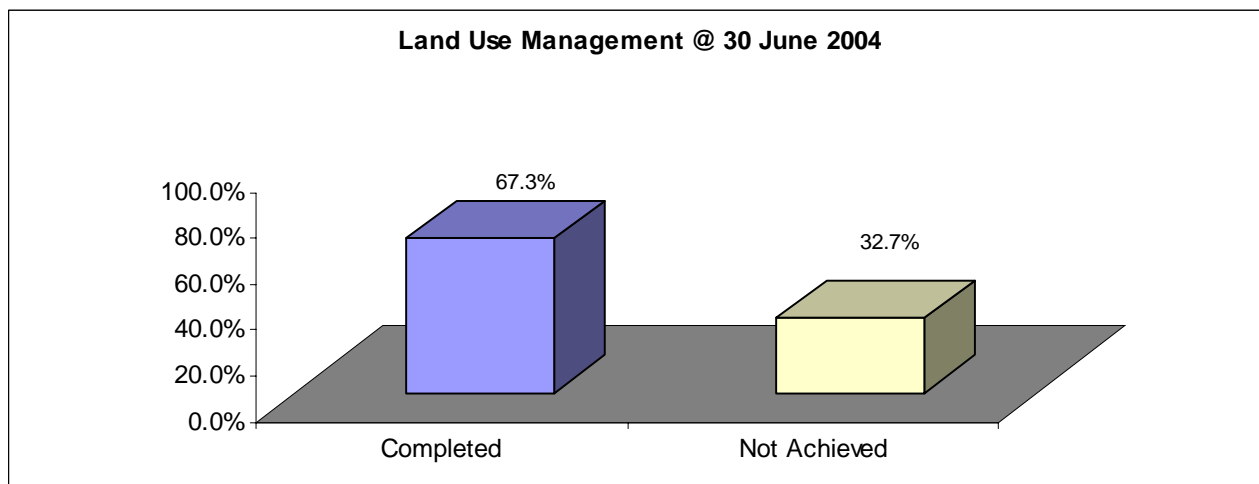
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CONSULTATION

Not Applicable.

FINANCIAL CONSIDERATIONS

The requirements outlined in the Management Plan 2003 to 2007 were funded in Council's budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have provided the status and comments on the progress of Key Performance Indicators in the attached report.

SUMMARY

General Managers Comments

From an organisational perspective, an overall completion rate of 81.7% is an acceptable result.

Having said this, considerable scope for improvement still exists predominantly in the Principal Activity 'Land Use Management', which encompasses Planning and Environment and Environment and Regulatory Services.

Many of the KPIs for Planning and Environment have been reliant on the State Government's determinations in relation to LEP194, draft LEP200 and Stage 2 of the Residential Development Strategy. Now that the Minister has made the LEP, many of the KPIs which have been placed on hold during the past 12 months will be carried out in the coming year.

In the case of Environment and Regulatory Services, extensive work has been undertaken to improve the rigour in assessing development applications. These efforts have resulted in a considerable improvement in both the number and quality of development applications assessed, and a subsequent reduction in DA backlog. These figures will be reported to Council under separate cover in tonight's agenda.

RECOMMENDATION

That the 2003 to 2007 Management Plan status report be received and noted.

Brian Bell
General Manager

John McKee
Director Finance & Business

Melissa Crain
Manager Business
Development

Attachments: Principal Activity Report for the year ended 30 June 2004.

FIVE YEAR FOOTPATH PROGRAM 2004 TO 2009

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval of a Five Year Rolling New Footpath Program and the carry forward works from 2003/04.
BACKGROUND:	On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed. Approximately 35% of the Ku-ring-gai area had formed footpaths and Council has approximately \$12 million in its list of desirable capital works for new footpaths. Council completed 3,980 lineal metres of new footpath construction in the 2003-2004 Program.
COMMENTS:	A proposed New Footpath Program for 2004-2005 and Draft New Footpath Rolling Program for 2005-2009 have been prepared for Council approval.
RECOMMENDATION:	To seek Council's approval of the 2004/2005 Footpath Program and the draft 2005/2009 Rolling New Footpath Program.

PURPOSE OF REPORT

To seek Council's approval of a Five Year Rolling New Footpath Program and the carry forward works from 2003/04.

BACKGROUND

On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed. At that time only 32% of the Ku-ring-gai area has formed footpaths and Council had approximately \$12 million in its list of requested and desirable capital works for new footpaths based on requests from residents dating from the 1980's.

Council allocated \$365,000 for new footpath construction in the 2002-2003 program and 2,750 metres of new footpath were constructed. In 2003-2004, \$360,000 was allocated and 3,980 metres of new footpath were constructed.

Attachment A provides a table showing the competed works, carry forward works and a list of projects that were not undertaken for various reasons.

COMMENTS

Previous new footpath programs were based on a list of paths requested by residents, with many of the requests dating from the 1970's. Using data obtained from the Pavement Management System, it has been possible to map all existing footpaths in the Municipality. It is apparent that many streets close to railway stations and shops with significant pedestrian and vehicular traffic have no footpath, yet no request has been recorded. The list was reviewed and these have now been included.

The 2003-2008 New Footpath Program approved last year included all streets within 500 metres of railway stations and the St Ives shopping centre regardless of whether or not a request had been made.

However, given the gazettal of LEP 194, it is now proposed to condition new development approvals with the provision of new footpaths. Consequently, the program has been reviewed to remove these sites from the list.

The 2003-2004 program has been reviewed and sites likely to be included in LEP 194 areas were not undertaken and these funds are considered to be available for re-allocation to other projects. Also, the work in Kendall Street was deferred following the receipt of a petition from a significant number of residents objecting to the work. This work has been deferred to allow for further consultation with residents.

The proposed 2004-2009 New Footpath Program has been further refined by including all streets within 300 metres of suburban shops. In cases where there is significant traffic, there is a high

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demand for paths on both sides of the road. This program includes a path on both sides of all streets with more than 5,000 vehicles per day.

Council allocated \$360,000 in 2003-2004 and \$371,000 has been made available in 2004-2005 for new footpath works. A carry forward amount of \$80,000 is required to fund carry forward works at The Comenarra Parkway from Fox Valley Road to Browns Road and also Link Road from Mona Vale Road to Stanley Street which is nearing completion. Also, \$127,290 is available for other works which were either deferred or not carried out for the reasons stated above.

Consequently, the total amount of funds for new works to be carried out in 2004-2005 is \$543,290 which is made up of \$371,000 allocated in the budget, \$45,000 from developer contributions previously received for Boyd and Jersey Street works and \$127,290 from works not carried out in 2003-2004. The ranking criterion previously adopted by Council has been used to prioritise the program.

Attached as **Appendix B** is the proposed 2004-2009 Five Year Rolling New Footpath Program based on available funding for 2004-2005 and likely future allocations.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

An amount of \$371,000 is has been allocated in the Ku-ring-gai Council Management Plan 2004-2008 for the construction of new footpaths in 2004-2005. Also, \$45,000 is available from previous developer contributions and \$127,290 from works not carried out giving a total of \$543,290. This does not include the amount allocated for the Business Centres which will be the subject of a further report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Finance and Business Section has been consulted in relation to the funding of the program.

SUMMARY

On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed.

On 9 September 2003, Council adopted a New Footpath Program for 2003-2004 and a Draft New Footpath Program for 2004-2008. Most of these works have been completed with two projects carried forward this financial year.

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A number of projects that were included in the 2003-2004 program were not carried out due to some of these works being a condition of consent associated with likely developments under LEP 194 and objections from adjoining residents. These funds are proposed to be re-allocated to other projects in 2004-2005 and the total amount of funds available is \$543,290.

Previous footpath programs were based on a list of paths requested by residents. All existing footpaths in the Municipality have been mapped using data from the Pavement Management System. Many streets close to railway stations and shops with significant pedestrian and vehicular traffic have no footpath. These have been included in the proposed 2004-2009 Program, together with footpaths on both sides of streets with more than 5,000 vehicles per day.

RECOMMENDATION

That Council adopts the 2004-2005 New Footpath Program and the 2005-2009 program as a draft rolling program.

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments: **A 2003/2004 Footpath program works and carry forward projects.**
 B Proposed 2004/2009 Rolling New Footpath Program.

RTA PROJECT NOMINATIONS FOR 2005/2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise the Roads and Traffic Authority (RTA) of Council's project nominations for the financial year 2005/2006 in the RTA program areas.
BACKGROUND:	Project nominations for all program areas covered by the Roads and Traffic Authority Local Network Services (including the REPAIR program) for financial year 2005/2006 are required to be submitted to the Roads and Traffic Authority by 31 August 2004.
COMMENTS:	<p>Council should consider adopting a rolling program of RTA funded works for the financial year 2005/2006 and subsequent years.</p> <p>Grants under these programs must be matched by Council on a dollar for dollar basis. The amount that Council will need to provide in its future Budgets for matching shares for these projects can be determined after the success of Council's nominations to the RTA is known.</p>
RECOMMENDATION:	That Council nominates the list of projects identified in this report for Roads and Traffic Authority Projects in Financial Year 2005/2006.

PURPOSE OF REPORT

To advise the Roads and Traffic Authority (RTA) of Council's project nominations for the financial year 2005/2006 in the RTA program areas.

BACKGROUND

Each year, Council submits nominated projects to the Roads and Traffic Authority seeking assistance with funding for the projects that qualify under the RTA's program requirements.

Project nominations for all program areas covered by the Roads and Traffic Authority Local Network Services (including the REPAIR program) for financial year 2005/06 are required to be submitted to the Roads and Traffic Authority by 31 August 2004.

Nominations for the RTA's Local Government Road Safety Auditing/Accident Investigation and Prevention (AIP) Program 2004/05 are also invited by 17 September 2004. Under this program, up to \$15,000 or 50% funding would be allocated for up to 7 Councils for specific approved audit/AIP projects to be undertaken by an independent and qualified external audit team. Criteria for funding under this program, is based on community concern rather than on crash data or justification based on benefit cost analysis. Community concern, including references to complaints about the standard of road safety should be demonstrated.

COMMENTS

Grants under these programs must be matched by Council on a dollar for dollar basis. The amount that Council will need to provide in its future Budget for matching shares for these projects can be determined after the success of Council's nominations is known.

The priorities given to the nominated projects are determined by the RTA and will not necessarily agree with Council's priorities. To maximise the amount that the RTA might offer, it is considered appropriate to nominate more projects to improve Council's chances of receiving grants.

The following list has a cumulative estimated cost well in excess of the funding level likely to be funded by the Roads and Traffic Authority in the 2005/2006 program year. The comprehensive list has been prepared so that Council might consider adopting a rolling program of works for funding under future RTA programs.

Rehabilitation Component

The Rehabilitation component of the REPAIR Program is for work on Regional Roads which increases the strength and integrity of the road pavement within its existing alignment.

The limit of funding provided by the RTA to any one Council under the Rehabilitation component of the REPAIR Program is \$250,000. It is in Council's interest to submit a program with a value in excess of this figure.

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The following rolling program has been developed using Council's Pavement Management System and prioritised using the RTA's ranking criteria. Before offering a grant to a Council, the RTA confirms pavement condition and roughness using its own systems and prioritises projects on a regional basis. The RTA may therefore list the projects in a different priority order.

Rank	Street Name	From	To	Project Description	Cost \$
1	Eastern Arterial Road	Barra Brui Crescent	150 m east of western end of Nicholson Av (No. 56 E A Rd)	Reconstruct with deeplift asphalt	\$232,100
2	Eastern Arterial Road	150 m east of western end of Nicholson Av (No. 56 E A Rd)	200 m west of eastern end of Nicholson Av (No. 88 E A Rd)	Reconstruct with deeplift asphalt	\$242,100
3	Kissing Point Road	160m north of The Comenarra Parkway (No 162 KPR)	The Comenarra Parkway	Reconstruct with deeplift asphalt and provide kerb and gutter up to bus bays	\$207,100
4	Fox Valley Road	Ada Avenue	Amaroo Avenue	Heavy patch, mill and resheet	\$64,300
5	Fox Valley Road	Amaroo Avenue	Lucinda Avenue	Heavy patch, mill and resheet	\$100,500
6	Eastern Road	Brentwood Road	Hastings Road	Reconstruct with deeplift asphalt	\$206,400
7	Eastern Road	Hastings Road	Challis Street	Reconstruct with deeplift asphalt	\$272,200
8	Bobbin Head Road	Selwyn Road	Berrilee Street	Reconstruct with deeplift asphalt	\$166,000
9	Stanhope Road	Pacific Highway	Culworth Avenue	Reconstruct with deeplift asphalt	\$250,900
10	Bobbin Head Road	Keats Road	140 m south of Allara Ave (No220 B H Rd)	Reconstruct with deeplift asphalt	\$136,700
11	Bobbin Head Road	75 m north of Nambucca St (No162 B H Rd)	Spurwood Road	Reconstruct with deeplift asphalt	\$288,000
12	Lady Game Drive	Moore Av (No. 37 L G Dv)	270 m east of Moore Av (No 11 L G Dv)	Reconstruct with deeplift asphalt	\$134,300
13	Lady Game Drive	270 m east of Moore Av (No 11 L G Dv)	520 m east of Moore Av (Drainage Pit)	Reconstruct with deeplift asphalt	\$126,500

ROAD SAFETY PROGRAM**Road Safety Officer**

The funding of Council's Road Safety Officer and road safety programs is shared equally with the RTA. In 2004/05 the RTA contributed \$38,000.

Road Safety Officer	\$40,000
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LOCAL NETWORK SERVICES PROGRAMS**Road Environment and Vehicle Safety Sub-Programs****1631 – Accident Blackspot Treatment**

The following projects relate to the RTA funding and are additional to the Federal Blackspots project nominations. These projects have been approved by Council following recommendations from the Ku-ring-gai Traffic Committee but have not yet been funded:

Priority	Location	Treatment	BCR	Cost
1	Maxwell Street / Geoffrey Street	Roundabout (1 Lane)	5.5	\$50,000
2	Bannockburn Road / Rushall Street	Roundabout (1 Lane)	4.5	\$60,000
3	Pentecost Avenue / Bannockburn Road	Roundabout (1 Lane)	4.3	\$60,000
4	Cleveland Street / Stuart Street	Roundabout (1 Lane)	4.0	\$60,000
5	Powell Street / Karranga Avenue	Correct adverse crossfall	3.6	\$80,000
6	Junction Road / Grosvenor Street	Construct kerb blisters at roundabout	3.5	\$60,000

1638 – Road Facilities

In 1997 the RTA funded Road Safety Audit of Regional Roads identified a need to provide standard guardrail terminal end treatments and replace several dangerous sections of chainwire fencing with steel guardrail. The work is considered to be an essential safety issue.

Priority	Location	Length (m)	Cost (\$)
<u>Guardrail with terminal ends:</u>			
The Comenarra Parkway			
1	Stainsby Close to Jordan Road	565	102,000
2	Stainsby Close	40	8,300
3	Browns Road to Coups Creek	220	40,000
4	Coups Creek to Browns Road	220	40,000

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Priority	Location	Length (m)	Cost (\$)
5	Jordan Road to Stainsby Road	10	3,300
	Eastern Arterial Road		
	Before Clarke Place	200	36,000
	Station Street		
	From King Edward Street to No.1A, east side	60	16,000
	Burns Road		
1	Bedford Avenue to Ellalong Road	40	11,000
2	West of Ellalong Road	16	8,000
3	Opposite Bedford Avenue and Ellalong Road	34	10,500
<u>Replace Pedestrian Fence:</u>			
	Archbold Road		
	Roseville Avenue - Woodlands Road	350	63,000
<u>Corner Arrow Marker Signs:</u>			
	Burns Road		
1	Ellalong Road to Bedford Avenue		2,000
2	Bedford Avenue to Cowan Creek		2,000
<u>Various Locations</u>			
	Raised Retro-Reflective Raised Pavement Markers		20,000

Cyclist Sub Program**Cycleways**

The RTA provides grants of up to \$100,000 each year for the construction of cycleways and cycle facilities. The following rolling program is based on Council's Bicycle Transport Plan and was prioritised in conjunction with the local bicycle user group.

The RTA will only fund cycleways identified in the Council's Bicycle Transport Plan and usually gives priority to projects on Regional Roads which connect to railway stations

The route parallel to the Pacific Highway has been given a low priority because the RTA and the Bicycle Institute of NSW are negotiating for use of the railway corridor. Investigations into the possible use of this route should be finalised before the construction of other routes parallel to the Pacific Highway are constructed.

Rank	Location	Treatment	Cost (\$)
1	Kissing Point Rd, from The Comenarra Parkway to Pacific Highway	Shoulder widening North from existing.	100,000

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Rank	Location	Treatment	Cost (\$)
2	Turramurra to Hornsby corridor	Roadmarking and signage. Low cost work to formalise a key regional route. Civil works for upgrading may be considered at a later stage.	20,000
3	Killeaton St – Warrimoo Ave to Benaroon Ave to link existing Burns Rd & Killeaton St cycleways	Shared 2m footway, kerb & gutter on North side	180,000
4	Ryde Rd south from Yanko Rd, widen existing cycleway behind guardrail.	Shared 2m footway, retaining on embankment	100,000
5	Bobbin Head Rd – To complete from Pacific Highway to Burns Road	Shoulder widening	100,000
6	Lady Game Drive from Ryde Road to Delhi Road	Shared footway and shoulder widening	200,000
7	St Ives to Gordon Railway Station link	Shared path, shoulder widening, roadmarking and signage	150,000

Bicycle Use Support

The preparation of the current Ku-ring-gai Bicycle Transport Plan, adopted in 1995, was jointly funded by Council and the RTA. At the time Council resolved to review the plan after ten years. The review is due to be undertaken in the 2005/2006 year.

Ten year review of Ku-ring-gai Bicycle Transport Plan \$40,000

Pedestrian and Urban Amenity Sub-Program**1741 – Pedestrian Facilities**

Priority	Location	Treatment	Cost (\$)
1	Koola Avenue	Pedestrian fencing	24,000
2	Moore Street / Addison Avenue	Pedestrian Refuge Island	6,000
3	Addison Avenue	Footpath associated with Children	20,000
	Outside Roseville Public School	Crossing	
4	Addison Avenue	Upgrade with Wombat Crossing	15,000
	Outside Roseville Public School		
5	Bobbin Head Road/Creative	Pedestrian Refuge island	10,000
	Arts High School		
6	Monteith Street	Footpaths from Kissing Point Road to Montrose Street	30,000
7	Stuart Street / Coonanbarra Road	Pedestrian Refuge Island	6,000
8	The Broadway/Fox Valley Road	Mountable Island	11,500

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Priority	Location	Treatment	Cost (\$)
9	Westbourne Road / Ortona Road	Refuge Island with pedestrian ramp	35,000
10	Beaconsfield Parade / Pacific Highway	Median island with pedestrian provision	4,000
11	Carnarvon Road and Woodlands Road, at Archbold Road	Median island at intersections	16,000
12	Woniora Avenue / Coonanbarra Road	Median island at intersection	5,000
13	Lady Game Drive near Bowes Avenue	Reconstruct pedestrian refuge and provide kerb blisters	12,000
14	Boundary Street, opposite Archer Street	Footpath/ramp at signalised intersection	40,000

1744 – Traffic Calming

Priority	Location	Treatment	Cost (\$)
1	Bent Street / Polding Road	Intersection treatment	30,000
2	Lucinda Avenue from Fox Valley Road to Pacific Highway	Narrowing treatments	100,000

ROAD SAFETY AUDITING/ACCIDENT INVESTIGATION AND PREVENTION (AIP) PROGRAM 2004/05

It is considered that there are no projects suitable for an audit under the criteria set by the RTA. This criteria includes the need to demonstrate that there is a local need or community concern regarding the road rather than on justifying the application on crash data. Funding would have to be found for Council's minimum 50% contribution from Council's 2004/05 budget.

Road safety audits were undertaken of RR 2043 (Junction Road to Archbold Road) and the The Comenarra Parkway/Yanko Road route by MBK in 1997. Funding application for improvements identified in those audits is proposed in this report under item 1638, Road Facilities.

CONSULTATION

Further consultation on selected projects will be required following advice from the RTA of the successful projects and acceptance of the grants by Council.

FINANCIAL CONSIDERATIONS

Grants under these programs must be matched by Council on a dollar for dollar basis. The amount that Council will need to provide in its future Budget for matching shares for those projects can be determined after the success of Council's nominations is known. The RTA usually advises Council of the likely success of its grant applications early in the previous calendar year so that funds can be budgeted for in the appropriate Management Plan.

The RTA REPAIR Program grant is limited to \$250,000 for any one Council. Council's contribution has been in the past from the Roads component of the Capital Works Program.

Council's share of the Road Safety Program in the past has been included in the Technical Services recurrent budget and will be allowed for in the 2004/2005 budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Section is consulted with regard to likely available grants during the preparation of the annual budgets. Council's share of funding is likely to be available from Council's budgets for the various capital works program for new footpaths or traffic facilities.

SUMMARY

Project nominations for all program areas covered by the Roads and Traffic Authority Local Network Services (including the REPAIR program) for financial year 2005/2006 are required to be submitted to the Roads and Traffic Authority by 5 September 2003.

Nominations for the Road Safety Auditing / Accident Investigation and Prevention (AIP) Program 2004/05 are also invited by 17 September 2004. Criteria for funding under this program, is based on community concern rather than on crash data or justification based on benefit cost analysis.

Grants under the RTA programs must be matched by Council on a dollar for dollar basis. The amount that Council will need to provide in its future Budget for matching shares for these projects can be determined after the success of Council's nominations is known.

RECOMMENDATION

That Council nominates the list of projects identified in this report for Roads and Traffic Authority Projects in Financial Year 2005/2006.

Alexx Alagiah
Pavements & Assets Engineer

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

ANALYSIS OF LAND & ENVIRONMENT COURT COSTS 2003/2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report on Council's financial liability on legal matters before the Land & Environment Court for the financial year ended 30 June 2004.
BACKGROUND:	Council has a statutory obligation to report on an annual basis the total cost of legal fees and the outcome of each case. This requirement (under section 428 of the Local Government Act 1993) provides a historical review of proceedings.
COMMENTS:	For the financial year 2003/2004, Council's legal costs and associated expenses in relation to Land & Environment Court matters totalled \$2,205,280. The full year revised budget was \$1,765,000.
RECOMMENDATION:	That the analysis of Land & Environment Court costs for the financial year 2003/2004 be received and noted.

PURPOSE OF REPORT

To report on Council's financial liability on legal matters before the Land & Environment Court for the financial year ended 30 June 2004.

BACKGROUND

Council has a statutory obligation to report on an annual basis the total cost of legal fees and the outcome of each case. This requirement (under Section 428 of the Local Government Act 1993) provides an historical review of proceedings. This report will outline:

1. All matters that have been referred to the Land and Environment Court.
2. The appropriate category of each matter.
3. The decision appealed against.
4. The legal firm to which each matter has been referred.
5. The Court's decision.
6. Staff recommendations on each matter.
7. Council's resolution in terms of recommendations made.
8. Costs associated with each matter.

This matter was previously tabled at the meeting of the Finance Committee held on Monday, 2 August 2004.

COMMENTS

OVERVIEW

During the 2003/2004 financial year Council expended \$2,205,280 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the full year revised budget of \$1,765,000, a deficit of \$440,280. In addition to these costs, \$29,040 was spent on expert legal advice regarding development assessment matters.

In 2003/2004 there were 128 new appeals lodged in the Land & Environment Court relating to development assessment matters. Of the 128 matters, costs of \$1,326,377 were incurred on 76 matters. Costs for the remaining 52 matters are yet to be realised by Council.

Further costs of \$878,900 were incurred on 51 appeals lodged in the Land & Environment Court in the 2002/2003 financial year.

This brings to a total of 127 matters during 2003/2004 on which legal costs were incurred by Council (76 from 2003/2004, 51 from 2002/2003).

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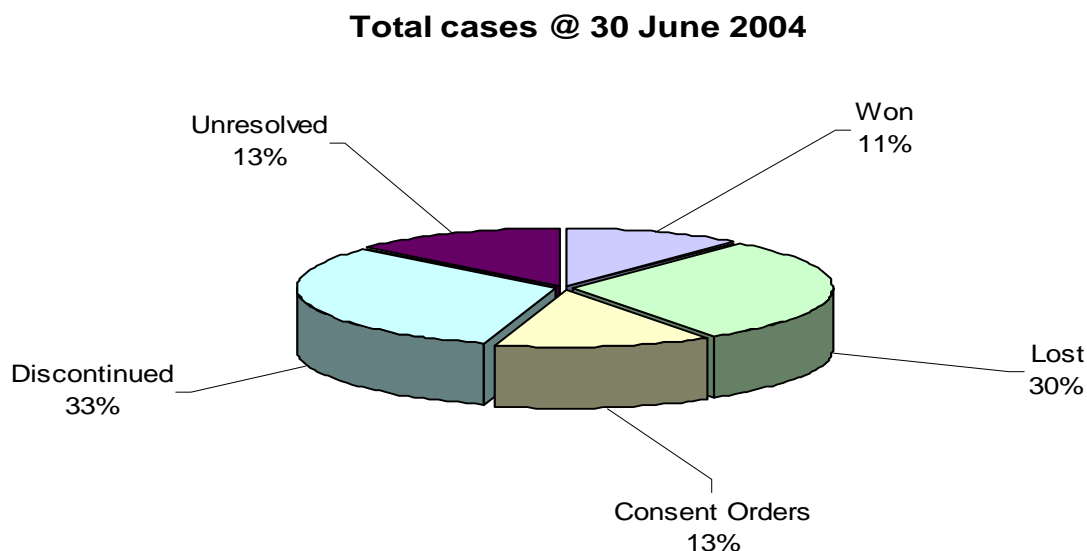
Of the total 127 matters, Council won 14 and lost 38. In addition, 17 matters were subject to consent orders, 41 were discontinued and the remaining 17 were unresolved as at 30 June 2004.

Success is generally measured in terms of matters satisfactorily resolved. That is, appeals that are dismissed, discontinued or where consent orders are issued. Many of the appeals that are discontinued are a result of Council approving the application prior to hearing and appeals resolved by consent orders indicate that Council did not oppose approval of relevant applications by the Court.

The new practice directions introduced in the NSW Land and Environment Court in February 2004 by Chief Judge Peter McClellan are already having a considerable impact on the manner in which Class I merit appeals are conducted. The greatly reduced procedural timeframes, use of court appointed experts, expert witness conferencing, and a pronounced shift towards less formal on-site hearings are aimed at achieving an acceptable result, notwithstanding that the original proposal may have been unacceptable. These hallmarks of the Court's new practice will have a profound impact on future reporting of Council's performance/results in Class I appeals. A simple win/loss analysis will become irrelevant as a result of the new practice directions, and performance reporting will need to recognise favorable outcomes as including those in which a poor development proposal was transformed through Court sponsored amendments into a better development proposal.

At this early stage it is difficult to predict the future landscape of Class I appeals, however, all indicators are that the changes will result in markedly reduced costs per appeal. This reduced cost may make it more attractive for applicants to use the appeal process with a resultant increase in the number of appeals lodged.

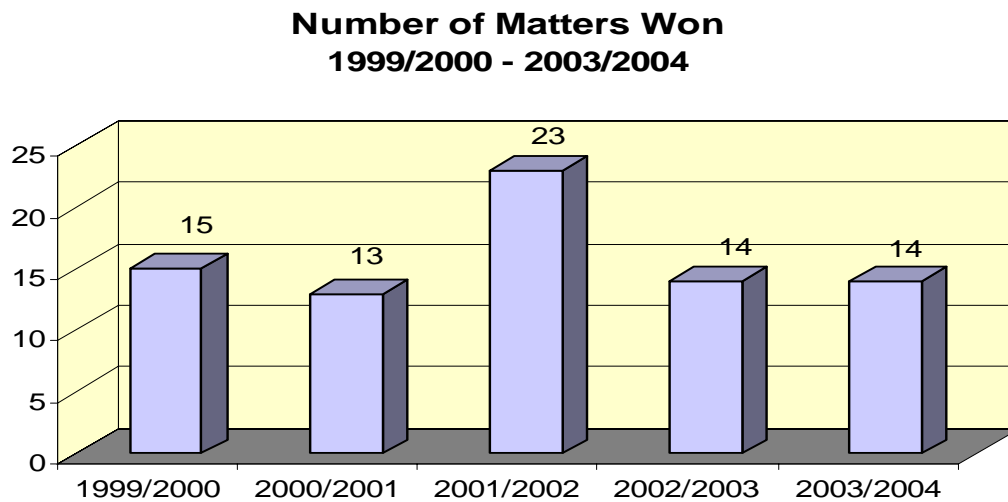
The following graph represents results achieved in 2003/2004.



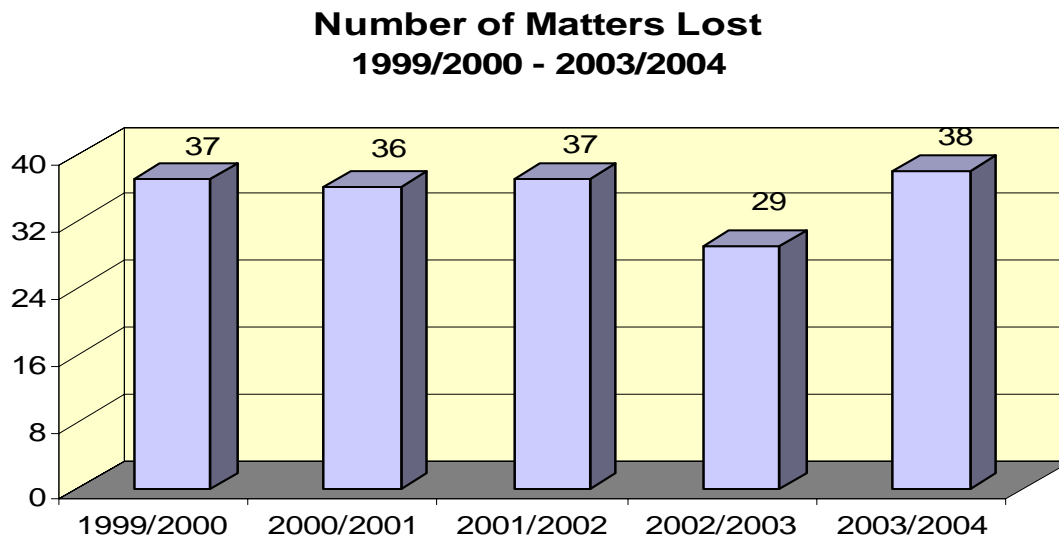
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A comparison of the number of matters won by Council in recent years is shown in the following graph.



The following graph shows the number of matters lost by Council during the period 1999/2000 to 2003/2004.

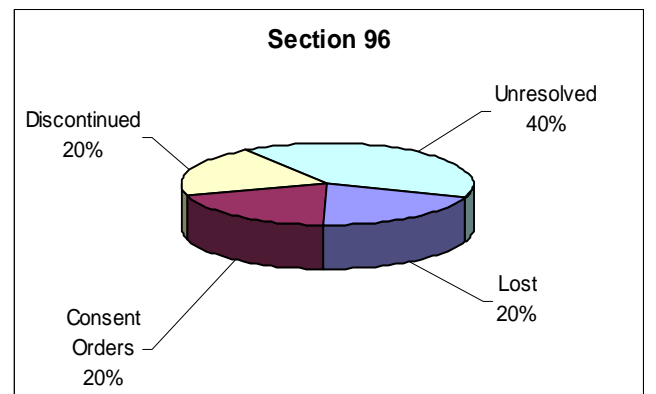
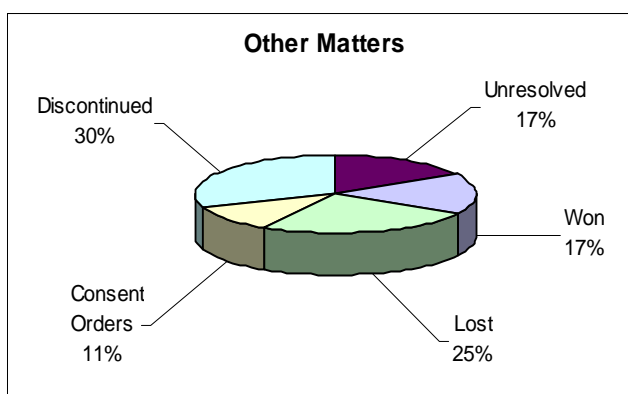
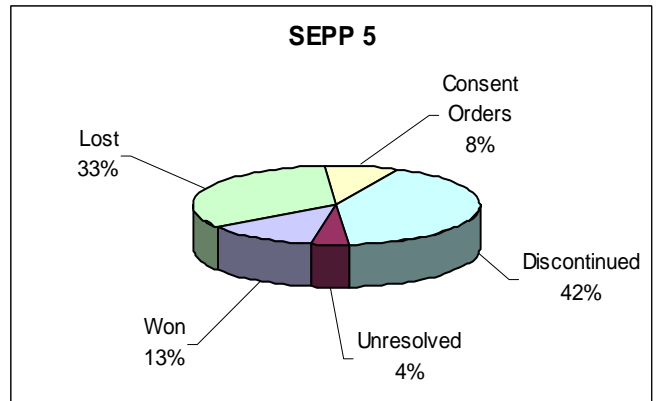
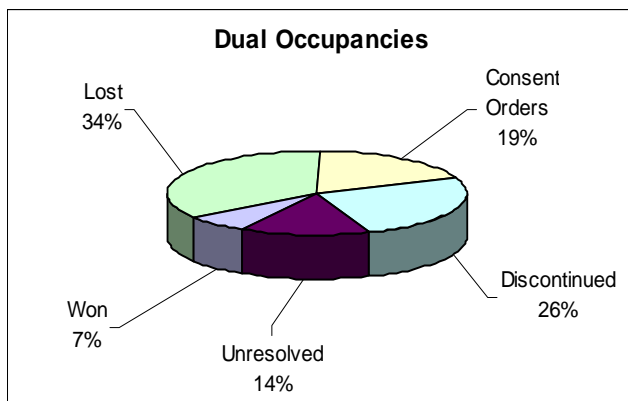
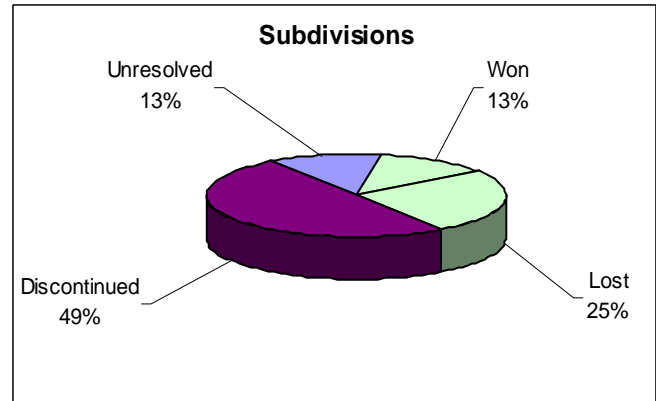
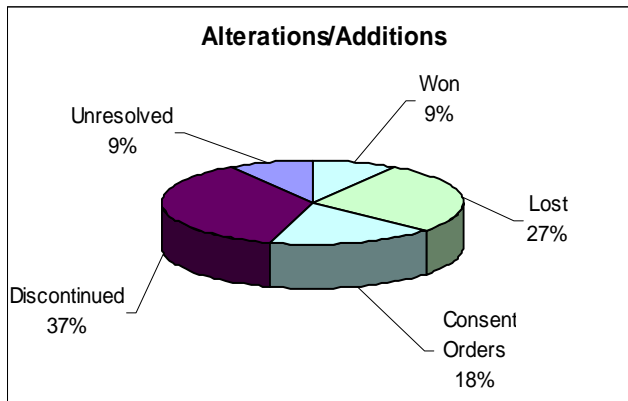


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RESULTS BY CATEGORY 2003/2004

A breakdown of results by case category for 2003/2004 are illustrated in the following graphs.



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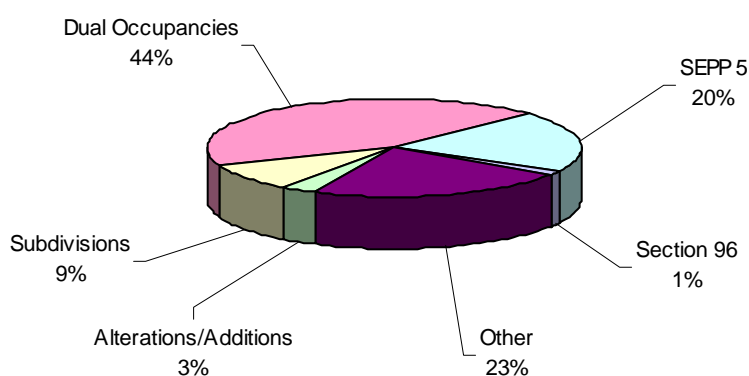
S02466
4 August 2004**SUMMARY BY CATEGORY 2003/2004**

A breakdown by case category shows that dual occupancy matters were the most common and the most costly to Council in 2003/2004. The following table shows the number of matters and total cost per category for the 2003/2004 financial year.

Category	No. of Matters	Total Cost	Average Cost per Case
Alterations/Additions	11	\$66,968	\$6,088
Subdivisions	8	\$200,749	\$25,094
Dual occupancies	43	\$962,019	\$22,373
SEPP 5	24	\$439,762	\$18,323
Section 96	5	\$32,545	\$6,509
Other matters	36	\$503,235	\$13,979
Total	127	\$2,205,278	\$17,364

The following graph illustrates case costs per category for 2003/2004.

**Case costs by category
@ 30 June 2004**



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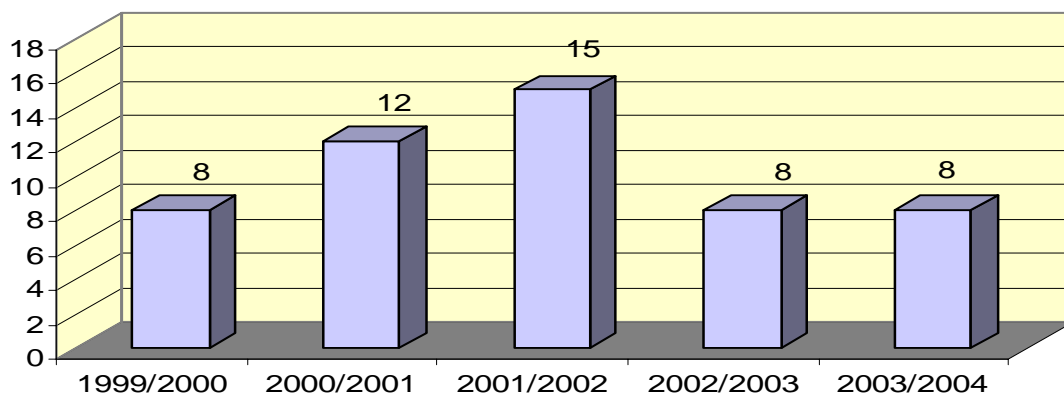
S02466
4 August 2004**NUMBER OF MATTERS BY CATEGORY**

The following four graphs display the number of cases (per category) on which costs were incurred for the period 1999/2000 to 2003/2004.

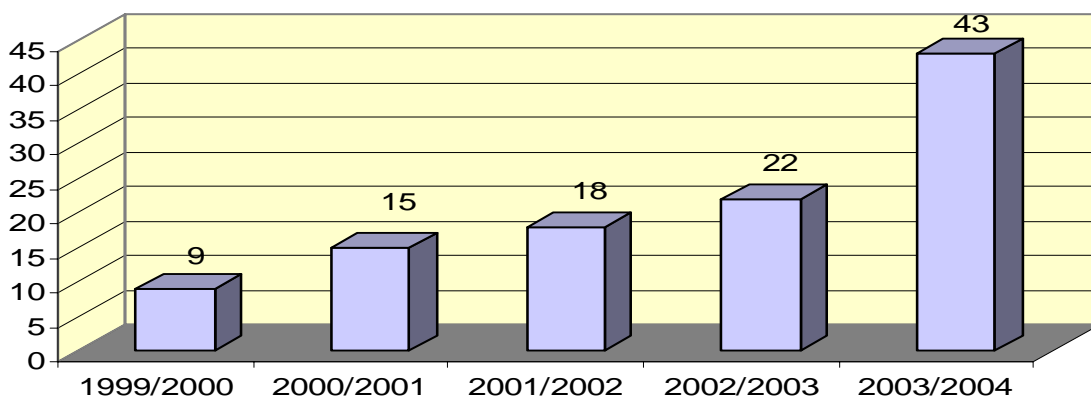
The largest increase during 2003/2004 was the in the number of dual occupancy matters while the largest decrease was in the number of SEPP5 matters.

It should be noted that alterations & additions and Section 96 applications have been included with 'Other matters'.

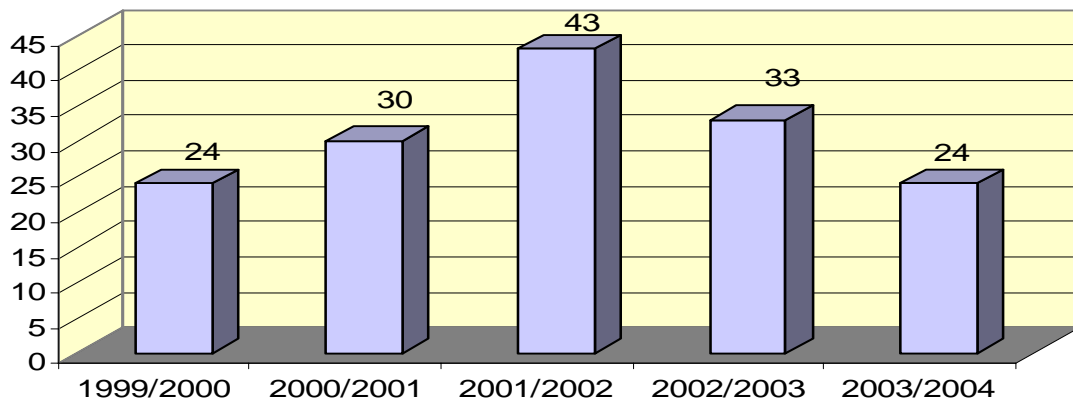
**Subdivison Matters
1999/2000 - 2003/2004**



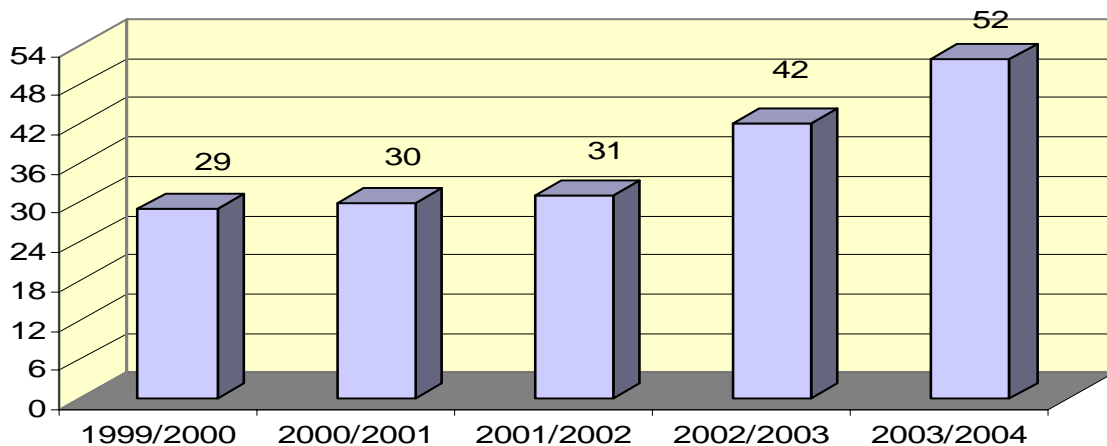
**Dual Occupancy Matters
1999/2000 - 2003/2004**



SEPP5 Matters 1999/2000 - 2003/2004



Other Matters 1999/2000 - 2003/2004



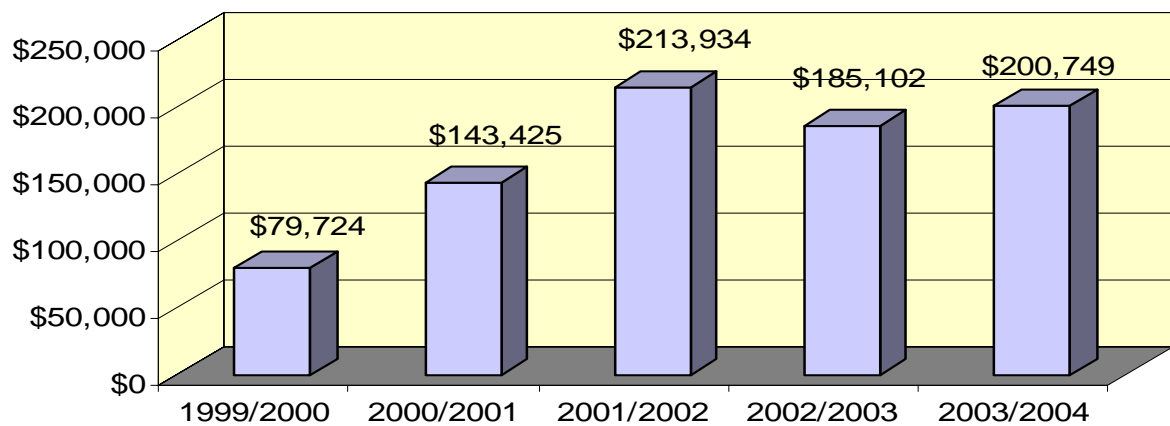
COSTS BY CATEGORY

The following graphs show costs by category per year for the period 1999/2000 to 2003/2004.

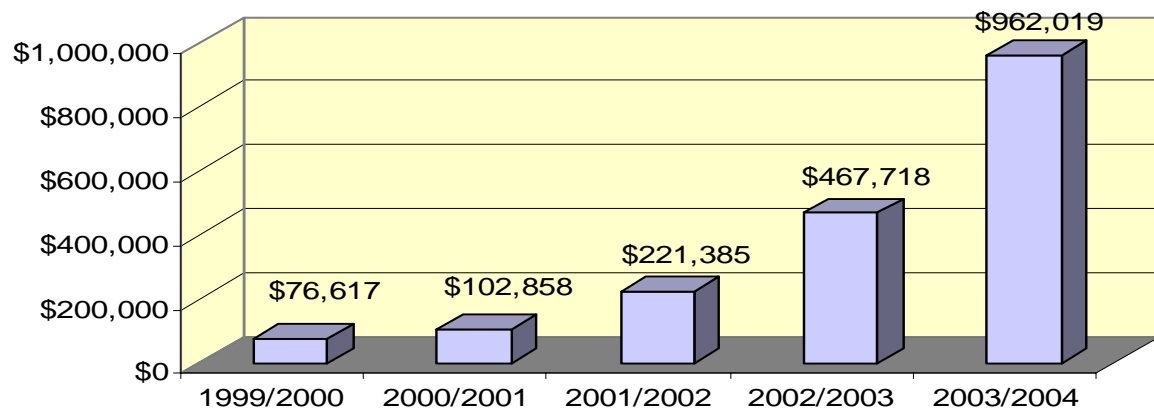
In 2003/2004 dual occupancy costs increased significantly while SEPP5 costs reduced significantly.

It should be noted that the fourth graph 'Other matters' includes alterations & additions, Section 96 applications and other matters.

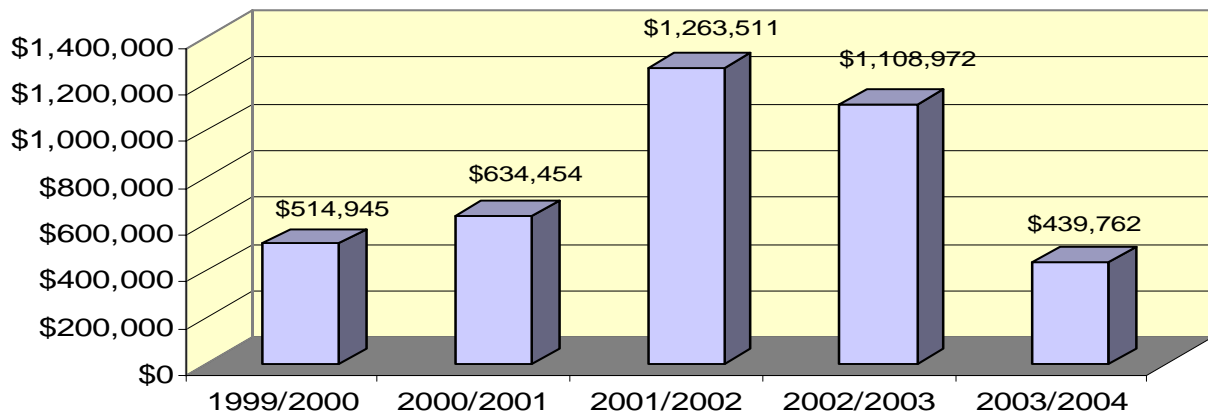
Cost of Subdivision Matters 1999/2000 - 2003/2004



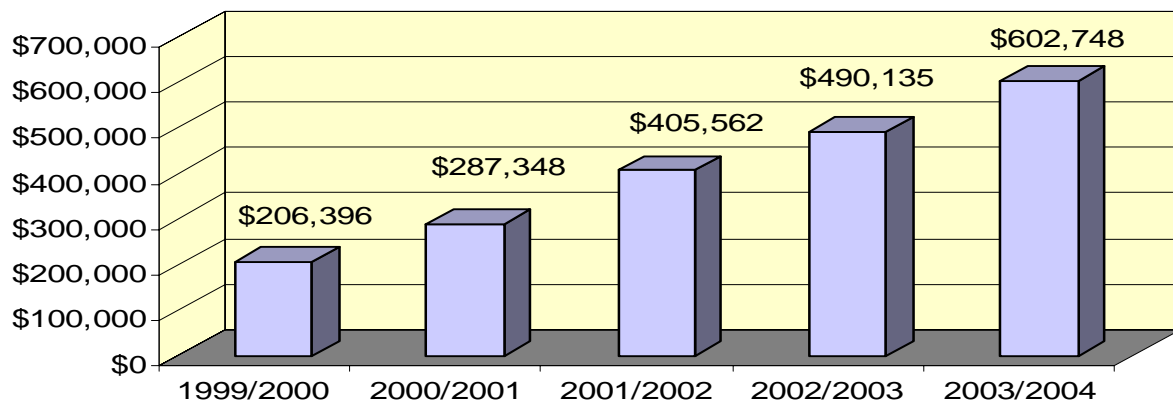
Cost of Dual Occupancy Matters 1999/2000 - 2003/2004



Cost of SEPP5 Matters 1999/2000 - 2003/2004



Cost of Other Matters 1999/2000 - 2003/2004

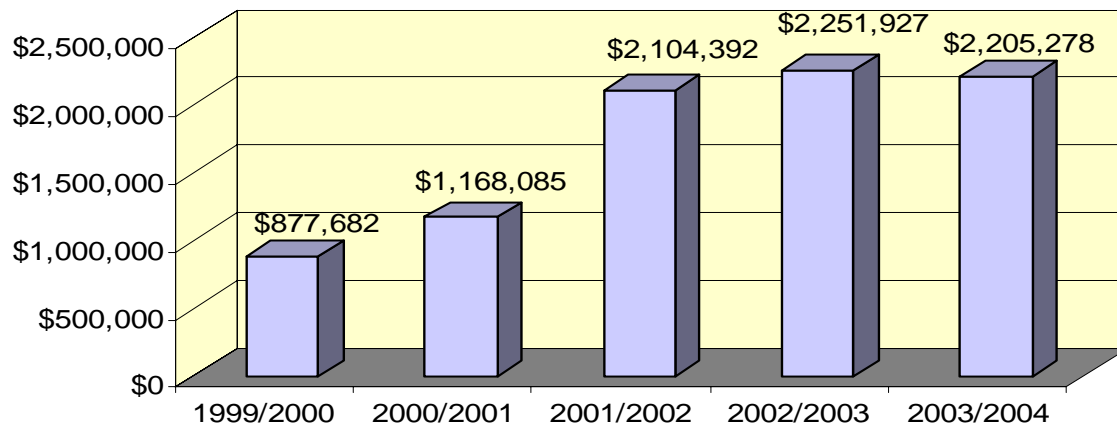


OVERALL COST COMPARISON WITH PREVIOUS YEARS

For the financial year ended 30 June 2004 Council expended \$2,205,280 on matters before the Land and Environment Court. This is \$46,647 less than in 2002/2003 when costs of \$2,251,927 were incurred.

Total costs incurred per year from 1999/2000 to 2003/2004 are displayed in the following graph.

Total Costs
1999/2000 - 2003/2004



The following table shows the legal costs and associated expenses for the current and previous financial years by quarter.

Legal Costs and Associated Expenses 1999/2000 - 2003/2004				
<i>Financial Year</i>	<i>1st quarter September</i>	<i>2nd quarter December</i>	<i>3rd quarter March</i>	<i>4th quarter June</i>
1999/2000	\$57,000	\$132,000	\$407,000	\$878,000
2000/2001	\$50,000	\$328,000	\$486,000	\$1,168,000
2001/2002	\$420,000	\$843,000	\$1,343,000	\$2,104,000
2002/2003	\$302,000	\$754,000	\$1,419,000	\$2,252,000
2003/2004	\$468,000	\$846,000	\$1,451,000	\$2,205,000

OFFICER/COUNCIL CONSENSUS

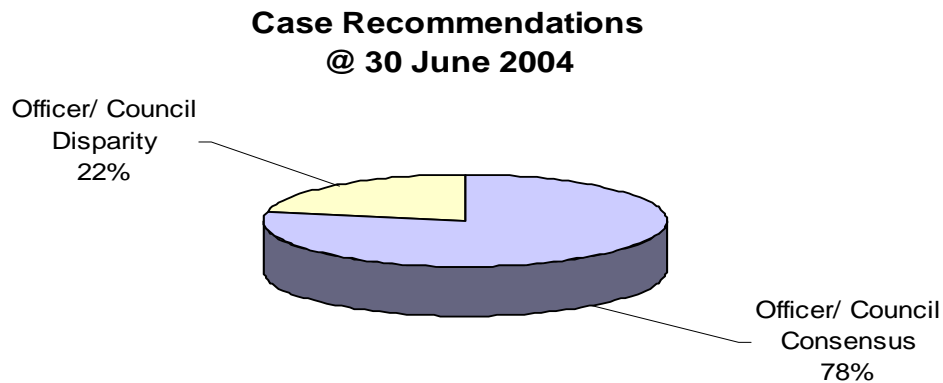
Of the total 127 matters, there were 51 matters for which Council reached consensus with officer's recommendations. Of these 51 matters, 49 have been determined thus far at a hearing. Of the 51 matters, Council won 4 (8%). Based on the 51 matters, total costs of \$1,158,565 have been incurred, this represents an average cost to Council of \$22,717 per case.

There were also 12 applications for which Council resolved to refuse against officer's recommendations and 2 applications for which Council resolved to approve against officer's recommendations. All 14 matters have been determined thus far at a hearing. Of the 14 matters, Council won 4, lost 4, 3 were subject to consent orders and 3 discontinued. These matters incurred costs of \$289,931.

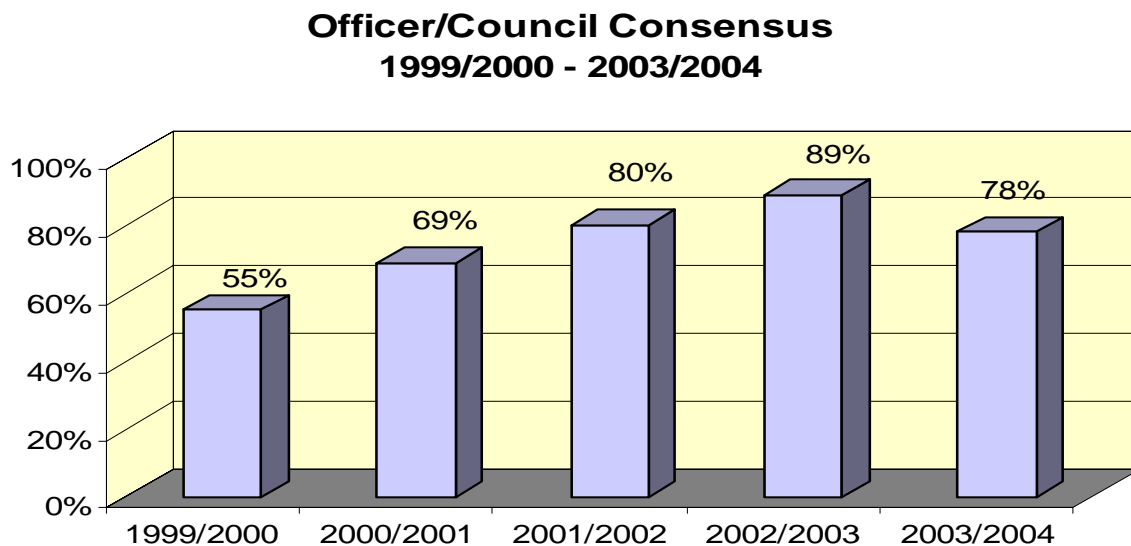
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The following graph illustrates officer/Council consensus for the financial year 2003/2004 on those matters where there has been both an officer's recommendation and a decision by Council.

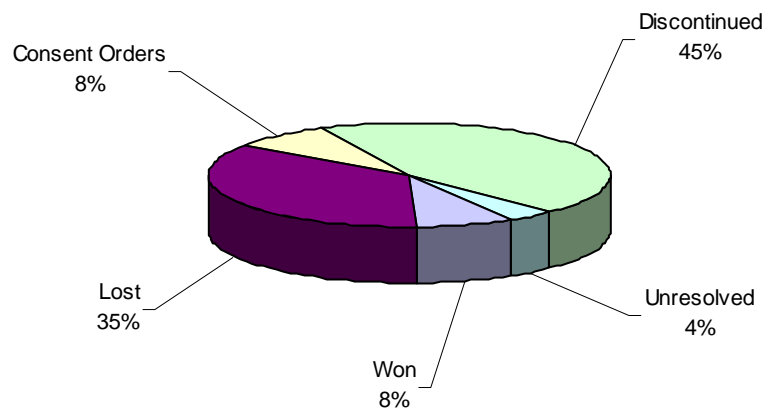


The following graph illustrates the level of consensus between Council Officers and Council for the period 1999/2000 to 2003/2004.



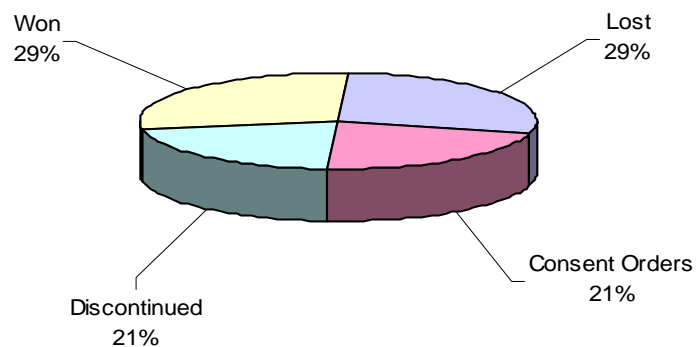
The following graph shows the outcomes of those cases where Council officers and Council reached consensus during 2003/2004.

Officer/Council Consensus @ 30 June 2004



The following graph illustrates the outcomes of those cases where Council officers and Council did not reach consensus during 2003/2004.

Officer /Council Decision Disparity @ 30 June 2004



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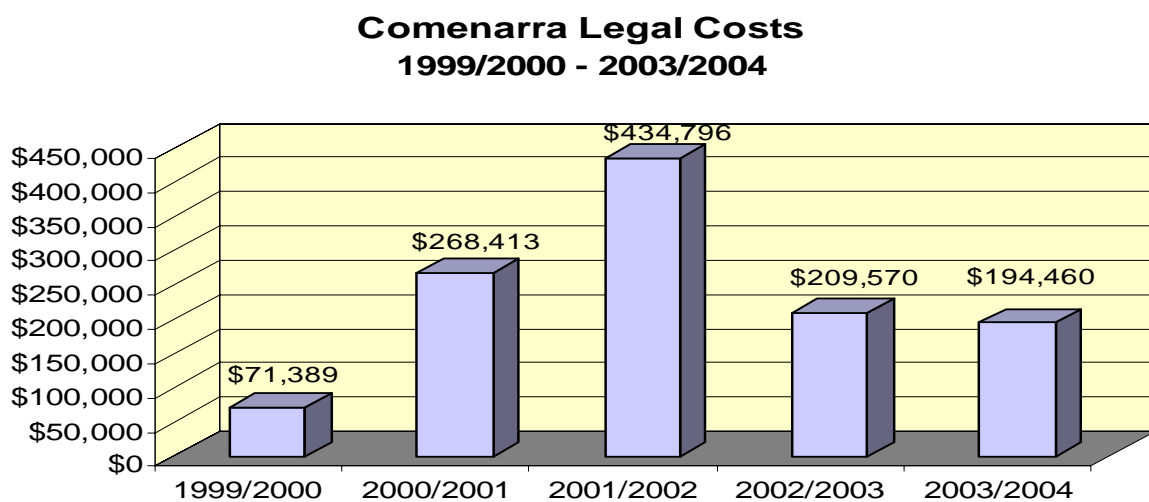
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SUMMARY BY WARD

A summary of Land & Environment Court costs by Ward for the 2003/2004 financial year is shown in the following table.

Land & Environment Court costs by Ward 2003/2004		
Comenarra	\$194,460	9%
Gordon	\$606,676	28%
Roseville	\$138,079	6%
St Ives	\$646,456	29%
Wahroonga	\$619,607	28%
Total Costs	\$2,205,278	100%

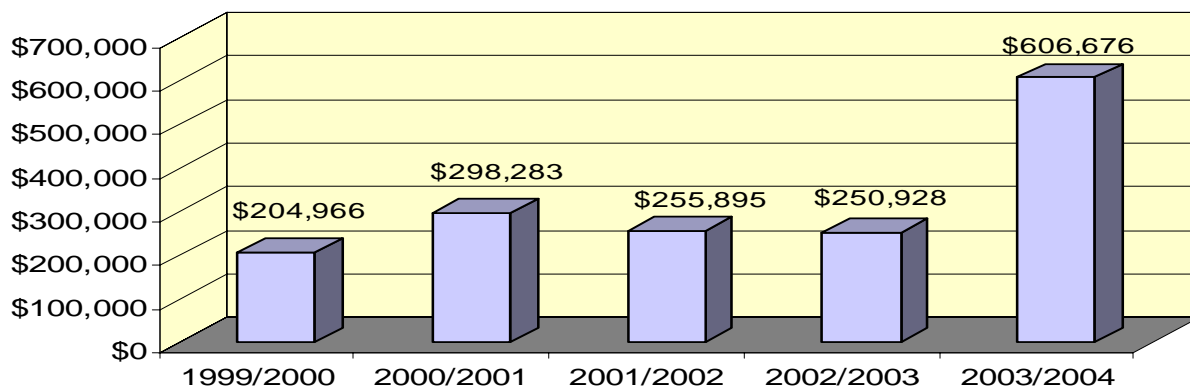
The following graphs show legal costs by Ward for the period 1999/2000 to 2003/2004.



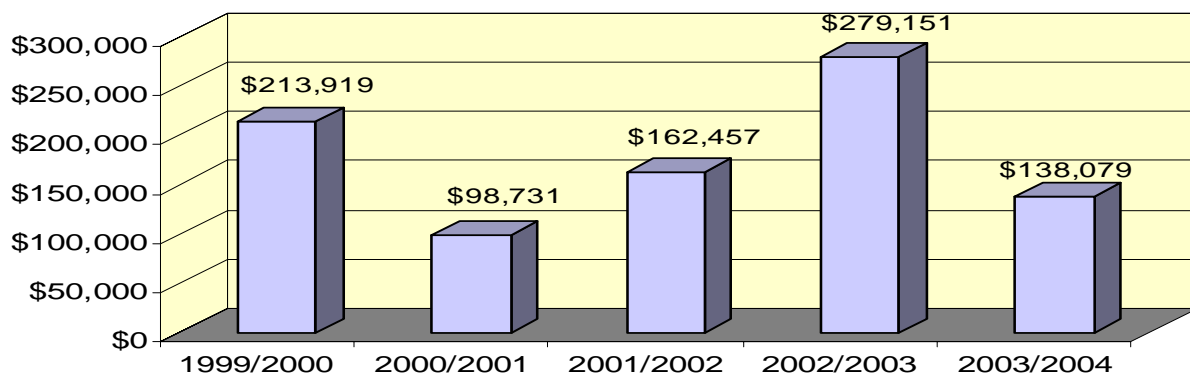
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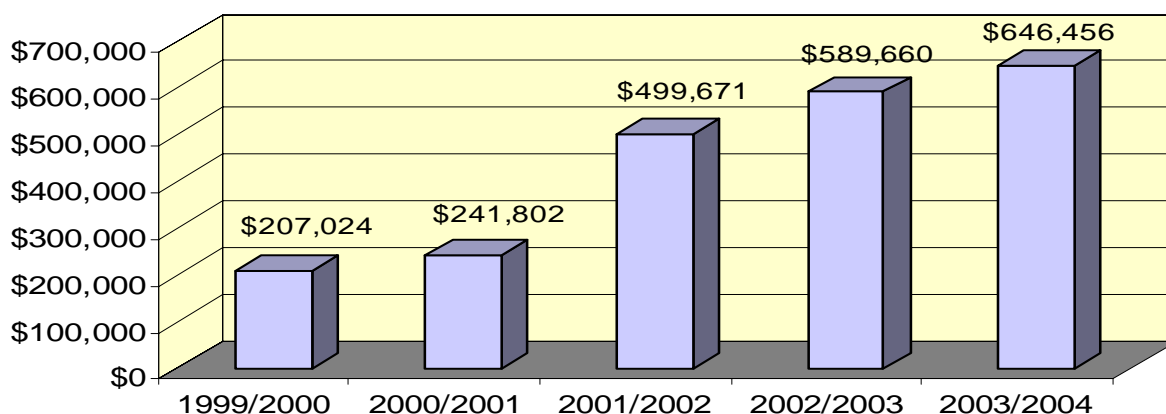
**Gordon Legal Costs
1999/2000 - 2003/2004**



**Roseville Legal Costs
1999/2000 - 2003/2004**



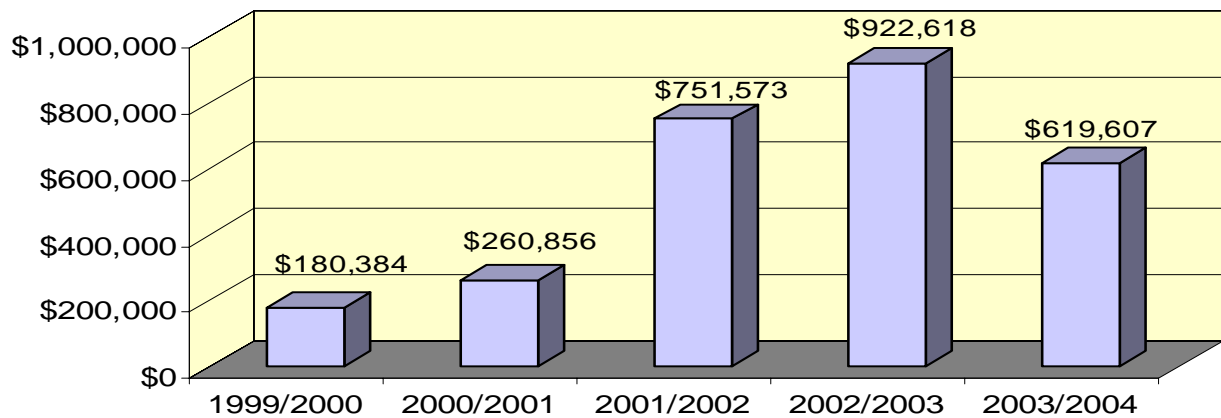
**St Ives Legal Costs
1999/2000 - 2003/2004**



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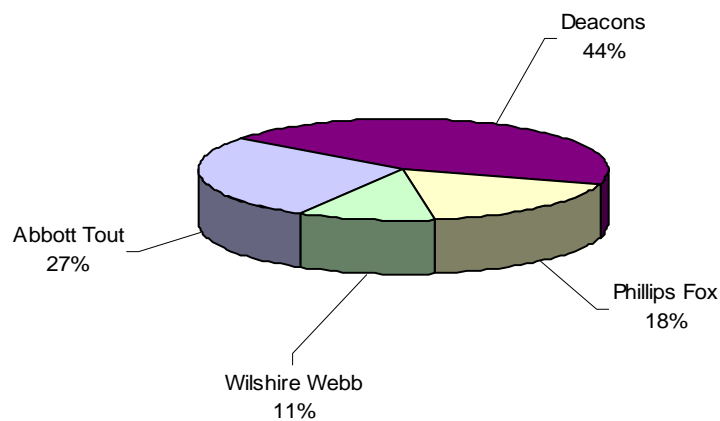
Wahroonga Legal Costs 1999/2000 - 2003/2004



COSTS PER SOLICITOR

A breakdown (by percentage) of costs incurred by each of Council's solicitors in 2003/2004 is shown in the following graph.

Costs per Solicitor @ 30 June 2004



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The following table shows the number of cases per category and associated costs for each of Council's four solicitors in 2003/2004.

Land & Environment Costs Category vs Solicitor								
Category	Abbott Tout		Deacons		Phillips Fox		Wilshire Webb	
	Matters	Cost	Matters	Cost	Matters	Cost	Matters	Cost
Alterations & Additions	6	\$ 35,198	3	\$ 7,215	1	\$ 9,445	1	\$ 15,110
Dual Occupancy	14	\$ 199,070	15	\$508,878	7	\$151,019	7	\$ 103,052
SEPP 5	6	\$ 51,163	7	\$230,759	4	\$ 89,333	7	\$ 68,507
Section 96	2	\$ 4,855	2	\$ 25,119	1	\$ 2,571	-	-
Subdivision	-	-	5	\$ 86,610	2	\$ 87,265	1	\$ 26,874
Other	17	\$ 307,428	10	\$112,979	4	\$ 58,216	5	\$ 24,612
Total	45	\$ 597,714	42	\$971,560	19	\$397,849	21	\$ 238,155

It should be noted that the above amounts represent **total** costs associated with each case. Costs other than charges directly from Council's solicitors are included, for example heritage assessments, expert advice etc.

Comparisons with previous financial years are shown in the following table:

Land & Environment Court Costs per Solicitor										
	1999/2000	%	2000/2001	%	2001/2002	%	2002/2003	%	2003/2004	%
Abbot Tout	\$432,150	49%	\$269,479	23%	\$424,958	20%	\$347,218	15%	\$597,714	27%
Deacons	-	-	\$177,424	15%	\$578,366	27%	\$663,674	29%	\$971,560	44%
Fox & Stainland	\$2,183	1%	-	-	-	-	-	-	-	-
Phillips Fox	-	-	\$9,881	1%	\$425,567	20%	\$689,624	32%	\$397,849	18%
Pike Pike & Fenwick	\$443,349	50%	\$700,154	60%	\$396,850	19%	\$70,594	3%	-	-
Wilshire Webb	-	-	\$11,147	1%	\$278,651	14%	\$480,817	21%	\$238,155	11%
Total Costs	\$877,682	100%	\$1,168,085	100%	\$2,104,392	100%	\$2,251,927	100%	\$2,205,278	100%

Again, it should be noted that the above amounts represent **total** costs associated with each case. Costs other than charges directly from Council's solicitors are included eg heritage assessments, expert advice etc.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Land & Environment Court legal costs form part of Council's recurrent operating budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been developed with input from Finance and Business Development, Environment and Regulatory Services and Council's Corporate Lawyer.

SUMMARY

For the financial year ended 30 June 2004 Council expended \$2,205,280 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the full year revised budget of \$1,765,000, a deficit of \$440,280.

There were a total of 127 matters on which Council incurred costs. Council won 14, lost 38, 17 matters were subject to consent orders, 41 were discontinued and the remaining 17 were unresolved. This is summarised in the following table.

Council Officer	Council	Total Cases	Won	Lost	Consent Orders	Discontinued	Unresolved	Total Costs
Approve	Approve	24	-	1	4	18	1	\$209,087
Refuse	Refuse	27	4	17	-	5	1	\$949,478
Approve	Refuse	12	4	4	2	2	-	\$237,206
Refuse	Approve	2	-	-	1	1	-	\$52,725
Other Matters		62	6	16	10	15	15	\$756,782
Total		127	14	38	17	41	17	\$2,205,278

Note: There were 62 'other matters' as at 30 June 2004, including matters deferred for site inspections, compliance matters where the applicant did not comply with an order or matters that are deemed refusals that have not yet been the subject of a report to Council.

RECOMMENDATION

That the analysis of Land & Environment Court Costs for the 2003/2004 financial year be received and noted.

Mellissa Crain
Manager Business Development

John McKee
Director Finance & Business

Jamie Taylor
Corporate Lawyer

Michael Miocic
Director Environment & Regulatory Services

Attachments: **A. Individual Case Recommendations June 2004 (Confidential).**
 B. Summary of Case Recommendations June 2004.

NSW DEPARTMENT OF LOCAL GOVERNMENT COMPARATIVE DATA 2002/2003

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council an analysis of the NSW Department of Local Government Comparative Data Report for 2002/2003.
BACKGROUND:	Council's 2004 - 2008 Management Plan requires that a report be presented to Council which analyses the NSW Department of Local Government's Comparative Data Report for 2002/2003.
COMMENTS:	<p>Each year the Department of Local Government releases 'The Comparative Information Return on New South Wales Local Government Councils'. The latest report released in June 2004 is for the 2002/2003 financial year. The data is collected by an electronic survey of Councils as well as from Councils Annual Financial Statements, NSW Grants Commission Returns and Notional Rate Returns.</p> <p>Analysis has been undertaken of the following:</p> <ul style="list-style-type: none">• Group 3 Councils• Neighbouring Councils• History of Ku-ring-gai 1994/95 – 2002/2003
RECOMMENDATION:	That Council receive and note the analysis of Department of Local Government 2002/2003 Comparative Data.

PURPOSE OF REPORT

To present to Council an analysis of the NSW Department of Local Government Comparative Data Report for 2002/2003.

BACKGROUND

The 2004 - 2008 Management Plan requires that a formal report be presented to Council to analyse the NSW Department of Local Government Comparative Data report for 2002/2003. The requirement as contained in the Management Plan is as follows:

Principal Activity: Council's Corporate Services

Performance Indicator: Report and analysis of NSW Department of Local Government Comparative Data report 2002/2003 to Council by the end of the second quarter.

This matter was previously tabled at the meeting of the Finance Committee held on Monday, 2 August 2004.

COMMENTS

Each year the Department of Local Government releases 'The Comparative Information Return on New South Wales Local Government Councils'. The latest report released in June 2004 is for the 2002/2003 financial year. The data is collected by an electronic survey of Councils as well as from Councils Annual Financial Statements, NSW Grants Commission Returns and Notional Rate Returns.

Comparative information provided for Local Government enables a performance assessment to be carried out with other 'like' Councils.

When comparing one Council with another it is important to be aware that the key performance indicators do not on their own give the full picture of a Council's performance. The figures provide indicators only and conclusions should not be drawn without qualitative assessments being made.

The Australian Classification of Local Governments categorises Councils according to their socio-economic characteristics and their capacity to deliver a range of services to the community.

- Initially, it is a system based on whether a Council is principally 'Urban' or 'Rural'.
- Urban Councils are then subdivided on the basis of whether they are 'capital cities', 'metropolitan developed', 'regional town/city' or 'fringe'.

- The final classification step is division based on population size.

Ku-ring-gai falls into Group 3, which is:

Urban – Metropolitan Developed – Population 70,000 - 120,000.

Analysis of the comparative data has been undertaken for the following:

Group 3 Councils

Group 3 consists of 14 other Councils which are: Bankstown, Blacktown, Canterbury, Fairfield, Holroyd, Hurstville, Marrickville, Parramatta, Randwick, Rockdale, Ryde, South Sydney, Sutherland and Warringah.

Neighbouring Councils

Due to the vast spread and differences among Councils in Group 3, another analysis has been undertaken comparing Ku-ring-gai to our neighbouring Councils. These Councils are: Hornsby, Pittwater, Ryde, Warringah, Willoughby, Lane Cove and North Sydney.

History of Ku-ring-gai

Finally, an analysis of the history of Ku-ring-gai's results between 1994/1995 and 2002/2003 has been included, to assess trends in the performance of Council over time.

CONSULTATION

The information contained in this report has been sourced from NSW Department of Local Government's Comparative Information Return 2001/2002.

A copy of the entire publication from The Department of Local Government is available on the Internet at:

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Comparatives/Comparatives%202002-03.pdf>

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments of Council received a copy of the report from NSW Department of Local Government.

SUMMARY

Each year the Department of Local Government releases 'The Comparative Information Return on New South Wales Local Government Councils'. The latest report released in June 2004 is for the 2002/2003 financial year. The data is collected by an electronic survey of Councils as well as from Councils Annual Financial Statements, NSW Grants Commission Returns and Notional Rate Returns.

The 2004 - 2008 Management Plan requires that a formal report be presented to Council to analyse the NSW Department of Local Government Comparative Data report for 2002/2003 by the end of the second quarter.

Analysis has been undertaken of the following:

- Group 3 Councils
- Neighbouring Councils
- History of Ku-ring-gai 1994/95 – 2002/2003

The report has been analysed and results are attached separately for Council's information.

RECOMMENDATION

That Council receive and note the analysis of Department of Local Government 2002/2003 Comparative Data report.

Melissa Crain
Manager Business Development

John McKee
Director Finance & Business

**Attachments: Analysis of NSW Department of Local Government Comparative Data
2002/2003 (Separate Book).**

DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the Draft Annual Financial Statements for the year ended 30 June 2004 for certification and referral to Council's external auditors, Spencer Steer.
BACKGROUND:	In accordance with Section 413(2)C of the Local Government Act 1993, Council must prepare a statement on the General Purpose Reports as to its opinion on the reports prior to referring them to audit.
COMMENTS:	The signing of these statements is an administrative function that is required before Council can formally call its external auditors in to audit the Annual Financial Statements.
RECOMMENDATION:	That Council receive, certify and refer the Draft Financial Statements for the year ended 30 June 2004 to Council's external auditors Spencer Steer.

PURPOSE OF REPORT

To present to Council the Draft Annual Financial Statements for the year ended 30 June 2004 for certification and referral to Council's external auditors, Spencer Steer.

BACKGROUND

In accordance with Section 413(2)(C) of the Local Government Act 1993, Council must prepare a statement on the General Purpose Reports as to its opinion on the reports prior to referring them to audit.

The Local Government Code of Accounting Practice requires the Mayor and the Deputy Mayor or Chairperson of the Finance Committee to certify the following:

That Council's Annual Financial Statements have been prepared in accordance with:

- Local Government Act 1993 as amended and Regulations made thereunder.
- Local Government Code of Accounting Practice .
- Local Government Asset Accounting Manual.
- Australian Accounting Standards.

And that to the best of Council's knowledge the statements

- Present fairly the Council's financial position and operating result for the year and
- Accord with Council's accounting and other records.

COMMENTS

The signing of these statements is an administrative function and is required before Council can formally call its external auditors in to audit the Annual Financial Statements.

The Audited Annual Financial Statements will be subsequently presented to Council at a public meeting. A representative from Council's external auditor, Spencer Steer will be present at the public meeting.

The Draft Financial Statements for the year ended 30 June 2004 have been prepared in accordance with the Local Government Act 1993 and the Australian Accounting Standards. It should be noted that the Financial Statements are presented to Council in draft form at this stage. These draft Financial Statements are required to be audited in accordance with sections 416 and 417 of the Local Government Act 1993, which states that:

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4 August 2004

“Council’s auditor must audit the financial reports as soon as practicable after year end”

and

“Reports on the General Purpose Financial Report and conduct of the audit must be prepared by the auditor”.

When the audit is finalised the Annual Financial Statements and the audit report will be presented to Council in accordance with Section 418 of the Local Government Act 1993. It is intended that the public meeting will be conducted at the Ordinary Meeting of Council on 12 October 2004.

Prior to the public meeting of 12 October 2004 the Director Finance and Business will hold a workshop for Councillors to analyse the Annual Financial Statements.

A draft copy of the Statements has been forwarded to Councillors under separate cover.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The draft Annual Financial Statements have been prepared in accordance with the Local Government Act 1993, Local Government Code of Accounting Practice, Local Government Asset Accounting Manual and Australian Accounting Standards.

After the draft statements have been audited by Council’s external auditor, Spencer Steer a workshop will be held with Councillors to analyse the Financial Statements. This will be followed by a public meeting on 12 October 2004 at which time Council’s Auditors will be present to answer questions in relation to their report.

RECOMMENDATION

- A. That Council receive and certify the Draft Financial Statements for the year ended 30 June 2004.
- B. That the Draft Financial Statements be referred to Council's external auditor, Spencer Steer to provide an opinion on the Draft Financial Statements and to report to Council.
- C. That the Mayor, Councillor Ryan and the Deputy Mayor, Councillor Shelley sign the statement attached to the Annual Financial Statements in accordance with Section 413(2)C of the Local Government Act 1993.
- D. That Tuesday 12 October 2004 be fixed as the date for the public meeting to present the audited Financial Statements and audit reports for year ended 30 June 2004 as required by Section 419 of the Local Government Act 1993 and that Council's external auditors be present to answer questions.

John McKee
Director Finance & Business

Brian Bell
General Manager

Attachments: Appendix A - Draft Financial Statements 2003/2004 (bound and circulated separately).

HERITAGE NOMINATION - REQUEST TO PREPARE LOCAL ENVIRONMENTAL PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider the heritage status of two properties - 27 Richmond Avenue and 400 Mona Vale Road, St Ives and to determine whether the two properties should be included in the Pettit and Sevitt Display Village heritage group in St Ives.
BACKGROUND:	The properties at 27 Richmond Avenue and 400 Mona Vale Road, St Ives were identified in the 1986 Heritage Study as part of a display village of Pettit and Sevitt houses.
COMMENTS:	When previously considering the matter, Council decided not to include 400 Mona Vale Road as it was not consistent with the group of Richmond Avenue houses. The then owner of 27 Richmond Avenue claimed the house was not a Pettit and Sevitt design and should not be included in the group listing.
RECOMMENDATION:	That Council prepare a Local Environmental Plan (LEP) to include the properties in the Pettit and Sevitt heritage group and prepare a Draft LEP (LEP29) to include the properties in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

PURPOSE OF REPORT

For Council to consider the heritage status of two properties - 27 Richmond Avenue and 400 Mona Vale Road, St Ives and to determine whether the two properties should be included in the Pettit and Sevitt Display Village heritage group in St Ives.

BACKGROUND

The 1986 heritage study prepared by consultants for Council comprised a broad field survey and a thematic history of the development of Ku-ring-gai (team including Robert Moore, Penelope Pike and, Helen Proudfoot and Lester Tropman). The consultant brief originally provided for a standard inventory of 200 items. Once the study began, a pilot survey of Roseville and Lindfield was undertaken to establish how realistic the numerical limit would prove to be, since both Council and the study team were concerned that the wealth and diversity of the Municipality's heritage might exceed the budget and time limit.

As was suspected the number of items which were preliminarily identified in the pilot area was 3 to 4 times the number budgeted. Since further funds were not available, the consultant team suggested two alternatives to Council:

- To survey only a particular geographical area of the Municipality, in accordance with the full detailed inventory forms; or
- To do a preliminary survey the whole Municipality concentrating more on identification than detailed research – using codified inventory forms to summarize information. The more detailed histories and descriptive information could then be completed by or for Council later.

Council decided to follow the second option and only undertook preliminary identification. The study thus provided a basis for future investigation which is ongoing. New items are being included from time to time and the management of heritage is also constantly changing.

The heritage study identified eight properties as being part of an early Pettit and Sevitt display village which including 400 Mona Vale Road, 17, 19, 21, 23, 25, 27 & 29 Richmond Avenue.

The Council of the day had a policy of removing properties from the draft list if objections were received from the owner. Those properties were deferred to be reconsidered in 5 years time. Many properties were included in subsequent amending LEPs and the remaining deferred items were subject to a detailed review undertaken by consultants in 1996 (Tropman & Tropman). Council then prepared 3 draft LEPs (LEP19, 20 & 21) to include most of the deferred items. No 23 Richmond Avenue was reviewed as part of the study and recommended to be added to the heritage schedule. It was included in draft LEP 20, which was finalized by Council about two years ago and is awaiting gazettal. No. 27 Richmond Avenue was not reviewed as it was removed by Council in LEP No 1. There appears to be no information on why 400 Mona Vale Road was not included in the review.

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The owner of No 27 Richmond Avenue, St Ives made an application to Council on 14 June 2002 to demolish the house for two new dwellings under the provisions of SEPP 53 (dual occupancy). During assessment of the application, the heritage issues were raised as the properties on either side (No 29 & 25) are heritage items and Council is bound to consider the impact of development “within the vicinity” of a heritage item. Sean Johnson, Council’s Heritage and Urban Design Advisor did not oppose demolition, but was concerned about the following design issues:

Unit 1 fails to take advantage of the northern aspect. I would suggest cutting back the overhanging roof to the north of the lounge room. It should also be possible to obtain northern sunlight to bedroom 2. Sun shading devices are needed to west facing windows to unit 1.

Unit 2 also has un-shaded west-facing windows to bedroom 1 and living and rumpus rooms.

The two houses should be both drawn on combined sections in order to check privacy issues and overshadowing. More information should be provided on materials and finishes.

I have no in principle objection to the proposal but the above points should be addressed prior to approval.

The design was amended and Sean Johnson made the following comment:

I support the design improvements suggested by Robert Staas. These changes in fenestration and detailing would markedly improve the integration of the proposal with its architectural context but they should be applied to the whole development and not just to the front elevation of dwelling A. The current design pays little regard to the character of the nearby group of listed Sydney School houses and similar local buildings.

Council’s Heritage Conservation Planner was concerned that the replacement buildings did not fit with the adjoining heritage items and would visually disrupt the group of Pettit and Sevitt houses and was also concerned that the house might be a Pettit and Sevitt design. He urged caution in approving demolition. The application was subsequently refused on 24 June 2003 and the owner appealed to the Land & Environment Court.

As part of its defence, Council commissioned a consultant to investigate the heritage issues. The evidence clearly indicated that No. 27 Richmond Avenue is a Pettit & Sevitt house designed by the well known architect, Ken Woolley (see attached letter by Mr Ken Woolley indicating that the design is known as the “Gambrel”). Mr Woolley also identified No. 400 Mona Vale Road as a “Lowline” design and states that “the house appears to be not altered or compromised, apart from paint colours, to any extent that would affect its heritage qualities”. The “Gambrel” design won the RAIA NSW Chapter Project House design award in 1968.

The owner subsequently withdrew the Land & Environment appeal however on 23 June 2004, the owner re-lodged his appeal to the Land & Environment Court.

The potential demolition of No. 27 Richmond Avenue raised much interest over the heritage value of the group. Several requests to the NSW Heritage Office were made for Interim Heritage Orders and protection under the provisions of the NSW Heritage Act. The president of the RAIA wrote to

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Council on 24 July 2003 (attached letter) with concerns over the potential demolition and advised Council that they are undertaking an extensive study of the architecture of the "Sydney School". The RAlA advised Council that the Pettit and Sevitt group included 400 Mona Vale Road, 17, 19, 21, 23, 25, 27 & 29 Richmond Avenue and urged Council to include all properties in the LEP. The National Trust also wrote to Council (attached letter) with similar advice and concerns.

The NSW Heritage Council considered the requests (attached report) and on 3 December 2003, resolved to give their notice to consider listing the group on the State Heritage Register (SHR). A summary of their view was:

The Pettit and Sevitt Display Village had been identified as the first-designed by merchant builders Pettit and Sevitt, as the most intact still remaining, and has been assessed several times as being of state significance. The owner of one of the seven houses maintains a firm opposition to any sort of heritage listing, despite several offers of assistance (financial) by the Heritage Office.

On 2 June 2004 the Heritage Council considered the matter and made a site visit to inspect the houses. The (attached) resolution found that:

the group is of heritage significance, but in the absence of any conclusive comparative assessments on a state-wide basis, cannot reach any definitive conclusion that the group is of State heritage significance

The NSW Heritage Council are of the opinion that Ku-ring-gai Council should proceed to list the two remaining houses at 27 Richmond Avenue and 400 Mona Vale Road, St Ives in its heritage schedule.

PETTIT & SEVITT

The firm of Pettit and Sevitt began operating in 1961. Both partners worked for another project home builder, Sun- Line before establishing the partnership. Their first development was at Carlingford with a "Split Level" and a "Lowline" design. The success of that venture allowed them to build a larger display village at the corner of Mona Vale Road and Richmond Avenue, St Ives.

The St Ives group started with four houses designed by Ken Woolley, a "Split Level Mk 1", a "Split Level Mk 2", a "Lowline" (400 Mona Vale Road) and a "Courtyard House". The center was opened buy the Premier, Mr Askin with three other Ministers in 1964. Two more houses were added shortly after, including the "Mk V11", later called the "Gambrel" (No 27 Richmond Avenue) and the "Two Storey". The house at No 23 and 29 were built on private contracts to Pettit and Sevitt designs.

In 1966 the company built another exhibition centre at Staddon Close, St Ives, which is near Richmond Avenue. The company built about 3,500 houses throughout NSW to the designs demonstrated in the display village.

A feature that set the Pettit and Sevitt houses apart form other project builders was the personal contact between the client and architects. 'Architect designed' was central to the marketing of Pettit

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and Sevitt homes, as was the incorporation of gourmet kitchens fit-outs, modern furnishing and stylish promotional material featuring the philosophy of Max Dupain (architectural photographer). Clients were able to choose a house design from the collection and the clients had interviews with the architects to allow for personal modifications of the base design to suit their site and specific wishes. The various models could be extended in modules, or various features, such as roof design, could be interchanged between models. In 1968, a “Gambrel” design built at Belrose won the RAI Chapter Project House Design Award.

The group of display houses in Richmond Avenue was sited so as to be aligned with the first house, No 400 Mona Vale Road, meaning they were each set slightly askew to their Richmond Avenue frontage. They were orientated to the slope, creating opportunities to ‘borrow’ views across the gardens and adjacent landscape. The initial development was free of fences between the six buildings, setting a sense of the group to prospective buyers. The landscaping for the group was carried out by Bruce Mackenzie, one of Australia’s foremost landscape designers who promoted a harmonious approach to the natural landscape. The builders were under strict instructions to work only between the pegged areas and to preserve all trees and shrubs. This approach was used at other sites, including the UTS site at Lindfield.

SIGNIFICANCE OF THE PETTIT & SEVITT RICHMOND AVENUE DISPLAY VILLAGE

The group of houses is graded as having local and State significance by a number of authorities including the Heritage Council and the National Trust and the RAI. Two statements of heritage significance are included here. The following is based on the heritage assessment prepared by Mr. Moore for Council in July 2003 and is attached to this report.

In expressing the significance of the group in current heritage terms, the over reaching concepts which lead into their detailed significances would have to be those of their design excellence and aesthetic qualities, which underpinned their remarkable social and community impact – their influence upon the appreciation, absorption and assimilation of modern design within the Australian community, affecting Australians’ tastes and aspirations for modern living.

The following is the statement of significance prepared by the NSW Heritage Council. The full statement is attached to this report:

The group of display homes in Richmond Avenue (including 400 Mona Vale Road) are of state significance as the first Exhibition Centre built by Pettit & Sevitt (as distinct from several individual display homes) in NSW that remains largely intact and readable in the landscape. Pettit & Sevitt were market leaders in project house design and the use of well-known architects to design and furnish their exhibition houses. The village was widely visited by architects and builders as well as prospective owners, and was the most influential exhibition centre of its type in the 1960s, inspiring merchant builders in Melbourne and similar operations in Brisbane and Perth. The houses all represent early examples of architect Ken Woolley's domestic work and, as a group of project houses built between 1964-1965, are a significant example of the Sydney School of domestic architecture. The original landscaping associated with the Exhibition Centre is significant as an early design by

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prominent landscape architect Bruce Mackenzie and represents his then innovative ideas of preserving and using the site's natural landscape and flora. The group demonstrates the close collaboration between Woolley and Mackenzie to maximize the orientation of the houses to retain the existing native landscape and in particular the scribbly gum trees. The Exhibition Centre offered suburban home buyers the opportunity to own an architect-designed home in a landscape architect designed setting that emphasised the unique physical features of the rocky Sydney environment. The survival and integrity of the group is indicative of the esteem with which they have been held by residents for some 40 years.

The following is taken from a letter prepared by the National Trust. The letter is attached to this report.

The Pettit and Sevitt homes are part of a prototype of housing that were developed by the Sydney School of architects. These houses responded to the natural aesthetic and each related intrinsically to the surrounding environment, often on the neighboring houses and their gardens.

The following is taken from the letter prepared by the president of the RAIA. The letter is attached to this report:

This village development had been identified as the place where Pettit and Sevitt, architect Ken Woolley and landscape architect Bruce Mackenzie, introduced the mechanisms that protect the original landscape from clearing. This was achieved by providing fencing off the building footprint including envisaged driveways, turf and drying areas. This is the first project home village development associated with the Sydney School that laid the foundations for the philosophy of the conservation of an indigenous Australian landscape where the landscape of the place is preserved and reinforced by the development.

SITE INSPECTION

Council's Heritage Conservation Planner and another officer visited the site on Monday 2 August 2004 to inspect the group of houses including No 27 Richmond Avenue and 400 Mona Vale Road, St Ives. An interior inspection of No 400 Mona Vale Road was made but only an external inspection of No 27 Richmond Avenue was made. A series of photographs were taken (Attached).

400 Mona Vale Road, St Ives

The house and garden were found to be in very good condition and it is obvious that the owners have taken much care in looking after the property. Several changes have been made, including an extension at the northern end, remodeling of the kitchen/family area with relocation of the laundry, a pool, a brick fence on the eastern boundary along Mona Vale Road, a small extension to the carport, a garden shed and extension of a shed near the carport.

The owner went to great lengths to explain that No 400 was orientated on an east/west axis with the kitchen on the east side facing Mona Vale Road and the main bedroom facing west. In his opinion the orientation should have been on a north/south axis and a sketch was provided to show how it should have been sited. The owner felt that the orientation was a basic architectural mistake and

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was probably sited in that way so that the long facade would face Mona Vale Road and be a kind of landmark or advertisement for the display village. Additionally there was almost no north facing rear yard as the extension had occurred to the north side, leaving only a very small area which could not be effectively used. The owner also explained that the view of the adjoining gardens had been changed from the original concept of shared gardens with no fences by the addition of boundary fences. A copy of a report by the owner has been circulated to the Councilors.

It was clear that the owner is very concerned at the possible heritage listing, strongly opposes it and feels that Council has been harassing his family over the heritage issue. He feels that a heritage listing is not warranted as the house is oriented badly, not visually part of the Pettit and Sevitt display group and a listing would prevent demolition for an appropriate development on the site that would allow the north aspect to be enjoyed.

Comment

The house is orientated to Mona Vale Road and the additions/alterations have been made to the north end of the house altering its original design. The garden has also changed and is different to the original landscape concept of shared gardens developed by the well known landscape architect Bruce Mackenzie.

The alterations are considered to be sympathetic to the original design and use a palate of similar design elements such as bagged painted walls, timber widows, a flat roof and wide eaves with exposed timber rafters (some on the north addition are not structural). The alterations to the internal layout of the house do not eliminate the original design. Much of the interior is still intact, including the copper fireplace hood which is a feature in the living room. It should be noted that a local heritage listing does not place much importance on management of the interior.

From the Mona Vale Road view, the house is not easily seen above the vine covered brick fence, but the top of the windows and flat roof are evident. Certainly the brick fence and plantings have effectively screened this view but not entirely eliminated it. The early landmark view of the house as an advertisement for the display group has been reduced. When considering that the display village was built in the early 1960s when Mona Vale Road was only 2 lanes and much quieter, the alterations are seen as a reasonable response to the changed conditions. The entry to the house is now via Richmond Avenue with the door bell, driveway letter box and most of the garden facing Richmond Avenue. It might be said that the house is now more visually connected to Richmond Avenue than Mona Vale Road. The architect, Ken Woolley states in a letter dated 11 July 2003 that:

The original "Lowline" house at 400 Mona Vale Road, which was apparently removed from a heritage listing, appears to be not altered or compromised, apart from paint colours, to any extent that would affect its heritage qualities.

The Pettit and Sevitt display village is seen to be important for both the architecture, as one of the early 'Sydney School' designs and the landscape design, which is an important early work by Bruce Mackenzie. Changes to the house and garden of 400 Mona Vale Road have changed it but the historical connection is clear and the house is easily interpreted as one of the Pettit and Sevitt designs. The "Lowline" was one of the most popular designs built by the company.

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This house is known as the “Gambrel” design and is subject to an appeal in the Land & Environment Court to be heard shortly. From the external inspection, its existing condition is considered reasonable although it is acknowledged that maintenance has been deferred. Alterations include a garage in front of the house and an addition in 1991 which added a timber framed extension providing a new kitchen and dining room. The extension is clad with a modern composite weatherboard material with aluminum windows. Some of the original cedar timber boards have been painted. These additions and alterations are not sympathetic to the original design, however they are not considered to eliminate the design concept or the contribution of this house to the whole display village group. There would be an opportunity to reverse some of the work and undertake further extensions in the spirit of the original concept. It is understood that the NSW Heritage Council recently offered \$5,000 to fund the cost of an architect to design appropriate additions/alterations, but the owner refused the offer.

The owner of the house has made numerous submissions opposing the listing of his property. A recent letter from the owner is attached to this report. The owner states he purchased the property about 5 years ago and there was no indication that it could possibly be subject to a heritage listing and his intention was always to demolish the house and build a new one after a few years. His application for demolition for two new dwellings on the land under the provisions of SEPP 53 was refused by Council. After the NSW Heritage Council took an interest in the group of houses and considered listing the house as part of the group of the State Heritage Register he decided to sell the house. The owner claims he could not sell the house and is of the view that the potential heritage listing completely prevented its sale and reduced its value. He claims that he will lose tens of thousands of dollars if the listing was made. The owner has provided a statutory declaration from a local real estate agent to that effect but has not provided any evidence from a qualified valuer. His letter also states that the Mayor, inspected the house recently.

Comment

It is clear that the owner of this house strongly opposes any heritage listing and feels that a heritage listing would devalue the property. It is also clear maintenance to this house has been deferred because it was the intention of the owner to demolish.

It is proposed to include this house in the group listing, along with No 400 Mona Vale Road. Being a component in a group listing would not place unreasonable limitations on the property and appropriate alterations/additions would be encouraged. Limited funding is available from Council to assist in maintenance and grants from other authorities might also be available to assist the owner.

Under the existing statutory requirements, Council is required to consider the impact of development of this property as it might affect the adjoining heritage items. In this case, the potential demolition has led to the heritage issue being raised and it is clear that the information provided to Council in 1991 was incorrect and this property is a Pettit and Sevitt design. The “Gambrel” design won a RAI design award for a project house in 1968. It is considered that the

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heritage significance of this house and the whole group of houses will be subject to further study and it is highly likely that the understanding of the group will be enhanced in future years.

The NSW Heritage Council has undergone a lengthy process of assessment and is of the view that this house and the group is significant but not at the State level, mainly due to a lack of comparative assessment with other similar groups, which may indicate the level of significance as being important to the State.

COMMENTS

It appears that Council's decision to remove 27 Richmond Avenue from the heritage schedule may not have been based on accurate information and it is appropriate that Council reconsiders the issue. The architect for the group, Ken Woolley has provided new information. Further information has been prepared for the appeal. This additional information warrants consideration of the significance of the houses and the group.

It is also apparent that there is much current interest in the "Sydney School" of Architecture within heritage authorities and the community. The outer areas of Ku-ring-gai were developing at a rapid rate during the early 1960s and they contain many important examples of the style and the earlier work of the modern school, including the work of Harry Seidler, Sydney Ancher and other important architects. Many of those houses are listed as heritage items and there is a group of houses in Wahroonga by Harry Seidler and a group of houses in Gordon by Sydney Ancher.

The NSW Heritage Council has prepared a detailed assessment of the group broken down into the various accepted criteria. Their assessment has used the Inclusion and Exclusion guidelines for each criteria and the report is attached.

CONSULTATION

Consultation with Council's Heritage Advisory Committee, the NSW Heritage Office, the National Trust, and the Royal Australian Institute of Architects has occurred regarding this property. Further consultation will occur if Council proceeds to a Draft LEP.

FINANCIAL CONSIDERATIONS

Preparation of a draft LEP involves ongoing use of Council's resources, staff time and advertising for the public exhibition. Additional costs might be associated with Council's grant program for local heritage items for the two houses.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation between Planning and Environment, Environmental and Regulatory Services and also Property Services has occurred in preparation of this report.

SUMMARY

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In response to Council's refusal of an application to demolish the house at 27 Richmond Avenue St Ives, Council commissioned consultants to prepare a detailed heritage assessment. The assessment found 27 Richmond Avenue part of the Pettit and Sevitt display village and has heritage significance at a local and State level. It also found that 400 Mona Vale Road is a Pettit and Sevitt house and its inclusion in the group is warranted. Other heritage authorities have encouraged Kuring-gai Council to include the properties in the existing heritage group. The NSW Heritage Council has considered the matter and found that the display village group has local significance and may have State heritage significance, but due to a lack of comparative assessments on a state-wide basis, could not reach a definitive conclusion that the group is of State heritage significance. The owners of both properties are strongly opposed to including their properties within the group listing of the Pettit and Sevitt display village.

Inclusion of these two properties could potentially increase the significance of the Pettit and Sevitt group and Council should consider that if these two properties are not included that the value of the group could be reduced.

RECOMMENDATION

- A. That Council prepares a Local Environmental Plan to include 27 Richmond Avenue and 400 Mona Vale Road, St Ives as a draft heritage items.
- B. That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the EP & A Act.
- C. That Council notifies the owners of all affected properties of its decision.
- D. That the Draft Plan be placed on exhibition on accordance with the requirements of the EP & A Act and Regulations.
- E. That a report be brought back to Council at the end of the exhibition period.

Paul Dignam
Heritage Conservation Planner

Leta Webb
Director Planning & Environment

Attachments:

- A. Report to the NSW Heritage Council dated 2 June 2004.**
- B. Recommendation of the NSW Heritage Council dated 2 June 2004.**
- C. Letter from Ken Woolley.**
- D. Letter from Royal Australian Institute of Architecture.**
- E. Letter from the National Trust.**

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- F. Letter from Mr Rahmani, owner of 27 Richmond Avenue, St Ives.**
- G. Report prepared by R Moore for Council.**
- H. Report prepared by GML for Council.**
- I. Photographs taken on 2 August 2004.**

KU-RING-GAI / HORNSBY COUNCIL - CHANGES TO EXISTING SECTION 88B INSTRUMENTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of variations required to be made to Section 88B Instruments relating to certain properties formally within the Ku-ring-gai Local Government area which were transferred to Hornsby in 1997 and vice versa.
BACKGROUND:	As a consequence of boundary changes in 1997 certain drainage easements, positive covenants and restrictions relating to three properties have changed responsibility between Ku-ring-gai and Hornsby Council.
COMMENTS:	It is considered appropriate that the Land and Property Information NSW records are adjusted to reflect the new "Council" obtaining the benefit of the said drainage easements, positive covenants and restrictions on use.
RECOMMENDATION:	That Council approve the variation to the records and authorise the affixing of the Common Seal of Council to all necessary documents.

PURPOSE OF REPORT

To advise Council of variations required to be made to Section 88B Instruments relating to certain properties formally within the Ku-ring-gai Local Government area which were transferred to Hornsby in 1997 and vice versa.

BACKGROUND

In 1997 two properties formerly in the Ku-ring-gai local government area were transferred to the Hornsby Shire local government area and one vice versa as a result of a boundary adjustment.

At that time, arrangements were made for the transfer of various responsibilities associated with each property such as; rating, records, garbage collection, and zoning requirements. However, there are certain drainage easements, positive covenants and restrictions on use over the subject properties which were subject to boundary adjustments and require variation.

Hornsby Shire Council have, though their solicitors prepared documentations to alter the records at Land and Property Information NSW to reflect the “new” Council obtaining the benefit of the said drainage easements, positive covenants and restrictions on use.

COMMENTS

The above adjustments relate to a total of three properties, two of which apply to properties which were in Ku-ring-gai and are now in Hornsby and one of which originated in Hornsby Shire and is now in the Ku-ring-gai local government area.

Property Details are as follows:

Ku-ring-gai to Hornsby

1. Folio Identifier 1/870867
 - 9 John Hughes Place, Wahroonga
 - Variation of easement
 - Variation or modification on the restriction on the use of land
2. Folio Identifier 82/849427
 - 2B John Hughes Place, Wahroonga
 - Variation or modification of the positive covenant
 - Variation or modification on the restriction on the use of land

Hornsby to Ku-ring-gai

1. Folio Identifier 1/SP49372
 - 1/28 Woonona Avenue, Wahroonga
 - Variation or modification on the restriction on the use of land

CONSULTATION

Mr John Boland of Matthews Folbigg Solicitors was consulted on this matter.

FINANCIAL CONSIDERATIONS

N/A

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

N/A

SUMMARY

The property variations detailed in this report are to amend Land and Property Information NSW records which originate from the boundary adjustments of 1997.

RECOMMENDATION

- A. That Council approve the adjustments to folio identifiers 1/870867, 82/849427, 1/SP49372 contained in this report.
- B. That Council authorise the Mayor and the General Manager or their nominees to sign documentation and affix the common seal to properties identified in "A" above.

Keith Woosnam
Commercial Services Coordinator

John McKee
Director Finance and Business

CAROLS IN THE PARK

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of a request from the Combined Churches of Ku-ring-gai to participate in the Carols in the Park event in December 2004.
BACKGROUND:	Council has participated in Carols in the Park since 1988.
COMMENTS:	It is estimated that the direct costs, staff time and other in-kind support that Council contributes to the Carols event is in excess of \$28,000. This represents quite a considerable amount that Council contributes to one organisation or event.
RECOMMENDATION:	<ul style="list-style-type: none"> A. That Council grant the \$10,000 that has been budgeted in the 2004/05 budget to the Combined Churches of Ku-ring-gai to enable the Carols in the park to continue for 2004. B. That the Combined Churches of Ku-ring-gai take responsibility for the organisation and payment of the venue, the portable toilets, the garbage collection, the chairs and trestle tables, and sound and stage lighting. C. That the Combined Churches of Ku-ring-gai take responsibility for the production and printing of all advertising materials and booking of banner sites for Carols in the Park. D. That the Combined Churches take responsibility for the liaison with and organising of community and commercial groups that participate in the Carols in the Park. E. That Council transfer funds budgeted for the Carols in the Park 2005 to the Financial Assistance Program for 2005/06, and invite the Combined Churches of Ku-ring-gai, along with any other community groups, to apply for funding to assist with their events in 2005/06.

PURPOSE OF REPORT

To advise Council of a request from the Combined Churches of Ku-ring-gai to participate in the Carols in the Park event in December 2004.

BACKGROUND

Council has participated in Carols in the Park since 1988. Council's contribution has been in the form of organisation and payment for the venue, graphic design, advertising, stage lighting and sound, organising stall holders and community groups, and other in-kind activities.

COMMENTS

It is estimated that the direct costs, staff time and other in-kind support that Council contributes to the Carols event is in excess of \$28,000. This represents quite a considerable amount that Council contributes to one community organisation or event.

The Combined Churches of Ku-ring-gai have estimated an attendance of between 3,500 – 4,500 people to this event which is held at Bicentennial Park in December, between the hours of 7.30pm to 9.30pm.

It is estimated that Council spends approximately \$28,574 on Carols in the Park. In comparison, Council's Financial Assistance Program distributes approximately \$70,000 amongst some 55 community groups, resulting in the community groups receiving an average of approximately \$1,272 each.

The \$28,574 that Council expends on Carols in the Park is representative of approximately 40% of this Financial Assistance Program.

The 'Festival on the Green', held in June this year cost Council approximately \$12,000. This event attracted over 5,000 people. Council staff were also able to secure \$10,000 sponsorship for this event.

The Combined Churches of Ku-ring-gai has requested that Council take responsibility for the following for this year's Carols in the Park:

- Hire and payment of venue
- Hire and payment of portable toilets
- Organisation and payment for garbage collection
- Hire and payment of chairs and trestle tables.
- Organisation and payment for stage lighting by a specialized contractor.
- Graphic design and printing costs for advertising material.
- Production and display of advertising banners.
- Exhibition of banners at 4 Council sites.
- Coordinating and liaising with community and commercial groups.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

For Council to provide the level of participation for Carols in the Park as requested by the Combined Churches of Ku-ring-gai, it would cost approximately \$28,574. This figure is based on both estimates for this year and costings for previous Carols in the Park.

According to the following budget:

Hire of venue	4,665.50
Hire of portable toilets	808.50
Garbage collection	1,000.00
Hire of chairs and trestle tables	770.00
Stage lighting	5,480.00
Graphic design	550.00
Printing costs	3,900.00
Production of banners	500.00
Exhibition of banners	100.00
Staff time to coordinate community and commercial groups and organise event	9,800.00
Advertising (Council paid costs last year – not requested by Combined Churches this year)	1,000.00
TOTAL COST	28,574.00

Council has approved a budget of \$10,000 in the 2004/05 communications budget for Carols in the Park.

This amount is clearly not enough to cover the costs for all the requests for payments that have been detailed by the Combined Churches. Examination of previous year's budgets and working files shows that Council supported Carols by way of direct costs, in-kind support and staff time to approximately \$28,574.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space, Technical Services and Finance and Business Development have been consulted in the writing of this report.

SUMMARY

While Carols in the Park is a popular event in Ku-ring-gai, which attracts over 3,000 people, it should be noted that Council does not support any other Church or community organisation to the extent that it does Carols in the Park.

The intention of this report therefore is to advise Council of the amount of money spent on Carols in the Park and to recommend a more equitable method of support for all community groups that may present similar events.

It should be noted that there is no intent for Council to withdraw its support for Carols in the Park for 2004, as a \$10,000 grant far exceeds that given to any other community group for this financial year.

RECOMMENDATION

- A. That Council grant the \$10,000 that has been budgeted in the 2004/05 budget to the Combined Churches of Ku-ring-gai to enable the Carols in the park to continue for 2004.
- B. That the Combined Churches of Ku-ring-gai take responsibility for the organisation and payment of the venue, the portable toilets, the garbage collection, the chairs and trestle tables, and sound and stage lighting.
- C. That the Combined Churches of Ku-ring-gai take responsibility for the production and printing of all advertising materials and booking of banner sites for Carols in the Park.
- D. That the Combined Churches of Ku-ring-gai take responsibility for the liaison with and organising of community and commercial groups that participate in the Carols in the Park.
- E. That Council transfer funds budgeted for the Carols in the Park 2005 to the Financial Assistance Program for 2005/06, and invite the Combined Churches of Ku-ring-gai, along with any other community groups, to apply for funding to assist with their events in 2005/06.

Janice Bevan
DIRECTOR COMMUNITY SERVICES

RE - EXHIBITION - DRAFT LOCAL ENVIRONMENTAL PLAN 200 - CONSIDERATION OF SUBMISSIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider Draft Local Environmental Plan No 200 (DLEP 200) and the public submissions received in response to its re-exhibition.
BACKGROUND:	Council on 25 November 2003 first adopted Draft Local Environmental Plan No 194 (Residential Development Strategy) and resolved that it be supplemented by a further Draft LEP. DLEP 200 has since been prepared and publicly exhibited. Submissions from the initial exhibition were considered by Council on 29 June 2004 at which time it was resolved by Council to re-exhibit the Plan in a revised format consistent with the Minister's Direction.
COMMENTS:	In accordance with Council resolutions DLEP 200 introduces a number of additional sites for medium density residential development and detached dual occupancy. It also proposes to allow "hospitals" as a permissible use within Special Area "A" and "A1" zones. This report discusses the Plan together with the submissions received during the public exhibition period.
RECOMMENDATION:	That Council adopt the final format of Draft Local Environmental Plan No 200 and forward it to the Minister requesting its gazettal.

PURPOSE OF REPORT

To have Council consider Draft Local Environmental Plan No 200 (DLEP 200) and the public submissions received in response to its re-exhibition.

BACKGROUND

1. Council on 25 November 2003 considered public submissions received in response to the exhibition of Draft LEP 194. Council resolved to adopt DLEP 194 with certain amendments.

Council also resolved that a new Draft LEP be prepared to introduce additional medium density sites to supplement Draft LEP 194. These sites as included in Draft LEP 200 are as follows:-

- 3-15 Bundarra Avenue South, Wahroonga – currently zoned 2(c2).
 - 1405 Pacific Highway, Warrawee – currently zoned 2(c2).
 - 161-163 Mona Vale Road, St Ives – currently zoned Residential 2(c) under the Ku-ring-gai Planning Scheme Ordinance (KPSO).
 - 132-138 Killeaton Street, St Ives – currently zoned Special Uses 5(a) “Seminary” under KPSO.
 - 1-11 Mt William Street, Gordon – currently zoned 2(c2).
 - 6a and 8 Buckingham Road, Killara – currently zoned 2(c2).
 - 2-4 Wallaroo Close, Killara – currently zoned 2(c2).
 - 9-31 Victoria Street, Roseville – currently zoned 2(c2).
2. Council secondly resolved that the new Plan propose some further detached dual occupancy sites. This came about because of an anomaly in the exhibition of DLEP 194. The exhibited Map 3 identified properties in the 2(c2) zones which would permit detached dual occupancy development. Unfortunately the map (which was prepared well in advance of the finalisation of the 2(c2) zones) identified some sites outside the footprint of the 2(c2) zone. Council resolved to consider the inclusion of these sites for the purpose of dual occupancy development. This necessitates that they be zoned to the new 2(c2) zone. As a consequence Draft LEP 200 proposed zoning 17 sites to 2(c2). The related “Dwelling House Subdivisions Map” also requires revision so that it applies to these additional sites. The properties concerned are:
 - 1 Sutherland Avenue, Wahroonga.
 - 112 Coonanbarra Road, Wahroonga.
 - 1548 Pacific Highway, Warrawee.

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- 149 Mona Vale Road, St Ives.
 - 161 Rosedale Road, St Ives.
 - 39 Shinfield Avenue, St Ives.
 - 2 Collins Road, St Ives.
 - 1 College Crescent, St Ives.
 - 238-240 Mona Vale Road, St Ives (part of).
 - 124 Killeaton Street, St Ives.
 - 265 Mona Vale Road, St Ives.
 - 1 Ravenswood Avenue, Gordon.
 - 2 Henry Street, Gordon.
 - 31 Karranga Avenue, Killara.
 - 21 Provincial Road, Lindfield.
 - 460 Pacific Highway, Lindfield.
 - 476 Pacific Highway, Lindfield.
3. Council thirdly resolved to extend the flexibility of the Special Uses zones so that “hospitals” could be accommodated in all Special use “A” and “A1” zones. Thus sites with nominated Special Uses such as “convents”, “seminary”, “church” etc, would be permitted to also accommodate hospital development. The purpose of this amendment is to assist Council in gaining exemption from the provisions of State Environmental Planning Policy No 5 and the recent Senior Living SEPP.

Draft LEP 200 has been prepared and exhibited embodying all the above inclusions.

Note: Certain errors (omissions) are noted in the “Dwelling House Subdivisions Map” of LEP 194. These resulted where sites were brought into LEP 194 by the Minister (having been previously deleted by Council) eg. Newhaven Place, St Ives and Special Area 1 – Roseville. DIPNR has overlooked the need to maintain an underlying lot size standard for dwelling-houses on these lands. Verbal advice from DIPNR suggests Council include the overlooked sites on the Subdivisions Map for LEP 200 when finally submitted for gazettal. This will reintroduce underlying subdivision standards for these sites.

COMMENTS

Public Exhibition

The Draft LEP was exhibited in accordance with statutory requirements. Council has received some 600 public submissions. These are discussed in the Consultation segment of this report.

Council’s Heritage Conservation Planner

Council’s Heritage Conservation Planner has previously provided the following comments:

I have noted the letter about Draft LEP 200 submitted by the National Trust. Their concern appears to be potential impact on their classified Urban Conservation Area which is characterized by low density residential areas, as the plan proposes higher densities in three of their precincts.

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They appear to be particularly concerned with the potential rezoning of 3-15 Bundarra Avenue South, Wahroonga and 161-163 Mona Vale Road, St Ives.

I have concerns about some of the sites as follows. I wish to state that these comments are only preliminary and intended to assist in preparation of a report to Council on draft LEP 200 and I have not otherwise been involved in draft LEP 200.

St Ives, Camellia Grove site, Mona Vale Road

Council has resolved to undertake a heritage assessment of this site to determine whether it has heritage values sufficient to consider including it as a heritage item. We have commissioned a consultant to undertake an assessment; however his report is not complete. I would suggest that this site be deferred until Council has considered the consultant's report and made a decision on its heritage value and potential listing. Rezoning of this site prior to the report being available would not result in good heritage management.

Killeaton Road, St Ives – Passionist Site

This site is not a heritage item and was subject to SEPP 5 development. The site contains an important archaeological deposit and part of a very early slab shed. The SEPP 5 development proposed retaining these items. The main building has heritage significance and its retention is considered necessary. The existing SEPP 5 application proposed retention of most of the early building. I understand that the Land & Environment Court approved the application, although work has not proceeded on the site. I would be concerned at rezoning of this site due to the heritage significance of the existing buildings and the archaeological relics.

161-163 Mona Vale Road, St Ives

The existing post war houses have no heritage significance and are located in a commercial locality. No heritage reasons against potential rezoning.

1-11 Mt William Street, Gordon

Council prepared draft (Heritage Conservation) LEP 25 in March 2001 to include the National Trust UCA No 13, however it has not been exhibited as a LEP. In 2001, the consultants, Godden Mackay Logan (GML) undertook a detailed study of the National Trust UCA No 13. They suggested that an additional area including Mt William Street be included in the UCA as it was historically part of an early land subdivision and graded the subject properties as contributory to the UCA.

The GML report was placed on public exhibition and Council resolved on 21 May 2002 to adopt the report and recommendations. However, Mt William Street is not part of the National Trust UCA and is not part of the area contained in draft LEP 25.

I acknowledge that there is a potential conflict in including this area in LEP 200 as Council has adopted the recommendations of the report prepared by GML in 2002. Allowing 2(d3) would

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presume that demolition is acceptable, which is contrary to the intent of Council's resolution of 21 May 2002.

It is my view that although the subject properties are of some heritage value, Mt William Street is of a different character than other streets in UCA 13 and that the heritage precinct would be better defined if Mt William Street, Burgoyne Street, Carlotta Avenue and Pearson Avenue were removed.

7 Ravenswood Avenue, Gordon

Council recently allowed demolition of 2 significant buildings on this site as the Ravenswood School wanted more open space for the school and the land has been landscaped as part of the school. Why is this site now being considered for medium density? However there are no heritage issues.

9 – 31 Victoria Street, Roseville

Although this group of houses are not individual heritage items, they are important contributory items in UCA 3 – Roseville Conservation Area. Several of the houses were identified by GML in 2000 as potential heritage items. Individual listing was not pursued at the time, because the overall policy has been to focus on identifying Conservation Areas, rather than individual properties so that whole areas could be effectively managed.

The potential Roseville Conservation Area – UCA 3, is probably the most intact conservation area in Ku-ring-gai with very good examples of Federation and Interwar houses. Its heritage value is identified in the report on UCA 3 (Stage 2 & 2a) prepared by GML in 2002. Although UCA 3 contains many properties, rezoning of the properties in Victoria Street would further erode the overall value of UCA 3 and may set a precedent for further areas to be removed before Council has the ability to exhibit the UCAs as draft LEPs or DCPs. I strongly recommend that it be removed from any rezoning proposals.

3-15 Bundarra Street South, Wahroonga

This is a group of very intact Interwar houses, built c1925 by one builder. Similar groups in Ku-ring-gai are identified for similar values, particularly Frances Street, Lindfield, Lightcliff Street, Lindfield, Pockley Street, Roseville and Newark Crescent, Lindfield. There may be more similar groups in Ku-ring-gai that are not yet identified.

Although the history has not been fully investigated by Council and no detailed assessment of the individual houses been undertaken, it is obvious that the houses are highly intact and worthy of some form of heritage listing, possibly a group LEP heritage listing, small Conservation Area or a Special Character area listing.

I acknowledge that much of the surrounding area has been rezoned or is in the process of rezoning. If a heritage group, conservation area or special character area were developed by Council, the integrity of the group may be compromised by future nearby development which would see changes in its setting. However, there would be additional controls "within the vicinity" of a heritage item or conservation area to ensure that future nearby development would respect its heritage value,

which in theory should result in an acceptable new development which respects the heritage character. Certainly there are many cases in Draft LEP 194 where rezoning around individual heritage items is proposed and it is proposed that the interface zones could be dealt with at DA stage.

1548 Pacific Highway, Wahroonga

This is an existing heritage item. Apparently the owners were not aware that it is a heritage item and recently nominated their house for heritage listing!

Provided that only dual occupancy could occur, I do not believe that its heritage significance is high enough to stop potential dual occupancy development, provided it was done in a complimentary matter and did not involve demolition. However, under the existing heritage provisions, dual occupancy could be achieved without rezoning.

As the overall policy of Council was to exclude existing heritage items, I believe this site should be excluded from LEP 200 on similar grounds. It may also send the wrong message to DIPNR if we are including a heritage item and claiming that heritage is a problem in the rail/highway corridor.

Comments on Heritage Conservation Planner's Comments

The Heritage Planner's comments are noted. They generally accord with the Planning Department's views as set out in the Planning comments later in this report where the properties are considered on a site by site basis. Three sites however warrant particular comment as follows:

- 7 Ravenswood Avenue, Gordon
This site is not being considered for medium density development as suggested. It is only in the context of dual occupancy that it is under review. As elsewhere stated it is not recommended for a change in zoning having regard for the nature of its past / current school usage.
- 9-31 Victoria Street, Roseville
The Urban Conservation Area values of the site are noted. It is considered that this value is mitigated by being at the edge of the UCA which is also fragmented in this location. This is a result of medium density zoning / development at the north western end of Victoria Street, the adjacent Roseville Girls College development, and adjoining Recreation Avenue tennis courts / Roseville Arts Centre car park. The 2(d3) rezoning of adjoining properties in Boundary Street to permit medium density development in LEP 194 is also significant.

On balance it is not considered that retention of the status-quo is appropriate as suggested by the Heritage Conservation Planner in this instance.

- 3-15 Bundarra Street South, Wahroonga
The Heritage Conservation Planner's comments have acknowledged this group of inter-war houses as being good examples similar to other groups identified in Ku-ring-gai. Whilst the Heritage Conservation Planner suggests that the sites may be worthy of a heritage listing (notwithstanding being surrounded by medium density zonings) this view is not shared. On

balance it is considered that the precinct will be out of step and isolated by medium density development adjacent. It is therefore considered acceptable that it be zoned for medium density development as are its surrounds.

Department of Technical Services

Having regard for potential traffic implications of development of sites in Bundarra Avenue South, Wahroonga and Victoria Street, Roseville (and traffic concerns expressed by respondents concerning these localities) traffic related issues were investigated. Council's Traffic and Transport division looked in detail at the two sites and prepared a report concerning the implications of medium density development for the sites and their surrounds.

The report concludes that both sites will not significantly impact on traffic movements in each area. Neither site is dismissed as unsuited to medium density development on traffic related grounds. The conclusions of the report as related to each of the 2 sites is set out hereunder for information. The full report is available on Council's file.

3-15 Bundarra Avenue South, Wahroonga

- *The proposal is not considered to have significant additional impact to traffic volumes in Bundarra Avenue South and Everett Way, however the proposal may have some minor additional impacts to congestion in the Wahroonga shopping centre.*
- *The proposal is not considered to impact significantly on vehicular access from Bundarra Avenue South into Pacific Highway.*
- *The cumulative effects of the nearby site exhibited in draft LEP 194 are not considered to have significant additional impact to traffic volumes in Bundarra Avenue South and Everett Way, and are not considered to impact significantly on vehicular access from Bundarra Avenue South into Pacific Highway.*
- *There could be benefits to traffic conditions in Everett Way resulting from the proposed set-down / pick up facility for Abbotsleigh Junior School.*
- *Footpath and lighting improvements along the routes to Wahroonga railway station / shops should be considered to encourage public transport use and pedestrian movements.*

9-31 Victoria Street, Roseville

- *The proposal is not considered to have significant additional impact to traffic volumes in Victoria Street.*
- *Although there may be some congestion in Hill Street at Boundary Street, it is not considered that additional traffic movements expected during the peak hour as a result of the proposal would have significant additional impacts to the operation of this intersection.*

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- *There is concern about the Level of Service of major intersections along Boundary Street in the vicinity of the site and that delays may be experienced by residents accessing the site from these intersections.*
- *The cumulative effects of the nearby medium density site exhibited in draft LEP 194 are not considered to have significant additional impact to traffic volumes in Victoria Street.*
- *Despite traffic conditions in the vicinity of the site, and the minor additional traffic generation from the rezoning proposal, it is considered that medium density development at this site would be appropriate due to its proximity to public transport (present and future) and core services.*

CONSULTATION

Initial Consultation with Authorities

1. In accordance with the provisions of Section 62 of the Environmental Planning and Assessment Act 1979 Council consulted with 18 statutory authorities, 4 adjoining local Councils, 5 local chambers of commerce and the respective members of Ku-ring-gai and Bradfield before undertaking the first public exhibition of the Draft Plan.
2. Council received responses from Hornsby and Warringah Councils neither of whom raised objection.
3. **Sydney Water** responded and stated its requirements for development that needed to be met by Council/developers. This included Section 73 compliance certificate, mains diameter/supply requirements including augmentation if necessary, sewerage services amplification if necessary, water conservation etc. No objection was specifically raised to the Draft Plan.
4. **The National Trust** has responded seeking certain clarifications concerning the Plan. These have been given. The Trust expressed objection to the Plan as it related to rezoning 2 – 4 Wallaroo Close, Killara, 161 – 163 Mona Vale Road, St Ives and 3 – 15 Bundarra Avenue South, Wahroonga. Each of these sites was recognized by the Trust as falling within 3 of the Trusts classified Urban Conservation Areas. These were respectively the Greengate Road Precinct, Pentecost Avenue Precinct and Mahratta Warrawee Precinct. The Trust considered the rezoning of these sites to allow for medium density housing would be inappropriate in terms of scale and detrimental to the character of the urban conservation area if permitted.
5. **The NSW Fire Brigades** has commented, however discussion related to the provisions of Draft LEP 194. Comments are directed at ensuring access for the Brigades plant and the undertaking of development in accordance with “Planning for Bushfire Protection” provisions. No objection was raised to the Draft Plan.
6. **Energy Australia** responded as an owner of land affected by the Plan. It commented that its future applications will be lodged as Crown Applications under Part 5A of the Environmental

Planning and Assessment Act 1979. Energy Australia makes reference to a Section 117 (2) direction which requires that draft LEPs as far as possible adopt model provisions which are relevant to the aims, objectives, policies and strategies of that plan. In this regard it requests Council adopt Clause 35 of the Model Provisions such as not to restrict or prohibit Energy Australia from carrying out development which it is required to undertake in order to fulfill its proper functions.

It is considered that the aims and objectives of this Plan are not such as to be relevant to the matter raised and are not limiting to Energy Australia operations. Draft LEP 200 merely supplements Draft LEP 194 by introducing further sites into the Plan. No objection is raised by Energy Australia to DLEP 200.

Second Consultation with Authorities

1. Council again consulted with the same authorities under Section 62 provisions in respect of the revised Draft LEP.
2. Council has received a response from Hornsby Council re-stating that it had no comment or objection in respect of the Draft Plan as re-exhibited.
3. Council has also received a late submission from the NSW Heritage Office. Essentially no objection has been raised to DLEP200 with the exception of comments made in respect of 132-138 Killeaton Street, St Ives (Passionist site). The relevant comments concerning the site are as follows:-

Macquarie Farm / Passionist Site is one of a number of sites reviewed in the 1986 Ku-ring-gai Heritage Study prepared by Robert Moore, Penelope Pike, Helen Proudfoot and Lester Tropman and Associates. The Study Inventory Sheet for Macquarie Farm / Passionist Site states:

“The building on the site was believed to have been built around 1850 and was the original farmhouse when the land was called Macquarie Farm. The farm was a parcel of 40 acres granted to Michael Ansell in October 1831. He named the property after Governor Macquarie whom he regarded as the true friend of free settlers and emancipated convicts. The cottage was later used as a storage area. The property was an orchard when bought by the Passionist Fathers in 1938.

In March 1982 the cottage was gutted by fire.”

Notwithstanding that the cottage on the site is no longer extant the Heritage Office believes that Council should consider listing the site in its entirety as a heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme ordinance due to its obvious historic and archaeological significance. Listing of the site will ensure the protection, conservation and management of the elements that contribute to its significance including the archaeological deposit, remaining slab shed and college building. Listing will also ensure that the impact of proposed development on the significance of the item and its setting is considered by Council prior to the determination of any development application for the site.

Comment: At this late stage of proceedings it is difficult to justify the inclusion of the site as a Heritage item. Council would need to be prepared to resolve to prepare and exhibit a new Draft LEP. Council should appropriately first give consideration to a current heritage report for the site. It needs to be also recognised that the site is the subject of a current SEPP5 approval by the Court. The preparation of a new Draft LEP to seek heritage listing assumes that DIPNR is prepared to permit the issue of a Section 65 Certificate to allow exhibition of a Draft LEP to proceed.

Public Exhibition

Draft LEP 200 was re-exhibited in accordance with statutory requirements. The Plan was advertised in the local press and exhibited at Council's Chambers, on Council's website and the Council libraries from 7 July to 4 August 2004. Council wrote to all property owners/occupiers of the lands which were to be subject to proposed zoning change. In addition adjoining and adjacent owners/occupiers were also notified by letter of the Draft LEP. Approximately 1400 letters were forwarded in total.

In response to the notification / exhibition process Council has received some 600 submissions. Of these 560 objected to the Draft Plan whilst 21 expressed support. A number of submissions commented on the Draft Plan without indicating agreement or objection.

It is to be noted that submissions were also received which were unrelated to the contents of Draft LEP 200. These included:

- Submission on behalf of the owners of 18, 31, 33, 35 and 37 Illoura Avenue and 6 Clwydon Close, Wahroonga (zoned 2(c2)) seeking inclusion of the lands in DLEP 200 as a 2(d3) zone.
- Three submissions seeking the inclusion of Nos 2A and 2B Winton Street, Warrawee (zoned 2(c2)) in DLEP 200 as a 2(d3) zone.
- Submission seeking the inclusion of 1268 Pacific Highway, Turramurra (zoned 2(c2)) in DLEP 200 as a 2(d3) zone.
- Three submissions seeking inclusion of 2 and 2A Munderah Street, Wahroonga (zoned 2(c)) and 2B and 4 Munderah Street, Wahroonga (zoned 2(c2)), in DLEP 200 as a 2(d3) zone.
- Submission seeking inclusion of Nos 20, 22 and 24 Nelson Road, Lindfield (zoned 2(c2)) in DLEP200 as sites suitable for detached dual occupancy development.
- Submission seeking inclusion of lands zoned 2(d), 2(e) and 2(h) in DLEP 200 as 2(d3) zones.

Comment: The statutory process does not allow the inclusion of such additional sites into DLEP 200 at this late stage of the process. These lands have not been the subject of the statutory exhibition and public consultation process. Nor have the sites been assessed for their suitability or otherwise for medium density development. Council has previously determined that the lands be zoned 2(c2) under LEP 194 in all cases (excepting the last example and Nos 2b and 4 Munderah Street, Wahroonga).

Submissions and the issues which have been raised are dealt with on a site by site basis in the following section of this report.

Consideration of Submissions on a Site by Site basis**Proposed 2(c2) Zones**

Site Identification	Submissions	Planning Comment
1 Sutherland Avenue, Wahroonga	No submissions have been received in respect of this property which is a large site of 3004m ² having a substantial dwelling erected thereon and a tennis court. The site lies within the National Trust Urban Conservation Area No 27. The site is adjacent to the existing 2(c2) zone of LEP 194 which lie to the south and west on the opposite side of the street.	The sites identified as 2(c2) in this Draft Plan are proposed because they have been considered for their <u>detached</u> dual occupancy potential because of their frontage to 2 streets. This site has frontage to 2 streets however one is effectively only a pedestrian pathway which is a narrow extension of Chiltern Parade known as Warrawee Walk. It does not constitute a road for the purposes of vehicular access. The site however is extensive and is considered reasonably able to accommodate dual occupancy development in attached or detached format. Its inclusion in Draft LEP 200 as a 2(c2) zone is recommended.
112 Coonanbarra Road, Wahroonga	No submissions have been received in respect of the re-exhibition of the Plan as it relates to this site.	The site of 1220m ² has a substantial dwelling erected thereon. It is a corner site on the northern side of Bareena Avenue. The existing dwelling is considered capable of adaptation as an attached dual occupancy. It is not however seen to be appropriate for dual occupancy in a detached form given the limited availability of the site area. Inclusion of the site as a 2(c2) zone can be recommended but it is not supported for detached dual occupancy purposes.
1548 Pacific Highway, Wahroonga	No submissions have been received in respect of this property which is a heritage	On the basis of its heritage listing the site should be excluded from DLEP 200 to be

Site Identification	Submissions	Planning Comment
	item on a 1846m ² site. Heritage items have been specifically excluded from lands covered by the Residential Development Strategy.	consistent with Residential Development Strategy provisions. It is to be noted that there are conservation incentive provisions available to all heritage items under Clause 61H of the KPSO. These are available to allow for consideration of alternative development options by Council on a basis of merit. It is recommended that this site be deleted from the Plan.
149 Mona Vale Road, St Ives	No submissions have been received in respect of this site. The land is 1348m ² in area located on the corner of Pentecost Avenue.	The site is of large size and capable of adaptation to dual occupancy development in attached or detached form. Inclusion of the site in a 2(c2) zone can be supported to permit attached or detached dual occupancy development. Its inclusion as a 2(c2) site in the Plan is recommended.
161 Rosedale Road, St Ives	A submission has been received on behalf of the owners of No 161 and 163 Rosedale Road and 28 Shinfield Avenue, St Ives. The submission seeks the inclusion of all 3 sites into DLEP 200 as a 2(d3) zone. The lands to the north of 163 Rosedale Road and 28 Shinfield Avenue are zoned 2(d3). (Note: Council when finalising Draft LEP 194 expressly limited the extent of the medium density zoning in this locality to exclude these properties and Shinfield Avenue between Rosedale Road and Lynbarra Avenue. It is not possible to upzone these sites for medium density under DLEP 200 which has not included these sites for medium density development. This	The site is developed by a very large dwelling capable of adaption for dual occupancy development. There would appear to be little opportunity or site area for detached dual occupancy development. However, inclusion of the site in the Plan as a 2(c2) zone to permit attached dual occupancy is recommended.

Site Identification	Submissions	Planning Comment
	would need to be the subject of a new Draft LEP if Council was to pursue the matter).	
39 Shinfield Avenue, St Ives	No submissions have been received in response to the re-exhibition for this property. However, concern was previously expressed at potential tree loss, development access being affected by existing speed humps, loss of amenity, privacy concerns, potential drainage issues, location and narrow and busy roads.	For this site it is generally considered that there are suitability issues associated with any detached dual occupancy development. It is considered that an appropriate adaption of the dwelling as an attached dual occupancy however could reasonably address these issues. Inclusion of the site as a 2(c2) zone in the Plan is supported but it is not recommended for detached dual occupancy purposes.
1 College Crescent, St Ives	This site has not been the subject of any submissions. It is positioned on the corner with Yarrabung Road.	The existing dwelling is considered capable of adaption as an attached dual occupancy. It is not however seen to be appropriate for dual occupancy in a detached form given the limited availability of site area. Inclusion of the site in the Plan as a 2(c2) zone can be supported but it is not recommended for detached dual occupancy purposes.
238-240 Mona Vale Road, St Ives	One submission has been received from Ingham Planning on behalf of the site owners (Camellia Grove Nursery). The site is made up of several allotments. Only 2 exceed 1200m ² area and it is these 2 which are proposed as 2(c2). The consultants argue that the combined site including all allotments could be included. The submission further argues that the site by its size, location and proximity to proposed medium density zones would be suited to medium density zoning. It is requested that it	The site was recently the subject of a heritage assessment for which Council engaged an independent consultant. It would be premature to rezone the site for any purposes before the report can be appropriately considered. (It is not possible to consider any zoning upgrading to 2(d3) as requested under this Draft LEP). The site should be further investigated in the future study of the St Ives Centre and considered as a strategic site in this review. The site should be excluded from DLEP 200.

Site Identification	Submissions	Planning Comment
	be so considered as a 2(d3) zone.	
265 Mona Vale Road, St Ives	No submission has been received for the re-exhibition of this site of 1543m ² on the corner of Killeaton Street. He site accommodates the Chabad House (synagogue).	It is unlikely that any change in use of the synagogue site will occur in the short term. Dual occupancy (as provided for Clause 25F of the KPSO) can only be undertaken on those qualifying sites which were occupied by a dwelling-house at 28 March 2000 and also at the date of application. The synagogue site does not meet this criteria having been in place before 2000. In these circumstances it is not appropriate that it be rezoned 2(c2) and the site is recommended for deletion from the Plan.
124 Killeaton Street, St Ives	No submissions have been received for this site of 1524m ² . It is developed with a dwelling-house and is located on the corner of Mona Vale Road opposite the Chabad House site previously discussed.	This is an irregular shaped allotment with some significant trees in its undeveloped areas. The existing level of development, trees and irregular shape render it unsuited to detached dual occupancy development. However, the site could be suited to the adaption of the existing dwelling for attached dual occupancy. Inclusion of the site as a 2(c2) zone can be recommended but not so as to permit detached dual occupancy.
2 Collins Road, St Ives	No submissions have been received in respect of this site which is located on the corner with Killeaton Street. The site has an area of 1359m ² and a current approval for 4 SEPP5 dwellings.	The large site and dwelling could be adapted as an attached dual occupancy or developed for detached dual occupancy purposes. A rezoning to 2(c2) can be supported and it is recommended that the site be so zoned in DLEP200.
7 Ravenswood Avenue, Gordon	No submissions have been received in respect of this site	The site has operated as part of the Ravenswood Girls School

Site Identification	Submissions	Planning Comment
	which forms part of Ravenswood Girls School. The allotment of 1637m ² is currently zoned Residential 2(b) under the KPSO and is contiguous with the school site and used as playground space.	for a considerable period. It does not qualify as a dwelling-house for the purpose of Clause 25F of the KPSO to permit dual occupancy development (if rezoned to 2(c2)). For those reasons and recognizing its ongoing school use the site is recommended to be deleted from DLEP 200.
2 Henry Street, Gordon	No submissions have been received for this site which is contiguous with the south eastern corner of Ravenswood School at the corner of Henry Street and Cecil Street, Gordon. The site is of 1265m ² area and is owned by the Uniting Church in Australia (on behalf of Ravenswood School). It is currently used as a dwelling-house and has not been used for school purposes.	It is understood that in the future Ravenswood intends to develop the site as part of the school. Notwithstanding this in the event that the site were to be sold by the school as a residence there would be no objection to its adaptation as a dual occupancy in an attached or detached form. A rezoning to 2(c2) could be supported on this basis and it is recommended that the site be so zoned in DLEP 200.
31 Karranga Avenue, Killara	No submissions were received concerning this site however an earlier submission referred to the dangers of the 3 leg intersection of Powell Street, Wattle Street and Karranga Avenue at the vicinity of the site. The site of 1248m ² is developed with an extensive dwelling in combination with the adjoining property 1A Wattle Street which is in addition to it and accommodates a tennis court and is used as part of the site.	The size of the dwelling is such that it could be adapted as a dual occupancy. However it is not suited to the erection of a second detached dwelling. The site is adjacent to 2(c2) zones on the opposite side of Wattle Street and Karranga Avenue. The rezoning of No 31 to 2(c2) could be supported so as to permit attached dual occupancy. The size of existing parking arrangements could meet dual occupancy requirements without the need for additional vehicle access,. Inclusion of the site in the Plan as a 2(c2) zone is recommended but not so as to permit detached dual occupancy.
21 Provincial Road, Lindfield	No submissions have been	This large site is developed at

Site Identification	Submissions	Planning Comment
	received for this site located on the corner of Wattle Street (1511m ²). The treed site contains a dwelling house and pool. The 2(c2) zone is located on the opposite side Grassmere Road and Provincial Road.	its northern end. The southern half is landscaped. There is potential for adapting the existing dwelling as an attached dual occupancy or by sympathetic siting providing a detached dual occupancy. The inclusion of the site in Draft LEP 200 as a 2(c2) zone as exhibited is recommended.
460 Pacific Highway, Lindfield	No submissions have been received for this site. The land is already zoned for medium density development (zoned 2(d) under the KPSO) and is developed with a 2 storey block of units.	Rezoning to the lower 2(c2) zoning is inappropriate and cannot be supported. It is recommended that the site be deleted from the Plan.
476 Pacific Highway, Lindfield	No submissions have been received for this site. The land is already zoned for medium density development (zoned 2(d) under the KPSO) and is developed with a block of 9 units.	Rezoning to the lower 2(c2) zoning is inappropriate and cannot be supported. It is recommended that the site be deleted from the Plan.

Proposed Medium Density 2(d3) Zones

Site Identification	Submissions	Planning Comment
1405 Pacific Highway, Warrawee	<p>No submissions were received in respect of this property. It is proposed as a 2(d3) zone (being currently 2(c2) in LEP 194). The site is the only property on the Pacific Highway (east side) between Heydon Avenue and Cherry Street which is not medium density under LEP 194 (excluding heritage item at 1379)</p> <p>The site area of 1578m² will permit development of 3 storeys if developed singularly.</p>	The site is abutted by a 2(d3) zone to the north-west and on the opposite corner of Winton Street to the south-east. The 2(c2) zone adjoins to the rear (2b Winton Street). The site configuration (corner location adjoining a 2(c2) zone) will impose restrictions on site development potential, considering setback provisions under both LEP 194 and Draft DCP 55. Even combined with adjoining 2(d3) lands it will not be possible for the full potential of the 5 storey 2(d3) zoning to

Site Identification	Submissions	Planning Comment
		<p>be realized on the site. Recognising this the rezoning of the site to 2(d3) is acceptable and can be supported.</p>
<p>3-15 Bundarra Avenue South, Wahroonga</p>	<p>Council has received a total of some 543 submissions of objection (of which 512 were “form” letters). Some 163 of the submissions came from residents in adjacent streets with 379 from areas wider afield. Eight agreements were also received in support of the inclusion of Bundarra Avenue South in the Draft LEP which included representations from Nos 7,9,11,13 and 15 which are the subject of the Plan. The main points of objection related to:</p> <ul style="list-style-type: none"> • Increased traffic and access / egress difficulty from Bundarra Avenue; • Traffic issues generally in the locality (Abbotsleigh School and Wahroonga Shops) as impacted on by rezoning; • Loss of character to Wahroonga Village; • Loss of streetscape; • Loss of amenity / privacy / trees; • Potential future overshadowing; • Loss of property values; • Loss of heritage. <p>By far the major ground for objection was traffic related issues.</p> <p>(Note: Of the subject properties, 3-15 Bundarra Avenue South, the residents of 5 properties support the Plan and 1 submitted an objection).</p>	<p>Nos 3-15 Bundarra Avenue South, are well located to access services and transport. The comments of Council’s Heritage Planner are noted for the site. However, it is to be recognized that all lands surrounding the subject 7 allotments are either currently developed or zoned to permit medium density development. The site in this context can be seen to be out of character. The traffic engineer advised that traffic grounds are not a major determining factor for development with this being satisfactory. Concerns were expressed about the relationship with adjoining development (which is all zoned for medium density). These can be adequately dealt with in this instance under Council’s DCP 55 provisions. On balance these lands are supported for inclusion in Draft LEP 200 as a 2(d3) zone in a manner similar to adjacent lands covered by LEP 194. Rezoning to 2(d3) is recommended.</p>
<p>132-138 Killeaton Street, St</p>	<p>The site has not been the subject</p>	<p>The site is almost 23,000m² in</p>

Site Identification	Submissions	Planning Comment
Ives	<p>of any submissions in respect of the re-exhibition. The original exhibition received 10 submissions of objection and a submission in support. Points of objection raised at this time included:</p> <ul style="list-style-type: none"> • Potential overlooking / loss of amenity to College Crescent properties backing onto the site; • Proposal inconsistent with the area and rezoning should apply to properties opposite the site and towards Mona Vale Road (or the whole block); • Traffic impact; • 5 storey development out of character; • Creates noise nuisance and loss of security (Masada College / School); • Inappropriate site; • Reduced pedestrian safety (school children); • Site should be included as a heritage item in KPSO (NSW Heritage office). <p>The submission supporting the proposal argued that suitability of the site on grounds of:</p> <ul style="list-style-type: none"> • Proximity to main road access and St Ives commercial centre / shops / community facilities; • Bus access on Mona Vale Road to railway stations; • Capacity of Killeaton Street to accept additional traffic. <p>.</p>	<p>area and its potential for development has been recognised by Council. Council's Heritage Conservation Planners comments in terms of retaining buildings with heritage significance on the site are noted. The comments of the NSW Heritage Office are similarly noted as discussed previously in this report. It is considered that the size of the site enables appropriate interface provisions to be incorporated in any development to satisfactorily ameliorate residential impacts and to enable retention of the significant heritage elements within the design. It is not considered that the residential development will contribute to additional noise nuisance or loss of security locally. The site is only a short distance from Mona Vale Road via a wide residential street. As a potential medium density 2(d3) site it is considered appropriate particularly if Council is seeking to provide additional yields for the Residential Development Strategy. Inclusion as a 2(d3) zone is recommended.</p>

Site Identification	Submissions	Planning Comment
161-163 Mona Vale Road, St Ives	No public submissions were received in respect of this site, however, it is noted that the National Trust previously raised objection as the site lies within the Pentecost Avenue Precinct (UCA 16). The composite site comprises 2 dwelling-houses (one with pool) with a total site area of 1800m ² . The site fronts Mona Vale Road and has a service station abutting to the south and a 3 unit SEPP 5 development adjoining to the north. The site area limits the development of the site to a 4 storey maximum. The site backs onto a Residential 2(c) zone with single dwellings.	The scale of the development permissible is acceptable to interface locations such as this. The site area precludes the possibility of development over 4 storeys. Future development will be subject to the setback controls of Clause 25h of LEP 194 applying at interface zoning locations. It is considered that the development will relate satisfactorily to development to the north and south neither of which are single residential dwellings. Its main road location and siting between a service station and a SEPP 5 development are such that its contribution to the Character of UCA 16 is considered minimal. Council's Heritage Conservation Planner is in agreement. Under the circumstances it is recommended for inclusion as a 2(d3) zone in DLEP 200.
1-11 Mt William Street, Gordon	Submissions of objection to the rezoning of this composite site have been received from residents of 15 properties in Mt William Street and Carlotta Avenue. The site currently contains 6 dwellings. With an area of 5417m ² it backs onto Council's depot site which is zoned 2(d3) under LEP 194. Grounds of objection raised include: <ul style="list-style-type: none"> Increased traffic / access issues; Loss of amenity by overshadowing by 5 storey development. 	There is a logic to include 1-11 Mt William Street into the 2(d3) zone of Council's depot site and this will remove potential interface issues between the depot site and Nos 1-11. It is considered that the Mt William Street roadway will provide a distinct physical separation of the site from adjacent objector's properties. Council has consultants working on a masterplan for the depot site which is also considering these sites. The Heritage Conservation Planner's comments are noted

Site Identification	Submissions	Planning Comment
		<p>concerning draft (Heritage Conservation) LEP 25 and that Mt William Street is not contained in it. There is therefore no heritage objection to the inclusion of 1-11 Mt William Street in Draft LEP 200. The existing streets accommodate heavy vehicle movements from the depot. This will be removed with future residential development. The site has immediate access to Mona Vale Road. Rezoning the site to 2(d3) consistent with that of Council's depot is supported.</p>
2-4 Wallaroo Close, Killara	<p>Two submissions in support of the rezoning of these sites have been received from the land owners. In respect of the first exhibition the National Trust advised it opposed the rezoning which lies within the Greengate Road Precinct (UCA 12). No 2 currently contains a dwelling-house whilst No 4 contains a tennis court used in conjunction with the dwelling on No 6. No's 2-4 have a combined area of 1668m². It is proposed to rezone them to 2(d3) and be consistent with the remainder of the block lying east of Wallaroo Close.</p>	<p>It is considered logical that these sites be zoned 2(d3) to be consistent with the remainder of the precinct south of Powell Street and east of Wallaroo Close. If these sites are not developed in combination with other 2(d3) areas their development potential will be limited to 3 storeys.</p> <p>Higher yields are only possible when combined with further lands. In this event there would be greater flexibility in the positioning of building development within a larger site. Rezoning to 2(d3) can be supported.</p>
6A & 8 Buckingham Road, Killara	<p>Council has received 9 submissions of objection to the rezoning of this combined site of 3787m². The lands are developed with 2 dwelling-houses, tennis court and pool. The site adjoins the 2(d3) site at 2-6 Buckingham Road with Nos 1-9 opposite also zoned 2(d3). Objections raised include the</p>	<p>This site has previously been the subject of past deliberations for inclusion as a medium density 2(d1) site (maximum 3 storeys), by Council's consultants. It is at an interface location between 2(d3) and 2(c2) zones. The landform places the site in part at higher levels than the 2(c2) area</p>

Site Identification	Submissions	Planning Comment
	<p>grounds of:</p> <ul style="list-style-type: none"> Narrow street and hilly topography; Proximity to heritage items of Nos 10 & 11; Overdevelopment / out of character / loss of amenity; Site has been previously considered and dismissed; Traffic / pedestrian dangers; Overshadowing by development; Distance from services. 	<p>adjacent. It is separated by a driveway width from the heritage item at No 10 Buckingham Road. These considerations lead to the view that site development should be limited to respect adjacent 2(c2) development. The site is considered appropriate for medium density development but not at more than 3 storeys recognising its particular interface location. The development impact of 5 storey development on adjoining 2(c2) zoned lands is unacceptable in this case particularly in terms of overshadowing / overlooking, having regard for the landform. Inclusion of the site as a 2(d3) zone in Draft LEP 200 is recommended. It is however recommended that Council make submission to the Minister that a maximum of 3 storeys apply for any medium density development under a 2(d3) zone for the site. This control should be sought to apply to development of the site. (Development at 4-5 storey scale is not supported).</p>
<p>9-31 Victoria Street, Roseville</p>	<p>Council has received 18 submissions of which 4 support inclusion in DLEP 200 and 12 are in opposition. Reasons given for support are that:</p> <ul style="list-style-type: none"> Rezoning addresses the interface issue with Boundary Street; Provides medium density yields in Roseville; It is a logical “island” site when combined with Boundary Street. 	<p>The likely impact on the interface between the rear of Boundary Street properties zoned 2(d3) and the subject Victoria Street properties is potentially significant. It is considered that the case for medium density zoning for 9-33 Victoria Street is strong. A 2(d3) zone could be supported for Victoria Street to allow an integrated approach to the development of the block. The</p>

Site Identification	Submissions	Planning Comment
	<ul style="list-style-type: none"> The site is well located to access services / transport. <p>Grounds raised in objection included:</p> <ul style="list-style-type: none"> Opposed to 5 storey development; Rezoning of Boundary Street and part of the former Special Area No 1 to 2(d3) negates the need to rezone Victoria Street; Boundary Street should be zoned 2(d1); Loss of streetscape; Impact on UCA No 3 and contributory items; Traffic issues particularly acknowledging width of streets. 	<p>lack of the depth of the Boundary Street allotments reduces the potential for effective separation of development from the rear of Victoria Street properties. This lack of depth is further reduced by the need to provide for future road widening on Boundary Street. The northern aspect of the rear of Boundary Street properties makes this a logical orientation for any unit development with potential overlooking / amenity impacts on Victoria Street properties. Thus the 2(d3) zone proposed by DLEP 200 can be supported on the basis of the 2(d3) zoning for Boundary Street. The heritage issues associated with the potential Roseville Conservation Area – UCA 3 are recognised. UCA 3 is already fragmented in the Victoria Street area by Roseville Girls College and medium density zones at its western end. It is considered that with Boundary Street now rezoned, both it and Victoria Street lie at the southern extremity of the UCA such that any erosion of the UCA is mitigated. The majority of the UCA will be left intact. It is also to be noted that the Ministers partial exclusion of medium density development from the former Special Area 1 means that there is limited medium density development opportunities available in Roseville.</p> <p>On the Traffic Engineers</p>

Site Identification	Submissions	Planning Comment
		<p>advice medium density development is able to be satisfactorily catered for without significant impact at peak traffic times associated with existing school activities.</p> <p>Rezoning the site to 2(d3) under DLEP 200 is recommended.</p>

Population Yields

Draft LEP 200 was resolved to be prepared as a supplement to LEP 194. The new medium density zones proposed by the Plan will contribute additional population yields to that of LEP 194. The additional populations attributed to these sites have been calculated and are tabulated hereunder for information. The yield figure assumes the site being developed to its maximum potential under its proposed zoning as exhibited in Draft LEP 200.

Site	Potential Additional Population Yield
9-31 Victoria Street, Roseville	158
2-4 Wallaroo Close, Killara	25
6A and 8 Buckingham Road, Killara	64
1-11 Mt William Street, Gordon	83
132-138 Killeaton Street, St Ives	426
161-163 Mona Vale Road, St Ives	21
1405 Pacific Highway, Warrawee	27
3-15 Bundarra Avenue South, Wahroonga	70
Total	874

FINANCIAL CONSIDERATIONS

Financial considerations specific to the preparation and exhibition of Draft LEP 200 relate to staff time and advertising costs associated with newspaper advertisements and postage.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation was undertaken with the Department of Technical Services on traffic related issues of the Draft Plan.

SUMMARY

The exhibition of Draft LEP 200 has led to the receipt of public submissions which have been discussed within this report. Submissions have responded to the zoning changes proposed by the Plan and the sites to which the changes relate.

No submissions were made in respect of the proposed introduction “hospitals” as a permissible use in the existing Special Use “A” and “A1” zones. These elements of the Plan can be supported and should be retained.

Public submissions have been dealt with in the site by site consideration of this report. The Planning comment related to each assessment presents the recommended outcome for each site in the Plan. Some detached dual occupancy sites (proposed 2(c2) zones) are considered to be unsuited to rezoning (1548 Pacific Highway, Wahroonga, 238-249 Mona Vale Road, St Ives, 265 Mona Vale Road, St Ives, 460 Pacific Highway, Lindfield and 476 Pacific Highway, Lindfield).

It is considered that 10 remaining sites are acceptable for dual occupancy purposes and 5 of these for detached dual occupancy (1 Sutherland Avenue, Wahroonga, 2 Henry Street, Gordon, 21 Provincial Road, Lindfield, 149 Mona Vale Road, St Ives and 31 Karranga Avenue, Killara). The proposed medium density sites however are recommended as suited to medium density development under a 2(d3) zoning as proposed by the Draft Plan with the exception of Nos 6a and 8 Buckingham Road. This site is supported on the basis of a maximum 3 storey height provision. A submission to the Minister in support of a 3 storey provision applying to this site is recommended.

Appropriate amendment of the maps accompanying the Draft LEP to allow for the revisions outlined will need to be undertaken. This includes the addition to the Dwelling-House Subdivisions Map of the sites in Newhaven Place, St Ives and Pockley Avenue, Kings Avenue, Nola Road, Maclaurin Parade and Corona Avenue (the former Special Area 1) at Roseville which were omitted from inclusion by the Minister when LEP 194 was gazetted.

RECOMMENDATION

- A. That Council adopt Draft Local Environmental Plan No 200 as exhibited with the following amendments:

1. The deletion of the following 2(c2) sites from the Plan:

1548 Pacific Highway, Wahroonga
238-240 Pacific Highway, St Ives
265 Mona Vale Road, St Ives
7 Ravenswood Avenue, Gordon
460 Pacific Highway, Lindfield
476 Pacific Highway, Lindfield

2. The inclusion of the following sites as 2(c2) zones (but excluding detached dual occupancy development provisions):

112 Coonanbarra Road, Wahroonga
161 Rosedale Road, St Ives

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39 Shinfield Avenue, St Ives
1 College Crescent, St Ives
124 Killeaton Street, St Ives

3. The inclusion of the following sites as 2(c2) zones having the potential for detached dual occupancy development:

1 Sutherland Avenue, Wahroonga
2 Henry Street, Gordon
21 Provincial Road, Lindfield
149 Mona Vale Road, St Ives
2 Collins Road, St Ives
31 Karranga Avenue, Killara
 4. The amendment of accompanying maps to reflect the changes in Points 1-3.
 5. The amendment of the accompanying "Dwelling House Subdivisions Map" to include the provision of subdivision standards for those lands introduced into LEP 194, at Newhaven Place, St Ives and the Pockley Avenue, Kings Avenue, MacLaurin Parade, Nola Road and Corona Avenue at Roseville, by the Minister. The standards applying to the sites to be those as provided for in Council's 2003 exhibited form of Draft LEP 194
- B. That Council's Director Planning and Environment prepare a submission to the Minister (to accompany the submission of Draft LEP 200) seeking a maximum 3 storey height provision to apply in LEP 200 to the proposed 2(d3) site at 6A and 8 Buckingham Road, Killara irrespective of the area of the site which is subject to proposed development.
- C. That Council forward Ku-ring-gai Draft Local Environmental Plan No 200 as adopted, the Council report and details of submissions to the Department of Infrastructure, Planning and Natural Resources in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979, together with its submission.
- D. That all parties making submissions and those owners whose lands were the subject of proposed zoning change under the exhibited Draft LEP 200 be advised of Council's decision.

Rod Starr
Urban Planner

Leta Webb
Director
Planning & Environment

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Attachments: **Attachment A - Draft LEP 200 instrument.**
 Attachment B - Draft LEP 200 zoning map (as exhibited).

CENTENARY OF LOCAL GOVERNMENT IN KU-RING-GAI

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide Council with an update on the Centenary of Local Government activities and to have Council determine future projects to celebrate 100 years of local government in Ku-ring-gai.
BACKGROUND:	On 14 October 2003 Council endorsed the establishment of a Centenary of Local Government Committee to make recommendations to Council for projects to commemorate and celebrate 100 years of local government in Ku-ring-gai.
COMMENTS:	The Centenary of Local Government Committee has recommended to Council that a publication about 100 years of local government in Ku-ring-gai would be an appropriate way of marking Ku-ring-gai's centenary.
RECOMMENDATION:	That Council approve the expenditure of \$50,000 to commence a research project on the first 100 years of local government in Ku-ring-gai.

PURPOSE OF REPORT

To provide Council with an update on the Centenary of Local Government activities and to have Council determine future projects to celebrate 100 years of local government in Ku-ring-gai.

BACKGROUND

On 14 October 2003 Council endorsed the establishment of a Centenary of Local Government Committee to make recommendations to Council for projects to commemorate and celebrate 100 years of local government in Ku-ring-gai.

The first meeting of the Centenary of Local Government Committee was held on 11 December 2003. The following recommendations from this meeting were received and noted by Council on 10 February 2004.

- It was recommended that \$100,000 be proposed for the 2004/05 budget to enable a historian to commence research for a publication for 2005.
- Consensus from Committee to call for expressions of interest from historians and a draft brief to be presented at the next meeting.
- Call for event suggestions by way of Council's website, newspapers and internally.
- Committee to initially look at long-term projects and then the event celebrations.

The second committee meeting was held on 12 February 2004. The minutes from this meeting were presented to the Council meeting of 24 February 2004 with the following resolution of Council:

That Council investigate funding options in the 2004/05 budget workshop in March for up to \$100,000 for the publication of a history of local government in Ku-ring-gai in 2006.

At the 2004/05 budget workshop, \$50,000 was set aside in the recurrent budget to commence the research for a publication.

COMMENTS

The Centenary of Local Government Committee has recommended to Council that a publication about 100 years of local government in Ku-ring-gai would be an appropriate way of marking the centenary. It was also recommended that a festival or a series of events take place during 2006 to include the community in the celebrations.

In the 2004/05 budget workshop held in March 2004 \$50,000 was made available in the recurrent budget to commence research for a publication.

There is no published history of local government in Ku-ring-gai. In 1948 W Cresswell O'Reilly prepared a talk which was later published by Council as a small booklet in 1950 and reprinted in 1972 (without amendment or updating). His sections on 'Local Government' and 'Modern Development and Planning' provide brief glimpses of:

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- the role of the Progress Associations and the community in the formation of Council in 1906,
- the separatist movement in 1926 that threatened to split Killara, Lindfield and Roseville from the Shire,
- the creation of the Municipality in 1928,
- the opening of the Council Chambers and Depot in 1928,
- the development of the concept of the Eastern and Western arterial roads in 1920, the push for parks in the 1920s,
- the 1926 Wahroonga Planning Scheme and the later North Pymble Planning Scheme, and the use of Unemployment Schemes in the 1930s to develop the roads and parks.

While O'Reilly's history covers the early years of Ku-ring-gai's development, it should be noted that he was writing before the impact of major town planning legislation that would seek to change the face of Sydney.

As it moves forward into its second century, Ku-ring-gai Council should document its very significant first 100 years. Ku-ring-gai Historical Society has been active in recent years publishing general and biographical histories of Ku-ring-gai, aimed at school students and the public, notably *Focus on Ku-ring-gai*. These publications highlight the impact of individuals on the community, however they do not cover Council's role in the community, nor the community's impact on Council.

Issues that could be addressed in the history of one hundred years of local government in Ku-ring-gai may include:

- Council's relationship with the State Government, starting from the 1905 Shires Act and Royal Commission through to the present day.
- The relationship between Council and local community groups and the effect on Council of an articulate, educated, participatory citizenry.
- Council and community attitudes to medium density.
- The creation of amenities for the planned residential communities, such as community shopping centres, community centres, libraries, parks, tennis courts, sporting fields, etc
- The retention of bushland in the area.
- Issues that impact on the area's identity such as relationship with Sydney CBD, the Pacific Highway, through traffic etc.

CONSULTATION

A community representative as well as 2 members of the Ku-ring-gai Historical Society are on the Centenary of Local Government Committee. The community will be consulted in the preparations of plans for events throughout 2006.

FINANCIAL CONSIDERATIONS

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The \$50,000 in the 2004/05 recurrent budget can be used for research for a publication. Subsequent monies to complete the printing for the publication will be bid for in the annual budgeting process for the 2005/06 budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development has been consulted in the writing of this report.

SUMMARY

A professionally researched publication documenting Ku-ring-gai's very significant first 100 years of local government would be a quality work that would be of interest to the general reader, as well as serve the needs of students of local history at all levels.

It would also provide a worthy tribute to the many members of the community who have contributed to the formation of the unique character and identity of Ku-ring-gai over the past 100 years.

RECOMMENDATION

That Council approve the expenditure of \$50,000 to commence a research project on the first 100 years of local government in Ku-ring-gai.

Janice Bevan
DIRECTOR COMMUNITY SERVICES

LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to determine its delegates to the 2004 Local Government Association Conference.
BACKGROUND:	The annual Conference will be held in Armidale from Sunday, 24 October to Wednesday, 27 October 2004.
COMMENTS:	The number of voting delegates allowable for each Council is dependent upon population. Based on Ku-ring-gai's population, Council will be entitled to 5 voting delegates.
RECOMMENDATION:	That Council determine its elected delegates and the General Manager accompany elected representatives to the Conference.

PURPOSE OF REPORT

For Council to determine its delegates to the 2004 Local Government Association Conference.

BACKGROUND

The annual Conference will be held in Armidale from Sunday, 24 October to Wednesday, 27 October 2004.

COMMENTS

The number of voting delegates allowable for each Council is dependent upon population. Based on Ku-ring-gai's population, Council will be entitled to 5 voting delegates.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Registration for the Conference is \$700 per person which includes the program and formal dinner. Accommodation and travel expenses are additional.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The Local Government Association Conference will be held in Armidale from 24 to 27 October 2004.

RECOMMENDATION

- A. That Council determine its elected delegates to the 2004 Local Government Association Conference.
- B. That the General Manager accompany elected representatives to the Conference.

Brian Bell
General Manager

HERITAGE ASSESSMENT - CAMELLIA GROVE NURSERY 238 - 240 MONA VALE ROAD, ST IVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on the heritage assessment of Camellia Grove Nursery 238-240 Mona Vale Road, St Ives.
BACKGROUND:	Tropman & Tropman Heritage Consultants have completed a heritage assessment in accordance with the NSW Heritage Office Guidelines for the Camellia Grove Nursery.
COMMENTS:	The report researches and assess the historical, aesthetic and social significance of the site. It finds that most of the heritage significance has been lost and it recommends that a complete archival recording for the site and retention of the significant landscape features on the Killeaton and Mona Vale Road frontages be undertaken before the existing use changes.
RECOMMENDATION:	That the Camellia Grove Nursery 238-240 Mona Vale Road, St Ives not be listed as a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance. That Council request the owners to undertake archival recording of the site to Heritage Office guidelines for local significance in its current ownership. That the owners be notified of Council's decision.

PURPOSE OF REPORT

To report to Council on the heritage assessment of Camellia Grove Nursery 238-240 Mona Vale Road, St Ives.

BACKGROUND

In November 2003 Council resolved to commission an independent heritage assessment to establish the heritage significance of the Camellia Grove Nursery. Tropman & Tropman Heritage consultants were selected to undertake the work and have completed a heritage assessment in accordance with the NSW Heritage Office Guidelines.

COMMENTS

The report researches and discusses the historical significance of the site, including its links with Camellia industry and earlier associations with camellia research and propagation by Professor Waterhouse and the work on his gardens at 'Eryldene'. Today the links with propagation have been lost, in addition the original physical fabric within the site has been either lost, replaced with new structures or is in very poor condition. These changes have been exacerbated by the widening of Mona Vale Road and the opening of Link Road.

The site has social and aesthetic significance as a well recognised landmark on Mona Vale Road. The Consultants report recommends that complete archival recording within the site under the current ownership. That an appropriate extent of the presentation gardens along Killeaton Street and Mona Vale Road be retained and the other camellias and in ground species be salvaged and relocated to an appropriate site where their upkeep and maintenance is ensured.

CONSULTATION

The heritage consultants conducted consultation with the relevant stakeholders as part of their report.

FINANCIAL CONSIDERATIONS

Cost of the heritage assessment report covered by the Department of Planning & Environment Budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not required in the preparation of this report.

SUMMARY

An independent heritage assessment of the site has been conducted and has made recommendations in respect to the future of the site for Council's consideration. It is recommended that the site not be included as a heritage item in a Draft LEP and that the proposed consultants recommendation be adopted by Council.

RECOMMENDATION

- A. That the Camellia Grove Nursery 238-240 Mona Vale Road, St Ives not be listed as a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance.
- B. That Council request the owners to undertake an archival recording of the site before the existing nursery use change.
- C. That in any future redevelopment of the site take into consideration the report by Tropman & Tropman Architects- Camellia Grove Nursery 238-240 Mona Vale Road St Ives dated May 2004, in particular the requirements to retain an appropriate extent of the presentation gardens along Killeaton Street and Mona Vale Road in their current location and the salvage and relocation of other camellias and other in ground species to an alternative location.
- D. That the owners be notified of Council's decision.

Antony Fabbro
Manager Strategic Planning

Leta Webb
Director Planning & Environment

Attachments: Camellia Grove Nursery 238-240 Mona Vale Road, St Ives- Heritage Assessment Tropman & Tropman Architects May 2004- circulated separately.

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 JULY 2004

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 July 2004.
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 4 June 2002 (Minute No. 264).
COMMENTS:	The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.25% during July.
RECOMMENDATION:	That the summary of investments, daily cash flows and loan liability for July 2004 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 July 2004.

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 4 June 2002 (Minute No. 264).

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 Financial Services Pty Limited.

COMMENTS

During the month of July Council's cash decreased by \$4,650,000 and gross capital appreciation on Council's investments was \$72,400.

Council's total investment portfolio at the end of July 2004 is \$12,679,100. This compares to an opening balance of \$17,271,200 as at 1 July 2004.

Council's General Fund interest on investments for July year-to-date is \$72,400. This compares favourably to the year-to-date budget of \$68,800.

Council's total debt as at 31 July 2004 is \$11,850,000. There were no debt repayments during the month of July.

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%.

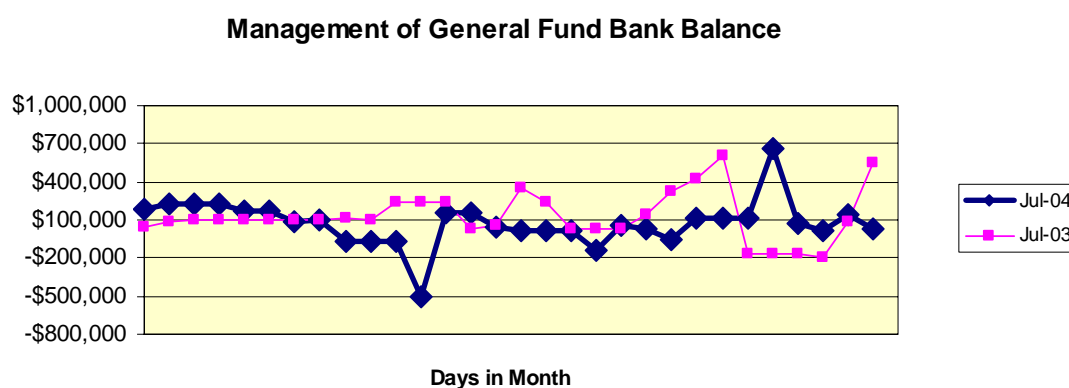
Summary of Borrowings

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.

July 2004

Management of General Fund Bank Balance

During July Council had an outflow of funds of \$4,650,000. This was due to a large number of invoices for the year ended 30 June 2004 being paid in July, combined with Council's annual insurance premium payments, the first installment of the NSW Fire Brigade levy and payments for Council's waste services.



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during July was 6.01% compared to the benchmark of the UBSWA Bank Bill Index of 5.59%.

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	\$452,902	\$350,000	\$3,092	\$805,994	5.80%
Macquarie Diversified Treas.	At Call	\$3,611,647	(\$3,622,824)	\$11,177	-	5.87%
Macquarie Income Plus Fund	At Call	-	\$2,622,824	-	\$2,622,824	6.41%
Perennial Cash Enhance Fund	At Call	\$5,852,891	(\$2,000,000)	\$25,535	\$3,878,427	6.30%
BT Institutional Enhanced Cash	At Call	\$4,493,762	(\$2,000,000)	\$18,068	\$2,511,830	6.05%
CBA Loan Offset No 1	Offset	\$1,300,000	-	\$5,984	\$1,300,000	5.60%
CBA Loan Offset No 2	Offset	\$1,560,000	-	\$7,180	\$1,560,000	5.60%
TOTALS		\$17,271,202	(\$4,650,000)	\$71,036	\$12,679,075	

Switch to a New Fund

As per recommendations from Grove Financial Services, Council's funds held in Macquarie Diversified Treasury were transferred into a new fund – The Macquarie Income Plus Fund. This fund has outperformed the benchmark in each of the six months since its inception. The switch to Macquarie Income Plus Fund should contribute to a higher portfolio return.

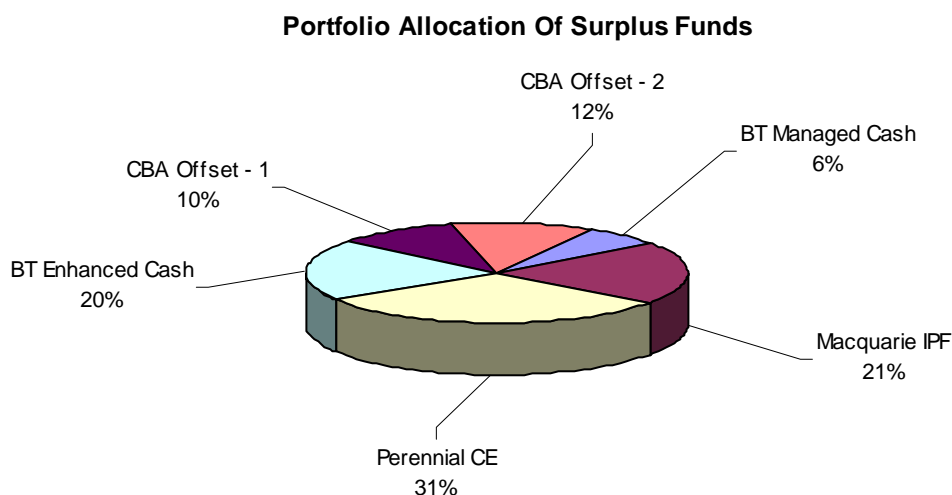
Year-to-date Funds Performance against the UBSWA Bank Bill Index

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	UBSWA Bank Bill Index Annualised for July 2004
BT Institutional Managed Cash	5.80%	5.59%
Macquarie Diversified Treasury	5.87%	
Macquarie Income Plus Fund	6.41%	
Perennial Cash Enhanced Fund	6.30%	
BT Institutional Enhanced Cash	6.05%	
CBA Offset No.1	5.60%	
CBA Offset No.2	5.60%	
Total	6.01%	

Allocation of Surplus Funds:

Council's funds during July were allocated as follows:



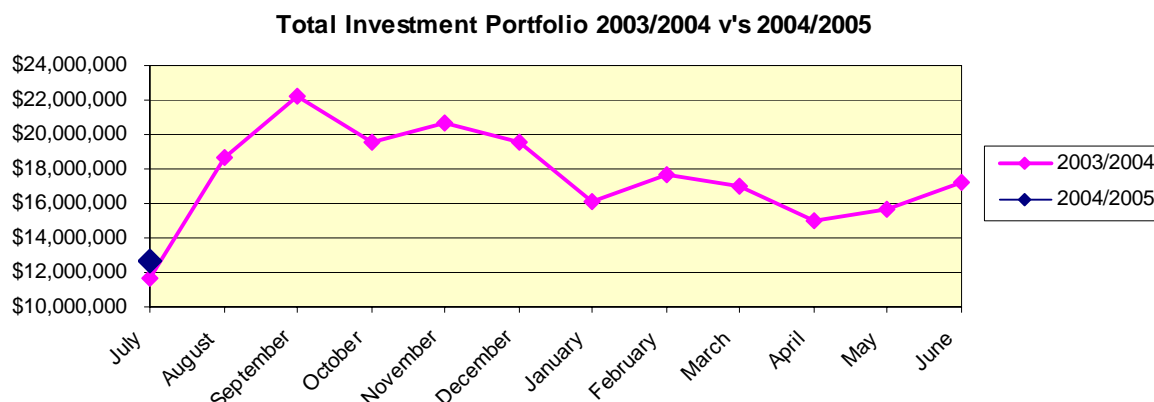
2003/2004 versus 2004/2005

Accumulative Interest

As at the end of July 2004, year to date interest earnings totalled \$72,400. This compares to \$58,700 at the same time last year, an increase of \$13,700.

Total Investment Portfolio

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



During July 2004 Council's investment portfolio decreased by \$4,650,000. In comparison, during July 2003 Council's investments decreased by \$4,050,000.

Council's closing investment portfolio of \$12,679,100 in July 2004 is \$965,900 higher than the July 2003 closing balance of \$11,713,200.

Capital Works Projects

During July 2004 Council expended \$420,400 on capital works, which compares to \$150,700 during July 2003, an increase of \$269,700.

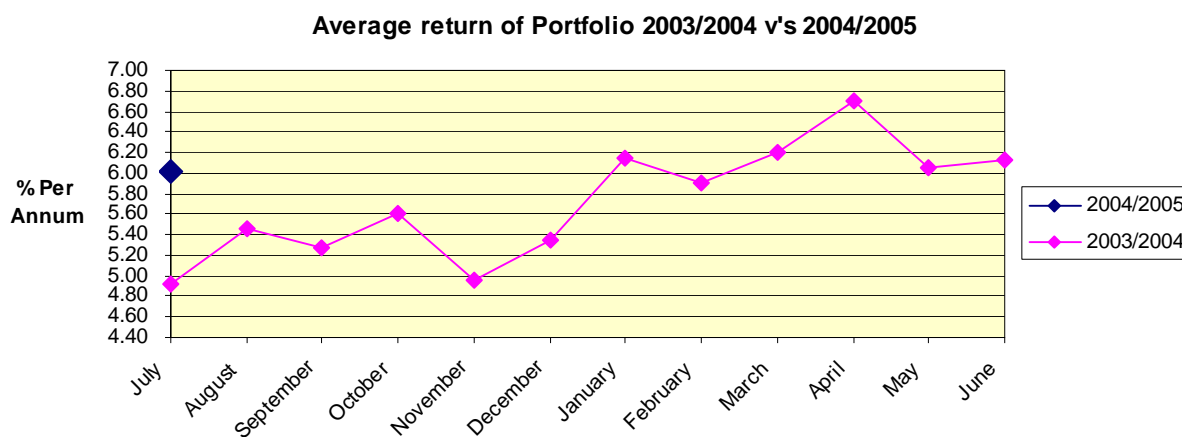
Council's 2004/2005 total budget for capital works (excluding fleet replacement) is \$7,874,500 which leaves funds of \$7,454,100 unspent at the end of July.

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 July 2004 earnings before fees were 6.01%, this compares to 4.92% in July 2003.

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16 August 2004**2004/2005 Portfolio Performance against the UBSWA Bank Bill Index**

Council's average portfolio return performed above the UBSWA Bank Bill Index in July.

Summary of Borrowings

There were no loan repayments made in July, leaving the total level of debt at \$11,850,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	124	\$4,000,000	\$3,383,069	\$616,931	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$829,379	\$170,621	6.27%	02-Feb-95	02-Feb-05
Westpac	127	\$1,000,000	\$524,374	\$475,626	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,300,000	\$1,300,000	5.75%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,040,000	\$1,560,000	5.75%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$618,247	\$1,981,753	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$389,123	\$2,210,878	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$147,788	\$1,734,212	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	-	\$1,800,000	6.36%	23-Jun-04	23-Jun-14
TOTAL		\$20,082,000	\$8,231,980	\$11,850,020			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) again left the official cash rate unchanged at 5.25% during July. The inflation rate is currently at 2.5% which explains the Reserve Bank's decision to keep interest rates on hold.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 July 2004:

- Council's total investment portfolio is \$12,679,100. This compares to an opening balance of \$17,271,200 as at 1 July 2004.
- Council's General Fund interest on investments totals \$72,400. This compares favourably to the year-to-date budget of \$68,800.
- Council's total debt stands at \$11,850,000.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for July 2004 be received and noted.

Mellissa Crain
Manager Business Development

John McKee
Director Finance and Business

KOKODA TRACK MEMORIAL PROJECT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the progress of the Kokoda Track Memorial project, and to seek Council approval for the construction of a memorial in Kokoda Avenue, Wahroonga.
BACKGROUND:	The year 2002 commemorated 60 years since the battle for the Kokoda Trail. In September 2002 Mr Greg Hodgson from Kokoda Avenue, Wahroonga approached Council proposing that a memorial, commemorating the Kokoda battles, be built on a section of the nature strip in Kokoda Avenue.
COMMENTS:	The design for the Kokoda Track memorial has been amended a number of times. A proposal for a larger memorial has been suggested, however, after consulting with the local community, Mr Hodgson has proposed a smaller design for the memorial.
RECOMMENDATION:	<p>A. That Council approve the construction of a memorial on Kokoda Avenue, Wahroonga as per the attached plan, subject to the Kokoda Track Memorial Committee providing sufficient funding for the memorial.</p> <p>B. That a formal notification process of affected residents be conducted.</p>

PURPOSE OF REPORT

To advise Council of the progress of the Kokoda Track Memorial project, and to seek Council approval for the construction of a memorial in Kokoda Avenue, Wahroonga.

BACKGROUND

The year 2002 commemorated 60 years since the battle for the Kokoda Trail. In September 2002 Mr Greg Hodgson from Kokoda Avenue, Wahroonga approached Council proposing that a memorial, commemorating the Kokoda battles, be built on a section of the nature strip in Kokoda Avenue.

At the Ordinary Meeting of Council on 3 September 2002 it was resolved that:

- A. Council recognises the significance of Australia's involvement in the battle for the Kokoda Trail by erecting a memorial plaque at the entrance to Kokoda Avenue, Wahroonga.
- B. That the local branches of the RSL be involved in the planning of this memorial.
- C. That the project be completed by November 2002.
- D. That a community launch take place when the project is completed in order to educate and inform the Ku-ring-gai community of the importance of the battle for the Kokoda Trail.

At the Council meeting of 5 November 2003 the following was resolved:

- A. That Council continue to support the Kokoda memorial through the provision of relevant assistance through Technical Services, Open Space and Corporate Communications.
- B. That Council's Corporate Communications staff provide assistance in the way of a media campaign to encourage further donations to allow the construction of the memorial.
- C. That residents of Kokoda Avenue and the surrounding area be notified of the current proposal.

At the time that this resolution was carried, it was proposed that the memorial be a sandstone base with a plaque mounted on it. The design concept has subsequently been altered resulting in a larger memorial (see Attachment A).

On 1 June 2004 Mr Hodgson, on behalf of the Kokoda Track Memorial Project Committee, submitted a revised proposal, including a petition with 63 signatures to Council. The petition was formally received by Council at the Ordinary Meeting of 20 July 2004.

COMMENTS

The design for the Kokoda Track memorial has been amended a number of times. A proposal for a sandstone base was initially suggested, and a larger memorial was then designed, however, after

consulting with the local community, this larger design has been amended to the smaller design for the memorial that has been proposed in this report.

The committee consulted with nearby residents and some objections were raised. These include traffic related issues, such as traffic generation and traffic hazards. The committee is of the opinion that these issues have been addressed, and has referred to the proposal as a 'silent memorial', and feels it will not generate excessive traffic.

It is considered that a Development Application is not required due to the fact that the work is proposed on unzoned land ie Council's road reserve. However, approval pursuant to Section 138 of the Roads Act will be necessary.

CONSULTATION

Council will need to conduct formal notification of affected residents notwithstanding that a DA is not required.

FINANCIAL CONSIDERATIONS

The Kokoda Track Memorial Committee will be responsible for the purchase and construction of the memorial.

Council has offered in-kind assistance by way of advertising and promoting the project.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Environmental & Regulatory Services, Technical Services, Open Space and Council's Corporate Lawyer have been involved in the writing of this report.

SUMMARY

Mr Hodgson initially approached Council in 2002 with the proposal for a memorial to commemorate the Kokoda Battles. Approval is now requested from Council pursuant to Section 138 of the Roads Act.

RECOMMENDATION

- A. That Council approve the construction of a memorial on Kokoda Avenue, Wahroonga as per the attached plan, subject to the Kokoda Track Memorial Committee providing sufficient funding for the memorial.
- B. That a formal notification process of affected residents be conducted.

Janice Bevan
DIRECTOR COMMUNITY SERVICES

Attachments: **Attachment A. Proposed design of Kokoda Memorial**

STATUS REPORT ON DEVELOPMENT ASSESSMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on the progress made to date in strategies and actions to reduce the DA backlog and to report on the positive reforms implemented within the Development Assessment Section since October 2003.
BACKGROUND:	A status report on preliminary measures aimed at reducing the DA backlog was put to Council at it's meeting of 15 December 2003.
COMMENTS:	Since the 15 December report to Council, there has been considerable progress made in reducing the DA backlog and introducing significant reforms in DA processing.
RECOMMENDATION:	That the report of the Director of Environment and Regulatory Services and the General Manager regarding the status of Council's Development Assessment Section be received and noted.

PURPOSE OF REPORT

To report to Council on the progress made to date in strategies and actions to reduce the DA backlog and to report on the positive reforms implemented within the Development Assessment Section since October 2003.

COMMENTS

The state of Development Assessment in October 2003

Upon my commencement as Director of Environment and Regulatory Services in October 2003, it was evident that the Department and, in particular, the Development Assessment Section was in a state of atrophy.

This condition was evidenced by a number of key indicators; poorly documented processes, systems and procedures, outdated and inefficient work practices, and a crippling DA backlog of almost 1000 applications. This state of affairs led to high staff turnover, inconsistency in decision making and high legal costs incurred through appeals due largely to extensive delays in DA processing.

In response to this unsustainable situation, a range of preliminary strategies and actions were introduced in early November, 2003 which were reported to Council at its meeting of 15 December 2003 (see **Annexure 1**). These included:

- A concerted effort to increase the quantum of applications reported to Council; especially matters subject to deemed refusal appeals.
- Securing delegation to refuse all sub-standard applications under delegated authority.
- More effective, pro-active, management of deemed refusal appeals.
- Auditing and centralised management of all applications referred to consultants.
- Clearing of all sub-standard applications; those lacking in sufficient information and/or planning merit.
- Increasing staff resources to match the workload, with particular emphasis on attracting highly skilled assessment officers.

Given the sheer scale of the problems, it was evident that the process of transforming the Development Assessment Section would take a considerable amount of time, creative energy, skill and resources. However, these preliminary measures were an essential first step in the reform process. They yielded some modest but nonetheless encouraging results, which included a reduction in the DA backlog from 969 applications in October 2003 to 840 applications in December 2003, along with a significant reduction in deemed refusal appeals from 31 to 20 matters.

Reforms introduced to date

Over the nine months since October 2003, a wide range of new strategies and measures have been introduced which have effected considerable improvements in all key aspects of the operation of the Development Assessment Section. These reforms are broadly grouped in three main areas:

- Improved management:
- Process and systems reform: and
- Increased staff resources.

The key aspects and objectives of these reforms are described as follows:-

Improved overall management

The creation of a new position, Manager Development Assessment Services, with a much greater emphasis on total process management proved to be a significant catalyst in effecting and driving positive reform in critical aspects of the operation of the Development Assessment Section. One of the key indicators of this is a much more focused approach to performance management at all levels, ensuring effective work programmes, performance targets and accountabilities for all officers.

Proactive management of appeals

The process of pro-active and effective management of appeals, introduced in December 2003, has been enhanced in response to the new processes and more demanding timeframes of the new Practice Directions of the Land and Environment Court introduced in early 2004. This includes an integrated appeals database, close consultation between the Manager, Director and Council's Corporate Lawyer over the strategy and response process in regard to appeals. It has also included a greater emphasis on timeliness, decisiveness and efficiency in regard to development proposals subject of appeals.

Assessments by consultants

As at October 2003, a total of 130 development applications were "farmed out" to consultants. This practice, whilst theoretically understandable in the context of assisting the Section to get through the DA backlog, proved in fact to be inefficient, expensive and high maintenance. Apart from the expense to Council, the main problems with this practice were management of the overall process and a high degree of variability in the quality of assessments, significant down time involved in servicing consultants' reports, and a high level of variability in delivery times. Accordingly, this practice was abolished in favour of more economic and consistent internal assessments by a more realistic quantum of permanent assessment officers.

Increased delegations

A new system has been introduced requiring all delegated assessment reports to be signed off and determined by another delegate of Council, ie, either the Team Leader or a more senior officer.

The delegation granted by Council on 18 November 2003, allowing staff to refuse all applications that are deficient in information or unacceptable on planning merit has had a significant impact in reducing the backlog. It represents a much more practical and sensible approach to unacceptable proposals that would otherwise involve considerable additional time and resources in needing to be reported to Council. Such applications may now be determined more expeditiously under delegated authority.

Whilst there has been a two-fold increase in the number of refusals in the six months (January to June 2004) compared to July to December 2003, this has been largely attributable to a more confident, consistent and efficient approach, firstly, in clearing out applications that were chronically deficient in sufficient information to allow proper assessment and, secondly, refusing those applications that were clearly unacceptable on planning merits but were allowed to languish in the system due to either chronic delays caused by the high backlog, poor front end systems (which did not allow early identification of poor proposals) or repeated requests from officers for amendments to proposals that were fundamentally unacceptable to begin with.

Improved front-end processes

Apart from the high staff turnover, and dwindling ratio of staff to workload, one of the key contributors to the high DA backlog was the evident lack of quality control at the front-end of the DA process. The absence of clearly identified qualitative criteria at the DA lodgement stage and early collegiate review shortly thereafter resulted in a high proportion of applications to be accepted that were clearly inadequate in terms of sufficient information to allow proper assessment.

Once a substandard application was accepted, under previous practices, it was often too late to confidently deal with deficiencies in information or inadequacies on planning merits as, due to the inefficiencies of our previous system, these applications were allowed to "age" before such deficiencies were identified. This was due to a combination of the lack of efficient front-end filtering combined with backlog/staff turnover syndrome which meant that DAs were consigned to "Admin" - a waiting room where applications would remain inert until an officer, with an average caseload of 70 applications, had the time to open the file and undertake preliminary assessment.

This practice was clearly unacceptable as it encouraged deemed refusals, was not a pro-active approach, making it difficult and unfair to argue refusal of poor applications some 6 months after lodgement. It also represented poor customer service where simple and/or acceptable proposals were caught up in the delay unreasonably and applicants were forced to set off a chain reaction of complaints or resorted to deemed refusal appeals out of sheer desperation; generating unnecessary legal costs to themselves and Council.

As of 15 July 2004, this practice was jettisoned and replaced with a suite of new front-end systems and processes aimed at:

- (a) clearly informing applicants as to the standard of information that Ku-ring-gai Council requires in order to properly assess their applications (the DA Guide – see **Annexure 2**).
- (b) ensuring that substandard applications were not accepted at the counter and that the applicant was advised of any specific deficiencies in their application prior to lodgement;
- (c) any deficient applications that escape the initial front-end qualitative scrutiny at the Customer Service counter are identified as part of a new, overhauled "rapid response" Development Review Unit (DRU) within 7 days of lodgement.

The function of the DRU is three-fold, firstly, it is a collegiate review body, made up of all internal professionals likely to have an input in the assessment of a DA. It meets within 7 days of a DA being lodged and identifies any deficiencies in plans and supporting information and reports this back to the applicant. Secondly, it identifies all likely issues with the DA and reports this back to the applicant at an early stage. Thirdly, it determines whether formal referral is necessary or whether or not, in the case of simple and uncontentious applications, referral is either not necessary or standard conditions only are sufficient. (See **Annexure 3**).

The formal Pre DA Consultation Service due to commence for all application types in September 2004 has been brought forward for LEP 194 applications out of necessity to ensure that there is comprehensive pre-lodgement advice and direction to applicants, particularly given the significance and potential impacts of such proposals. The service is user-pay and has had a reasonable level of take-up with regard to LEP 194 applications to date. Its main advantage, as evidenced from previous experience in implementing this service at Woollahra Council, is that it provides comprehensive collegiate advice based on early conceptual plans which alerts proponents to key issues before an application is lodged. It also identifies the need for specific lodgement information at a preliminary stage. The service assists prospective applicants in deciding to either pursue or not pursue with costly investments/commitments at a very early stage before such commitments are made. Information on the service is included in **Annexure 4**.

Instructive standard report templates and procedures

One of the most significant deficiencies noted in the Development Assessment Section, apart from the lack of documented procedures, was the virtual absence of standardised assessment report templates. The only semblance of a standardised reporting template was a DCP38 "checklist" which was inadequate and did not allow for a full and proper understanding of the proposal nor a full assessment pursuant to all relevant criteria under S79C of the Environmental Planning and Assessment Act.

In addressing this problem, the primary objective has been to ensure assessments are consistent, comprehensive and of a high standard. This resulted in the creation of a suite of standardised assessment report templates that are tailored to all types of applications (DA, S96, S82A) all forms of development (SEPP5/Seniors Policy, SEPP65 - residential flat development, SEPP53 – dual occupancy development, DCP 38 and KPSO and new dwellings and alterations and additions). These templates serve as comprehensive instructive assessment procedures, guiding the assessment officer through the totality of the assessment process. The templates ensure that assessment

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considerations are thorough and that recommendations are soundly based and able to withstand the rigors of a Class 4 challenge on process.

These standard report templates, by virtue of their instructive nature, also serve as assessment procedures for the different types and categories of applications. These templates have now been developed and have been in use since June 2004. (**Annexure 5** contains an example of one of these templates).

In addition to the standard report templates, a series of standard operating procedures are being developed for specific functions associated with all the development assessment process. Examples of this include how to properly consider a SEPP No 1 objection or how to properly consider a S96 application. For illustrative purposes, two examples of these procedures are attached as **Annexure 6**. These examples include the procedure for assessing applications under delegated authority and the post-determination process.

Operational directives

Whilst instructive report templates and procedural manuals are of considerable benefit in ensuring general consistency and quality in assessment processes, these cannot adequately deal with all specific or peculiar issues that arise from time to time such as interpretation of unclear or ambiguous provisions in a DCP for example. To address this, a series of regular operational directives are now provided to all assessment staff to ensure there is clarity and consistency in interpreting and applying such provisions.

Increase in staff resources

As indicated in the report to Council of 15 December 2003, there was an urgent need to increase the complement of assessment staff to effectively deal with the workload. There was also a need to attract highly skilled assessment officers in order to deal with the increased quantum and complexity of applications resulting from the gazettal of LEP 194.

Accordingly, an additional four senior assessment officers were recruited both locally and from abroad. These are highly skilled professionals that, through their abilities and experience, have made a significant positive impact on the quality and standard of development assessment within the Department.

Current state of the backlog

In October 2003, the total backlog (DA's, S82A's and S96's) stood at **969** applications. This was clearly unsustainable and translated to an average outstanding workload of 74 applications per assessment officer.

As a result of the combined strategies and measures referred to above, there has been a significant reduction in the total number of outstanding applications. As at 13 August 2004, the number of outstanding applications stood at **576** (see **Annexure 7**). This represents a significant reduction in the backlog of 40% from the total in October 2003. This also translates to a far more sustainable average workload of 32 applications per assessment officer.

Whilst this is a very pleasing result, there is still more work to be done in order to achieve optimum sustainable total outstanding workload of approximately 400-450 applications.

Further key reform initiatives

The strategies and measures implemented to date have effected significant positive reforms in development assessment process and have resulted in a considerable reduction in the DA backlog. However, there is far more that needs to be done over the medium to longer term to ensure lasting reform and sustainable progress.

In this regard, a number of new initiatives are to be introduced over the next six months which will build on the reforms achieved to date and further improve the quality and efficiency of Council's Development Assessment Service. These initiatives include:

Formal Pre-DA service for all application types

The pre-DA service currently provided for LEP 194 developments will be extended in September 2004 to all application types.

Express development assessment service

Some 60-70% of all development applications processed by Ku-ring-gai Council are for relatively simple, small scale, and/or uncontentious proposals. To date, these applications have not been well managed, there has been no process in place which allows for simple applications to be dealt with expeditiously. This has created a poor customer service image which is borne out by the fact that the majority of DA complaints are over excessive delays in assessing and determining simple applications.

In response, it is proposed to introduce a dedicated "express" or "fast stream" assessment service for simple DA's with associated guarantees of service to customers in terms of quality and timeframe. This service is expected to be operational by December 2004.

Standard critical stage checklists

To further reinforce consistency and completeness in process, a suite of six new critical stage checklists will be introduced by December 2004. These relate to lodgement, DRU, referral and notification, reporting, determination and post determination process. The objective is to introduce greater rigor, quality and proportionate accountability for each of the critical stage processes.

Internal guarantees of service

The development assessment process is dependent on input from various specialist internal referral officers. To ensure quality and timeliness in the total DA assessment process, it is critical that reasonable internal guarantees of service are established, and adhered to. These will be negotiated with internal referral officers and implemented within 6 months.

Review of standard conditions

There is an urgent need for a complete review of our standard conditions. The objective of the review is to ensure our conditions are up to date, legal, well written and satisfy the *Newbury* test in relation to the correct purpose and nature of development consent conditions. It is expected that the review will be completed in December 2004.

RECOMMENDATION

That the report of the Director of Environment and Regulatory Services and the General Manager regarding the status of Council's development Assessment Section be received and noted.

Michael Miocic
Director
Environment & Regulatory Services

Brian Bell
General Manager

- Attachments:**
- 1. Report to Council 15 December 2003**
 - 2. DA Guide/Counter Check**
 - 3. DRU procedure**
 - 4. Pre DA service**
 - 5. Standard assessment report template (dual occupancy DA's)**
 - 6. Standard procedure examples**
 - 7. Outstanding applications, October 2003 - August 2004**

UTS SITE, LINDFIELD - HERITAGE SIGNIFICANCE ASSESSMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider an independent Heritage Assessment of the UTS Ku-ring-gai Campus.
BACKGROUND:	Council engaged City Plan Heritage in March 2004 to prepare the heritage assessment in accordance with its resolution of 4 November 2003. The final heritage report was received in August 2004 and is referred to Council for information and consideration.
COMMENTS:	The heritage assessment prepared for Council finds that the UTS Lindfield site has both State and local heritage significance. Since the November 2003 resolution a rezoning application for the site has been lodged. The rezoning application contains a relatively comprehensive heritage assessment, heritage impact assessment and indigenous heritage assessment which finds it has local and limited State significance.
RECOMMENDATION:	That Council prepare a new Draft LEP to include the site as a heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. That due to its assessed State level of heritage significance, nominate the UTS Lindfield site to the NSW Heritage Council for inclusion in the State Heritage Register.

PURPOSE OF REPORT

To have Council consider an independent Heritage Assessment of the UTS Ku-ring-gai Campus.

BACKGROUND

At its meeting on 4 November 2004, Council resolved to:

“Prepare a Heritage Assessment on the UTS Lindfield site and if merited prepare and exhibit a Draft LEP to include as a heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. That Council also prepare a heritage inventory sheet and seek nomination of the UTS Lindfield site on the NSW State Heritage Register”.

Following Council’s Resolution in November 2003, a brief was prepared and forwarded to a selected list of Heritage Consultants in December 2003. There was a high level of interest in preparing the heritage report. City Plan Heritage in association with Musecape (landscape consultants) were commissioned in March 2004 for the project.

The consultants completed a draft report in July 2004. After several amendments, the draft was accepted early in August 2004. A rezoning application was received from the University of Technology Sydney (UTS) in August 2004.

COMMENTS

The heritage report for the UTS Lindfield site came to the following conclusion:

This heritage assessment concludes that the UTS Ku-ring-gai site is of local and State significance. It is appropriate to recommend the listing of the site as a heritage item on the State Heritage Register and under the Ku-ring-gai Planning Scheme Ordinance. The curtilage of the site recommended for listing comprises the whole of the site (land parcels Lot 5 of DP 32292 and Lot 1 of DP 523448). The site also has an important visual setting, including distant view to and from the site to the south and south east.

The identification of UTS Ku-ring-gai as a site of cultural heritage significance raises obligations on the part of the site managers, users, and approval authorities to ensure that its significant elements are conserved in accordance with accepted conservation processes and principles. Any future development will need to pay due regard to the built and landscape values of the site, and in accordance with Copyright (Moral Rights) legislation, the architects and landscape architects should be consulted. Opportunities for additional development are limited given the extent of the significant buildings and the significance and sensitivity of the natural bushland and cultural landscape.

Several heritage assessments have recently been undertaken on the UTS Lindfield site including the RAI A and the University. The Royal Australian Institute of Architects (RAIA) recently prepared a heritage significance assessment for the site which also indicates it has State and local heritage

significance. The RAIA has nominated the site to the NSW Heritage Council for inclusion on the NSW State Heritage Register (SHR). The assessment prepared for the university to support its rezoning application indicates it has both local and some limited State heritage significance.

It is unusual although not unreasonable for such a recent building (completed in stages from 1971 to 1994) to be assessed as having such high levels of heritage significance. The age of a building is not considered a primary issue when considering whether an item falls within accepted heritage criteria. Age is a component of historic significance and important when considering the rarity of an item. Clearly with age buildings deteriorate if regular maintenance is not carried out and the few older buildings that survive acquire historic values.

Council has received a rezoning application for the site which contains a heritage assessment, heritage impact assessment and indigenous heritage assessment. The assessment is relatively comprehensive and finds that the site is significant at a local and has limited State values. The heritage impact statement prepared by the University finds that the proposed rezoning:

“will have no unacceptable adverse affect on the heritage significance or significant features of the place”.

It should be noted that if a property is listed as a local item under the provisions of the KPSO, this does not automatically prohibit any new development – Council has the ability to consider sympathetic alterations, additions and new buildings and uses under Clause 61(h) Conservation Incentives relating to Heritage Items provided the heritage significance is retained.

CONSULTATION

The consultants in preparing their report consulted with the relevant stakeholders including officers from the Planning Department.

FINANCIAL CONSIDERATIONS

The cost of the consultant heritage assessment is \$20, 980. Other costs associated with the heritage assessment include staff time in preparing the brief, selecting a tender and managing the process. Additional costs would be associated with preparing and exhibiting a draft LEP.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The process has been managed within Planning & Environment with some limited consultation with landscape staff from Open Space.

SUMMARY

The City Plan Heritage Report August 2004 finds that the site has both local and State heritage significance and recommends that Council should include it as a local item and nominate it to the NSW heritage Council for inclusion in the State Heritage Register.

RECOMMENDATION

- A. That Council prepares a Local Environmental Plan to include the UTS site, Lindfield as a draft heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.
- B. That due to its assessed State level of heritage significance, nominate the UTS Lindfield site to the NSW Heritage Council for inclusion in the State Heritage Register.
- C. That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the EP & A Act and notify relevant authorities in accordance with Section 62 of the EP and A Act.
- D. That Council notifies the University and all affected properties of its decision.
- E. That the Draft Plan be placed on exhibition on accordance with the requirements of the EP & A Act and Regulations.
- F. That a report be brought back to Council at the end of the exhibition period.

Paul Dignam
Heritage Conservation Planner

Leta Webb
Director Planning & Environment

Attachments: **1 - UTS Ku-ring-gai Campus - Heritage Assessment City Plan Heritage Consultants August 2004 - circulated separately.**
 2 - Nomination and Heritage Assessment prepared by the Royal Australian Institute of Architects.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 AND 4 ETON ROAD AND 205 PACIFIC HIGHWAY LINDFIELD - DEMOLITION OF THREE EXISTING DWELLINGS AND CONSTRUCTION OF 2 X 3 STOREY RESIDENTIAL FLAT BUILDINGS COMPRISING 21 UNITS AND CONNECTED BY A COMMON BASEMENT CARPARK CONTAINING 35 CAR PARKING SPACES
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	328/04
SUBJECT LAND:	2 and 4 Eton Road and 205 Pacific Highway Lindfield
APPLICANT:	Adavale Investments Property Limited
OWNER:	Adavale Investments Property Limited
DESIGNER:	Glenn Richard Gilsenan - Owen & Gilsenan Architects
PRESENT USE:	Residential
ZONING:	Residential 2(d)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Development Control Plan No 31 - Access, Development Control Plan No 40 - Construction & Demolition, Development Control Plan No 43 - Car Parking, Development Control Plan No 47 - Water Management, Development Control Plan No 48 - Medium Density Residential Development Yes
COMPLIANCE WITH CODES/POLICIES:	
GOVERNMENT POLICIES APPLICABLE:	State Environmental Policy 65 – Design Quality of Residential Flat Development, State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy No 1 – Development Standards Yes
COMPLIANCE WITH GOVERNMENT POLICIES:	
DATE LODGED:	2 April 2004
40 DAY PERIOD EXPIRED:	12 May 2004
PROPOSAL:	Demolition of three existing dwellings and construction of 2 x 3 storey residential flat buildings comprising 21 units and connected by a common basement carpark containing 35 car parking spaces
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 328/04
PREMISES: 2 AND 4 ETON ROAD AND 205 PACIFIC
HIGHWAY LINDFIELD
PROPOSAL: DEMOLITION OF THREE EXISTING
DWELLINGS AND CONSTRUCTION OF 2 X
3 STOREY RESIDENTIAL FLAT BUILDINGS
COMPRISING 21 UNITS AND CONNECTED
BY A COMMON BASEMENT CARPARK
CONTAINING 35 CAR PARKING SPACES
APPLICANT: ADAVALE INVESTMENTS PROPERTY
LIMITED
OWNER: ADAVALE INVESTMENTS PROPERTY
LIMITED
DESIGNER GLENN RICHARD GILSENAN - OWEN &
GILSENAN ARCHITECTS

PURPOSE FOR REPORT

Determination of a development application for the demolition of three existing dwellings and construction of 2 x 3 storey residential flat buildings comprising 21 units and connected by a common basement carpark containing 35 car parking spaces.

EXECUTIVE SUMMARY

Issues: Streetscape; built form; visual & acoustic privacy; car parking dimensions; and waste disposal.

Submissions: Five (5) received, three (3) in opposition, one (1) raising concerns and one (1) in support of the application.

Land & Environment Court Appeal: Appeal against the deemed refusal of the application lodged on 1 July 2004. At the first call over on 3 August 2004 the Registrar adjourned the matter to a further call over on 31 August 2004. However, the Registrar directed Council to file and serve a Statement of Issues by 27 August and enter into discussions with the applicant for the appointment of a court-appointed expert.

Recommendation: Approval

HISTORY

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

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THE SITE

Zoning:	Residential 2(d)
Visual Character Study Category:	1920-1945
Lot Number:	1, B & 1
DP Number:	321903, 335533 & 653461
Area:	2439m ²
Side of Street:	Southern
Cross Fall:	Slight cross fall to the south
Stormwater Drainage:	By gravity to an approved drainage system via an easment on Rail Authority land
Heritage Affected:	No
Required Setback:	9.0 metres to the Pacific Highway & Eton Road elevations
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The site is located on the southern side of Eton Road, at its intersection with Pacific Highway. The site comprises three allotments, being Lot 1 in DP 321903, Lot B in DP 335533 and Lot 1 in DP 653461.

The site has a northern frontage to Eton Road of 67.9 metres and an eastern frontage of 25.0 metres to the Pacific Highway. The southern boundary of the site is 72.8 metres long and the western boundary, fronting the North Shore Railway line, is 35.8 metres long. The site has a total area of 2,439m².

The site is generally rectangular in shape, with the exception of the curved corner to Eton Road and Pacific Highway. The site slopes from Pacific Highway to the railway line (west to east), with a slight cross-fall to the south (approximately 4m).

The site is occupied by three (3) single storey brick and tile dwellings. All dwellings are freestanding. The dwelling at 2 Eton Road is set back approximately 4.9m from Eton Road and has a carport to the rear that gains access from Eton Road. The dwelling at 4 Eton Road has a minimum setback of 4.8m from Eton Road and also has a carport to its rear. The dwelling at 205 Pacific Highway is set back approximately 3.4m from the Pacific Highway, with a carport located east of the dwelling.

The site contains a number of large trees, particularly along its boundaries.

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The locality

The surrounding area is characterised by three storey residential flat development and smaller, one to two storey, dwelling houses.

To the north of the site, on the opposite side of Eton Road, are three residential properties being 1 & 3 Eton Road and 207 Pacific Highway. The Eton Road properties are both occupied by single storey dwellings. These sites have been zoned for five (5) storey development under LEP 194.

The southern boundary of the site is adjoined by a three storey residential flat building and the North Shore Railway Line is located to the immediate east of the site, with Strickland Avenue beyond.

To the west of the site on the opposite side of Pacific Highway, there are a number of multi-storey residential flat buildings. Eton Road is characterised by a generous road reserve on either side of the street.

THE PROPOSAL

The proposal comprises the demolition of three existing single storey dwellings on three separate lots at 2 & 4 Eton Road and 205 Pacific Highway, Lindfield. It is proposed to construct two (2) x three (3) storey residential flat buildings with a common basement car park.

The development will comprise twenty one (21) units, made up of fifteen x two bedroom units and six x three bedroom units.

The western building (Building B) will contain twelve x two bedroom units, with four units per floor. The eastern building (Building A) will contain three (3) x two (2) bedroom units and six 6 x three (3) bedroom units (One (1) x two (2) bedroom units & two (2) x three (3) bedroom units per floor). Units within both buildings vary in size from 87 to 106m².

All units contain combined living and dining areas, open plan kitchens, laundries, bathrooms, and ensuites to main bedrooms. All units will be accessible by lifts and stairs. Private open space to each individual unit is proposed by way of courtyards and terraces to ground floor units and balconies to upper floor units. Each individual private open space area will be approximately 12m² and will be accessible from the living areas of the units. Communal open space is proposed between the two buildings in the form of a terraced courtyard, some 12m² in area.

The basement car parking contains 35 vehicles, including 30 resident parking spaces and 5 visitor spaces. Two of the resident spaces are proposed as disabled spaces. The proposed car parking dimensions are 5.5 metres long and a minimum of 2.4 metres wide, with the exception of the disabled spaces being 3.4 metres in width. End parking spaces will be 2.6 metres in width.

The proposed parking aisle is 6.3 metres wide and access to the basement car park will be via a 6.1 metres wide shared driveway gaining access from Eton Road. A 3.4 metres wide turning area is

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proposed within the basement to facilitate forward entry and exit to and from the site by a garbage truck. A garbage storeroom and space for parking bicycles is also proposed in the basement.

The proposal will include extensive landscaping throughout the site, with the retention of most existing trees on site. Three small trees located within the building footprint of the western building (Building B) are to be removed.

The proposal includes fencing as follows:

- A 1.8 metres high masonry fence along Pacific Highway boundary of the site. A hedge is proposed in front of this fence.
- A 1.2 metres high paling fence with brick foundations along the Eton Road boundary of the site and;
- A 1.8 metres high paling fence along the eastern and southern boundaries of the site.

The buildings will be constructed of brick, with concrete roof tiles. A schedule of external finishes has been submitted (refer attachment to this report).

Stormwater drainage is proposed via an easement over State Railway land. Negotiations are underway with State Rail property departments to obtain the necessary easements for this to proceed. The applicant has requested that the development application be granted subject to a deferred commencement while the stormwater proposal is finalised with State Rail.

The application does not seek the strata subdivision of the units.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application on 28 April 2004. In response, five (5) letters were received.

The following persons made submissions:

Mr & Mrs Punthakey – 8 Strickland Avenue, Lindfield (in opposition)
S Knox – Unit 24, 197-199 Pacific Highway, Lindfield (in opposition)
Mr E Howitt – 3 Eton Road, Lindfield (in opposition)
S Ricketts – No Address Provided (raised concerns)
J H MacNamara (in support)

The issues raised are:

Concerns relating to the provision of adequate car parking for the proposed development, increases in traffic within the locality and potential truck manoeuvring on Eton Road.

The proposal provides basement car parking for 35 vehicles. The level of car parking proposed is compliant with Council's Development Control Plan 43 – Car parking and Development Control Plan 48 – Medium Density Residential Development.

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

To ensure that the impacts of additional traffic generated during the construction phase are properly addressed a condition of consent will require the applicants to submit a traffic control plan providing details of heavy vehicle routes, traffic calming devices, parking controls and safe ingress and egress from the site (**see Condition No. 91**).

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

Vehicles will have adequate on site manoeuvring for forward entry and exit to the site to ensure that pedestrian safety is not compromised by vehicle manoeuvring on Eton Road. Drivers will have adequate sight lines in both directions of the street when entering and exiting the site. Footpaths along Eton Road will be upgraded and clearly defined.

Visual bulk and streetscape impacts. Visual clutter from items left on resident's balconies (e.g. laundry, outdoor furniture).

The proposal satisfactorily addresses the design principles of State Environmental Policy 65 – Design Quality of Residential Flat Development and complies with all the relevant controls of Development Control Plan 48 – Medium Density Residential Development (Refer discussion under “relevant legislation”).

The development complies with the maximum height, setbacks, building envelope and floor space ratio requirements as prescribed by Ku-ring-gai Planning Scheme Ordinance and Development Control Plan 48. Compliance with these controls indicates that the proposed buildings are of an appropriate scale, bulk and form as envisaged by Council's own controls. The two buildings will have a 7 metres separation distance and have been centrally located within the site to maximise separation from surrounding development. Extensive horizontal and vertical articulation has been included in the design, including offset walls, balcony designs and varying window proportions.

The balconies have been designed with a concrete base with transparent fencing detail above. Furthermore, the balcony detail is appropriate as the concrete base will partially conceal the balconies for privacy and outlook for residents. The transparent fencing will break up building bulk, by providing both visual relief and interest and will allow admission of sunlight to the units. Matters of clutter located on the private balconies cannot be policed by Council. These matters are best dealt with by the Body Corporate.

Stormwater drainage and potential for flooding.

Stormwater will drain by gravity to a recognised and approved public drainage system via an easement over railway land (NB A deferred commencement condition requiring registration of an easement prior to the consent being operative is recommended for inclusion).

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A drainage design has been prepared with an on-site detention system in accordance with Council's Stormwater Management requirements.

Potential vehicular noise and fumes associated with the proposed development.

Minor additional vehicular noise and fumes are anticipated as a result of the development. However, the zoning permits residential flat buildings with similar developments anticipated within the locality. Council's Development Engineer has reviewed the proposal in terms of traffic generation and considers it be acceptable. The units will have appropriate glazing and internal ventilation to ensure that vehicular noise and fumes does not adversely impact on the residents within the units.

Number 8 Strickland Avenue will not be affected by any additional vehicle noise and fumes from the site given it's location on the opposite side of the railway line, with no direct vehicle access from Eton Road to Strickland Avenue.

Number 3 Eton Road will experience an increased level of traffic within the street, however, adequate off street parking will be provided for units, with on site manoeuvring in compliance with Council's requirements, minimising disturbance to other properties in Eton Road. Furthermore, the subject site is located in close proximity to the North shore railway line and fronts the Pacific Highway. Subsequently, any increase in vehicle noise associated with development of the site will be negligible when considered in the context of the existing ambient background noise levels.

Concern in relation to potential overshadowing of 8 Strickland Avenue.

Shadow diagrams have been provided and indicate that the primary shading will occur at 3pm to the adjoining property at 197-199 Pacific Highway along it's northern boundary. Adequate solar access in accordance with Council's controls, will be available to the subject site, the site at 197-199 Pacific Highway site and all other surrounding properties during the rest of the day. The proposed development will not cast any shadows over the property at 8 Strickland Avenue, Lindfield, although this was raised as a concern by the submitter from this property.

Concern over the potential loss of privacy to 8 Strickland Avenue.

Most of the trees along the site's boundaries will be retained (refer comments under Landscaping for further details). Further planting on all boundaries (particularly the northern and southern boundaries) is proposed to increase the level of screening between properties and ensure privacy to both the subject site and surrounding properties.

The proposed outdoor private open space areas of the buildings will have adequate setbacks from site boundaries. Proposed boundary fencing will further assist in ensuring privacy, particularly for ground floor units.

The Railway Line adjoins the eastern boundary of the site, providing adequate separation distance between the subject site and sites on the opposite side of the railway line. Accordingly, no privacy issues are anticipated in this area. In particular, it is not considered that the site at 8 Strickland

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Avenue will experience any loss of privacy given it's location on the opposite side of the railway line.

Concern over extent of proposed excavation.

The proposal includes a total excavation volume of 3000m³ to accommodate basement level parking and provide a suitable grade for outdoor living space. Excavation is closest to the northern and southern boundaries setback approximately 2 metres with a depth of 600mm at that point to the northern boundary and setback 5m at the nearest point with a maximum depth of 3.5m at that point to the southern boundary.

Excavation associated with the basement car park will have a maximum depth of approximately 4.2m below natural ground level. The deepest excavation is sufficiently setback from the common boundaries to ensure no adverse impact on surrounding sites. Council's Development Engineer has raised no concerns in relation to the proposed earthworks.

All excavation will be adequately controlled by conditions of consent, including a construction management plan. (see **Conditions No. 9-16**).

Concern that the proposal is inconsistent with the design principles of SEPP 65 and DCP 48.

The submitter does not identify nor comment further on the perceived nature of these potential inconsistencies. The proposal has been assessed against the design principles of both SEPP 65 and DCP 48 and found to be consistent with both planning instruments (**refer discussion under "relevant legislation"**).

Heritage values

The site is not located within an urban conservation area nor is it located within proximity of a listed heritage item. Council's Heritage Advisor has reviewed the application and raises no concern over the proposed demolition of the existing buildings as they do not warrant being listed as heritage items.

CONSULTATION - WITHIN COUNCIL

«Details of Council Consultation»

Development Engineering

Council's Development Engineer has reviewed the proposal and has made the following comments:

General Comments

I have checked the application form and no subdivision is sought under this DA. Therefore no subdivision conditions will be applied at this stage.

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Traffic generation and parking requirements

The proposal comprises 6 x 3 bedroom apartments and 15 x 2 bedroom apartments, a total of 21 units. Under Council DCP 43 for Car parking, this development is generally defined as medium density. A parking requirements of 15 x 1.25 plus 6 x 1.5 plus 21/4_visitor spaces results = 33 spaces. The proposal provides for 35 vehicles off street (including 5 visitor spaces) and hence exceeds Council requirements in this respect.

Traffic generation from the proposal assessed in accordance with the RTA "Guide to Traffic Generating Development" indicates the following post-developed and pre-developed generation rates:

Post developed

*15 x 5 daily vehicle trips plus 6 x 6.5 daily vehicle trips = 114 daily vehicle trips, and
15 x 0.5 peak hour trips plus 6 x .65 peak hour trips = 11.4 peak hour trips.*

Pre developed

*3 x 9 daily vehicle trips = 27 daily vehicle trips, and
3 x 0.85 peak hour trips = 2.6 peak hour trips*

The traffic generation rates from the existing 3 single dwellings may be subtracted from the post-developed figures to give a net traffic generating increase resulting from the development. These are an additional 87 daily trips from the site and 9 trips per peak hour respectively.

Entry/exit to and from Eton Rd at the Pacific Hwy intersection will be left in, left out. The pre-developed intersection has been assessed by the applicants traffic consultant as operating at level of service "B" under the INTANAL program for assessing traffic demand on intersections. "B" is defined as a good level of service with acceptable delays and spare capacity.

The post-developed intersection of Eton Rd/Pacific Hwy has been assessed under the INTANAL program and has been determined to remain at the "B" level of service.

Development Engineers do not have access to the INTANAL program for checking purposes. However, given the proximity of the Eton Rd/Pacific Hwy intersection to the Grosvenor St/Pacific Hwy traffic signals (creating suitable delays at the subject left out intersection sequenced with light changes), the traffic implications from this proposal on the immediate arterial road network are considered acceptable.

As policy the RTA require either "No Stopping" or "No Parking" restrictions across the state road frontage during construction (refer to attached correspondence from RTA).

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Stormwater disposal and management

The applicant has not resolved the final means of stormwater disposal from this site, between the subject site boundary and the downstream public drainage system. The site slopes directly down towards the rail corridor, and attempts at obtaining an easement for drainage over the private property next door have failed (evidence to this effect has been provided). Notwithstanding, in order to drain this site by gravity to a recognised and approved public drainage system, the stormwater discharge from this site will need to traverse Rail Authority land.

In order to continue assessment the applicant has requested that a deferred commencement consent conditions be issued so that the development may be progressed while negotiations are taking place with the rail property departments to obtain the necessary easements for drainage. In principle I have no objections to granting these conditions on a deferred commencement basis as it may be some time before the successful outcome is achieved. Furthermore, the applicant has submitted evidence that the Rail Authority will consider granting the easement.

Within the site, a drainage design has been prepared with an on-site detention system in accordance with Councils (old) Stormwater Management Manual It is noted that the DA was lodged with Council on 2nd April 2004 and hence will not be assessed against the current Water Management DCP 47. A condition is to be applied requiring the applicant to install the system generally as shown in the concept design presented with the DA. This design, as a concept, is satisfactory.

*In the interests of water conservation, a condition will be applied that a rainwater tank be installed for garden irrigation purposes (see **Condition No. 73**).*

Vehicle access and accommodation

The basement parking layout has been assessed against Australian Standard 2890.1 – 2004 “off-street car parking”. The aisle width provided at 6.3 metres is generous and offers an increased sweep path for vehicles accessing the spaces. The spaces themselves require a nominal width of 2.4 metres length for that corresponding aisle width. Spaces adjacent to obstructions preventing the opening of vehicle doors require 300mm added to facilitate the opening of car doors. Blind aisle spaces require an additional 1 metre width. The widths of the parking spaces are not shown on the basement layout plan, however, most spaces when scaled appear to comply with the specified requirements above.

*Given the scope to provide (minor) width adjustments in the basement parking layout, the requirement to ensure design compliance with Australian Standard 2890.1 – 2004 “off-street car parking” can be suitably reinforced with a condition of consent (see **Condition No. 71**).*

I note that the applicant has provided an accessible garbage collection area within the site, and provision is provided for the waste collection vehicle to turn and exit the site in a forward direction.

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Geotechnical considerations

While excavation for the basement level is proposed, the set backs of the excavation zone from the road reserve and adjoining boundaries does not warrant significant geotechnical concern.

*A condition is to be applied which specifies that excavations shall be undertaken by a contractors with excavation experience and in the appropriate manner (see **Conditions Nos. 9-16 & 51**).*

Council infrastructure

The site was inspected on 28th May 2004 and the following works will be required in the Council road reserve:

- (i) Removal of all redundant driveway crossings and laybacks;*
- (ii) Re-turfing of redundant driveway areas;*
- (iii) New driveway and concrete footpath as proposed;*
- (iv) Fixing of any damaged sections of Council road reserve; and*
- (v) Installation of a "No Stopping Zone and a Work Zone."*

The abovementioned matters are addressed via Conditions Nos. 55, 56 and 57.

Landscaping

Council's Landscape & Tree Assessment Officer has reviewed the proposal and has made the following comments:

"It is proposed to demolish the existing three residential dwellings and construct two, three storey residential flat buildings, comprising 21 units, with basement parking, on a total area of 2 439sqm. Vehicular access is proposed to be via Eton Rd. The three sites are characteristic of urban garden settings with predominantly exotic small trees and shrubs within formal garden beds and lawn expanses. The nature strip adjacent to the site is characterised by semi mature and mature planting of native tree species.

Impacts on trees/trees to be removed

*There are some smaller trees located centrally on site proposed to be removed. The trees are Callistemon spp. (Bottlebrush) approximately 5.0m high. The trees are not significant within the broader landscape and their removal can be supported. The most significant trees associated with the site are the Eucalypts located on the Eton Rd nature strip and adjacent to the railway. These trees are all proposed to be retained and should not be adversely impacted upon by the proposal subject to standard tree protection measures (see **Conditions Nos. 28, 52, 54, 57, 58, 82, 83 & 92-95**).*

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Setbacks

Setbacks to the proposed development are generous and adequately allow for suitable tree replenishment for the site and for adequate screen planting. Basement parking has been retained within the building footprint which maximises the available area for deep soil planting.

Landscape plan

The submitted landscape plan is conceptual only and does not detail proposed planting. Given that the proposed development has generous setbacks from site boundaries to the proposed structure it is preferred that the proposed garden areas/deep soil zones accommodate a greater number of trees to visually soften the visual impact of the proposal and to maintain the overall treed character of the locality.

*Some of the trees associated with the site, located adjacent to the south west (rear) site boundary are undesirable species, yet shown for retention. It is required that these trees be removed as part of any consent conditions and suitable tree species utilised to replace them on site (see **Conditions Nos. 59, 60, 83, 84 & 85**).*

*It is noted that proposed planting adjacent to the Pacific Hwy frontage is relatively minimal for a national highway and traffic corridor. It is preferred/required that this planting be substantially increased to visually soften the development from the Pacific Hwy and reduce the impacts of the Pacific Hwy on the proposed development (see **Conditions Nos. 83-85**).*

*Subject to conditions the application can be supported” (see **Conditions Nos. 25, 52-61, 83-87 & 92-95**).*

Urban Design/Heritage

Council’s Heritage Advisor has reviewed the proposal and has made the following comments:

“The house at No 205 Pacific highway is a relatively good example of a Federation period house. There is extensive deterioration to the majority of exterior timber elements, including the timber fence and some cracking to the brickwork.

Number 2 Eton Road is a relatively intact Inter-war period house with an eclectic mix of influences. Number 4 Eton Road is another eclectic design with some Spanish influences evidenced by the arched brickwork and at the front porch and some bungalow influences. I do not believe retention of these buildings is necessary as they could only be considered to be common examples from the period. I suggest photographic recording should be undertaken if demolition is approved.”

Photographic recording will be required (see **Condition No 63**).

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PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

State Environmental Planning Policy No.65

The aims of SEPP 65 are to improve the design quality of residential flat development in New South Wales. It provides ten design principles to be used as a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Design Principle	Compliance
Context	Yes.
Scale	Yes.
Built Form	Yes.
Density	Yes.
Resource, Energy, and Water Efficiency	Yes.
Landscape	Yes.
Amenity	Yes.
Safety and Security	Yes.
Social Dimensions	Yes.
Aesthetics	Yes.

Context

The development is well located for medium density residential accommodation, taking into account the constraints imposed by the Pacific Highway, rail corridor and adjoining development. With the exception of the two single storey dwellings located on the opposite side of Eton Road, the surrounding development comprises a mix of multi-level residential flat buildings, varying from one to three storeys in height. It is further noted that the sites on the opposite side of Eton Road are zoned for multi-storey development under LEP194. Council's Heritage Advisor comments that the buildings will fit reasonably well within the nearby 1960 flat buildings to the south and west of the site.

Scale

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

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The central location and separation distance between the two buildings appropriately mitigate bulk and scale issues. When viewed from the Eton Road, the two buildings are almost identical in terms of height and bulk. However, as the western building appears to be higher when viewed from the street, a stepped appearance results between the buildings, thereby, reducing the scale of the development.

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

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

Built form

Internal amenity and outlook is provided for future occupants by way of private outdoor space in the form of courtyards or terraces for ground floor units and balconies for upper floor units. These areas can be accessed directly from the living rooms of each unit.

The eastern building will be stepped down towards the rear of the site with the natural slope of the land reducing the visual dominance of the development.

Fencing on all boundaries and landscaped communal areas define the public domain. The fencing is more than 1.8m in height and consistent with fencing within the locality. The proposed buildings are three storeys in height with adequate architectural relief by way of offset walls, balcony designs and varying window proportions.

The development is appropriate in terms of built form and is also compliant with the provisions of Development Control Plan 48 – Medium Density Residential Development.

Density

The development contains 21 residential units. Compliance with all the relevant controls indicates that the proposed density is not excessive or inappropriate. Furthermore, the development is also of a density anticipated within the locality for future development and is appropriate due to the close proximity to the Lindfield Railway Station, Pacific Highway and Lindfield Shopping Centre.

Resource, energy, water efficiency

The applicant has stated that all units achieve a NATHERS rating of 3.5 stars and that the development will incorporate efficient appliances and mechanical services. All units will have access to north, east or west-facing openings, with direct access to private balconies (upper floors) or courtyards (ground floor) to capitalise on the orientation and available views.

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Each individual unit will have a separated disposal cupboard for recyclable and non-recyclable items. The basement garbage room will also have separate disposal bins for recyclable items.

An on site detention tank is proposed for water during high rain events and water conservation devices will be installed within the development e.g. shower heads with reduced water flows, taps with flow controls and garden watering systems that utilise drip rather than spray system.

All waste management will be carried out in accordance with Council's Waste Management Plan – Development Control 40, with the exception of provision of a communal composting area at ground level. This matter is addressed later in the report and can be dealt with adequately with consent conditions (see **Condition No. 62**).

Landscaping

The submitted landscape concept is considered satisfactory by Council's Landscape Development Officer, subject to conditions of consent. Established planting along the perimeter of the site will be retained. Further planting is proposed amongst existing boundary vegetation to increase the density of planting along site boundaries, thereby providing efficient and effective screening for adjoining and surrounding properties. The planting will further assist in affording visual and acoustic privacy to residents of the site and the adjoining property at 197-199 Pacific Highway. Further planting and landscaping it is proposed within the communal outdoor area.

Amenity

The development has been designed to provide appropriate levels of sunlight and natural ventilation to the majority of units. Each unit will be provided with private open space by way of terraces or courtyards to ground floor units and balconies to upper floor units. All private open space will have direct and easy access to living rooms. Further, each unit will have an opening to the north, east or west to maximise solar access. Accordingly, the proposed development is considered to provide a suitable level of solar access and ventilation to units.

Lifts are provided to ensure mobility for all age groups and residents, including those with disabilities. Each of the bedrooms within the units will have built in wardrobes for adequate storage and open plan living areas ensure that the layout is conducive to efficient ventilation with direct access to private balconies, maximising outlook and sunlight access.

The proposed building has been located centrally on the site to maximise spatial separation between the units and surrounding development. The central location of the buildings also maximises landscaping potential contributing to on site amenity and the sites landscaped appearance to surrounding development.

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Given the high levels of traffic along the Pacific Highway, it is recommended that double glazing (or similar) as a noise attenuation measure be provided to the units facing the Pacific Highway. An acoustic report will be required as a condition of consent to ensure that adequate acoustic amenity is achieved within each unit (**see Condition No. 65**).

Safety & security

The provision of balconies at the upper levels allow for casual surveillance of Eton Road. Pedestrian access points are also visible to residents of the building as are the communal outdoor areas afforded by the development. There is clear definition between the public and private spaces afforded by generous road reserves that increase the separation distance of the buildings from the street and boundary fencing, providing additional security for residents on site particularly those residing in ground floor units.

Privacy is offered to the units by way of boundary planting and building detail (e.g. pillars and recesses) that prevents residents from being overlooked by neighbouring units within the site.

Social Dimensions

The proposal is of contemporary design that offers a mix of housing style in close proximity to public transport and commercial and business zones.

Aesthetics

The proposed development relates well to the existing character of the area and is compatible with development anticipated under the zoning and SEPP 65 within the locality. The colour scheme of the proposed buildings incorporates colours and materials that will reflect the character of the locality. For visual interest, the proposed building will also incorporate horizontal and vertical articulation, with offset walls, balcony designs and varying window proportions.

The proposed buildings will be of brick construction, with concrete roof tiles which is considered to complement materials of surrounding buildings in the area.

In addition to the ten design principles, Council must give consideration to the *Residential Flat Design Code*. The *Residential Flat Design Code* is a document that supports the ten design principles identified in SEPP 65 and gives greater detail in how to achieve these principles. The development has satisfactorily addressed the ten design principle of SEPP 65 and the provisions of the *Residential Flat Design Code*.

State Environmental Planning Policy 55 – Remediation Of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and, as such, is unlikely to be contaminated. Accordingly, no further investigation is warranted.

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Ku-ring-gai Planning Scheme Ordinance

Permissibility

The site is zoned Residential 2(d) Zone under the provisions of Ku-ring-gai Planning Scheme Ordinance and the erection of a residential flat building is permissible with consent within the zone.

Aesthetic Appearance

Clause 33 of the KPSO requires Council to consider the aesthetic appearance of the development as viewed from Pacific Highway. The appearance of the development from the Pacific Highway streetscape is acceptable.

Minimum Standards for Residential Flat Buildings

Clause 43 sets a minimum allotment size for the erection of a residential flat building within the Residential 2(d) zone of 1208m², a minimum width of 24.4m at a distance of 12.2m from the street alignment and a maximum height of three storeys.

The site has an area of 2,439 m² with a minimum width of 31.9 metres and the proposed development is three storeys in total with basement car parking. The development satisfies each of these development standards.

Setback from Pacific Highway

Clause 50 provides that a residential building shall not be erected within a Residential 2(d) closer than 9.1m from Pacific Highway. The proposal is largely set back 9.1m from Pacific Highway, however, there is a minor encroachment of this area by the eave overhang, therefore, necessitating a SEPP 1 objection.

A SEPP No.1 objection has been submitted which requests a variation on the basis that compliance with the standard is unreasonable and unnecessary for a number of reasons. A copy of the SEPP No.1 objection is attached. The applicant has sought to demonstrate the strict compliance with the development standard with Clause 50 of the Ku-ring-gai Planning Ordinance, for the front setback control is unreasonable and unnecessary in the circumstances.

Council can consider varying the development standard, provided the underlying objectives of the front setback standard are achieved. The objectives of the standard can be summarised as follows:

- Maintain streetscape character;
- Ensure the amenity of neighbouring properties is maintained or enhanced;
- Allow for the provision of landscaping and provide room for additional tree plantings to grow to maturity;

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- Facilitate solar access;
- Protect significant vegetation;
- Facilitate efficient use of the site;

The infringement is considered acceptable given the following:

- The proposed development will result in a minor breach of the 9.1m setback to Pacific Highway by projection of the roof eave of some 0.8m.
- The non-compliance is minor.
- The roof eave will not result in any increase in overshadowing of adjoining dwellings or private open spaces.
- The variation contributes to modulation and articulation along the western elevation of the western building.
- The spatial configuration and scale of the proposal are important aspects to recognise in relation to the objectives which have been stated above and the development, despite departing from the setback control with the roof eave, is considered to be adequately compensated by the compliance with all other numerical standards, in particular, floor space ratio and building height.
- The variation will not reduce the amount of landscaped area within the front setback.
- The amenity of the future occupants and neighbouring properties will not be compromised by the variation given the minor nature of the variation.

Therefore, in the circumstances, the variation to the front setback is considered reasonable and the SEPP 1 should be supported.

Parking & Access

Clause 53 requires that consent shall not be given for the erection of a residential flat building unless provision is made for a parking space of not less than 5.5m x 2.4m for each flat unit and proper vehicular access is provided to parking spaces.

Council's Development Engineers have reviewed the proposal and consider vehicular access to car parking spaces to be adequate and in accordance with the KPSO requirements, subject to conditions.

Floor Space Ratio

Clause 60 sets a maximum FSR for buildings in the Residential 2(d) zone at 0.85:1. The proposed floor space ratio is 0.85:1, therefore, satisfying the development standard.

Schedule 9 – Aims and Objectives for Residential Zones

The aims and objectives of the residential zones are:

- 1) *To maintain, and, where appropriate, improve the existing amenity and environmental character of residential zone; and,*

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- 2) *To permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.*

The site is zoned residential 2(d) and permits residential flat development. The development is not contrary to the aims and objectives for residential zones and is in accordance with the requirements of the Ku-ring gai Planning Scheme Ordinance. The development has taken into consideration the existing development within the area, such as the concentration of residential flat buildings along Pacific Highway and the nature of development anticipated within the area.

Development Control Plan No.48 – Medium Density Residential Development

DCP 48 applies to development for residential flat buildings, townhouses and villas in the Residential 2(d) zone and, as such, applies to the subject application.

Development Standards and Objectives

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
FSR	0.85:1	0.85:1	YES
Density	1/150m ²	1/111m ²	NO
Building height	Maximum 3 Storeys	3 Storeys	YES
Allotment size	Minimum 1208m ²	2,347 m ²	YES
Length of building	No wall length greater than 12 metres without a physical break. Total length of wall no greater than 24 metres.	No wall length greater than 12 metres without a physical break. Total wall length approximately 24 metres.	YES
Building Setbacks	Front – 9 metres Side – 5 metres Rear – 5 metres	Front – 9.2 metres from the Pacific Highway and 9m from Eton Road. Side – 9.4m 6.3m from the southern boundary. Rear – 9.4 metres	YES
Privacy and Overlooking	Appropriate orientation of windows and balconies. The provision of appropriate screening.	Windows and balconies are off set. A planter box has been included on the roof top terraces. Vegetative screening is proposed.	
Sunlight	Access to sunlight	Provision of	YES

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		reasonable access to sunlight within building and open space around building.	
	Overshadowing of adjoining properties	Reasonable solar access to adjacent properties.	
Site development	Maximum built upon area of 50%	50% of the site area.	YES
Landscaping and tree cover	Maintain or enhance the predominant landscape quality by retaining and replanting trees	50% of the site area.	YES
Energy efficiency	Achieve a NATHERS rating of 3.5 stars	All units achieve a 3.5 star rating.	YES
Views	View sharing		
Noise	Ensure reasonable noise separation of noise sources from noise sensitive areas	Reasonable separation achieved through generous side setbacks and existing and proposed vegetative screening.	YES
Private Open Space	Each dwelling is to have an identifiable area of private and useable open space or balcony area	Each dwelling has access to private open space or balcony area.	YES
Common Open Space	Must be functional and accessible. Total area is merits based.	Common open space is accessible.	YES
Traffic Car Parking	33 car spaces required	35	YES
Access	Comply with AS2890.1	Two lifts will allow disabled access to all units.	YES
Stormwater Management	Comply with Council's Water Management Plan	On-site detention and drainage by gravity to an approved source via an easement over railway land.	YES

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Heritage Protection	Protect adjoining heritage items from structural damage.	There are no heritage items within the vicinity of the subject site.	YES
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Density

The density control is only a guide and development applications will be assessed on individual merits. Based on the density control the site would permit a total of 16 units. In this case the proposal comprises 21 units. However, the number of units proposed is acceptable given the proximity to transport and services. There is no objection to the increase in unit numbers, given that the development is satisfactory in all other respects.

Sunlight

The shadow diagrams submitted illustrate that the site at 197-199 Pacific Highway will experience minor shading at 3.00pm however; adequate levels of sunlight will be available to the property at all other times of the day.

Noise

The proposed buildings are set back adequately from the Pacific Highway which is imperative given the high levels of traffic that use this road network. An acoustic report will be required prior to a Construction Certificate being issued to ensure all units comply with AS2107-2000 (see **Condition No. 65**).

Carparking

There is inconsistency between the number of car parking spaces required under DCP 43 – Car Parking and DCP 48 – Medium Density Development as follows.

- Development Control Plan 43 – Car Parking requires 1.25 spaces per 2 bedroom unit and 1.5 spaces per 3 bedroom unit plus visitor spaces at 1 space per 4 units.
- Development Control Plan 48 – Medium Density Development also requires 1.25 spaces per 2 bedroom unit. However, requires 1.75 spaces per 3 bedroom unit plus visitor spaces at 1 space per 4 units.

Accordingly, 33 spaces are required by DCP 43 (Car Parking) and 34.5 spaces are required by DCP 48 (Medium Density Development). The applicant has calculated car parking rates in accordance with both plans and provides 35 spaces in total. The proposal, therefore, complies with the car parking requirements of both Development Control Plans.

The proposal has been reviewed by Council's Development Engineer who indicates that given the proximity of the Eton Rd/Pacific Hwy intersection to the Grosvenor St/Pacific Hwy traffic signals the traffic implications from this proposal on the immediate arterial road network are acceptable.

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In terms of car parking dimensions there are some minor areas of non-compliance in relation to the Development Control Plan 48. The dimensions comply with the requirements under the Ku-ring-gai Planning Scheme Ordinance and the relevant Australian Standard requirements (ASNS 2890.1 – 2004). Council's Engineer has reviewed the car parking plan and considers that parking dimensions are adequate to ensure access to and from vehicles and manoeuvring from the spaces without difficulty.

Council's Engineer further states that, given the scope to provide (minor) width adjustments in the basement parking layout, the requirement to ensure design compliance with Australian Standard 2890.1 – 2004 "Off-Street car parking" can be suitably reinforced with a condition of consent (**see Condition No. 71**).

The proposed aisle width is 6.3m, providing a generous manoeuvring area for vehicles when entering and exiting the basement car parking spaces.

An accessible garbage collection area within the site and provision is provided for the waste collection vehicle to turn and exit the site in a forward direction.

Development Control Plan No.31 – Access

For residential developments containing 8 or more dwellings, DCP 31 requires that at least 1 dwelling be accessible to the disabled. All units and building facilities are accessible for use by the disabled. Two lifts (one for each building) are provided at basement level and provide access to all units on all levels.

Development Control Plan No.40 – Waste Management

A waste management plan has been submitted in accordance with DCP 40. Each dwelling will be provided with a waste cupboard of sufficient size (minimum volume 0.75 cubic metres) with two separate areas for separation of recyclable and non-recyclable materials.

Where more than six dwellings are provided within a residential flat building, a communal waste and recycling storage area must be provided capable of internal collection. In response to this the applicant has provided a garbage room within the basement (eastern end) designed to accommodate 21 x 120 litre mobile garbage bins and 12 x 240 litre mobile garbage bins for recyclables.

Although located at the eastern end of the building, the waste area has been appropriately located given that it is internal, secure, is appropriately protected from the weather, will not be visible to the street and will not affect neighbours by way of noise and odour. The garbage room will be appropriately signposted, will provide adequate drainage and be well ventilated.

In terms of access, a garbage truck can readily enter and exit the site with a turning bay for forward exit to Eton Road details of the turning bay will be required as a condition of consent prior to issue of the construction certificate (**see Condition No. 71**).

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The application fails to provide a communal composting area on site at ground level. The applicant states that provision of such an area will not be compatible with the landscape plan and layout of the site, compromising ground floor courtyards and communal outdoor areas. As an alternative, a green waste bin will be provided in the garbage room within the basement and will be transported to a waste transfer station. This is considered reasonable and acceptable. However, a condition of consent will be appropriate to ensure an on site composting facility is available (**see Condition No. 62**).

Section 94 Contribution

The proposal is subject to a contribution towards provision of services and facilities as required by Councils adopted Section 94 Contribution Plan for Residential Development. The proposed development will add an additional 18 residential units to the site, resulting in a total contribution of \$297,514.98 (**see Condition No. 64**).

2. Likely Impacts

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

The site is not located within a wilderness area nor an area of critical habitat.

The site can be adequately landscaped and conditions relating to soil erosion can be imposed.

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

3. Suitability of The Site

The site is zoned Residential 2(d), with residential flat building development being a permissible activity within this zone subject to Council consent. The site does not contain any natural features that would impede the development and is not subject to contamination.

The site is close to transport networks and amenities with surrounding development comprising two and three storey residential flat building developments – with the exception of the three sites located opposite the site on Eton Road.

Accordingly, the site is suitable for the proposed development.

4. Any Submissions

All submissions have been addressed previously in the report.

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5. Public Interest

The public interest is served by the orderly development of the site that provides a development of high quality with appropriate design and location considerations given to ensure amenity to adjoining properties.

The proposal offers additional housing located in close proximity to major transport corridors being the Newcastle to Sydney and the Pacific Highway. The site is also in close proximity to amenities located at the Lindfield Shopping Centre.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. The SEPP No.1 objection to the setback standard is considered to be well founded. Therefore, it is recommended that the application be approved.

RECOMMENDATION

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No.1 – Development Standards* in respect of the setback standard in clause 50 of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

THAT Development Application No.328/04 for the demolition of three existing dwellings and the construction of two residential flat buildings comprising 21 units with basement car parking for 35 vehicles, at 2 & 4 Eton Road and 205 Pacific Highway, Lindfield, be granted a deferred commencement consent for a period of two (2) years subject to the following conditions:

Deferred Commencement Conditions

SCHEDULE A

1. The applicant shall submit, for approval by Council, full hydraulic design documentation for the required inter allotment drainage system between the subject property and the proposed point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Council's website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows (assuming complete blockage) where detention systems are to be provided, from the subject property. The following details must be included:

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- a. Plan view of inter allotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point and method of connection to the Council system located downstream of the rail corridor,
 - b. Full engineering details of any infrastructure works required in the downstream road reserve necessary to facilitate a drainage connection to the existing Council drainage system,
 - c. The contributing catchment calculations and supporting pipe sizing information,
 - d. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - e. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
 - f. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
2. In order to activate this consent the applicant shall submit, for approval by Council, registered title documents demonstrating that the subject site is benefited by the necessary easement(s) or equivalent for stormwater drainage as far as the approved downstream point of discharge to the public drainage system. This information is to include, as a minimum, registered Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s).
3. In order to activate this consent, the construction of the required inter allotment drainage system must be completed in full and a connection must be made to the downstream public drainage system. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to the consent becoming active, the following shall be submitted to Council for approval:
 - a. Certification from the supervising engineer that that the as-constructed works comply with the approved inter allotment design documentation, and
 - b. A full works-as-executed drawing of the as built drainage line (showing pipe dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within the necessary drainage easement(s).

SCHEDULE B

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans labelled as: DA02-Basement Floor Plan, DA03- Site & Ground Floor Plan, DA04-First Floor Plan, DA05-Second Floor Plan, DA06-Roof Plan, DA07-North & West Elevations, DA08-South & East Elevations, DA09-Section A-A & Section B-B prepared by Owen & Gilsenan Architects, dated 28 January 2004 and lodged with Council 2 April 2004.
2. All building works shall comply with the requirements of The Building Code of Australia

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

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock

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breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. With regard to the proposed rock breaking the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. 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.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. 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.
17. 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.

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18. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
19. The fence and footings shall be constructed entirely within the site boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. 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.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall

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

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. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
29. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
30. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
31. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

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

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

33. 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.
34. 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.
35. 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.
36. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
 - a. **Describe the anticipated impact of the construction works on:**
 - a. local traffic routes
 - b. pedestrian circulation adjacent to the building site;

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c. and on-street parking in the local area; and;

b. Describe the means proposed to:

- a. manage construction works to minimise such impacts;
- b. provide for the standing of vehicles during construction;
- c. provide for the movement of trucks to and from the site, and deliveries to the site; and

c. Show the locations of:

- a. any site sheds and any anticipated use of cranes and concrete pumps;
- b. any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

- 37. An on-site detention system shall be provided for the development. The design shall be generally in accordance with the concept Stormwater Management report and plans 4115, sheets 1 to 3 by Boyden and Partners, dated March 2004. Volume storage requirements and peak site discharges shall be in accordance with Council's Stormwater Management Manual.
- 38. 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 shall be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
- 39. 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.
- 40. 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.

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41. 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.
42. All public footways, verges 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.**
43. 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.
44. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
45. 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.
46. 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.
47. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion

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of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems 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).

48. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
49. 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.
50. No dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The design is approved based on an open space parking layout.
51. 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.
52. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
53. 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.
54. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
55. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
56. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

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Tree/Location Radius From Trunk
#1 Eucalyptus species (Eucalypt) 8.0m
Adjacent to proposed driveway entry/exit on Eton Rd nature strip.

57. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Reports from the Arborist to the Council shall be required as necessary. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
58. 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.
59. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Eton St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species
Syncarpia glomulifera (Turpentine) x 2

60. The following noxious and/or undesirable plant species shall be removed from the property and the adjoining pedestrian corridor adjacent to the south western site boundary 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
Cinnamomum camphora (Camphor laurel)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)

61. 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.
62. In lieu of a communal composting area at ground level a receptacle shall be provided within the basement garbage room for communal composting, this shall be emptied on a weekly basis.
63. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.

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

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64. 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 EIGHTEEN (18)
ADDITIONAL DWELLINGS IS CURRENTLY \$297,514.98.

The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 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 child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Lindfield	\$7,851.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

65. An acoustic report is to be prepared by a suitable qualified acoustic consultant detailing the measures to be provided to ensure all units within the development comply with AS2107-2000. The report is to be submitted to the PCA for approval prior to the release of the Construction Certificate. All works required by the report are to be completed and the works

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certified by a suitably qualified acoustic consultant prior to the release of the Occupation Certificate.

66. 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.

67. 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).
68. 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.
69. Prior to issue of the Construction Certificate and as a requirement of the Roads and Traffic Authority, the Applicant shall obtain approval from the Ku-ring Gai Local Traffic Committee (KTC) to install "No Stopping" signage over the Pacific Hwy frontage of the subject site for the duration of the construction period. Further, the Applicant shall install a 'Work Zone' in Eton Rd, subject to approval from the KTC. The necessary fees shall be paid to the KTC for preparation of the report and subsequent installation of the signage. The Applicant shall liaise with Council Traffic Engineers regarding this condition.

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

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

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

71. Prior to issue of the Construction Certificate, the Applicant shall submit a fully dimensioned layout (including widths of spaces) for the basement parking spaces, for approval by the Principal Certifying Authority. A qualified civil/traffic engineer, shall certify on this plan that the parking provisions provided in common areas and within private parking areas comply with the following standards:
- Australian Standard 2890.1 – 2004 "Off-street car parking" and
 - The 2.5 metres headroom requirement under DCP40 for waste collection trucks in the relevant area (where internal collection is required).
72. 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).
73. 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 rainwater tank(s) within the subject property, to be utilised for garden irrigation purposes. The total volume provided by the rainwater tank system shall be between 5000 and 10,000

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litres. The tank(s) shall be 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. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.

74. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the required on-site stormwater detention system. The design shall be generally based on the concept Stormwater Management Report by Boyden and Partners, dated March 2004 (reference plans 4115, sheets 1 to 3) and shall be advanced for construction issue purposes. The storage volumes and design shall comply with Council's 1993 Stormwater Management Manual. 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.
75. 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, down pipes, 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 Council's Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 – Plumbing and Drainage Code.
76. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design 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 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.
77. The Applicant must submit carry out the following infrastructure works in the Eton Road reserve:
 - a. Construction of a new 1.5 metre wide pedestrian footpath between the pedestrian access points to the site in Eton Road and the existing footpath at the Pacific Hwy frontage.
78. Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 for the works in the Public**

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

79. To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.
80. All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the footpath works, erosion control requirements and any traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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

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

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

81. Prior to the issue of a Construction Certificate the applicant shall lodge a \$ 15,000 bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of all works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

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82. 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.
83. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. To facilitate landscape amenity the following amendments are to be made;
- Four *Syncarpia glomulifera* (Turpentine) are to be planted within the setback between the Pacific Hwy and the residential flat building.
 - The proposed 'avenue' planting of small trees is to be extended to the Eton Rd site frontage.
 - The areas of gravel on each side of the informal pedestrian entry are to be deleted and planted with low shrubs and/or grasses.
 - The proposed planting area adjacent to the Pacific Hwy frontage is to be doubled in width and substantially planted out with screening shrubs to minimum height of 4.0m.
84. A plan detailing screen planting of the north western, and south western site boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 5.0 metres.
85. The property shall support a minimum number of twelve (12) trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
86. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.
- Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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

87. A cash bond/bank guarantee of \$5 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work. The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

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

Tree/Location

#1 Eucalyptus species

Adjacent to proposed driveway entry/exit on Eton Rd nature strip

CONDITIONS TO BE COMPLIED WITH PRIOR TO COMMENCEMENT OF ANY WORKS
ON THE SITE

88. 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.
89. 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.
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. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a Traffic Control Plan. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – “Field Guide

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for Traffic Control at Works on Roads – Part 1” and RTA “Traffic Control at Work Sites (1998)”. The following matters must be addressed:

Heavy vehicle routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site, including the proposed route to the site for heavy vehicles traveling to the site from the south Pacific Hwy. Light traffic roads and those subject to a load limit are to be avoided.

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- c. How pedestrians, particularly children from the nearby school, will be safely managed across the frontage of the site and the intersection of Eton Rd/Pacific Hwy.

Parking control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.

RTA concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan as the site fronts the Pacific Hwy, a Classified Road.

Stages

- a. The Traffic Control Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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92. 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

#1 Eucalyptus species

Adjacent to proposed driveway entry/exit on Eton Rd nature strip

93. To preserve all the existing trees located on Council's Eton Rd nature strip, no work shall commence until the area below the canopy drip line of each tree is fenced off 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. A 1.2m wide pedestrian access is to be maintained immediately adjacent to the site boundaries at all times during construction/building works.
94. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
95. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION CERTIFICATE

96. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
- Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - Removal of all redundant driveway crossings and kerb laybacks in Eton Rd, fronting the subject site. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter must be completed to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - Full completion of the Roads Act approved footpath works.
 - Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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97. 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 prior to issue of any Occupation Certificate. This shall be at no cost to Council.
98. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.
99. 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.
100. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.
101. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the existing 3 lots shall be consolidated. Such evidence of the consolidation, by way of a Land Title Office registered linen plan, shall be approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.
102. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works

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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.

103. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection, available upon request.
104. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
 - a. The dimensions of all as-constructed private car parking spaces meet the dimension requirements of Australian Standard 2890.1 – 2004 "Off-Street car parking", and
 - b. The as-constructed car park complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - 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
 - 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.
105. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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 certification 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". A completed copy of Council standard on-site detention certification sheet shall be attached. 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

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- 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)

106. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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, down pipes, 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

In addition, 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.
 - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
 - c. Gradients of drainage lines, materials and dimensions.
107. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.
108. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) 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. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
109. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied

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comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

110. Without further written Consent of Council the development is to comply with the following indices:
- a. Maximum floor space ratio 1:851:0.
 - b. Maximum number of car parking spaces 35.
 - c. Minimum number of visitor car parking spaces 4.
 - d. Maximum height of top floor ceiling not to exceed 112.68 RL.
111. A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with and a & f above prior to occupation.

Shelley Watson
**Development Control
Officer**

Matthew Prendergast
**Manager
Development Assessment**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Site Plan**
 Architectural Plans
 Concept Landscape Plans
 Shadow Diagrams
 SEPP No 1 Objection

OPEN SPACE CAPITAL WORKS PROGRAM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To recommend to Council the Open Space Capital Works Program following adoption of Council's Management Plan,
BACKGROUND:	Council has adopted an extensive program of Open Space Capital Works to maintain and enhance the quality of open space facilities for the community. These programs address all significant asset types found within Councils open space network.
COMMENTS:	Prioritisation criteria have been adopted to ensure that maximum value for Council's expenditure is achieved given the amount of work required to enhance the quality of Council's assets. Additional sources of funding including grants and anticipated carry forwards are included in the proposed Capital Works Program identified in this report.
RECOMMENDATION:	The projects outlined in this report form the projects for the 2004/2005 Open Space Capital Works Program. That funds from the swimming pool reserve be used to fund the Pool Feasibility Study and a review of capital works prioritisation process be undertaken prior to the development of planning for the 2005/2006 capital works program. Council's matching funding for the St Ives Showground Conservation Plan be identified and reported to Council, should the Greenspace Grant be successful.

PURPOSE OF REPORT

To recommend to Council the Open Space Capital Works Program following adoption of Council's Management Plan.

BACKGROUND

Council has over the past several years introduced a detailed Open Space Capital Works program to improve the quality of community open space. These programs address all significant asset types found within Council's Open Space network. Table 1 identifies individual programs and amounts allocated by Council in the 2004/2005 Management Plan.

Table 1

Program	04/05 Adopted Budget
Golf Course Improvement Levy	\$250,000
Canopy Replenishment & Enhancement	\$120,000
Swimming Pool Refurbishment	\$300,000
Tennis Court Refurbishment & Development	\$157,000
Park Development	\$200,000
Sportsfield Refurbishment & Development	\$320,000
Playground Refurbishment & Development	\$150,000
Catchment Works	\$150,000
Catchment Analysis	\$100,000

In April 2002 Council adopted a prioritisation process relating to the expenditure of capital works funding for the majority of its asset classes and 2004/2005 will represent the third year of implementation of these programs.

Staff presented the current position of programs and prioritisation assessments to the Infrastructure Committee Meeting of 2 August 2004 including a detailed outline of the proposed program for 2004/05. This report outlines expenditure recommendations relating to each of the program areas and includes anticipated carry forwards, confirmed and pending grants and other revenue sources as appropriate.

COMMENTS

An outline of each program and program financials is provided underneath.

Golf Course Improvement Program

A separate report to Council scheduled for 7 September considers the development of a 10 year program to facilitate the implementation of Council's golf course master plans. The single most critical issue facing the courses is water for irrigation. Restrictions on the use of water are likely to be a permanent feature of golf course management for Council. Accordingly it is proposed that this year's program will focus on finalising design, approvals and a tender required to initiate

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construction of sustainable watering systems for Council's courses. Funds not utilised this year will be transferred back to the Levy Reserve (to enable the first project (indicatively costed at \$700,000) to commence in the 2005/06 financial year). Funds for this program are sourced from a levy that applies to green fees paid by course users.

Project Financials – Golf Course Improvement Levy	
Adopted Budget	\$250,000
Project Design, Approvals and Tender	\$30,000
Transfer back to Reserve	\$220,000

Sportsground Improvement Program

Council has previously identified that funding of \$320,000 per annum for a fifteen year period is required to address outstanding works to Council's sportsground assets. To ensure that Council's expenditure provides a response of highest value a prioritisation model has been adopted by Council and has guided Council's expenditure to date. The most recent assessment according to this process has been included as Attachment 1.

This year's proposed works include the completion of Barra Brui Oval reconstruction including a sustainable water project, remediation and reconstruction of Queen Elizabeth Reserve to return a highly needed facility to use and \$15,000 to support a successful grant application by the local Rugby Club for the improvement of sportsfield lighting to relevant standard at Hassell Park, St Ives.

Approvals are required to be attained for both the Barra Brui and Queen Elizabeth Reserve Project. Final costing for both of these projects will to some extent be determined by those final approvals following which final detailed designs will be complete. This proposal will complete works at Barra Brui Oval. Funds indicated for Queen Elizabeth Reserve represent Stage 1 of that project. Stage 2 will need to draw on the majority of funds available for the 2005/2006 sportsfield program to return this field to use. It is anticipated that the field should be available for use during Spring 2005.

Attachment 1 provides the latest assessment of the criteria ranking for this program. A review of the prioritisation criteria and ranking will be undertaken for discussion by the Infrastructure Committee and Parks, Sport & Recreation Reference Group prior to further consideration by Council to enable future planning for projects following the remediation of Queen Elizabeth Reserve.

Project Financials – Sportsground Improvement	
Carry Forward (Approx)	\$210,000
Adopted Budget	\$320,000
Funds from Catchment Management Program	\$75,000
Total Available Funds	\$605,000
<i>Anticipated Expenditure</i>	
Stage 2 Barra Brui	\$290,000
Stage 1 Queen Elizabeth Reserve	\$300,000
Lighting Upgrade Hassell Park	\$15,000
Total anticipated expenditure	\$605,000

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Canopy Replenishment Program

This program focuses on retaining the leafy character of the local government area, establishing bio-linkages, improving landscape and streetscape character and increasing indigenous canopy trees in areas adjacent to threatened species and endangered communities. Over 6,000 “advanced trees” have already been planted as part of this program. Council has adopted a priority basis for assessing locations including streets and open space areas. All streets have been assessed against the criteria. A five year prioritised planting program has been developed and adopted by Council, including open space areas.

This year’s program will continue to engage new “tree nurturers” as well as initiate activities to maintain the interest of existing volunteers. As per Attachment 2, planting is proposed in 93 streets and 20 separate open space areas. A target of 3,000 trees planted is proposed as the target for this year’s program. Planting for this year’s program will commence in Autumn as in previous years. It is proposed that the following year’s program (2005/06) will be launched from National Tree Day in late July 2005.

Project Financials – Canopy Replenishment	
Adopted Budget	\$120,000
Anticipated Expenditure	\$120,000

Swimming Pool Refurbishment

Council resolved on 11 May 2004 a preferred tender for Stage 2 of this five year program of which construction has already begun to enable the pool to be opened on time for the beginning of the season in September 2004. Planning for Stage 3 works will be reported to Council in December to allow works to proceed during the 2005 winter period of pool closure.

Additionally the 2004/05 Management Plan requires that a pool feasibility be undertaken consistent with the outcome of the pool business strategy. It is proposed that \$30,000 from the pool reserve be made available for that purpose. A brief is being developed for this project.

Consistent with previous Council resolution, funds available from this year’s program will need to be drawn down on to account for over expenditure on Stage 1 works in last year’s capital project accounts. This will reduce available funds for this year’s project by \$33,000. As expenditure for this year will still total \$300,000 additional funds will be sourced at quarterly review to address this shortfall.

Project Financials	
Adopted Budget	\$300,000
Anticipated Expenditure on Pool Refurbishment	\$300,000
Anticipated Expenditure on Feasibility Study (to be sourced from Pool reserve)	\$30,000

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Tennis Court Refurbishment

Over the past six years income from Council's tennis courts has dropped considerably. In 2002 a business strategy to arrest this slide was developed which identified a range of facility developments, improved management and marketing of the courts as necessary actions to arrest the depreciation of the assets and to improve the return to Council from this asset.

Council has committed \$150,000 per annum for this program. An assessment and prioritisation process for physical works to the existing courts has been adopted by Council and projects identified in the business plan have been assessed against the model. pool closure.

These are identified within Attachment 3. Grant funds are routinely applied for to supplement project funds.

The identified priorities include design and reconstruction of courts 3 and 4 at Turramurra Park. These courts are Council's most heavily utilised and court 4 is currently closed to use. Amenity improvements at Turramurra have also been identified in addition to an upgrade of the surface of Kent Road and Richmond Park Courts.

A marketing plan, particularly targeting coaches and organised social competition will be utilised specifically targeting recently upgraded courts.

Project Financials – Tennis Court Refurbishment	
Adopted Budget	\$157,000
Additional Grant Funds (pending application)	\$18,000
Total Available Funds	\$175,000

Anticipated Expenditure	
Turramurra (3 & 4) Reconstruction	\$100,000
Turramurra Amenity Improvements	\$35,000
Surface Upgrade Kent Road	\$10,000
Surface Upgrade Richmond Park	\$7,500
Total	\$152,500

Playground Refurbishment and Development

Following assessment and reporting to Council in 2002 a 10 year Playground Replacement Strategy was adopted including a \$150,000 per annum program of playground upgrades. A proactive approach based on playground distribution, play quality and demographic need enabled development of criteria for assessment of playgrounds/locations to prioritise improvement works. Attachment 4 details the assessment criteria and status of the program.

Identified priorities for expenditure in the 2004/05 year are new playgrounds at Barra Brui, Jane MacGillivray Park, Sequoia Close Park, Athena Avenue Reserve, Barton Crescent Reserve and Bandalong Crescent Reserve. In line with Council resolution of 18 November 2003, design work on these projects has commenced.

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Project Financials – Playground Refurbishment	
Adopted Budget	\$150,000
<i>Anticipated Expenditure</i>	
Barra Brui Playing Field (new playground)	\$50,000
Jane MacGillivray Park	\$20,000
Sequoia Close Park	\$20,000
Athena Avenue Reserve	\$20,000
Barton Crescent Reserve	\$20,000
Bandalong Crescent Reserve	\$20,000
Total	\$150,000

Park Development

Council maintains in excess of 250 developed parks. A process of asset inspection, recording and valuation is continuing which will assist greatly in the development of future prioritised works programs. \$200,000 per annum is directed towards park development.

Parks are improved at locations where other capital works are undertaken such as playgrounds (\$10,000 per site) and off leash areas to achieve concurrent whole of site embellishment. This ensures the most productive outcome for Council expenditure.

Funds are also used as leverage to win grants such as Metropolitan Greenspace Grants at Bicentennial and Echo Point Parks, and DIPNR Sydney Harbour Foreshore Access Improvement at Echo Point Park. Department of Tourism, Sport & Recreation Capital Assistance Grants are currently being applied for the next round. Park Development funds are generally split across local, district and major parks and will also address highest priority actions from Council's off leash area prioritisation process (Attachment 5).

Project Financials – Park Development	
Anticipated Carry Forward	\$35,000
Adopted Budget	\$200,000
Confirmed & Pending Grant	\$156,000
Total Available Budget	\$391,000

Proposed projects include the following:

Anticipated Expenditure	
<u>Major Parks</u>	
• Bicentennial Park Stage 2 works (includes carry forward and grant)	\$121,000
• lighting of leash free area at Bicentennial Park	\$5,000
• St Ives Showground Conservation Management Plan (in accordance with Council Mgt Plan, subject to successful grant application)	\$30,000
<u>District Parks</u>	
• Echo Point Park Access Improvements (Council funds and grant)	\$105,000
• Off-leash area implementation at Claude Cameron Grove	\$40,000
<u>Local Parks</u>	
• Toolang Playing Field dog off-leash area upgrade Stage 1	\$90,000
• Park improvements to support local park playground program	
○ seats and table at Jane Macgillivray Park	
○ access improvements, pathway and picnic table at Sequoia Close Park	
○ bubbler and picnic table at Athena Avenue Reserve	
○ fencing , bubbler and furniture at Barton Crescent Reserve	
○ fencing, picnic table and bubbler at Bandalong Crescent Reserve	
○ Mitchell Crescent Reserve area/playground fence	
Total	\$391,000

Should Council's application for Metropolitan Greenspace Grant funds for the preparation of a Conservation Management Plan be successful, a future report will be bought to Council identifying a source for Council's matching funding requirement of \$10,000.

Catchment Management

The catchment management program will focus on the construction of a stormwater harvesting project at Barra Brui. Along with providing water for irrigation, the project will also reduce stormwater pollutants to the downstream bushland, reduce the peak flows affecting the creek and lessen the impacts of run-off from the sportsfield. This project will form a pilot for the water sensitive urban design projects as identified through our catchment planning and analysis projects. Other projects to be funded include the completion of the riparian condition mapping, catchment works and remediation of the stormwater outlets at Springdale Road and Kingsford Avenue (pending confirmation of grants) and the completion of the Council handbook for integrated stormwater plans (NSW Stormwater Trust Grant).

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Project Financials – Catchment Management	
Adopted Budget	\$150,000
Anticipated Carry Forward	\$53,003
Total Available Funds	\$242,003
Confirmed and pending grants	\$39,000
<i>Anticipated Expenditure</i>	\$242,003

Catchment Analysis

Catchment plans for Middle Harbour and Cowan catchments are now complete. Consultants for these projects are finalising prioritisation models with staff prior to final reporting to Council. Catchment and drainage analysis for Lane Cove Catchment will be undertaken utilising carry forward funds and the current adopted budget. A tender has been advertised for this project (17 August 2004). Outcomes for this project will draw together stormwater quality, flooding, pit and pipe capacity within a water sensitive urban design philosophy. Concept plans will be developed for the highest ranked sites to guide future work programs.

Project Financials – Catchment Analysis	
Adopted Budget	\$100,000
Anticipated Carry Forward	\$79 470
Total Available Funds	\$179 470
<i>Anticipated Expenditure</i>	\$170-185,000

Natural Area Management

The Natural Area Capital Works Program is funded by external grants. Projects for this year include a community program to assist in the management of the bushland interface, construction of a watersmart garden at Turramurra and the promotion of native bees. Potential grant funding will seek to build on our noxious weed, regeneration, volunteer and fauna programs. It should be noted that many of the grants are for projects that span several years which accounts for anticipated expenditure being less than likely available funds.

Project Financials – Natural Areas Management	
Adopted Budget	\$0
Anticipated Carry Forward	\$0
Confirmed Grants	\$46,350
Potential Grants	\$105,000
Total Available Funds	\$151,350
<i>Anticipated Expenditure</i>	\$70,000

CONSULTATION

Council's various prioritisation processes have been developed following consultation with major stakeholders including Council's former advisory committees. The proposals contained in this report have been presented to Councillors at the 2 August 2004 meeting of the Infrastructure

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Committee. Amendments to the proposals address feedback received from Councillors at the Infrastructure Committee Meeting.

FINANCIAL CONSIDERATIONS

Council has allocated funds of \$1,747,000 towards open space capital works programs for the 2004/05 financial year, including catchment analysis and catchment works. When confirmed and pending grant applications are added plus anticipated carry forwards and proposed use of funds from existing reserves program of \$2,530,829 is identified.

The table below (table 2) outlines the total and proposed budgets and sources of revenue for Council 2004/05 Open Space Capital Works Program.

Program	2004/05 adopted Budget	Confirmed & likely grant funding	Anticipated carry forward from 2003/2004	Total available funds
Golf Course	\$250,000			\$250,000
Canopy	\$120,000			\$120,000
Swimming Pool Refurbishment	\$300,000			\$300,000
Swimming Pool Feasibility				*\$30,000
Tennis Court Refurbishment & Development	\$157,000		\$5,000	\$162,000
Park Development	\$200,000	\$156,000	\$35,000	\$391,000
Sportsfield Refurbishment & Development	\$320,000		\$210,000	\$530,000
Playground refurbishment & development	\$150,000			\$150,000
Catchment works	\$150,000	\$39,000	\$53,000	\$242,000
Catchment analysis	\$100,000		\$79,470	\$179,470
Natural Areas Management		\$131,350		\$131,350
Greenwood Quarry			\$25,000	\$25,000
Total				\$2,510,820

* sourced from Pool Reserve

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development and Technical Services have assisted with information in the preparation of this report.

SUMMARY

Council has committed to substantial programs of capital works to both maintain the value of the community's Open Space Assets and to improve the level of amenity for the community provided by these assets.

Prioritisation models have been established for most asset classes which have been utilised in the development of the various programs.

The proposals contained within this report have been presented to Council's Infrastructure Committee.

RECOMMENDATION

- A. That the projects as outlined in this report form the projects for the 2004/05 Open Space Capital Works Program.
- B. That funds from the Swimming Pool Reserve be used to fund the Swimming Pool Feasibility Study.
- C. That review of the Open Space Capital works prioritisation process be undertaken prior to the development of planning for 2005/06 Capital Works program.
- D. That funds for Council's contribution to development of the St Ives Showground Conservation Plan be identified and reported to Council should the Metropolitan Greenspace Grant Application be successful.

Amanda Colbey
A/Manager Parks Sport & Recreation

Steven Head
Director Open Space

Peter Davies
Manager Sustainability & Catchment
Management

Matthew Drago
Manager Trees & Vegetation

Attachments

1. Sportsground Improvement Program Assessment.
2. Planting locations
3. Assessment and prioritisation process for tennis court refurbishment
4. Playground refurbishment - assessment criteria and program.

12 MONTH REVIEW OF TRIAL - GORDON GOLF CLUB - ADDITIONAL TEE ACCESS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the review of the relevant information relating to the future of off peak additional tee access by Gordon Golf Club members.
BACKGROUND:	On 19 November 2002 Council resolved to grant Gordon Golf Club Limited a single lease for the use of the Gordon Golf Clubhouse premises and exclusive tee access times. In addition Council resolved a one year trial for a separate licence for concessional green fees for Gordon Golf Club Limited in off peak course usage during Monday to Friday.
COMMENTS:	The one year trial for concessional green fees for Club members in off peak course usage during Monday to Friday commenced 24 July 2003 and expired 23 July 2004. The license has not had a detrimental impact on Council income and as the club believes its continuation will encourage new members, it is considered that the license should be maintained concurrently to the main lease and tea time access license.
RECOMMENDATION:	That Council grant a separate licence to the Club for concessional green fees for Club members in off peak course usage periods during Monday - Friday.

PURPOSE OF REPORT

To advise Council of the review of relevant information relating to the future of off peak additional tee access by Gordon Golf Club members.

BACKGROUND

Property

Council is owner of Lot 12 in DP825411 being the premises known as Gordon Clubhouse, Lynn Ridge Avenue, Gordon.

Gordon Golf Club Limited has been occupying the Clubhouse site since 1936.

The Clubhouse site is classified as 'Community Land' and is categorised as 'General Community Use' under the Gordon Golf Clubhouse Precinct Plan of Management adopted by Council on 20 November 2001. The remainder of the golf course land is categorised as 'Sportsground' under the generic Gordon and North Turramurra Golf Courses Plan of Management adopted by Council 20 November 2001.

On 19 November 2002 Council resolved:

- A. That Council approve the granting of a single lease for the use of the Clubhouse premises and exclusive access times as per the term outlined in this report and attachments.*
- B. The term of the new lease be ten years with options of two further five year leases at the concurrence of both parties.*
- C. That Council approve a separate licence for concessional green fees for golf Club members in off peak course usage periods during Monday – Friday for a one year trial period and that a future report be brought back to Council.*
- D. That Council issue a public notice (as prescribed by section 47(A)) of the Local Government Act 1993.*
- E. That Council authorise the Mayor and General Manager to sign the documentation should no objections be received following the period of public notice.*
- F. That Council authorise the affixing of the Common Seal of Council to the licence and lease document should no objections be received indicating objections to the proposed licence and lease.*
- G. That a report be brought back to Council if there are any objections received to the proposal in accordance with section 47 (4-10) of the Local Government Act 1993.*

Current Management

The original lease commenced in 1983 for a period of 10 years with a 10 year option which expired on 23 July 2003.

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The current lease commenced 24 July 2003 for a period of 10 years with options of 2 further 5 year leases. This arrangement comprises one lease document, which incorporates exclusive access to tee times, golf links and use of the Clubhouse precinct.

The lease provides the Club with exclusive rights to tee access on the following days between the following hours:

Saturday	8:00 am – 12:30 pm
Sunday	10:30 am – 12:00 noon
Tuesday	8:00 am – 10:30 am
Public Holidays	10:30 am – 12:00 noon

The Club proposed to Council its desire to extend its tee access times and golf links during off peak course usage to increase the benefit to Club members and revenue for Council in traditional periods of lower utilisation.

The 12 month trial resolved by Council in November 2002 provided members a concessional green fee (50% of the senior's rate) during the following non competition times as follows:

Monday	1:00 pm – 3:30 pm (inclusive)
Tuesday	2:00 pm – 3:30 pm (inclusive)
Wednesday	1:00 pm – 3:30 pm (inclusive)
Thursday	2:00 pm – 3:30 pm (inclusive)
Friday	2:00 pm – 3:30 pm (inclusive)

The concession was not available on any public holidays that fall between Monday to Friday (inclusive). In addition to ensure no loss of access to the course by the general public, advance bookings by members were not taken by the Golf Professionals for these times.

COMMENTS

The 12 month trial commenced 24 July 2003 and expired 23 July 2004. This trial arrangement continues week by week until Council considers and resolves the matter so to not inconvenience these members whom are using the times or any future members. The Golf Professionals have kept accurate records of members taking advantage of the concessional fee and tee access times. Regular Club members whom normally played before 12:00 noon continue to consistently do so and most have not taken the opportunity of the cheaper rate during the off peak times.

The average usage by members during the trial period approximates 3 per week or 12 per month and has had little to no effect on green fee income to Council.

Table 1 figures clearly show that extra member's rounds have not been an overriding success, however it has also not had a detrimental effect on normal Club player rounds/times. The minimum number of Club member rounds per year in accordance with the current lease is 10,000 rounds. The total number of member rounds for the period July 2003 – July 2004 was 13,020. Clearly this indicates the concessional fee and off peak tee access opportunity has not discouraged a reduction in normal Club member rounds. The purpose of the 12 month trial was to ensure and confirm Club rounds would not fall below the 10,000 mark which potentially would have an impact on the income levels expected and realised by Council from the Club.

Table 1

MONTHS	YEAR	MEMBER ROUNDS (OFF PEAK)
December	2003	8
January	2004	20
February	2004	8
March	2004	18
April	2004	12
May	2004	12
June	2004	12
July	2004	12
Total		102 Additional rounds

Total Income received
during trial

$\$6.50 \times 102 = \663.00

Please note: Whilst the trial had Council approval to commence from 24 July 2003, Club members began taking advantage of the opportunity from December 2003 onwards only.

Whilst still in its infancy, the trial reduced fee and times allocated should remain in place in line with the tenure of the existing Lease to enable the Club better marketing of memberships of Gordon Golf Club.

CONSULTATION

Staff have liaised regularly with the Golf Course Professionals to collect the data and Club executives have been notified of officer's recommendation as contained in this report.

FINANCIAL CONSIDERATIONS

Advertising costs associated with public notification in accordance with Local Government Act (1993) section 46 and 47 regarding the proposed licence will be borne by Council. Costs associated with the proposed grant of the Licence will be borne by the Licensee, Gordon Golf Club Limited.

The licence will have negligible direct financial implications for Council although the increased membership of Gordon Golf Club will have a positive financial impact for Council as Council receives a percentage of income relating to the number of rounds undertaken by members.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space and Finance and Business Development have liaised on the proposed licence.

SUMMARY

Gordon Golf Club Limited has been established at the Gordon Golf Course since 1936 providing opportunities for residents to access golf club membership.

The Club is a valuable component of the Golf Course and together with Council and the Golf Course Professional Services provides tangible benefits for the community at large.

On 19 November 2002 Council resolved to grant a single Lease to the Club for use of the premises and exclusive use of specific tee access times. In addition, a one year trial for a separate Licence for concessional green fees for the Club in off peak course usage during Monday to Friday was also granted.

This trial commenced on 24 July 2003 and concluded 23 July 2004.

The average usage during the trial period approximated 3 per week (12 per month) and had little to no effect on expected green fee income to Council from Club members. Whilst not encouraging extra players per say, it has not had a detrimental effect on normal member rounds and times allocated.

The Gordon Golf Club Limited and Golf Course Professionals both support the continuation of the arrangement in line with the Club's existing lease. Refer attachment 2 and 3.

RECOMMENDATION

- A. That Council the granting for a separate licence for concessional green fees for Golf Club members in off peak course usage during Monday-Friday in line with the existing lease due to expire 23 July 2023.
- B. That the new licence will be ten years with an option of ten years with the concurrence of both parties in line with the existing lease.
- C. That Council issue a public notice as prescribed by Section 47 (A) of the Local Government Act (1993).
- D. That Council authorise the Mayor and General Manager to sign the documentation should no sustainable objections be received following the period of public notice.

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- E. That Council authorise the affixing of the Common Seal of Council to the Licence document.
- F. That a report be brought back to Council if there are any sustainable objections received to the proposal in accordance with Section 47 (4-10) of the Local Government Act (1993).

Amanda Colbey
Acting Manager Parks, Sport & Recreation

Steven Head
Director Open Space

Attachments:

- 1. Letter of support - Gordon Golf Club Limited**
- 2. Letter of support - Teetops Golf Professionals**

2003/2004 BUDGET REVIEW 4TH QUARTER ENDED JUNE 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the quarterly financial review for the year ended 30 June 2004.
BACKGROUND:	This review analyses the financial performance of the Council for the year ended 30 th June 2004.
COMMENTS:	Council's budgetary position for the year ended 30 June 2004 provided a surplus of \$2,563,471 compared to a budgeted surplus of \$2,657,600.
RECOMMENDATION:	That Council receive and note the contents of this report.

PURPOSE OF REPORT

To present to Council the quarterly financial review for the year ended 30 June 2004.

BACKGROUND

This is a statutory requirement under the Local Government Financial Management Regulation 1999, Part 2 Clause 7 and it is an essential aspect of Council's financial management.

At the Council Meeting held on 10 June 2003, Council adopted the 2003-2007 Management Plan, which incorporated the annual budget for Council for 2003/2004. The resolution adopting this Management Plan was under Minute 462.

COMMENTS

General Budgetary Position

This review will analyse the overall financial performance of Council by responsibility centre comparing actual expenditure and revenue against budget as at 30 June 2004. Council's budgetary position for the year ended 30 June 2004 is within expectations.

The organisation's year to date net expenditure shows a surplus of \$2,563,471 compared to a budget surplus of \$2,657,600, a negative variance of \$94,129. This total variance is broken down as follows:

COUNCIL	Actual YTD	Budget YTD	Variance
Expenditure	\$68,482,739	\$68,382,000	(\$100,739)
Income	\$71,046,210	\$71,039,600	\$6,610
Net Result	\$2,563,471	\$2,657,600	(\$94,129)

Variations at a departmental level are highlighted in the table below:

DEPARTMENT	2003/2004 Financial Year		
	Actual	Rev Budget	Variance
	\$	\$	\$
PLANNING & ENVIRONMENT	1,099,117	1,125,500	26,383
ENVIR. & REGULATORY COMPLIANCE	3,984,902	3,146,800	(838,102)
OPEN SPACE	7,419,596	7,349,700	(69,896)
TECHNICAL SERVICES	8,401,005	8,693,100	292,095
WASTE MANAGEMENT	(381,787)	127,400	509,187
CIVIC MANAGEMENT	2,331,378	2,216,100	(115,278)
FINANCE & BUSINESS DEVELOPMENT	3,910,733	3,747,400	(163,333)
COMMUNITY SERVICES	5,601,939	5,303,100	(298,839)
CORPORATE & COMMUNICATIONS	3,482,298	3,462,600	(19,698)
CORP ACCOUNTS	(38,412,652)	(37,829,300)	583,352
NET EXPENDITURE / (REVENUE)	(2,563,471)	(2,657,600)	(94,129)

Variances by Responsibility Centre Level

PLANNING & ENVIRONMENT		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
301 Environmental Administration Services	TOTAL EXPENSE	280,901	274,600	(6,301)
301 Environmental Administration Services	NET EXPENDITURE	280,901	274,600	(6,301)
302 Environmental Policy Services	TOTAL EXPENSE	415,771	454,100	38,329
302 Environmental Policy Services	TOTAL REVENUE	0	100	(100)
302 Environmental Policy Services	NET EXPENDITURE	415,771	454,000	38,229
303 Land Information Services	TOTAL EXPENSE	216,780	200,600	(16,180)
303 Land Information Services	TOTAL REVENUE	274,356	288,000	(13,644)
303 Land Information Services	NET EXPENDITURE	(57,576)	(87,400)	(29,824)
305 Urban Planning Services	TOTAL EXPENSE	477,604	506,300	28,696
305 Urban Planning Services	TOTAL REVENUE	17,583	22,000	(4,417)
305 Urban Planning Services	NET EXPENDITURE	460,021	484,300	24,279
NET EXPENDITURE / (REVENUE)		1,099,117	1,125,500	26,383

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3 August 2004301 Environmental Administration

This responsibility centre had a budget overrun of \$6,301 for the year, this was due to an increase in office supplies and printing costs.

302 Environmental Policy Services

This responsibility centre yielded a net surplus of \$38,229 through savings in legal fees and internal service expenses.

303 Land Information Services

The revised budget for Land Information Services produced a deficit of \$29,824. This was due to a shortfall in revenue resulting from Section 149 Certificate income.

305 Urban Planning Services

This responsibility centre completed the year with a net surplus of \$24,279 on a budget of \$506,300. This was mainly due to savings in employee costs for the year. This was partially offset by a decrease in income of \$4,417, due to a reduction in rezoning fees.

ENVIRONMENT & REGULATORY SERVICES		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
701 Administrative Services	TOTAL EXPENSE	1,015,665	960,200	(55,465)
701 Administrative Services	TOTAL REVENUE	403,534	388,100	15,434
701 Administrative Services	NET EXPENDITURE	612,131	572,100	(40,031)
703 Development Control Services	TOTAL EXPENSE	4,237,504	3,595,300	(642,204)
703 Development Control Services	TOTAL REVENUE	1,364,112	1,513,000	(148,888)
703 Development Control Services	NET EXPENDITURE	2,873,392	2,082,300	(791,092)
704 Regulatory Services	TOTAL EXPENSE	864,558	821,800	(42,758)
704 Regulatory Services	TOTAL REVENUE	839,495	756,500	82,995
704 Regulatory Services	NET EXPENDITURE	25,063	65,300	40,237
708 Compliance & Environmental Services	TOTAL EXPENSE	775,466	764,200	(11,266)
708 Compliance & Environmental Services	TOTAL REVENUE	185,069	212,000	(26,931)
708 Compliance & Environmental Services	NET EXPENDITURE	590,397	552,200	(38,197)
709 Building Control Services	TOTAL EXPENSE	290,778	239,200	(51,578)
709 Building Control Services	TOTAL REVENUE	364,066	400,000	(35,934)
709 Building Control Services	NET EXPENDITURE	(73,288)	(160,800)	(87,512)
710 Specialist Support Services	TOTAL EXPENSE	346,687	393,200	46,513
710 Specialist Support Services	TOTAL REVENUE	389,480	357,500	31,980
710 Specialist Support Services	NET EXPENDITURE	(42,793)	35,700	78,493
NET EXPENDITURE / (REVENUE)		3,984,902	3,146,800	(838,102)

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The Environment and Regulatory Services department finished the year with a net expenditure overrun of \$838,102. This is attributable largely to over spending in Land and Environment Court appeals of \$474,882, over expenditure in contractors of \$155,004 and revenue shortfalls of \$148,888.

Budget performance for each responsibility centre within Environmental & Regulatory Services is outlined below.

701 Administration Services

The Administrative Services section completed the year with a net expenditure overrun of \$40,031. The over expenditure was attributable primarily to salaries and casual salaries. This was counter balanced to some extent by increased income from outstanding notice certificates.

703 Development Control

Net expenditure in Development Control was \$791,092 over budget, primarily due to Land and Environment Court costs being \$474,882 over budget plus over expenditure in contractors of \$155,048, which were required to assist the processing of development applications. The shortfall in revenue of \$148,888 is a result of the increased usage of private certifiers.

704 Regulatory Services

Regulatory Services ended the year with a net expenditure surplus of \$40,237. This was primarily due to an over expenditure of \$42,758 consisting mainly of increased commissions paid to SEINS for parking fines, which was however fully offset by an increase in revenue as a result of increased parking fine income of \$83,000.

708 Compliance and Environmental Services

Compliance and Environmental Services ended the year with a net expenditure overrun of \$38,197. This is largely due to the increased employee costs of \$ 37,774 for casual salaries, as it was required to address food shop and swimming pool inspection obligations. This was however offset by savings of \$18,410 in consultants, which resulted in expenditure being \$11,266 over budget. The decreased income of \$26,712 was mainly due to a decrease in hair dressing inspections and some miscellaneous public health fine income.

709 Building Control Services

Building Control Services completed the year with a net expenditure overrun of \$87,512. Expenditure was over budget by \$51,578 due to over expenditure of \$103,755 in contractors, however this was partially offset by savings of \$55,797 in employee costs. The overrun was also due to a reduction in revenue of \$35,934 for building certificates and inspection fees, which can be explained by the current decreasing demand in the development market.

710 Specialist Support Services

The net result for Specialist Support Services was a saving of \$78,493. Expenditure was under budget by \$46,513, primarily due to savings in contractors of \$90,266. Revenue was up \$32,480 on budget due to higher than expected infrastructure restoration income.

OPEN SPACE		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
201 Group Management	TOTAL EXPENSE	336,469	330,700	(5,769)
201 Group Management	NET EXPENDITURE	336,469	330,700	(5,769)
208 Tree & Landscape Assessment	TOTAL EXPENSE	543,741	495,600	(48,141)
208 Tree & Landscape Assessment	TOTAL REVENUE	116,883	130,000	(13,117)
208 Tree & Landscape Assessment	NET EXPENDITURE	426,858	365,600	(61,258)
210 Sport & Recreation	TOTAL EXPENSE	3,977,433	3,894,900	(82,533)
210 Sport & Recreation	TOTAL REVENUE	2,739,611	2,846,300	(106,689)
210 Sport & Recreation	NET EXPENDITURE	1,237,822	1,048,600	(189,222)
211 Parks & Trees	TOTAL EXPENSE	3,232,199	3,405,100	172,901
211 Parks & Trees	TOTAL REVENUE	12,872	18,000	(5,128)
211 Parks & Trees	NET EXPENDITURE	3,219,327	3,387,100	167,773
810 Bushland & Natural Resources	TOTAL EXPENSE	2,287,091	2,233,000	(54,091)
810 Bushland & Natural Resources	TOTAL REVENUE	63,996	52,100	11,896
810 Bushland & Natural Resources	NET EXPENDITURE	2,223,095	2,180,900	(42,195)
811 Plant Nursery	TOTAL EXPENSE	110,068	186,800	76,732
811 Plant Nursery	TOTAL REVENUE	134,043	150,000	(15,957)
811 Plant Nursery	NET EXPENDITURE	(23,975)	36,800	60,775
NET EXPENDITURE / (REVENUE)		7,419,596	7,349,700	(69,896)

201 Group Management

This responsibility centre ended the year with a net expenditure of \$5,769. No major variations to report in this area.

208 Tree and Landscape Assessment

The Tree and Landscape Assessment area ended the year with a net expenditure overrun of \$61,258. This was primarily due to an over expenditure of \$48,806 in legal fees, for court cases that breached the tree preservation regulations. The variation of income of \$13,000 was due to a decrease in tree preservation order applications.

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210 Sports and Recreation

The Sport and Recreation area ended the year with a net expenditure overrun of \$189,222. The \$82,533 variance in expenses were made up of \$29,087 in legal fees as part of license negotiations, \$116,050 in hiring contractors to carry on the operational work due to unfilled vacant positions, and \$107,851 in internal services due to works undertaken on open space buildings and for swimming pool works. This was partially offset by a saving of \$157,784 in employee costs.

On the revenue side, income is under budget by \$106,689 mainly due to golf course fees, reflecting the downward market trend in the golf industry throughout the year and non realisation of income from the Gordon Golf Club lease prior to execution of the lease.

211 Parks & Trees

Parks and Trees completed the year with a net expenditure surplus of \$167,773. This was mainly due to the saving of \$277,425 in employee costs from vacant positions, which was partly offset by over expenditure in contractors, materials and waste disposal.

810 Bushland and Natural Resources

The Bushland and Natural Resources area ended the year with a net expenditure overrun of \$42,195.

The \$54,091 variance in expenditure is made up of \$38,956 overrun in equipment and \$66,803 overrun in contractors, however, this was partly offset by savings in employee costs of \$54,652. These overruns were due to essential works being carried out by contractors for public safety and OH&S regulations and demand for internal plant meaning external plant was required.

811 Plant Nursery

Net expenditure in this responsibility centre resulted in a surplus of \$60,775.

Expenditure showed a positive variance of \$76,732 mainly from savings in employee costs of \$18,132 and savings of \$56,453 in materials. These costs were directly transferred to other budget areas as a result of work undertaken against those cost centres. Expenditure savings were partly offset by \$15,957 income not realised.

TECHNICAL SERVICES		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$		\$
401 Group Management	TOTAL EXPENSE	1,738,627	1,659,200	(79,427)
401 Group Management	TOTAL REVENUE	240,825	233,400	7,425
401 Group Management	NET EXPENDITURE	1,497,802	1,425,800	(72,002)
407 Traffic & Project Services	TOTAL EXPENSE	4,591,034	4,554,800	(36,234)
407 Traffic & Project Services	TOTAL REVENUE	110,344	99,000	11,344
407 Traffic & Project Services	NET EXPENDITURE	4,480,690	4,455,800	(24,890)
801 Depot Support Services	TOTAL EXPENSE	334,757	361,200	26,443
801 Depot Support Services	NET EXPENDITURE	334,757	361,200	26,443
802 Maintenance and Construction	TOTAL EXPENSE	3,330,688	3,708,600	377,912
802 Maintenance and Construction	TOTAL REVENUE	1,158,482	1,386,500	(228,018)
802 Maintenance and Construction	NET EXPENDITURE	2,172,206	2,322,100	149,894
804 Trade Services	TOTAL EXPENSE	1,587,941	1,501,500	(86,441)
804 Trade Services	TOTAL REVENUE	1,476,697	1,550,200	(73,503)
804 Trade Services	NET EXPENDITURE	111,244	(48,700)	(159,944)
805 Fleet Operations	TOTAL EXPENSE	2,769,387	2,837,700	68,313
805 Fleet Operations	TOTAL REVENUE	3,833,663	3,299,200	534,463
805 Fleet Operations	NET EXPENDITURE	(1,064,276)	(461,500)	602,776
806 Workshop	TOTAL EXPENSE	466,021	438,400	(27,621)
806 Workshop	TOTAL REVENUE	586,404	586,400	4
806 Workshop	NET EXPENDITURE	(120,383)	(148,000)	(27,617)
807 Street Sweeping, Litter Control and Cleaning	TOTAL EXPENSE	1,194,519	992,400	(202,119)
807 Street Sweeping, Litter Control and Cleaning	TOTAL REVENUE	205,554	206,000	(446)
807 Street Sweeping, Litter Control and Cleaning	NET EXPENDITURE	988,965	786,400	(202,565)
NET EXPENDITURE / (REVENUE)		8,401,005	8,693,100	292,095

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401 Group Management

Group Management ended the year with a net expenditure overrun of \$72,002. This was primarily due to increased street lighting charges of \$76,000.

407 Traffic Project Services

This responsibility centre ended the year with a net expenditure of \$24,890. This was largely due to an increase in contractors and depreciation.

801 Depot Support Services

This cost centre performed slightly under budget for the year. There were no major variations to report in this area.

802 Maintenance & Construction

This responsibility centre performed well within budget for the year. Salaries and contractors provided a savings in expenditure of \$377,912. However, it was partly offset by restoration income of \$228,132 not being realised due to a lower than anticipated number of utility restorations.

804 Building Trades

Building Trades ended the year with a net expenditure overrun of \$159,944. This was due primarily to an increased level of contractors & internal expenses of \$86,441 used for the adopted program. The variation in income of \$73,503 was mainly to do with internal charging of building trades within Council, i.e. Open Space & Technical Services did not request as much work as anticipated.

805 Fleet Operations

This responsibility centre performed well within budget for the year. Savings in expenditure of \$68,000 was primarily due to a savings in salaries. The variation in income of \$534,000 represents internal service income of plant hire which was not budgeted for, however this was directly offset by the internal service plant hire charge within other areas of Council.

806 Workshops

No major variations to report in this area.

807 Street Sweeping & Litter Control

This responsibility centre ended the year with a net expenditure overrun of \$202,119. This related to internal service overruns for plant hire charges not budgeted for, which was directly offset by internal service income surplus within the operational fleet responsibility area.

WASTE SERVICES		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
706 Domestic Waste Services	TOTAL EXPENSE	8,020,182	8,575,100	554,918
706 Domestic Waste Services	TOTAL REVENUE	8,283,643	8,062,600	221,043
706 Domestic Waste Services	NET EXPENDITURE	(263,461)	512,500	775,961
707 Trade Waste Services	TOTAL EXPENSE	1,157,881	1,124,000	(33,881)
707 Trade Waste Services	TOTAL REVENUE	1,276,207	1,509,100	(232,893)
707 Trade Waste Services	NET EXPENDITURE	(118,326)	(385,100)	(266,774)
NET EXPENDITURE / (REVENUE)		(381,787)	127,400	509,187

706 Domestic Waste Services

The performance in this responsibility centre produced a positive variation of \$775,961. The positive variation of \$554,918 in expenditure was primarily due to a savings in depreciation of \$448,891 & savings in waste disposal costs of \$100,000. The income variation of \$221,043 was due to a higher than anticipated revenue in domestic waste. These funds will be restricted to the domestic waste reserve and will not impact on Council's operating result. It should be noted that there are a number of significant invoices which have not been actualised as yet. These amounts show as a current creditor liability in Council's financial statements.

707 Trade Waste Services

Trade Waste Services ended the year with a net expenditure variation of \$266,774. This was primarily due to a lower than anticipated take up on trade waste services. This has been adjusted in the 2004/05 budget to reflect this trend.

CIVIC MANAGEMENT		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
501 Executive Support	TOTAL EXPENSE	453,866	426,800	(27,066)
501 Executive Support	NET EXPENDITURE	453,866	426,800	(27,066)
502 Councillor Support	TOTAL EXPENSE	579,697	517,000	(62,697)
502 Councillor Support	NET EXPENDITURE	579,697	517,000	(62,697)
505 Human Resource Management	TOTAL EXPENSE	1,326,670	1,273,400	(53,270)
505 Human Resource Management	TOTAL REVENUE	28,855	1,100	27,755
505 Human Resource Management	NET EXPENDITURE	1,297,815	1,272,300	(25,515)
NET EXPENDITURE / (REVENUE)		2,331,378	2,216,100	(115,278)

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3 August 2004501 Executive Support

This responsibility area completed the year with a minor over expenditure of \$27,066, on a budget of \$426,800. This amount relates primarily to employee costs.

502 Councillor Support

This responsibility area completed the year with a net expenditure overrun of \$62,697. This expenditure variation is primarily made up of \$16,283 in employee costs, and \$34,079 in other operating expenses.

505 Human Resource Management

This responsibility centre completed the year with a net expenditure overrun of \$25,515. The overrun in expenditure of \$53,000 was due to higher than anticipated advertising & recruitment costs with training income partly offsetting the overrun by \$27,000.

FINANCE & BUSINESS DEVELOPMENT		2002/2003 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
601 Corporate Services Management	TOTAL EXPENSE	245,946	247,900	1,954
601 Corporate Services Management	NET EXPENDITURE	245,946	247,900	1,954
604 Financial Management and Planning Services	TOTAL EXPENSE	995,769	954,200	(41,569)
604 Financial Management and Planning Services	TOTAL REVENUE	140,347	151,700	(11,353)
604 Financial Management and Planning Services	NET EXPENDITURE	855,422	802,500	(52,922)
605 Council Services	TOTAL EXPENSE	215,224	214,200	(1,024)
605 Council Services	TOTAL REVENUE	1,465	3,000	(1,535)
605 Council Services	NET EXPENDITURE	213,759	211,200	(2,559)
606 Print Room	TOTAL EXPENSE	186,174	218,100	31,926
606 Print Room	TOTAL REVENUE	220,461	247,600	(27,139)
606 Print Room	NET EXPENDITURE	(34,287)	(29,500)	4,787
609 Property Services	TOTAL EXPENSE	1,689,557	1,660,700	(28,857)
609 Property Services	TOTAL REVENUE	542,016	597,800	(55,784)
609 Property Services	NET EXPENDITURE	1,147,541	1,062,900	(84,641)
611 Business Development	TOTAL EXPENSE	177,780	176,400	(1,380)
611 Business Development	NET EXPENDITURE	177,780	176,400	(1,380)
612 Insurance Services	TOTAL EXPENSE	855,812	862,000	6,188
612 Insurance Services	TOTAL REVENUE	136	0	136
612 Insurance Services	NET EXPENDITURE	855,676	862,000	6,324
808 Supply	TOTAL EXPENSE	450,880	415,000	(35,880)
808 Supply	TOTAL REVENUE	1,984	1,000	984
808 Supply	NET EXPENDITURE	448,896	414,000	(34,896)
NET EXPENDITURE / (REVENUE)		3,910,733	3,747,400	(163,333)

601 Corporate Services Management

This responsibility area completed the year with a minor over expenditure of \$1,954. No major variations to report in this area.

604 Financial Management and Planning Services

Financial Management and Planning ended the year with a net expenditure overrun of \$52,922. This was mainly due to employee costs and a higher than expected costs in delivering the rates during the year. Income was down on budget by \$11,070 due to lower than anticipated Section 603 certificates.

605 Council Services

Net expenditure of \$213,759 against a budget of \$211,200 resulted in an overrun of \$2,559. There were no major variations to report.

606 Print Room

This responsibility area ended the year with net expenditure surplus of \$4,787. Expenditure provided a saving of \$31,929 mainly in repairs & maintenance, and materials; this however was offset by the under achieved internal service income of \$27,139.

609 Property Services

Property Services ended the year with a net expenditure overrun of \$84,641. This was due to higher than anticipated building maintenance work on Council's assets totaling \$26,092. The income variation of \$55,784 was due to a decrease in income collected from some of Council's Property Portfolio including Marian St & Firs Estate Cottage.

611 Business Development

Business Development has performed slightly over the budget. There are no major variances to note in this area.

612 Insurance Services

This responsibility centre completed the year with a surplus of \$6,324. There are no major variances to note in this area.

808 Supply

The supply area expenditure was \$35,880 over budget for the financial year. This relates to overruns in employee costs and printing.

COMMUNITY SERVICES		2002/2003 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
101 Management Services	TOTAL EXPENSE	719,896	592,300	(127,596)
101 Management Services	NET EXPENDITURE	719,896	592,300	(127,596)
102 Community Development	TOTAL EXPENSE	2,884,147	2,939,900	55,753
102 Community Development	TOTAL REVENUE	2,134,862	2,196,300	(61,438)
102 Community Development	NET EXPENDITURE	749,285	743,600	(5,685)
103 Leisure Services	TOTAL EXPENSE	1,130,383	1,194,300	63,917
103 Leisure Services	TOTAL REVENUE	583,707	749,700	(165,993)
103 Leisure Services	NET EXPENDITURE	546,676	444,600	(102,076)
104 Arts Centre	TOTAL EXPENSE	535,727	471,800	(63,927)
104 Arts Centre	TOTAL REVENUE	412,080	465,000	(52,920)
104 Arts Centre	NET EXPENDITURE	123,647	6,800	(116,847)
105 Library Services	TOTAL EXPENSE	3,766,186	3,832,500	66,314
105 Library Services	TOTAL REVENUE	303,751	316,700	(12,949)
105 Library Services	NET EXPENDITURE	3,462,435	3,515,800	53,365
NET EXPENDITURE / (REVENUE)		5,601,939	5,303,100	(298,839)

101 Management Services

Management Services ended the year with a net expenditure overrun of \$127,596. This overrun was a result of much higher than anticipated work on building maintenance of \$116,386 on the following buildings. (Art Centre, Roseville Chase Community Centre, East Lindfield Community Centre, Ku-Ring-Gai Library and the Art Centre).

102 Community Development

This responsibility area completed the year with a net overrun of \$5,685. The expenditure variation of \$55,753 is due to a savings in child care assistance fees however, this was totally offset by a reduction in grant funding monies for child care assistance.

103 Leisure Services

The net result was a negative variation of \$94,661 for this responsibility centre. Expenditure was \$63,917 under budget, of this amount \$42,129 relates to hall discount savings. Revenue showed a negative variance of \$158,578. \$125,629 relates to a shortfall in user charges and fees, of which \$105,363 was hall income. This is due to six substantial permanent hirers ending hiring contracts during the year.

Item 23

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This responsibility centre completed the year with net expenditure overrun of \$116,847. The expenditure budget is over spent by \$62,927, mainly in employee costs of \$55,527. The negative variance in revenue of \$52,920 was primarily due to art centre income down on budget expectations.

105 Library Budget

This responsibility area completed the year with a surplus in net expenditure of \$53,365. This was primarily due to a savings in depreciation on library books for the year.

CORPORATE COMMUNICATIONS		2002/2003 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
504 Corporate Communications and Community Relations	TOTAL EXPENSE	446,305	456,700	10,395
504 Corporate Communications and Community Relations	TOTAL REVENUE	0	15,500	(15,500)
504 Corporate Communications and Community Relations	NET EXPENDITURE	446,305	441,200	(5,105)
603 Information Technology	TOTAL EXPENSE	1,831,172	1,806,600	(24,572)
603 Information Technology	TOTAL REVENUE	2,345	0	2,345
603 Information Technology	NET EXPENDITURE	1,828,827	1,806,600	(22,227)
607 Records	TOTAL EXPENSE	465,924	414,900	(51,024)
607 Records	TOTAL REVENUE	10,009	9,000	1,009
607 Records	NET EXPENDITURE	455,915	405,900	(50,015)
702 Customer Services	TOTAL EXPENSE	783,331	855,400	72,069
702 Customer Services	TOTAL REVENUE	32,080	46,500	(14,420)
702 Customer Services	NET EXPENDITURE	751,251	808,900	57,649
NET EXPENDITURE / (REVENUE)		3,482,298	3,462,600	(19,698)

504 Corporate Communications & Community Relations

This responsibility centre completed the year with a net expenditure of \$5,105. Expenditure of \$10,395 was achieved by savings in office costs for the year. The income variation was due to lower than anticipated income for the graphic designer.

603 Information Technology

Expenditure in Information Technology has a budget overrun of \$24,572. This is due to higher insurance maintenance costs for the PABX telephone & communication system.

Item 23

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Records Management finished the year with an overrun in net expenditure. The variance of \$50,015 was mainly due to increased employee costs. No major variations to report in this area.

702 Customer Service

This responsibility area completed the year with a surplus in net expenditure of \$57,649. The expenditure variation of \$72,069 was primarily due to savings in salaries within the centre. The variance for income was a result of a reduction in sale of miscellaneous items within Customer Services.

CORPORATE ACCOUNTS		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
610 Corporate Accounts	TOTAL EXPENSE	4,142,541	4,343,400	200,859
610 Corporate Accounts	TOTAL REVENUE	40,159,603	40,172,700	(13,097)
610 Corporate Accounts	NET EXPENDITURE	(36,017,062)	(35,829,300)	187,762
TOTAL NET EXPENDITURE		(36,017,062)	(35,829,300)	187,762

610 Corporate Accounts

Corporate Accounts completed the year with net expenditure of \$187,762. This primarily was due to savings in employee costs of approximately \$200,000 due to end of year adjustments for on-costs and workers compensation.

Sec 94 Contributions		2003/2004 Financial Year		
		Actual	Rev Budget	Variance
		\$	\$	\$
Sec 94 Contributions	TOTAL REVENUE	2,395,590	2,000,000	(395,590)
Sec 94 Contributions	NET EXPENDITURE	(2,395,590)	(2,000,000)	395,590
TOTAL NET EXPENDITURE		(2,395,590)	(2,000,000)	395,590

998 Corporate Contributions (Sec 94 Contributions)

This responsibility area completed the year with a positive income variance of \$395,590. This relates to the 2000/2003 Sec94 residential plan which achieved higher than anticipated income for the year.

Projects 2003/2004

Actual expenditure for projects for the year ended 30 June 2004 is \$8,848,300 or (75.6%) spent against the revised year budget of \$11,699,400. This leaves unspent funds of \$2,851,100 for the year. This is an improvement from previous financial year 2002/2003, where 67.3% of expenditure budget was spent, hence, an increased spending rate of 8.3%.

A further detailed report will be submitted to Council presenting all projects requested to be carried forward for the 2003/04 financial year.

Project variations at a department level are as follows:

		PROJECTS 2003/2004	
DEPARTMENT	Actual	Rev Budget	Variance
	\$	\$	\$
PLANNING & ENVIRONMENT	294,390	522,900	228,510
ENVIRONMENT & REGULATORY SERVICES	43,031	43,400	369
OPEN SPACE	1,866,280	2,245,900	379,620
TECHNICAL SERVICES	5,265,138	6,571,500	1,306,362
WASTE MANAGEMENT	223,838	1,076,600	852,762
CIVIC MANAGEMENT	228,688	200,000	(28,688)
FINANCE & BUSINESS DEVELOPMENT	19,606	23,300	3,694
COMMUNITY SERVICES	54,276	109,800	55,524
CORPORATE & COMMUNICATIONS	852,793	906,000	53,207
CORP ACCOUNTS	260	0	(260)
TOTAL	8,848,300	11,699,400	2,851,100

Planning & Environment

The Department of Planning & Environment had a projects budget of \$522,900. Out of this budget funding \$294,390 was spent. The other projects are to be deferred to 2004/05, hence, the budget will be requested to be carried forward.

Environment & Regulatory Services

This department has completed capital projects. There will be no carried forwards.

Open Space

Open Space spent \$1,866,280 in expenditure against a total budget of \$2,245,900. This is an increase in expenditure from 2002/2003 of \$1,599,370 or 18.3%. Some carried forwards will be required for 2004/05.

Technical Services

Technical Services had a project budget of \$6,571,500 for the 2003/04 financial year. Of this budgeted funding \$5,265,138 was spent. Some carried forwards will be required for 2004/05.

Waste Management

\$852,762 remains unspent in Waste Management to fund the Landfill Project.

Civic Management

Civic Management has fully spent and completed project 5778 – Council Election. There was however a slight over expenditure of \$28,688 which was funded by the election reserve.

Finance & Business Development

The department had a total project budget of \$23,300. Out of this budgeted funding \$19,606 was spent. There is a slight under expenditure occurred in project 5812 – Tulkiyan. No carried forwards will be required.

Community Services

Most of the capital projects in this department are completed and fully spent, except for 5815 – Library Self Checker, where the remaining funds of \$39,200 are requested to be carried forward to next financial year, as this project can not be commenced until the new library computer system is completely installed.

Corporate & Communications

The Corporate Information System Replacement project spent \$852,793 from a total budget of \$906,000 for the year. The remaining funds of \$53,207 are requested to be carried forward in 2004/05 financial year.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

It is not necessary to include any requests for budget variations in the June review. A report will be referred to Council, which will deal with any available working funds. This report is dependant on the finalisation of Council's financial statements. Funding strategies for carried forwards will be analysed at this point in time.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance have worked with the Directors of each department in reviewing their budgets, to provide this quarterly review.

SUMMARY

Council's overall budget for the financial year ending 30th June 2004 resulted in a negative variance of \$94,129.

RECOMMENDATION

That Council receives and note the contents of this report.

Michael Lopez
Management Accountant

John Mckee
Director Finance and Business

Brian Bell
General Manager

Attachments: Appendix A. June Financial Reports